



1. Agenda Outline

Documents:

[2020 04 21 BOC SPECIAL REGULAR MEETING AGENDA OUTLINE.PDF](#)

2. Agenda Full Version

Documents:

[2020 04 21 BOC SPECIAL REGULAR MEETING AGENDA FULL VERSION.PDF](#)

In accordance with ADA regulations, persons in need of an accommodation to participate in the meeting should notify the County Manager's office at 828-764-9350 at least forty-eight (48) hours prior to the meeting.



**Burke County
Board of Commissioners
Special / Regular Meeting
Virtual Zoom Meeting
Tuesday, April 21, 2020
6:00 PM**

1. CALL TO ORDER

2. INVOCATION

To Be Determined

3. PLEDGE OF ALLEGIANCE

To Be Determined

4. APPROVAL OF AGENDA

5. APPROVAL OF MEETING MINUTES

1. September 3, 2019 BOC Recessed Meeting
2. September 17, 2019 BOC Regular Meeting
3. October 1, 2019 BOC Pre-Agenda Meeting
4. October 15, 2019 BOC Regular Meeting
5. November 5, 2019 BOC Pre-Agenda Meeting
6. November 19, 2019 BOC Regular Meeting

6. PRESENTATIONS

1. AS - Pet of the Month - Presented by Kaitlin Settlemyre, Animal Services Director

7. SCHEDULED PUBLIC HEARINGS

8. INFORMAL PUBLIC COMMENTS

Citizens that want to address the Commissioners during the "Informal Public Comments" portion of the meeting are encouraged to submit their comments to the Clerk by 3 p.m. on Tuesday, April 21, 2020 in one of the following ways:

1. Email: kay.draughn@burkenc.org
2. US Mail: Burke County, Attn: Kay Draughn, P.O. Box 219, Morganton, NC 28680
3. Hand-delivery: Burke County Governmental Offices, 200 Avery Avenue (2nd Floor) in Morganton.

Comments received by the deadline will be read aloud by the Clerk during the virtual meeting.

9. CONSENT AGENDA

1. BOC - Resolution Supporting Proposed FY 2019-2021 Biennium Budget
2. Clerk - Appointments to CPCF Team
3. Clerk - Resolution Supporting SCFAC
4. Comm. Dev. - Accept 2020 Abandoned Manufactured Home Grant

5. Comm. Dev. - Accept Recreational Trails Program 2020 Grant Contract - Northwest Gap 2
6. Comm. Dev. - Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk
7. Comm. Dev. - Resolution to Support 2021 Recreational Trails Program Grant Application - OVNHT/FFST Canal Bridge
8. Comm. Dev. - Accept STBG-DA Grant Agreement - Linville Dam
9. Health Dept. - Acceptance of COVID-19 Crisis Response Funds **New Item**
10. Tax Dept. - Tax Collection Report for March 2020
11. Tax Dept. - Release Refund Report for March 2020

10. ITEMS FOR DECISION

11. REPORTS AND COMMENTS

1. BOC - Reports & Comments - Presented by Johnnie Carswell, Chairman

12. VACANCY ANNOUNCEMENTS

1. Clerk - Boards and Committees Vacancy Report - Presented by Kay Draughn, Clerk to the Board

13. CLOSED SESSION

1. BOC - Closed Session to Discuss Threatened or Pending Litigation, to Preserve the Attorney-Client Privilege, to Discuss Economic Development Matters and to Discuss Personnel Matters (If needed.) - Presented by Johnnie Carswell, Chairman

14. ADJOURN

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14. ADJOURN

September 3, 2019 (Recessed)

DRAFT

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

The Burke County Board of Commissioners held a recessed meeting on Tuesday, September 3, 2019 at 4:00 p.m. They met in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E in Morganton, N.C. Those present were:

COMMISSIONERS: Johnnie W. Carswell, Chairman
Scott Mulwee, Vice Chairman
Wayne F. Abele, Sr.
Jeffrey C. Brittain

COMMISSIONERS ABSENT: Maynard M. Taylor (Illness.)

STAFF PRESENT: Bryan Steen, County Manager
Scott Cook, Deputy Finance Director
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

STAFF ABSENT: Margaret Pierce, Deputy County Manager/Finance Director
(Family medical event.)

CALL TO ORDER

Chairman Carswell called the meeting to order at 4:00 p.m.

APPROVAL OF THE AGENDA

Motion: To approve the agenda.

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

ITEMS FOR DECISION**SENIOR SERVICES - MOORESLEDGE INC. CONTRACT FOR NUTRITION PROGRAM**

Roxanne Powell, Senior Services Director, reported the current provider for the preparation, transportation and delivery of meals for the home-delivered and congregate nutrition program is terminating their contract effective September 12, 2019. A former provider, Mooresledge Inc., is recommended to provide service for the remainder of FY 2019-20 and funds are allocated in the FY 2019-20 budget. Ms. Powell further reported they have worked with the proposed provider in the past and they are immediately available to provide their services. She noted that the current provider will ensure a continuation of services until the new vendor can begin on Monday September 16th.

Chairman Carswell opened the floor for comments or questions from the Board. Commissioner Abele asked what is the duration of the contract. Ms. Powell said it will run from September 16th

Minutes Acceptance: Minutes of Sep 3, 2019 4:00 PM (APPROVAL OF MEETING MINUTES)

September 3, 2019 (Recessed)

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to June 30th. Commissioner Abele asked Ms. Powell to confirm that Senior Services does have a history with the vendor. Ms. Powell said yes, after 2008. Commissioner Abele noted that the County has had issues with nutrition program vendors in the past and would like to see a three (3) month contract and ensure there is a way out of the contract if the vendor does an unsatisfactory job.

In response to a question from Chairman Carswell, J.R. Simpson, II, County Attorney, said upon 10 days written notice, the County can pull out of the contract if the vendor fails to provide the contracted services, or the County can pull out for no reason upon 90 days written notice.

Motion: To approve a contract with Mooresridge Inc. for home-delivered and congregate meals and authorize the County Manager to execute the contract.

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

ITEMS FOR DISCUSSION

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2019-05

Timeline:

July 2, 2019 Pre-Agenda Meeting: Received staff report. The Board moved the item to August for staff to conduct additional research.

August 6, 2019 Pre-Agenda Meeting: Received staff report. Item moved to the August 20, 2019 regular meeting.

August 20, 2019 Regular Meeting: Received staff report. Held a public hearing and postponed the decision until the Board's next regularly scheduled meeting in September. Further, the Board also recessed the August 20, 2019 regular meeting until September 3, 2019 to discuss ZMA 2019-05 further.

Scott Carpenter, Deputy County Manager/Planning Director, and Peter Minter, Senior Planner, presented information regarding ZMA 2019-05 as follows:

ZMA 2019-05 – BACKGROUND

In 2004 the Carolina Centers, LLC/Crescent Communities, LLC (property owners) petitioned Burke County to rezone approximately 1,122 acres of land off NC Highway 126 in the Linville Township into a Parallel Conditional Planned Mixed-Use District (PRMU-CD). The petition also included a Master Development Plan for six (6) individual parcels. Though the Plan has common goals for all six (6) parcels, each parcel differed slightly in how it was to develop. Overall, the Plan calls for the land to be developed for residential purposes, however, there are allowances for some recreational and commercial development as well. The rezoning and development plan were approved on May 4, 2004. The Burke County Zoning Ordinance provides a two-year vested right for development of land approved through the Conditional Zoning approval to begin. If after two years, progress has not been made toward developing the property in

accordance with the approved application and conditions, the Planning Board may recommend to the Board of Commissioners that the property(s) be rezoned. Crescent Communities developed one of the East Lake parcels (East Lake 4 – Dry Creek Subdivision) early on but delayed further development due to the recession between 2008-2012. During this time the state enacted Session Law 2010-177. This law basically made it mandatory for all local governments to extend the vested right associated with any development plans and/or permits issued between 2008 and 2012. In January of 2012 a new extension was granted. The new “running time” of this extension was to end on March 31, 2014. On that date the vested right for the Conditional Rezoning and East Lake Development Plan technically expired. Crescent Communities have now either sold off or gifted the East Lake parcels which were approved under the Conditional Zoning. There was one new subdivision which was approved under the original East Lake Development Plan; however, the remaining parcels are not developing. This being the case, county staff is petitioning the County to rezone the remaining East Lake parcels out of the Planned Residential Mix-Use Parallel Conditional District (PRMU-CD) and remove the approved zoning standards and conditions under the original ZMA 2004-05 rezoning as stated within Section 9A13 of the Zoning Ordinance.

ZMA 2019-05 - REQUEST

Burke County Community Development staff is requesting the removal of “all” development “standards” and “conditions” approved under the original rezoning ZMA 2004-05, approved by the Burke County Board of County Commissioners on May 4, 2004. Staff is also proposing to rezone thirteen (13) parcels of land consisting of approximately 586 acres in the Linville Township. The parcels are requested to be re-zoned *from* the Planned Residential Mixed Use - *Conditional District* (PRMU-CD) *to* the Low-Density Conservation (CD-L) Zoning District.

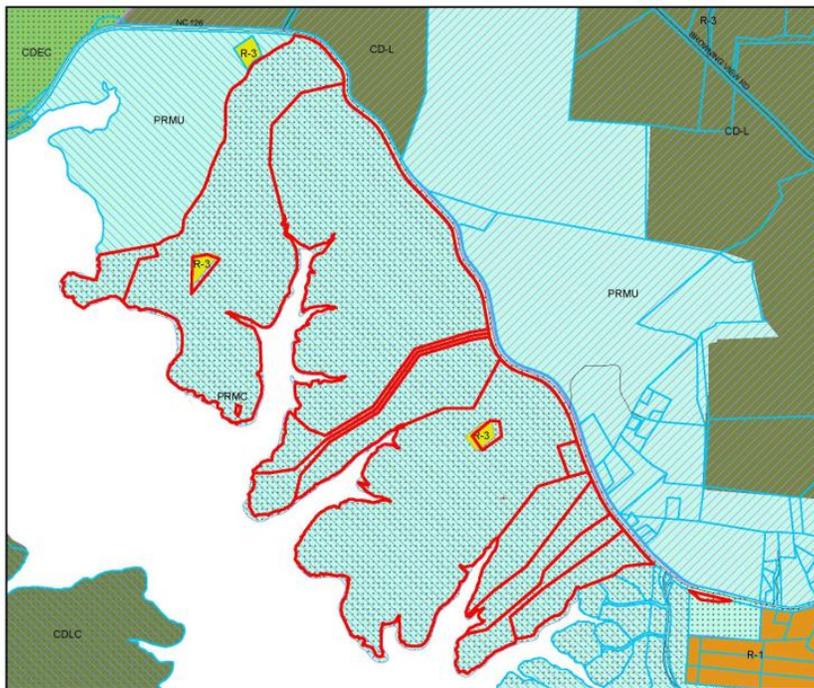
Parcel	PIN#	Acreage	Present Zoning	Proposed Zoning
1	1755243599	128.91	PRMU-CD	CD-L
2	1755047121	10.62	PRMU-CD	CD-L
3	1755440365	167.1	PRMU-CD	CD-L
4	1755314904	10.31	PRMU-CD	CD-L
5	1755314713	11.1	PRMU-CD	CD-L
6	1755427415	34.46	PRMU-CD	CD-L
7	1755510152	151.76	PRMU-CD	CD-L
9	1755618712	2.49	PRMU-CD	CD-L
8	1755602746	20.58	PRMU-CD	CD-L
10	1755604422	16.69	PRMU-CD	CD-L
11	1754692981	15.46	PRMU-CD	CD-L
12	1755608069	16.27	PRMU-CD	CD-L
13	1754895990	0.59	PRMU-CD	CD-L

If the rezoning is approved, land use of the subject properties will be regulated under the “General” zoning standards of CD-L District. These parcels are also located within the Lake Overlay District and that overlay district would remain. ZMA 2019-05 - The parcels proposed to be rezoned are highlighted in pink

below. Note, the two parcels shown in yellow/green are not included in this rezoning.



Burke County, NC Zoning Administration Current Zoning Map



ZMA 2019-05

Applicant:
Burke County
Comm. Dev.

PIN#
Multiple

- Legend**
- Streets
 - parcel_polygons
 - Lake Overlay
 - Scenic Overlay
 - I-40 Overlay
 - Airport Overlay
 - R-1 Residential Low Density
 - R-2 Residential Medium Density
 - R-3 Residential
 - R-MU Rural Mixed Use
 - PRMU Planned Residential Mixed-Use
 - PRMU Conditional
 - CD-L Low Density Conservation
 - CD-L Conditional
 - CD-E Estate Lots
 - CD-E Conditional
 - N-B Neighborhood Business
 - G-B General Business
 - GB Conditional
 - O-I Office & Institutional
 - OI Conditional
 - L-I Light Industrial
 - IND Industrial
 - IND Conditional



Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.



Burke County, NC Zoning Administration Proposed Zoning Map



ZMA 2019-05

Applicant:
Burke County
Comm. Dev.

PIN#
Multiple

- Legend**
- Streets
 - parcel_polygons
 - Lake Overlay
 - Scenic Overlay
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 - R-1 Residential Low Density
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 - R-MU Rural Mixed Use
 - PRMU Planned Residential Mixed-Use
 - PRMU Conditional
 - CD-L Low Density Conservation
 - CD-L Conditional
 - CD-E Estate Lots
 - CD-E Conditional
 - N-B Neighborhood Business
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 - O-I Office & Institutional
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Minutes Acceptance: Minutes of Sep 3, 2019 4:00 PM (APPROVAL OF MEETING MINUTES)

STAFF COMMENTS

The proposed re-zonings are initiated primarily to bring certain parcels into compliance with Section 9A13 of the Zoning Ordinance. Those parcels are subject to Conditional Zonings ZMA 2004-04 and ZMA 2004-05 and have not developed within the two-year vesting period and presumably never will. Parcels already developed under the adopted zoning and development plan would continue under those approvals, however, those parcels which have not, should be rezoned to bring them into compliance.

PLANNING BOARD RECOMMENDATION

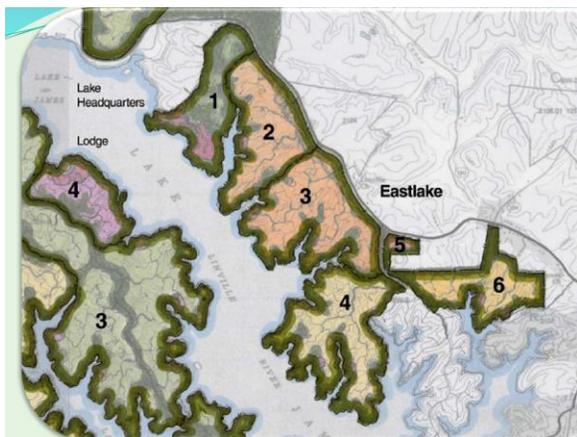
The Planning Board heard this rezoning request on May 23, 2019. Staff presented the request and submitted the phone record from citizens. There was one property owner who spoke. They were in favor of the additional conservation measures; however, they had a concern that the rezoning might have an effect on his ongoing property sale negotiations with the Foothills Conservancy. The Planning Board did not feel that was grounds to deny the rezoning request and voted unanimously in favor of the rezoning.

STATEMENT OF CONSISTENCY

When a local government adopts development regulations, including zoning maps, there must be a rational basis for determining what those regulations should be. The statement must take one of three forms:

1. A statement approving the proposed zoning amendment and describing its consistency with the plan;
2. A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or
3. A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community taken into account in the zoning amendment.

With each of these alternatives, the statement is also to include an explanation of why the board deems the action reasonable and in the public interest.



Mr. Carpenter further reported this case really concerns the districts of East Lake 2 and East Lake 3, not all of the districts because some property has already been developed. He said East Lake 1 is essentially the County Park and the 10 acres for the deep-water launch from Duke Energy. Mr. Carpenter said East Lake 4 is Dry Creek, East Lake 6 is Waters Edge, which was one of the most recent developments, which has one (1) dwelling per 3.5 acres, which is the same as the Low-Density Conservation District. He said Waters Edge took advantage of the waterfront lots and they made them a little over an acre

because the value of the land is the water of Lake James. Mr. Carpenter said the two (2) year vested rights for the development of land was intended for developers, not land speculators, like Crescent Communities and they failed to move forward with the development of the

September 3, 2019 (Recessed)

DRAFT

properties. The vested rights actually expired in 2014. Mr. Carpenter further said as the title indicates, the Planned Residential Mixed-Use District (PRMU) means a plan is needed for the mixed uses, however, there was no plan for much of the property which resulted in the initial rezonings. He said staff has been discussing this situation for a few years and the need to bring the properties into compliance, which resulted in this rezoning request.

Chairman Carswell opened the floor for questions and comments from the Board. In response to a question from Commissioner Abele, Mr. Carpenter said Mr. Zinzow is not in favor of the staff initiated rezoning request and noted Mr. Zinzow wants another extension of the current zoning. Mr. Carpenter said the current zoning could result in land being cut out from the property(s) and noted when this was initially done, there was supposed to be sewer access. He said the density numbers do not work at all and noted that the City of Morganton has indicated they will not extend sewer to the area due to the high cost.

Mr. Carpenter said he believes there are essentially three (3) options for the land:

1. It can be rezoned to the Low-Density Conservation District, which is the option Community Development proposed.
2. A two (2) year "moratorium" could be granted for him (Zinzow) to develop a new plan for Residential Mixed Use and see if he can make a sale. If that does not work, then the County could rezone the property as originally proposed to CD-L.
3. Ask that the property owner go back to the Planning Board and present a new Planned Residential Mixed-Use Conditional District with today's realities being brought forth and have a real plan that could be developed within two (2) years.

Commissioner Abele asked is there any way to resolve the situation that would satisfy all parties. Mr. Carpenter said he would not mind that, however, there is no actual proposal from Mr. Zinzow to consider currently. He noted that originally, plans for the East Lake development were written during a different time and place and for different reasons, which have not materialized over the years.

Vice Chairman Mulwee asked did the groups have ample time to come up with a plan. Mr. Carpenter responded in the affirmative. Vice Chairman Mulwee further said he finds it difficult to believe that an agreement could not have been reached with reputable groups such as the Foothills Conservancy of North Carolina and North Carolina State Parks. He said it seems that the Board has been buried with information to get away from the material fact, which to him, is that they have had plenty of time to develop a plan. He said the County can rezone the property and once a proper plan is made, they could approach the Board for consideration. Further, Vice Chairman Mulwee said this situation appears to be about money (tax credits) instead of conservation and there are a lot of gray areas that he is uncomfortable with. Mr. Carpenter said he believes that staff has followed through with the conservation realities that are currently present at the Lake.

Chairman Carswell noted there are many citizens in the audience including Mr. Zinzow. He asked the Board Members if clarifications were needed from any of them. There was no response.

Chairman Carswell said he has read all the materials thoroughly and understands them. He asked Mr. Carpenter to update Commissioner Taylor who was absent. He then asked the Board if they have all the information they need or if they have any directives for the County Manager.

September 3, 2019 (Recessed)

DRAFT

Commissioner Abele expressed his desire to work out a situation that satisfies all parties, however, he said the top priority is that the County preserves Lake James and the land around the Lake. Vice Chairman Mulwee said he does not see any reason why the land should not be rezoned and noted if a proper plan is presented, they can come back and ask for the property to be rezoned.

Chairman Carswell stated a public hearing was held on August 20, 2019, information was presented, and citizens and other interested parties, including Mr. Zinzow, had an opportunity to speak on this issue. He said the Board has provided direction to Mr. Carpenter and Peter Minter, Senior Planner, regarding next steps and follow up, and this item will be on the Board's September 17, 2019 agenda under "items for decision".

Mr. Carpenter responded to a question from Commissioner Abele about compromising with Mr. Zinzow. Mr. Carpenter said Community Development staff cannot compromise because they do not have a plan from Mr. Zinzow to consider. Further, Community Development staff always works with developers in a fair manner. In response to an additional question from Commissioner Abele, Chairman Carswell asked Mr. Carpenter to explain the rezoning request again and asked exactly what options are available for the properties in question.

Carpenter advised that the Community Development Department is proposing to rezone the land to the Low-Density Conservation (CD-L) Zoning District which allows for one (1) dwelling unit to 3.5 acres of land which is consistent with what has been developing around Lake James. He said Mr. Zinzow purchased East Lake 2 and East Lake 3 and portions of those properties have been sold or developed. He said Mr. Zinzow has an interest in tax credits because he is the fiduciary for an LLC (Limited Liability Corporation) that has investors who want to make sure they have a return on their investment. Mr. Carpenter said he does not believe the original 2004 plans for the properties (275 acres and 550 lots) would be realistic today because of reduced demand, loss of land, and lack of public utilities. He said originally the properties were planned to be future developments of Crescent Communities, but Crescent started selling the land without a plan in place for the East Lake properties.

Commissioner Abele reiterated that he would like to see a compromise worked out with Mr. Zinzow and develop the area around the Lake in a pristine manner. Mr. Carpenter said the only way he thinks that could work is to rezone the properties to the Planned Residential Mixed-Use Conditional District, which would then go to the Planning Board and then back to the Board of Commissioners. However, Mr. Zinzow is opposed to that option.

Chairman Carswell reiterated that this item will be on the Board's September 17, 2019 agenda under "items for decision". Commissioner Abele questioned whether a compromise could be worked out by the September meeting and said he does not want to rush this item. A brief discussion ensued on procedural matters, and Chairman Carswell advised that Commissioner Abele could make a motion to postpone the decision at the September 17, 2019 meeting. However, in response to a question from Commissioner Abele, the Chair and Vice Chair indicated they were ready to make a decision on the 17th.

RESULT: NO ACTION TAKEN.

ADJOURN

Motion: To adjourn at 4:35 p.m.

Minutes Acceptance: Minutes of Sep 3, 2019 4:00 PM (APPROVAL OF MEETING MINUTES)

September 3, 2019 (Recessed)

DRAFT

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

Approved this 21st day of April 2020.

Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

Minutes Acceptance: Minutes of Sep 3, 2019 4:00 PM (APPROVAL OF MEETING MINUTES)

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

The Burke County Board of Commissioners held a regular meeting on Tuesday, September 17, 2019 at 6:00 p.m. They met in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E in Morganton, N.C. Those present were:

COMMISSIONERS: Johnnie W. Carswell, Chairman
Scott Mulwee, Vice Chairman
Jeffrey C. Brittain
Maynard M. Taylor

COMMISSIONERS ABSENT: Wayne F. Abele, Sr. (Out of town.)

STAFF PRESENT: Bryan Steen, County Manager
Scott Cook, Deputy Finance Director
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

STAFF ABSENT: Margaret Pierce, Deputy County Manager/Finance Director
(Family medical event.)

CALL TO ORDER

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

INVOCATION

Sheriff Steve Whisenant delivered the invocation.

PLEDGE OF ALLEGIANCE

Under the leadership of Principal Ginger Stinson, Salem Elementary School students lead the Pledge of Allegiance to the American flag. Afterwards, they had a commemorative photograph taken with the Commissioners and staff.

APPROVAL OF AGENDA

Motion: To approve the agenda as presented.

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

APPROVAL OF MEETING MINUTES

Motion: To approve the meeting minutes of May 7, 2019 (Pre-Agenda), May 7, 2019 (Recessed) and May 21, 2019 (regular) as written.

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

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

PRESENTATIONS

ASD - PET OF THE MONTH

Kaitlin Settlemyre, Animal Services Director, and Lindsay Stump, Animal Services Coordinator, presented the pet of the month. They introduced Caesar, a three (3) year old shepherd mix who is in need of his "forever" home.

Chairman Carswell said Burke County's motto is "all about advancing" and Animal Services motto is "all about adopting". He encouraged citizens to look at Animal Services' social media to see all the wonderful animals available for adoption.

RESULT:	NO ACTION TAKEN
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BR - PROCLAMATION PROCLAIMING SEPTEMBER AS NATIONAL RECOVERY MONTH

Kim James, Burke Recovery Executive Director, presented a proclamation declaring the month of September as national recovery month and reported Burke Recovery celebrated the concept of recovery last Saturday with over 425 people in attendance in the midst of a substance use epidemic. Ms. James said it is great that Burke County has multiple agencies that work together to celebrate recovery. She said the rally was sponsored by the Burke Substance Abuse Network, which has over 150 active members and is a model to others across the state.

Commissioner Taylor said he hopes this proclamation addresses prevention efforts and keeps citizens off drugs, and he commended Ms. James for her efforts and expressed support for the proclamation.

Chairman Carswell said there is not a family in Burke County that has not been impacted in some way by substance abuse, including his own family. He said Ms. James does tremendous work along with the Sheriff who has been in the forefront of attempting to eliminate drugs in the County. Chairman Carswell said even with this proclamation, there is not a way to recognize how far the County has advanced in eliminating drugs. He commended Ms. James and the Sheriff for their work.

Motion: To approve Proclamation No. 2019-04.

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

The proclamation reads as follows:

Proc. No. 2019-04

Burke County
North Carolina

PROCLAMATION

September 17, 2019 (Regular)

DRAFT

DECLARING SEPTEMBER 2019 AS NATIONAL RECOVERY MONTH IN BURKE COUNTY

WHEREAS, behavioral health is an essential part of health and one's overall wellness; and

WHEREAS, prevention and treatment of mental and/or substance use disorder is effective, and people recover in our area and around the nation; and

WHEREAS, preventing and overcoming a substance use disorder is essential to achieving healthy lifestyles both physically and emotionally; and

WHEREAS, we must encourage relatives and friends of people with substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, substance use disorder is a major public health problem that impacts society on multiple levels; and

WHEREAS, according to the NC Injury and Violence Prevention Branch, Burke County's unintentional drug overdose rate in 2016 was 27.9 per 100,000 residents; which was 229% higher than the state rate of 12.2 and 174% higher than the regional rate of 16; and

WHEREAS, to help more people achieve and sustain long term recovery, Burke Wellness Initiative invites Burke County residents to participate in activities held to recognize National Recovery Month.

NOW, THEREFORE, the Burke County Board of Commissioners hereby proclaim September 2019 as National Recovery Month in Burke County, North Carolina. As the Commission Chair, I call upon citizens, government agencies, public and private institutions, businesses and schools in Burke County to recommit our community to increasing awareness and understanding of substance use disorder and the need for appropriate and accessible services for all people with substance use disorder and the complications and struggles for daily living in wellness.

Approved this 17th day of September 2019.

/s/ Johnnie W. Carswell
Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

SHERIFF - RECOGNITION OF DETECTIVE JARED BALL FOR THE ADVANCED LAW ENFORCEMENT CERTIFICATE

Sheriff Whisenant reported Detective Jared Ball has been awarded the prestigious "Advanced Law Enforcement Certificate" from the North Carolina Sheriff's Education and Training Standards Commission. This certificate is awarded in recognition of the attainment of training and educational objectives commensurate with the role of a professional law enforcement officer. He recognized and congratulated Detective Ball for receiving this prestigious recognition.

Detective Ball thanked the Board for the recognition and said he has been with the Sheriff's office around 10 years and while it was a lot of hard work, he appreciates the recognition.

September 17, 2019 (Regular)

DRAFT

Chairman Carswell, on behalf of the Board of Commissioners and County Manager, thanked Detective Ball for the work he has done for the citizens of Burke County. He said he knows how hard it is to attain the certificate and said the Sheriff's Office has well trained officers.



From left: Sheriff Steve Whisenant and Detective Jared Ball.

RESULT: NO ACTION TAKEN

SHERIFF - RECOGNITION OF LIEUTENANT STEVE MASSEY FOR THE ADVANCED LAW ENFORCEMENT CERTIFICATE

Sheriff Whisenant reported Lieutenant Steve Massey has been awarded the prestigious "Advanced Law Enforcement Certificate" from the North Carolina Sheriff's Education and Training Standards Commission. This certificate is awarded in recognition of the attainment of training and educational objectives commensurate with the role of a professional law enforcement officer. He recognized and congratulated Lieutenant Massey for receiving this prestigious recognition. Sheriff Whisenant also expressed appreciation for the Chairman's prior comments and for the opportunity to recognize law enforcement personnel.

Lieutenant Massey, who has been with the Sheriff's Office since 1992, said his family went through the County retirement system, he has a few years left until retirement and he thanked the Board for everything they do for the Sheriff's Office.

Chairman Carswell, on behalf of the Board, thanked Lieutenant Massey for his work and noted that it is increasingly difficult to find people who want to work in law enforcement and said he hopes the recent pay increase is helpful to the Sheriff's Office.

Sheriff Whisenant thanked the Board for the pay increase and making the Sheriff's Office competitive in the market.



From left: Massey family, Lieutenant Steve Massey and Sheriff Whisenant.

RESULT: NO ACTION TAKEN

SCHEDULED PUBLIC HEARINGS

COMM. DEV. - ZONING TEXT AMENDMENT ZTA 2019-01 & PUBLIC HEARING - 6:00 PM

Peter Minter, Senior Planner, presented information regarding ZTA 2019-01 as follows:

The Community Development Department has received a Zoning Text Amendment Petition from Mark and Karen Sammons and Fred and Carie Ann Jean. The applicants are requesting that Section 1216-7 f (4) of the Burke County Zoning Ordinance be amended to include "metal" roof material be permissible on residential boat docks located on "Lake Rhodhiss".

The primary reason for the proposed text amendment is that metal roofing material is much lighter weight than most other materials. The reduced weight would ease the burden on the floating mechanism.

Other reasons for the petition are:

- Metal roofs are less maintenance. This would reduce or alleviate the expense and hazard of maintaining a dock over water.
- Metal roofs have no impact on the water, whereas asphalt shingles will break down over time. As the material breaks down, those materials are washed into the lake. Additionally, storms can blow asphalt shingles off the roof and into the lake, polluting the water.
- All other surrounding jurisdictions allow metal roofs, defeating the aesthetic goal of Burke County.
- Over two-thirds, (76.7%) of existing docks on Lake Rhodhiss have metal roofs.

REQUEST

Amendment Section 1216-7 f (4) of the Zoning Ordinance. Proposed additions are shown in **Bold**. Proposed deletions are shown with the ~~strikethrough~~.

4. Permitted roof materials include dark-toned wood shakes; dark-toned brown, grey or black shingles with a minimum wind rating of 80 mph; and dark-toned brown, grey or black synthetic products that mimic natural materials. Metal is not a permitted roofing material **on Lake James. On Lakes Rhodhiss and Hickory, roofing material for moorings or gazebos may also include metal. Roof colors must mimic the natural environment and be pre-approved by Zoning Administrator prior to permitting.**

PLANNING BOARD RECOMMENDATION

The Planning Board met on June 27, 2019 to hear the proposed text amendment request. Staff presented its report and the applicant stated their request. The meeting was then opened for public comment. There were no members present to speak. The Planning Board discussed the proposed text amendment and then asked that several minor changes be made. The changes were discussed with the applicant and staff and both agreed to them. The Planning Board then read the revised text amendment and voted unanimously (4-0) to approve it.

STAFF RECOMMENDATION

Staff supports approval of the zoning text amendment. The revised text amendment was expanded to include Lake Hickory as well for consistency. Lake Rhodhiss and Lake Hickory are essentially the Catawba River, although they are called lakes. Both lakes blend together, and one would not know where one lake ended and the other began except for the dam that separates the two. Lake James on the other hand, is truly a separate lake with different environmental and aesthetic characteristics. Therefore, the proposed amendment does not include Lake James.

ADDITIONAL INFORMATION

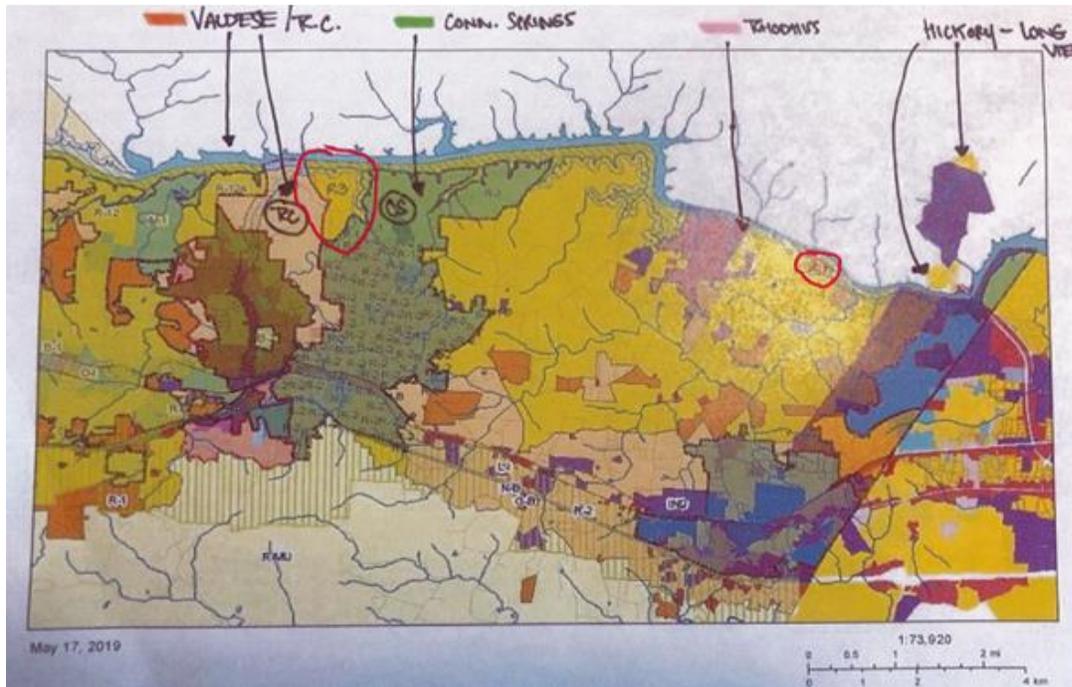
Please see Exhibits A-D (provided by the applicant).

This space is intentionally left blank.

Exhibit A



Exhibit B



Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

Exhibit C

Exhibit C (5 pages)
 METAL ROOF SUPPLIES ENVIRONMENTAL PROBLEMS OF ASPHALT ROOFING
 AUGUST 30, 2015 | ADMIN

When considering whether to use asphalt shingles or a metal roof, here are some of the important facts you should know: Metal roofing materials are 100% recyclable. Asphalt shingle are one of the most widely used roofing covers in North America because they have a relatively inexpensive up-front cost and are fairly simple to install. Use of such shingles for habitable structures is virtually unknown (or even outlawed) elsewhere, for example in Europe, although they are used for outhouses. A 2007 study done for the United States Environmental Protection Agency (EPA) titled "Environmental Issues Associated With Asphalt Shingle Recycling" provides the following information: The most common disposal method for asphalt shingles in the US is to dump them into landfills. Approximately 11 million tons of asphalt shingle waste is generated each year in the United States. The main environmental concern in recycling asphalt shingles is the rare presence of asbestos in shingles manufactured before 1980. Asbestos was also used in some felt paper, METAL ROOF SUPPLIES ENVIRONMENTAL PROBLEMS OF ASPHALT ROOFING AUGUST 30, 2015 | ADMIN <http://metalroofclips.com/blog/environmental-problems-of-asphalt-roofing/> 5/18/19, 7=26 PM Page 1 of 2 roll roofing, roof paint, roof coating, caulking, and mastic. Asphalt naturally contains polycyclic aromatic hydrocarbons (PAHs) some of which are carcinogenic (cancer-causing) and may put recycling workers at risk. Leaching and airborne PAHs have remained below detectable levels in most testing. By choosing a metal roof, you become part of the solution, instead of being part of the problem with our world's pollution.

(<http://metalroofclips.com/blog/environmental-problems-of-asphalt-roofing/>)



Metal Roof vs Asphalt Shingles Comparison: 9 Tips for Choosing - 2019

Posted by [Kimberly Reichert](#) on Mar 18, 2019 11:59:16 AM

•Pop quiz. Should you install a metal roof or asphalt shingles? Asphalt shingle roofs are everywhere. But metal roofs have been in use for almost three thousand years. They have come a long way from the simple, yet functional corrugated or standing seam metal roof design usually associated with barns or sheds. So, which is the best choice for you? To answer this, let's take a deeper look under the hood, or the roof, as it may be. At S-51® we sell attachment solutions for metal roofs. But we also realize that metal might not always be the right choice. Let's talk about how these two materials compare with one another so you can choose the right one for you.

Criteria for Comparing Metal vs Asphalt Roofing Materials

Asphalt shingle clearly dominates the steep slope and residential roofing market. Its overall market share in 2016 was 77%. This is primarily due to their low initial cost. 12 billion+ square feet of asphalt shingles are produced yearly - enough to cover 5 million homes.

Metal roofs have gained ground and continue to do so as people seek more durable building materials. Metal's overall share in residential has reached 12%. (20 years ago, its use in those applications was below 2%). And according to [Metal Architecture Magazine](#), between 2017 and 2018, specifying metal roofing for new projects and renovations increased 13 percent and 10.5 percent, respectively. Let's take a look at how the two materials compare in these areas:

- Cost
- Durability
- Environmental Impact
- Recyclability
- Installation
- Maintenance
- Noise
- Roof Attachment
- Style Variations

Cost	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Durability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recyclability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Installation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintenance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roof Attachments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Style Variations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

COST**Metal Roof**

Metal is one of the more expensive roofing materials with a wide range of costs (and choices). It typically costs two to three times what an asphalt shingle roof costs. The Metal Roofing Alliance (MRA) estimates per square cost (100 sq. ft.) at \$800-\$1,200. Our own experience tells us that the cost range is much broader and more like \$300-\$3,000 from the lowest alternative (corrugated) to the highest (hand-folded copper or stainless).

These roofs can often be installed over an existing roof, which eliminates tear-off costs and disposal.

Although the initial cost is often higher, metal roofs last over 50 years and will certainly outlast an asphalt shingle roof.

Asphalt Shingles

Asphalt is one of the least expensive roofing material types. The MRA estimates per square cost at \$350-\$900.

Consider this [metal roof vs asphalt shingle cost comparison](#) from Sheffield Metals: \$8,737 is a mid-range cost for shingle and \$17,457 is the mid-range cost for a standing seam metal roof, but when service life is considered, that \$8,700 shingle roof turns into \$26,211 - not to mention the mess and inconvenience of re-roofing twice.

DURABILITY**Metal Roof**

Metal roofs last over 50 years. Warranties on vertical seam metal roofs range between 30-50+ years. Many metal panels are fire-resistant. Metal also withstands extreme climates and weathering. But metal roofs must be properly installed to ensure weathertightness.

Asphalt Shingles

Asphalt shingle roofs generally last 10-20 years. Warranties for asphalt range between 10-30 years. These warranties are often prorated, meaning the value of your roof decreases over time and so manufacturers only cover a portion of replacement cost.

Asphalt shingle longevity varies by climate. [Shingled roofs](#) fare better on steeper slopes due to more efficient drainage. Low-sloped roofs are not recommended for asphalt shingles because these roofs are susceptible to the impact of driving rain, hail, and ice buildup. Shingles can be coated with leachable copper or zinc to help prevent discoloration and algae growth.

Note that warranties are not always reflective of the real expected service life and some practical knowledge and experience should be involved in these evaluations. Some products are "over-warranted", while others are "under-warranted".

ENVIRONMENTAL IMPACT

The EPA's [Advancing Sustainable Materials Management Fact Sheet](#) estimated Construction & Demolition waste at 548 million tons in 2015. (See Note at end of article for more information). C&D waste includes steel, wood, drywall/plaster, brick/clay tile, asphalt shingles, and concrete/asphalt concrete. Transparency Market Research suggests that construction waste will double to [2.2 billion tons by 2025](#).

In 2007, the Corps of Engineers (COE) released a report on [Recycling Exterior Building Finish Materials](#). The report discussed how multiple roof replacement [made roofing one of the largest contributors of solid waste](#). They estimated **9 to 10 MILLION TONS** of asphalt roofing waste was going to U.S. landfills.

In 2019, the [Metal Construction Association](#) (MCA) estimates that conventional roofing products including asphalt shingles contribute approximately **20 BILLION POUNDS** of waste to U.S. landfills annually.

RECYCLABILITY**Metal Roof**

Material used in metal roofing projects typically contains [recycled material](#) (at least 25%). In addition, this material is 100% recyclable at the end of its lifespan. It also has a low weight, so it ships easily. The metals commonly used in the industry include:

Galvalume™ coated steel

Galvanized steel

Aluminum

Stainless steel

Zinc

Copper

(continued)

Asphalt Shingles

Shingles are made from crude oil, paper, or fiberglass, mineral filler/stabilizer (like limestone, or silica), and gravel. According to the Northeast Recycling Council, asphalt shingle tear-offs during manufacturing and reroofing projects produces 50 million tons of scrap each year. The average amount of [debris per building tear-off is 4 tons](#).

Shingles are not 100% recyclable, but shingle waste is currently being re-used in various road construction projects. A number of states have implemented their own systems for combining asphalt tear-off waste with hot-mix asphalt for paving. In Minnesota, for example, using ["5 percent shingle by-product improves the performance of hot-mix asphalt, and is cost-effective, with potential cost savings from \\$0.50 to \\$1 per ton."](#) The company behind the project, Bituminous Roadways, currently uses 25,000 tons of shingle scrap.

INSTALLATION**Metal Roof**

Metal roofs can be installed over an existing asphalt shingle roof and by some model codes even over two shingle roofs. But it is critical to ensure no moisture gets trapped between the two materials that could cause mold and rot. Metal roof installation requires an experienced contractor to avoid mistakes because, often, any structural issues that arise with a metal roof tend to stem from installer error.

In handling metal panels, installers must be very careful not to scratch or dent the panels when fastening and adding flashing. During installation, traversing the roof requires some care so as not to damage the panels.

Asphalt Shingles

It's sometimes possible for a new roof to be installed over an old layer of asphalt shingles if loose shingles are removed and new roofing felt, and underlayment is applied – to eliminate moisture getting trapped as well. Shingle installation is typically straightforward and generally less labor-intensive for contractors. Prepackaged shingles save time.

Issues that arise with individual shingles can be solved at the moment of installation and repaired or replaced. During installation, contractors can crisscross the roof with a bit less worry about damaging the already installed shingles.

MAINTENANCE**Metal Roof**

Metal roofs are generally maintenance-free, save for removal of branches and leaves and other debris that might collect on the roof and gutters. Specific roof profiles have less maintenance requirements (e.g. standing seam requires less maintenance than exposed fastener). Metal roof color can fade over many years of time but can also be repainted. Premium coatings and paint varieties generally warrant against excessive fading or chalking (oxidation) for up to 35 years.

Asphalt Shingles

Shingle roofs also collect leaves and debris and must be cleaned out periodically – at least once a year. Asphalt shingles must also be [re-caulked and sealed](#) as the roof ages.

<https://blog.s-5.com/blog/metal-roof-vs-asphalt-shingles-tips-comparison>

Exhibit D

Exhibit D**Weight of Boat Dock Roof – 3-Tab Standard Shingles/Architectural Shingles vs Metal Sheet**

A consideration when building a boat dock, especially a floating dock, is the weight of the roof on the float system. Lighter materials are less stress on the floats, preserving them longer. Significant weight increase will lead to increased number of floats required, significantly reduced boat load capacity and the dock riding too low in the water creating the potential for increased wood deck rot due to prolonged water exposure. A further consideration is the benefit of new metal coatings that do not fade or deteriorate for many years, and do not require maintenance and life-limiting mildew pressure washing. Data below shows standard shingles have ~20 years life, architectural shingles have ~30 year life, and copper/metal roof sheeting lasts ~40-80 yrs.

(<http://www.improvementcenter.com/roofing/new-roofing-years-it-can-last.html>)

SHINGLED ROOFS

Shingles come in two styles: 3-Tab Standard or Architectural.

- 3-Tab Standard comes in weights of 50-65 lbs. per bundle, 4 bundles cover 100 sq ft
- Architectural comes in weights of 65-80 lbs. per bundle, 4 bundles cover 100 sq ft

(<https://www.dumpsters.com/resources/shingle-weight-calculator> or

<https://www.hometowndumpsterrental.com/blog/estimate-shingle-weight-save-cost-roof-disposal/>)

Shingle roofs are installed on plywood decking – either 3/8" or 1/2" plywood with a tarpaper layer between. (Use of too thin plywood could lead to eventual unsightly sag between supports and 'wavy' roof appearance.)

- Plywood 4' x 8' x 3/8" sheets weigh 28.5 lbs. per sheet
- Plywood 4' x 8' x 1/2" sheets weigh 40.5 lbs. per sheet

(<https://www.inchcalculator.com/how-much-does-plywood-weigh/>)

Roofing felt (tarpaper) is 15 lbs. or 30 lbs. per 100 sq ft

(<https://www.iko.com/na/pro/building-professional-tools/learn-about-roofing/the-purpose-of-roofing-felt/>)

SHINGLED ROOF WEIGHT

EXAMPLE: The area of a proposed dock roof is 22' x 30' roof or 726.2 sq ft, (7.262 squares of shingles) which is 26.4 bundles needed, plus 5 for ridge row finish = ~35 bundles. 22.7 sheets of 4'x8' plywood are required to cover this roof area.

- Roofing felt (tarpaper) 15 lbs. x 7.26 squares of shingles = 110 lbs.
- 35 bundles of Standard 3-Tab shingles weighs 1750 – 2275 lbs.
- 35 bundles of Architectural shingles weighs 2275 – 2800 lbs.
- Plywood 3/8" weighs (22.7 sheets x 28.5 lbs. per sheet) = 647 lbs.
- Plywood 1/2" weighs (22.7 sheets x 40.6 lbs. per sheet) = 922 lbs.
- **TOTAL** for Standard 3-Tab composite shingle roof min – max range = 2510 – 3307 lbs.
- **TOTAL** for Architectural composite shingle roof min – max range = 3307 – 3832 lbs.

METAL ROOFS

Metal roofs for residential use are commonly 26 gauge.

Metal roofs are nailed on to 1" x 4" boards (nailers) spaced 2' apart (weight 0.51 lbs. per linear foot)

(<https://roofonline.com/weight-of-dimensional-lumber>)

The example has 28 runs of 12.1' (1"x4") = 339 linear feet @ .51 lbs./ft. or 173 lbs. (for 1" x 4" metal support)

METAL ROOF WEIGHT:

1" x 4" 'nailers' for metal support = 173 lbs.

26 gauge roof metal weighs ~.9 – 1.0 lb/sq ft = 727 lbs.

(<https://www.alpharain.com/how-much-does-metal-roof-panel-weigh/>)

TOTAL for Metal Roof weight is (173 + 727) 900 lbs. – A difference of 1610 – 2932 lbs. – nearly the weight of a pontoon boat (average 2600 lbs) - just in the difference of roof weight. Most dock designs do not support composite shingles for this float capacity reason.

(<https://theoceansailingguide.com/pontoon-boat-weight/>)

- Roofing felt (tarpaper) 15 lbs. x 7.26 squares of shingles = 110 lbs.
- 35 bundles of Standard 3-Tab shingles weighs 1750 – 2275 lbs.
- 35 bundles of Architectural shingles weighs 2275 – 2800 lbs.
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(<https://theoceansailingguide.com/pontoon-boat-weight/>)

Chairman Carswell opened the floor for comments or questions from the Board. Mr. Minter said, in reference to Commissioner Abele's questions regarding allowing metal boat dock roofs on Lake James, while Lake James is not included in this text amendment, Community Development is doing a complete rewrite of the Zoning Ordinance and they will investigate that possibility. Mr. Minter said that Bradley Kirkley, Zoning Administrator, went out and counted every dock on the Burke County side of Lake James and there are 477 residential boat docks, 59 of those boat docks have metal roofs, which were completed before the County had regulations for Lake James.

Commissioner Taylor advised that in addition to the colors mentioned in the presentation, camouflage is another color scheme for tin. Mr. Minter said someone could most likely buy tin in a wide variety of colors, which is why they specified what colors are allowed so they will blend in with the natural environment.

At 6:26 p.m. Chairman Carswell opened the public hearing. The Public Hearing Notice was published in THE NEWS HERALD on September 5, 2019 and September 12, 2019, in addition, it was posted to the County's website (www.burkenc.org) on September 5, 2019. There was no one present to address the Board; therefore, Chairman Carswell closed the public hearing.

Motion: To adopt Ordinance No. 2019-12 amending the Burke County Zoning Ordinance in reference to Zoning Text Amendment ZTA 2019-01 and adopt the following consistency statement:

Zoning Text Amendment ZTA 2019-01 amends Section 1216 – Pier, Mooring, and Gazebo Provisions of the Burke County Zoning Ordinance conforms with the Comprehensive Plan and is reasonable and in the public interest because:

1. **Amendment ZTA 2019-01 will allow residential boat moorings or gazebos on Lakes Rhodhiss and Hickory to be consistent and compatible with existing structures on those two lakes.**
2. **Amendment ZTA 2019-01 will continue to maintain the existing standards for**

residential boat moorings and gazebos on Lake James.

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

Ord. No. 2019-12

Burke County
North Carolina

An Ordinance Amending the Burke County Ordinance
ZTA 2019-01

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

(New text is printed in bold font.)
(Text to be removed contains a strike-through mark.)

ZTA 2019-01 - Amend Section 1216-7 f (4) as follows:

4. Permitted roof materials include dark-toned wood shakes; dark-toned brown, Grey or black shingles with a minimum wind rating of 80 mph; and dark-toned brown, grey or black synthetic products that mimic natural materials. Metal is not a permitted roofing material **on Lake James. On Lakes Rhodhiss and Hickory, roofing material for moorings or gazebos may include metal roofing material in earth-tone colors. Roof colors must be pre-approved by Zoning Administrator prior to permitting.**

Adopted this 17th day of September 2019.

/s/ Johnnie W. Carswell
Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

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

INFORMAL PUBLIC COMMENTS

At 6:28 p.m. Chairman Carswell opened the floor for informal public comments. There were four (4) citizens who signed up to address the Board.

James Gravely, 4105 Saint Paul’s Church Road, said he is speaking to the removal of the trailer on Saint Paul’s Church Road. Mr. Gravely said when the trailer was moved into the neighborhood, he contacted Bradley Kirkley, Zoning Administrator, who has been very supportive and has kept him apprised of the process. He said now that they’ve gone through the necessary steps, he would like the Board to keep that in mind as they consider this item.

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James Hallyburton, 4171 St Paul’s Church Road, said the previous occupants of the trailer, which was used for drug operations, have left the area thanks to the Burke County Sheriff’s Office. However, now the trailer sits empty and someone else could move in and they may have to go through the same process to get the occupants out. Mr. Hallyburton said it took them a year to get this far and would like to see the county take some action on this item.

Lee Zinzow, 701 Lankashire Road, Winston-Salem, said he appreciates the Board’s forbearance while he tries to resolve the best disposition for the land known as East Lake 2 and East Lake 3 at Lake James. Mr. Zinzow said he has been working on this project for around five (5) years and he wants to see it come to a good conclusion. He said he primarily worked with North Carolina State Parks and that did not go through. Now due to the rezoning effort Mr. Zinzow said, he is facing new challenges and based on their last discussion, he has gone back to Community Development and submitted a site plan. He said he has cleared the roads, found a potential bidder and negotiations are ongoing with somebody to bid on the property. He said since last Friday, one party that was interested in developing the land told him that he could not make an offer because there would be no value in the land if it were rezoned. Mr. Zinzow said he thought a solution might be to amend the Planned Residential Mixed Use (PRMU) District to allow for more lots, however, according to his trust attorney, that would not resolve the issue of him wanting to donate some land for parks and recreation, which has some value (tax credits) and can be used to pull everything together. Mr. Zinzow said he is requesting that the Board delay this case for two (2) years because there is not currently a solution, giving him additional time would allow him to get everything together and to put an easement on the property which would protect the property and create the value needed to resolve everything.

Debbie Hawkins, 404 Old Secrest Ave, said it has been a busy month for the new staff at Animal Services and the newly appointed Animal Advisory Board (AAB). She said the AAB had a called meeting in August, officers were elected, they developed a mission statement, and goals for 2019 are being set. She said she and another AAB member met with representatives of the various animal rescue groups to identify any concerns they may have. Ms. Hawkins then read the mission statement of the AAB. She further said Animal Services staff has done an incredible job reorganizing and improving standards of care at the center in just one (1) month. The future for the quality of care for the animals depends on everyone working together, Hawkins said, and noted that she wanted to update the Board on where the AAB is at on working to improve animal welfare.

With there being no one else to address the Board, Chairman Carswell closed the informal public comments portion of the meeting.

CONSENT AGENDA

At the request of the Chairman, County Manager Steen reviewed the items on the Consent Agenda.

ASD - HOURS OF OPERATION AT ANIMAL SERVICES CENTER

The hours of operation for the Animal Services Center (ASC) on Kirksey Drive are proposed to change on October 1, 2019. The ASC will be open until 7 p.m. several nights during the week and will be open longer on Saturday’s to accommodate citizens’ work schedules.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

September 17, 2019 (Regular)

DRAFT

Current	Closed	8-3	8-3	8-3	8-3	8-3	10 am - Noon
Proposed	Closed	Closed	10-7	10-4	10-7	10-4	10-4

Further, the Animal Advisory Board reviewed the proposed hours of operation on August 21, 2019 and there was no opposition to them.

Motion: To approve the new hours of operation for the Animal Services Center, effective October 1, 2019 as follows:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Closed	Closed	10-7	10-4	10-7	10-4	10-4

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

CLERK - REMOVAL / APPOINTMENT TO BOARD OF ADJUSTMENT

Doris Smith's term on the Board of Adjustment (Seat 4, West) expires at the end of September and she is not interested in serving another term at this time. An application was received from Tony Yount of Morganton. The term is for three (3) years ending in September of 2022.

Motion: To remove Doris Smith's name from the official roster for the Board of Adjustment and to appoint Tony Yount to Seat No. 4 (West) for a 3-year term ending September 30, 2022.

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

CLERK - REAPPOINTMENT TO JURY COMMISSION

Robert Love's term on the Jury Commission ends September 30th. He has served on this Commission for many years and has applied to serve another term.

Motion: To reappoint Robert Love to the Jury Commission for a 2-year term ending September 30, 2021.

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

CLERK - RESOLUTION APPOINTING NEW REVIEW OFFICERS FOR GLEN ALPINE

The following resolution designates William "Max" Boliek and Sherry Farris as review officer(s) for the Town of Glen Alpine. Mr. Boliek and Ms. Farris have completed four (4) hours of relevant training provided by the N. C. Department of the Secretary of State.

Motion: To adopt Resolution No. 2019-17.

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

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

Res. No. 2019-17 reads as follows:

Burke County
North Carolina

Resolution
Appointing New Review Officers

Whereas, Section 47-30.2 of the North Carolina General Statutes requires that the Board of Commissioners of each county designate one or more persons experienced in mapping or in land records management, as Review Officers, to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording; and

Whereas, the review officer reviews subdivision plats for lands within the City's/County's land use jurisdiction; and

Whereas, the Town of Glen Alpine requests that William "Max" Boliek and Sherry Farris be designated as plat review officers; and

Whereas, Mr. Boliek and Ms. Farris have completed four (4) hours of relevant training provided by the N. C. Department of the Secretary of State.

NOW, THEREFORE, BE IT RESOLVED THAT the Burke County Board of Commissioners do hereby appoint William "Max" Boliek and Sherry Farris as Review Officers for the Town of Glen Alpine in Burke County, pursuant to NC General Statute 47-30.2 and give them the authority to perform all responsibilities as such.

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

Adopted this 17th day of September 2019.

/s/ Johnnie W. Carswell
Johnnie W. Carswell, Chairman
Burke County Board of Commissioners

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

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

September 17, 2019 (Regular)

DRAFT

CLERK - APPOINTMENT TO PLANNING BOARD

Seat No. 2 (east) on the Burke Co. Planning Board is occupied by Bobbie Costner. His term ends September 30th but he is not seeking reappointment. Therefore, his removal is requested. An application was received from Michael Cultrera.

Seat No. 4 (west) on the Burke Co. Planning Board was held by Nick Newton. Mr. Newton is unable to attend meetings and his removal is requested. However, an application from Robert Love was received. Mr. Love currently serves on the Board of Adjustment and the Jury Commission.

Alan Scholl occupies Seat No. 5 representing the west. Mr. Scholl has served the maximum number of terms, but his removal will not be requested until a replacement is found.

Motion: To remove Bobbie Costner and Nick Newton from the official roster for the Burke County Planning Board and thank them for their service to the community.

To appoint Michael Cultrera (Seat No. 2, East) and Robert Love (Seat No. 4, West) to the Burke Co. Planning Board for a 3-year term ending September 30, 2022 and to complete an unexpired term ending September 30, 2021, respectively.

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

COMM. DEV - DEED OF TRUST CANCELLATION

As a result of the 2004 flood, the Crisis Housing Assistance Fund (CHAF) was formed to provide eligible families decent and sanitary housing. Burke County received some of these funds that were administered by former county employee Dale Meyer. On August 24, 2006, Linda and Tommy Stamey (homeowner) and Alan and Gayle Brown (landowners) were recipients of the program and entered into a 10-year deed of trust with Burke County with a requirement that the recipient (Stameys) live in the mobile home for ten years. The deed of trust for \$59,413.25 was to replace an existing single wide mobile home with a new single wide mobile home in 2006.

Recently, the County Attorney approached the Community Development Department regarding an issue with the deed of trust, which expired on August 24, 2016. According to a search of death records, Mr. Stamey died on January 27, 2010. Mrs. Stamey abandoned the home shortly thereafter. A search of tax records and a call to the Burke County Sheriff's Department indicate that at some point between 2013 and 2015, the home was removed from the property. The County has the option to pursue further action or cancel the deed of trust as recommended by the County Attorney.

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Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

September 17, 2019 (Regular)

DRAFT

Filed For Registration: 08/24/2006 04:29:52 PM**Book: RE 1592 Page: 141-149****Document No.: 2006011822****D/T 9 PGS \$35.00****Recorder: JENNIFER F BRISTOL**

Motion: To cancel the Deed of Trust between Linda and Tommy Stamey, Alan and Gayle Brown and Burke County as presented.

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

TAX DEPT. - TAX COLLECTION REPORT FOR AUGUST 2019

The Board of Commissioners is presented with the Tax Collection Report for the period between July 1, 2019 and August 31, 2019. It reflects the status of collections by the Burke County Tax Collection's Staff. Included is the status comparing Collections to Levy and comparing Collections to Budget. Levy information is for Property Tax only and does not include the Vehicle Tax.

The information below is comparing Tax Collections to the Tax Levy. Tax Levy is the total taxable property value times the tax rate. This does not include Public Utilities or Motor Vehicle Tax. The levy changes monthly with the addition of discoveries, other changes or corrections and when Public Utility values are added.

Category	Tax Levy	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$42,931,335.00	\$27,186,138.46	\$15,745,196.71	63.32%

The information below is comparing Tax Collections for Property Tax and Motor Vehicle Tax to the Annual Budget. This information is a supplement to the Annual Settlement Report.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Current Year Taxes	\$48,070,000.00	\$28,018,679.52	\$20,051,320.48	58.29%
Delinquent Taxes	\$650,000.00	\$190,622.42	\$459,377.58	29.33%
Late List Penalty	\$250,000.00	\$85,320.10	\$164,679.90	34.13%

These two items below make up the current year taxes above.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$43,470,000.00	\$27,186,138.46	\$16,283,861.54	62.54%

September 17, 2019 (Regular)

DRAFT

Motor Vehicle Tax	\$4,600,000.00	\$832,541.06	\$3,767,458.94	18.10%
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Motion: To accept the Tax Collection Report for August 2019 as presented.

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

TAX DEPT. - RELEASE REFUND REPORT FOR AUGUST 2019

Releases in value and/or refunds of taxes typically occur when:

- Taxpayers submit information that creates a reduction in value.
- Situs is corrected between counties and/or municipalities.
- Valuation appeals reduce the value for real or personal property.
- The postmark reveals a payment was timely sent.

The Board of Commissioners is presented with the following list of releases and refunds for consideration. The Net Release is a result of the Report Amount minus the Rebilled Amount.

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$14,561.44	\$7,761.87	\$6,799.57	\$274.95

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$130.49

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

Motion: To approve the Tax Releases and Refunds for August 2019 as presented.

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

Tax reports are as follows:

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

TR-304 BILL RELEASE REPORT AUGUST 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Adjustment								
0000022100-2019-2019-0000-00-REG	PEPELEA, BRANDON C	7/1/2019	CONNIE HOLDER	8/21/2019	166.63	166.63	0.00	130.63
0000022100-2019-2019-0000-01-REG	PEPELEA, BRANDON C	7/1/2019	CONNIE HOLDER	8/21/2019	130.63	130.63	0.00	62.35
0000051092-2019-2019-0000-00-REG	BAILEY, WAYNE	7/1/2019	CONNIE HOLDER	8/2/2019	69.92	69.92	0.00	68.06
0000070811-2018-2018-0000-00-REG	SNIPES, RANDY LEE	7/1/2018	VICTORIA TORI COLE	7/31/2019	79.56	79.56	0.00	79.56
0000070811-2019-2019-0000-00-REG	SNIPES, RANDY LEE	7/1/2019	VICTORIA TORI COLE	7/31/2019	79.38	79.38	0.00	79.38
Subtotal						526.12		419.98

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Amended Listing								
0000025746-2019-2019-0000-00-REG	DOVE, PAUL V	7/1/2019	CONNIE HOLDER	8/5/2019	438.48	2.08	436.40	0.00
0000077270-2019-2019-0000-00-REG	KLEEN TECH	7/1/2019	RENEE AUSTIN	8/13/2019	3,112.85	294.14	2,818.71	0.00
0000081600-2019-2019-0000-00-REG	MR B FUN FOODS	7/1/2019	RENEE AUSTIN	8/16/2019	738.20	738.20	0.00	831.93
0000082454-2019-2019-0000-00-REG	KLEEN TECH INC VALDESE	7/1/2019	RENEE AUSTIN	8/13/2019	830.16	830.16	0.00	894.59
0000093480-2019-2019-0000-00-REG	HILL ROM COMPANY INC	7/1/2019	RENEE AUSTIN	8/27/2019	3.36	3.36	0.00	0.00
0024008134-2019-2019-0000-00-REG	HILL ROM COMPANY INC	7/1/2019	RENEE AUSTIN	8/27/2019	2.59	2.59	0.00	0.00
0024009771-2019-2019-0000-00-REG	KLEEN TECH INC VALDESE	7/1/2019	RENEE AUSTIN	8/13/2019	2,433.32	2,433.32	0.00	3,090.86
Subtotal						4,303.85		4,817.38

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Business Closed								
0000086138-2019-2019-0000-00-REG	CROWE, RHONDA D	7/1/2019	RENEE AUSTIN	8/12/2019	1.86	1.86	0.00	0.00
Subtotal						1.86		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Duplicate Billing								
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TR-304 BILL RELEASE REPORT AUGUST 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0000001452-2019-2019-0000-00-REG	COFFEY, DAVID A	7/1/2019	CONNIE HOLDER	8/30/2019	527.68	17.37	510.31	0.00
0000071976-2019-2019-0000-00-REG	FOX, RANDALL N	7/1/2019	CONNIE HOLDER	8/30/2019	118.58	5.01	113.57	0.00
0000076888-2019-2019-0000-00-REG	HUNTER, JAMES ALLEN	7/1/2019	BARBARA HARTLEY	8/30/2019	11.12	2.08	9.04	0.00
0000111364-2008-2008-0000-00-REG	MCNEELY, JAMIE	7/1/2008	LINDA WILBUR	8/1/2019	169.11	169.11	0.00	0.00
0024025094-2019-2019-0000-00-REG	WELBORN, DONNA JEAN	7/1/2019	CONNIE HOLDER	8/9/2019	230.88	22.94	207.94	0.00
0024035538-2019-2018-0000-00-REG	CROSS, DELBERT JAMES	8/9/2019	LINDA WILBUR	8/20/2019	86.52	86.52	0.00	0.00
0024036159-2019-2018-0000-00-REG	FRANKLIN, DANNY KAYE	8/9/2019	CONNIE HOLDER	8/20/2019	10.54	10.54	0.00	0.00
0024038256-2019-2018-0000-00-REG	FOX, RANDALL NELSON	8/9/2019	CONNIE HOLDER	8/30/2019	7.88	7.88	0.00	0.00
0024038994-2019-2018-0000-00-REG	MCGINNIS, ROBBIN VELLA-JOHNSON	8/9/2019	LINDA WILBUR	8/19/2019	50.43	50.43	0.00	0.00
0024039208-2019-2018-0000-00-REG	BELCHER, THEODORE CARLESS	8/9/2019	LINDA WILBUR	8/26/2019	58.61	58.61	0.00	0.00
0024039765-2019-2018-0000-00-REG	MARTIN, BRIAN NEEL	8/9/2019	CONNIE HOLDER	8/30/2019	20.85	20.85	0.00	0.00
Subtotal						451.34		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Exempt Property								
0024036312-2019-2018-0000-00-REG	CENTRAL BAPTIST CHURCH	8/9/2019	LINDA WILBUR	8/22/2019	1.09	1.09	0.00	0.00
Subtotal						1.09		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Late Listing								
0000070344-2019-2019-0000-00-REG	GLOBAL CLEANING INC	7/1/2019	LINDA WILBUR	8/26/2019	5.14	0.47	4.67	0.00
0000070681-2019-2019-0000-00-REG	BRIGGS, DOUGLAS A	7/1/2019	LINDA WILBUR	8/26/2019	19.84	1.80	18.04	0.00
0000072714-2019-2019-0000-00-REG	FRANKLIN ELECTRICAL COMPANY	7/1/2019	LINDA WILBUR	8/26/2019	6.39	0.58	5.81	0.00
0000075667-2019-2019-0000-00-REG	COOPER BROADCASTING CO	7/1/2019	LINDA WILBUR	8/26/2019	483.90	43.99	439.91	0.00

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Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

TR-304 BILL RELEASE REPORT AUGUST 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0000077990-2019-2019-0000-00-REG	HOUK, JEFFREY L	7/1/2019	LINDA WILBUR	8/26/2019	362.65	32.97	329.68	0.00
0000083457-2019-2019-0000-00-REG	MORGANTON SEWING CENTER	7/1/2019	LINDA WILBUR	8/26/2019	16.38	1.49	14.89	0.00
0000085194-2019-2019-0000-00-REG	SLOPE SOLUTIONS LLC	7/1/2019	LINDA WILBUR	8/26/2019	2,774.24	252.20	2,522.04	0.00
0000085997-2019-2019-0000-00-REG	HENRY, JOHN M	7/1/2019	LINDA WILBUR	8/26/2019	86.09	7.83	78.26	0.00
0000085998-2019-2019-0000-00-REG	HENRY, JOHN M	7/1/2019	LINDA WILBUR	8/26/2019	217.54	19.78	197.76	0.00
0024009521-2019-2019-0000-00-REG	LOVEN, WILLIAM A	7/1/2019	LINDA WILBUR	8/26/2019	1,041.82	94.71	947.11	0.00
0024009531-2019-2019-0000-00-REG	LOVEN, WILLIAM A	7/1/2019	LINDA WILBUR	8/26/2019	459.69	41.79	417.90	0.00
0024009552-2019-2019-0000-00-REG	POTEAT, BILLY D	7/1/2019	LINDA WILBUR	8/26/2019	35.53	3.23	32.30	0.00
Subtotal						500.84		0.00

TAX DISTRICT: BURKE COUNTY RELEASE

0000044248-2019-2019-0000-00-REG	HENSLEY, JAMES W	7/1/2019	LINDA WILBUR	8/6/2019	1,191.80	8.34	1,183.46	0.00
0000076269-2019-2019-0000-00-REG	SOUTHEASTERN SPORTS PHYSICIAN SERVICES PLLC	7/1/2019	LINDA WILBUR	8/21/2019	117.14	117.14	0.00	0.00
Subtotal						125.48		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Mapping Correction

0000059341-2019-2019-0000-00-REG	D & H REAL ESTATE LLC	7/1/2019	AMANDA CONLEY	8/9/2019	434.20	434.20	0.00	0.00
Subtotal						434.20		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Not in Burke County

0000075494-2019-2019-0000-00-REG	BRIDGEMAN, KENNETH HOWARD	7/1/2019	LINDA WILBUR	8/27/2019	94.33	10.42	83.91	0.00
0024020252-2019-2019-0000-00-REG	LAMBERT, TIMOTHY EDWARD	7/1/2019	CONNIE HOLDER	8/5/2019	80.06	80.06	0.00	0.00

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TR-304 BILL RELEASE REPORT AUGUST 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0024036328-2019-2018-0000-00-REG	MANN, LORI ANN	8/9/2019	LINDA WILBUR	8/22/2019	119.77	119.77	0.00	0.00
0024036398-2019-2018-0000-00-REG	MANN, LORI ANN	8/9/2019	LINDA WILBUR	8/22/2019	500.32	500.32	0.00	0.00
0024037480-2019-2018-0000-00-REG	MANN, LORI ANN	8/9/2019	LINDA WILBUR	8/22/2019	219.25	219.25	0.00	0.00
0024038853-2019-2018-0000-00-REG	TRUAX, BARBARA MARVIN	8/9/2019	BARBARA HARTLEY	8/19/2019	37.76	37.76	0.00	0.00
0024039121-2019-2018-0000-00-REG	CHAMBERLAIN, KATHY LYNN	8/9/2019	LINDA WILBUR	8/28/2019	270.03	270.03	0.00	0.00
Subtotal						1,237.61		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Over Assessment

0000023595-2019-2019-0000-00-REG	BROWN, CHRISTOPHER CURTIS	7/1/2019	LINDA WILBUR	8/5/2019	3,582.72	2,790.42	792.30	0.00
0024033290-2019-2019-0000-00-REG	SUPER SAVER	7/1/2019	LINDA WILBUR	8/6/2019	1,146.75	1,100.62	46.13	0.00
Subtotal						3,891.04		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Penalty Correction

0000086455-2019-2019-0000-00-REG	CCBCC OPERATIONS LLC	7/1/2019	LINDA WILBUR	8/9/2019	211.44	19.22	192.22	0.00
Subtotal						19.22		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Release LFUF

0000021183-2019-2019-0000-00-REG	HOUSTON, D C	7/1/2019	AMANDA CONLEY	8/19/2019	323.08	72.00	251.08	0.00
0000032556-2019-2019-0000-00-REG	RIZKOVSKY, JOHN STEPHEN	7/1/2019	AMANDA CONLEY	8/1/2019	397.32	72.00	325.32	0.00
0000047333-2017-2017-0000-00-REG	PENLAND, TONY WAYNE	7/1/2017	AMANDA CONLEY	8/15/2019	1,565.26	70.00	1,495.26	0.00
0000047333-2018-2018-0000-00-REG	PENLAND, TONY WAYNE	7/1/2018	AMANDA CONLEY	8/15/2019	1,568.60	72.00	1,496.60	0.00
0000047333-2019-2019-0000-00-REG	PENLAND, TONY WAYNE	7/1/2019	AMANDA CONLEY	8/15/2019	1,601.44	72.00	1,529.44	0.00
Subtotal						358.00		0.00

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Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

TR-304 BILL RELEASE REPORT AUGUST 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
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TAX DISTRICT: BURKE COUNTY RELEASE REASON: Situs Correction

0000009619-2019-2019-0000-00-REG	MEARS, PAUL D	7/1/2019	BARBARA HARTLEY	8/13/2019	2,745.04	313.41	2,431.63	2,431.63
0000023924-2019-2019-0000-02-REG	MORRIS, OLIE ARLENE	7/1/2019	AMANDA CONLEY	7/31/2019	1,271.45	1,271.45	0.00	0.00
Subtotal						1,584.86		2,431.63

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Sold/Traded

0000035992-2019-2019-0000-00-REG	STEPHENS, BRADLEY D	7/1/2019	BARBARA HARTLEY	8/28/2019	144.59	3.83	140.76	0.00
0000048258-2019-2019-0000-00-REG	FULTON, GAY L	7/1/2019	CONNIE HOLDER	8/8/2019	565.03	22.59	542.44	0.00
0000074422-2019-2019-0000-00-REG	RATLIFF, JOHN DAVIS	7/1/2019	CONNIE HOLDER	8/2/2019	6.26	6.26	0.00	0.00
0000075045-2019-2019-0000-00-REG	PARKER, RONALD SHANE	7/1/2019	LINDA WILBUR	8/5/2019	141.21	38.35	102.86	0.00
0000079013-2019-2019-0000-00-REG	REEP, CHARLES A	7/1/2019	CONNIE HOLDER	8/7/2019	15.98	15.98	0.00	0.00
0000079380-2017-2017-0000-00-REG	LAIL, MATTHEW RAY	7/1/2017	LINDA WILBUR	8/21/2019	6.19	6.19	0.00	0.00
0000079380-2018-2018-0000-00-REG	LAIL, MATTHEW RAY	7/1/2018	LINDA WILBUR	8/21/2019	5.58	5.58	0.00	0.00
0000080203-2018-2018-0000-00-REG	WELBORN, JOHN T	7/1/2018	CONNIE HOLDER	8/9/2019	26.22	26.22	0.00	0.00
0000082892-2019-2019-0000-00-REG	VICKERS, DONALD THOMAS JR	7/1/2019	CONNIE HOLDER	8/5/2019	30.84	30.84	0.00	0.00
0000086288-2019-2019-0000-00-REG	BUCHANAN, TOMMY	7/1/2019	CONNIE HOLDER	8/21/2019	19.12	9.84	9.28	0.00
0024009940-2019-2019-0000-00-REG	LEDFORD, TERRY LEE	7/1/2019	BARBARA HARTLEY	8/6/2019	8.37	8.37	0.00	0.00
0024021544-2019-2019-0000-00-REG	BISHOP, TIMOTHY ALLEN	7/1/2019	BARBARA HARTLEY	8/20/2019	10.63	10.63	0.00	0.00
0024033390-2019-2019-0000-00-REG	LOR, KAO	7/1/2019	CONNIE HOLDER	7/31/2019	99.00	6.15	92.85	0.00
Subtotal						190.83		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Update Description

NCVTS PENDING REFUND REPORT OVER \$100
DESC VTS: AUGUST 2019

Payee Name	Primary Owner	Address 1	Address 3	Refund Type	Bill #	Refund Description	Tax Junsd.	Levy Type	Change	Interest Change	Total Change
ROBERTS, WILLIAM SHANE	ROBERTS, WILLIAM SHANE	109 DOGWOOD DR	HICKORY, NC 28601	Adjustment >= \$100	0049253805	Refund Generated due to adjustment on Bill #0049253805-2018-2018-0000	01	Tax	\$0.00	\$0.00	\$0.00
							50	Tax	(\$159.49)	\$0.00	(\$159.49)
							26	Tax	\$29.00	\$0.00	\$29.00
										Refund Refund Total	\$130.49
											\$130.49

ITEMS FOR DECISION

COMM. DEV. - CONDEMNATION APPEAL - CASE FILE 116-19

Bradley Kirkley, Zoning Administrator, presented information regarding Condemnation Appeal – Case File 116-19 as follows:

On May 31, 2019, Code Enforcement received a phoned complaint regarding issues pertaining to a burnt and nuisance dwelling addressed as 2467 US 70 in Connelly Springs. The dwelling is owned by Philip and Cynthia Smith. On June 10, 2019 the burnt dwelling was posted as UN-SAFE by Steve Holden, Chief

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

Building Inspector for Burke County. In conjunction with General Statute Regulations, a Condemnation Hearing was held in Comm. Development on June 20, 2019, at which time an Order for Demolition or Repairs was offered, giving an allowance of sixty (60) days for compliance to be achieved. This Order was issued by Kevin Flynn of Building Inspections. This sixty (60) day Order would expire August 19, 2019 unless an Appeal was filed. On June 28, 2019, before the expiration of ten (10) days from the issue of the Order, a written appeal was filed to the Code Enforcement Office for an Appeal to the Order, thus halting proceedings until the Board of Commissioners can review and offer a decision regarding the burnt dwelling.

Per the Appeal, the landowner, Philip Smith, states that his current and limited income, as well as his failing health are the reasons for the filed appeal. He is requesting additional time to comply with the Order issued, so that he can "procure financing to arrange for demolition".

Per this written Appeal, the Board of Commissioners have the responsibility to either: Affirm the Order as Written, Affirm and Modify the Order to Offer Additional Time for Remedy, or to Revoke the Order as Written and Remove the Decision of the Building Inspector.

Staff believes that due to financial and health concerns, offering additional time, beyond the limits of NC Statutes for Condemnation 116-19 would be reasonable.

Budgetary Effect: There is no budgetary effect at this time. If the parcel owner cannot fulfill the obligations of the Order, and if the requirement for removal is approved by the Commissioners, fees, demolition, and/or liens could be assessed to the property.

This space is intentionally left blank.

Philip Smith
June 27th, 2019

Dear Sirs,

My name is Philip Smith. I am the owner of the property located at 2467 US70, Connelly Springs 28612. I was unable to attend the meeting on June 20th due to a surgical procedure stemming from my declining health. I am physically disabled and receive disability pay from the state as my only income.

Due to my failing health and limited income, I am currently unable to proceed with demolition, or restoration, of the dwelling that has been condemned. My goal is to procure financing to arrange for demolition, or to sell the property to a new owner with the requirement to bring the property into compliance.

Ultimately, it is my responsibility to insure the property is in compliance with county code. Therefore, I respectfully ask for an extension of time to allow me to attend to this task. Thank you for your time and patience.

Respectfully,



Philip Smith

Received ~~6-28-19~~
Jm

This space is intentionally left blank.

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

June 20, 2019

Philip Smith
PO Box 713
Valdese, NC 28690

Subject: **Order of Remedy of Property (General Statute 153A-366)**
Property Address: 2467 US 70
Property Pin # 2762969846

To Whom It May Concern:

Following a public hearing, conducted on June 20th of 2019, the following Order is being issued regarding property listed to your ownership at 2467 US 70 of Burke County as described by the regulations set forth within North Carolina General Statute 153A-369. This Order is being issued regarding proper remedy concerning the Condemnation of an abandoned/burnt dwelling located on the noted property.

You are hereby, from the issuance of this Order, allowed sixty (60) days, or until August 19th of 2019, to offer remedy for the abandoned dwelling in the manner of:

1. Demolish and remove all debris associated with the abandoned dwelling. Demolition shall include the removal of all debris and rubbish from the parcel. Demolition and removal must be ongoing or completed within the allotted sixty (60) day-time frame. A demolition permit is required for removal of the structure to ensure all utilities have been terminated and all potential wells have been covered. Or
2. If you wish not to demolish the vacant dwelling and are wishing to use the home as a livable dwelling, renovations/repairs need to be ongoing for restoration of the dwelling. An engineered letter noting the safety and structural stability of the dwelling will be needed from a NC Licensed Engineer. Permits, per trade, will need to be obtained from all necessary Burke County offices. Repairs must be ongoing, with permits active before the expiration of the sixty (60) day-time frame.

Failure to comply with this given Order can result in a Class 1 Misdemeanor, as outlined within North Carolina General Statute 153A-371. Let it be noted, you are allowed ten (10) days to file an appeal to this Order. All appeals must be provided in writing and supplied to the Clerk of the Burke County Board of Commissioners, as well as, Burke County Building Inspections for review.

A copy of this Order shall remain on file for future reference and referral. For any questions regarding any matters addressed herein, or to question the given Order listed, please feel free to contact this office for assistance. Your advanced cooperation and assistance shall be most appreciated.

Sincerely,

Bradley N. Kirkley
Zoning Administrator, CZO/ Code Enforcement Officer

CC: Case File #116-19
Kevin Flynn, Building Official for Burke County

This space is intentionally left blank.

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Mr. Kirkley further reported since the Board’s pre-agenda meeting, the property was purchased by Charles William Chaffin who resides in Lenoir, he also obtained a demolition permit. He said he called Mr. Chaffin to let him know of the meeting tonight and to ask him what his future plans for the property are. Mr. Chaffin informed Mr. Kirkley that he would have equipment on the property by the end of the week and expected to have the demolition done within the next 60 days. Mr. Kirkley said this situation would work with the suggested motion and would prevent tax dollars being spent on demolition.

Motion: To uphold the Building Inspectors’ ruling and grant an additional 60 days for the owner(s) to comply with the Condemnation Order for Case File 116-19.

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

COMM. DEV. - ABATEMENT AND DEMOLITION ORDER 4155 ST. PAUL'S CHURCH ROAD

Bradley Kirkley, Zoning Administrator, presented information regarding the Abatement and Demolition Order for 4155 St. Paul's Church Road as follows:

For the purpose of this request and decision item, Code Enforcement, in conjunction with Burke County Building Inspections are requesting the approved abatement and demolition order, from the Board of Commissioners, for removal, demolition, cleanup, and disposal of an un-permitted and condemned manufactured home at 4155 St. Paul's Church Road. This abatement and order would include the manufactured home, removal of an abandoned vehicle, and the removal of solid waste from the parcel noted above. Community Development is requesting approval from the Commissioners to carry out the order, remove the violations, and resolve this nuisance item. A timeline for the events of this matter are described below:

On February 4, 2019, issues were reported to Code Enforcement regarding the un-permitted setup of a Class D manufactured home on property addressed as 4155 St. Paul's Church Road in Burke County. The mobile home was placed along the roadway near St. Paul's Church Road, with the towing connections still attached and visible. Upon review of the permits in our system, no permits were found. The zoning district for the parcel (Residential-2) prohibits this type of manufactured home to be permitted for new construction and thus, removal of the mobile home was required. On February 6, 2019, a certified notice letter was mailed to the landowner noting the requirement for the removal of un-permitted mobile home.

On February 15th of 2019 information was collected which showed that the mobile home had been moved to the rear portion of the property. The initial notice letter was still unclaimed. Having received no feedback, Code Enforcement delivered a notice to the parcel site on March 1, 2019. The mobile home appeared to be occupied without power or water. By having probable cause that the mobile home was being occupied, the mobile home was posted UNSAFE by Kevin Flynn of Burke County Building Inspections. A condemnation hearing notice was also posted and mailed, alerting the owner of a public hearing on March 14, 2019.

At the public hearing, which was attended by Kenneth Piercy, a Condemnation Order was issued for the mobile home giving the requirement for demolition or removal from the site on/or before May 13, 2019. The mobile home, per Piercy, was said to have been hauled in from Dysartsville Road, with the age or year of the mobile home not known. On March 18, 2019 Deputy James Marler posted the Condemn Order on the mobile home.

Since such time, the deadline expired for removal or demolition. No feedback has been provided from Mr. Piercy since the hearing date and no changes have occurred to bring the site into compliance. Multiple visits have been conducted for the site, with multiple vehicles being found on the property at multiple times. Upon our last inspection, a vehicle (Ford Pickup) was found blocking the access roadway to the mobile home. This vehicle is the same vehicle that is the source of a separate enforcement file regarding a junk vehicle and solid waste on the same property. The vehicle is listed to the ownership of Vickie Powell. The vehicle has no valid tags.

Budgetary Effect: The total cost for the removal or demolition of both the mobile home and abandoned vehicle is unknown at this time. If approved by the Board, bids would be sought with multiple mobile home removal companies for the unpermitted mobile home. Standard disposal fees at the county landfill for a single-wide mobile home is less than five hundred (\$500.00) dollars, with a hauling fee in addition to that cost. Removal of the abandoned vehicle would be conducted with a tow company, with the impound fee billed to the vehicle owner. Solid waste and trash for the site is limited and could be accomplished through the same mobile home disposal bid.



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September 17, 2019 (Regular)

DRAFT



**Burke County Community Development
Division of Code Enforcement**

February 6, 2019

Kenneth D. Epley
5140 Foreman Street
Morganton, NC 28655

Re: Notice Regarding Un-Permitted Mobile Home- Removal Needed
911 Address: 4155 St. Paul's Church Road
Property Pin # 1763695951

To Whom It May Concern:

Following a phoned report of this property on February 4th of 2019, a zoning violation was discovered for property listed to your ownership at 4155 St. Paul's Church Road of Burke County. The violation in question regards the un-permitted placement and potential setup of a mobile home, without the approval and proper permits of Burke County Zoning or Burke County Building Inspections Department. Per our files, this office has no permits on file for the construction work found at the site. The mobile home is being classified as a Class D Singlewide, which is not permitted. A photograph of the mobile home has been included for your review.

In order to reach closure per this case file, and to avoid civil penalty, five (5) days are being allowed, from receipt of this notice, for the unpermitted mobile home to be removed from the parcel site. Zoning for the parcel to which the mobile home has been placed is zoned as Residential-2 (R-2), which prohibits the setup or allowance of metal-on-metal single wide manufactured homes. Given the fact that the mobile home cannot be permitted for permanent placement, the mobile home must be removed. Failure to comply may result in the issuance of civil penalties as required. A copy of this notice shall remain on file for future referral. For any questions, please feel free to contact this office for assistance. Your attention to these matters is most appreciated.

Sincerely,

Bradley N. Kirkley
Zoning Administrator, CZO
Code Enforcement Supervisor

CC: Violation Case File #025-19
Burke County Building Inspections Department

110 N. Green Street – Telephone (828) 764-9030 – Fax (828) 764-9021
Post Office Box 219, Morganton, NC 28680-0219

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

September 17, 2019 (Regular)

DRAFT



**Burke County Community Development
Division of Code Enforcement**

March 1, 2019

Kenneth D. Epley
5140 Foreman Street
Morganton, NC 28655

Re: Notice Regarding Un-Permitted Mobile Home- Removal Needed
HAND DELIVERED COPY

911 Address: 4155 St. Paul's Church Road
Property Pin # 1763695951

To Whom It May Concern:

Following a phoned report of this property on February 4th of 2019, a zoning violation was discovered for property listed to your ownership at 4155 St. Paul's Church Road of Burke County. The violation in question regards the un-permitted placement and potential setup of a mobile home, without the approval and proper permits of Burke County Zoning or Burke County Building Inspections Department. Per our files, this office has no permits on file for the construction work found at the site. The mobile home is being classified as a Class D Singlewide, which is not permitted. A photograph of the mobile home has been included for your review.

In order to reach closure per this case file, and to avoid civil penalty, five (5) days are being allowed, from receipt of this notice, for the unpermitted mobile home to be removed from the parcel site. Zoning for the parcel to which the mobile home has been placed is zoned as Residential-2 (R-2), which prohibits the setup or allowance of metal-on-metal single wide manufactured homes. Given the fact that the mobile home cannot be permitted for permanent placement, the mobile home must be removed. Failure to comply may result in the issuance of civil penalties as required. A copy of this notice shall remain on file for future referral. For any questions, please feel free to contact this office for assistance. Your attention to these matters is most appreciated.

Sincerely,

Bradley N. Kirkley
Zoning Administrator, CZO
Code Enforcement Supervisor

CC: Violation Case File #025-19
Burke County Building Inspections Department

110 N. Green Street – Telephone (828) 764-9030 – Fax (828) 764-9021
Post Office Box 219, Morganton, NC 28680-0219

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

September 17, 2019 (Regular)

DRAFT



Burke County Building Services
DIVISION OF CODE ENFORCEMENT

March 4, 2019

Kenneth D. Piercy
5140 Foreman Street
Morganton, NC 28655

Subject: **Notice of Condemnation of Property/Mobile Home (General Statute 153A-366)**
Property Address: 4155 St. Paul's Church Road
Property Pin # 1763695951

To Whom It May Concern:

Following a visual check of the listed property, as discovered after a mobile home was setup without a permit on February 4th of 2019, and whereas visual evidence would suggest the requirement thereof, property listed to your ownership at 4155 St. Paul's Church Road in Burke County, NC is being ruled unsafe and hazardous. The unsafe structure in question references that of a single wide mobile home, as said to have been placed without a permit and to be in occupancy without power or water service. A photo of the structure has been included for your review.

Given the extent of the issues present for the mobile home, and with the code violations and/or health hazards present, it is the opinion of Kevin Flynn, Building Inspector for Burke County that this structure has been considered to be in violation of North Carolina General Statute 153A-366. General Statute 153A-366 is the procedure of condemnation. It is through this notice that we wish to inform you that we have posted notice on the mobile home and are hereby requesting feedback from all involved parties.

In accordance with General Statute 153A-366, a hearing is being set for March 14th of 2019 at 8:00 AM. This hearing will be conducted within our offices located Door C at 110 North Green Street, Morganton. A copy of this notice shall remain on file for future reference and referral. For any questions, please feel free to contact our office for assistance.

Sincerely,

Bradley N. Kirkley
Zoning Administrator/ CZO
Code Enforcement Supervisor

CC: Condemnation Case File #025-19
Kevin Flynn, Burke County Building Inspections

110 N. Green Street – Telephone (828) 764-9030 – Fax (828) 764-9021
Post Office Box 219, Morganton, NC 28680-0219

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)



**Burke County Building Services
DIVISION OF CODE ENFORCEMENT**

COPY

March 14, 2019

Kenneth Piercy Epley
5140 Foreman Street
Morganton, NC 28655

Subject: **Order of Remedy of Property (General Statute 153A-366)**
Property Address: 4155 St. Paul's Church Road
Property Pin # 1763695951

To Whom It May Concern:

Following a public hearing, conducted on the date of this letter, the following Order is being issued regarding property listed to your ownership at 4155 St. Paul's Church Road of Burke County as described by the regulations set forth within North Carolina General Statute 153A-369. This Order is being issued regarding proper remedy concerning the Condemnation of a manufactured home located on the noted property as being placed there without proper permits from necessary county offices. The mobile home is considered a Class D manufactured home and is not permitted within the current zoning district.

You are hereby, from the issuance of this Order, allowed sixty (60) days, or until May 13th of 2019, to offer remedy for the abandoned manufactured home in the manner of:

1. Remove, by means of demolition and cleanup of the mobile home from the site. Demolition shall comprise the complete and total removal of the unit from the site, with no debris remaining. If not seeking to be demolished, relocation of the mobile home, to a separate parcel which allows for the mobile home to be placed must be obtained and carried out. If seeking to relocate the home within Burke County, proper permits must be obtained for the unit.

Failure to comply with this given Order can result in a Class 1 Misdemeanor, as outlined within North Carolina General Statute 153A-371. Let it be noted, you are allowed ten (10) days to file an appeal to this Order. All appeals must be provided in writing and supplied to the Clerk of the Burke County Board of Commissioners, as well as, Burke County Building Inspections for review.

A copy of this Order shall remain on file for future reference and referral. For any questions regarding any matters addressed herein, or to question the given Order listed, please feel free to contact this office for assistance. Your advanced cooperation and assistance shall be most appreciated.

Sincerely,

Bradley N. Kirkley
Zoning Administrator, CZO / Code Enforcement Supervisor

CC: Case File #025-19
Steve Holden, Building Official for Burke County

110 N. Green Street – Telephone (828) 764-9030 – Fax (828) 764-9021
Post Office Box 219, Morganton, NC 28680-0219

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September 17, 2019 (Regular)

DRAFT

Burke County Community Development

Building Inspections

Planning

Code Enforcement

June 13, 2019

Kenneth Piercy Epley
5140 Foreman Street
Morganton, NC 28655

Subject: **Order per General Statute 153A-366 Expired- Commissioners Decision Requested**
Property Address: 4155 St. Paul's Church Road
Property Pin # 1763695951

To Whom It May Concern:

Following a follow-up site inspection, conducted in accordance with the given Order of Condemnation from March 14th of 2019, for the required demolition or removal of an unpermitted mobile home at 4155 St. Paul's Church Road of Burke County, the timetable for demolition or removal has long since expired. This notice is to make you aware of case file transfer, and the possible progression of demolition, as initiated by Burke County and its elected/appointed offices.

Since the timeline for demolition/removal has expired, and since no written appeal was offered within ten (10) days of the given Order, no extensions are able to be given for the required removal of this noted structure. All steps associated with NC General Statute 153A-369 have been adhered to and followed in accordance with all necessary guidelines.

As such, I wish to make you aware that this case file is being transferred for decision, within the coming weeks, to the Burke County Board of Commissioners for the enforcement of demolition proceedings. The possibility of property liens, enforcement penalties, and citations will be up for review and discussion as a means of closure regarding this case file.

This letter is being mailed to you to make you aware, and should any questions arise, you will know to whom you will need to speak with concerning this matter. As the decision and meeting draws near, copies of any notices will be mailed, to this listed address, for your review. In addition, a copy is also being posted at the property site for our records.

If you have any questions or need to speak with our offices concerning this matter, please feel free to contact our office for assistance. You will be notified accordingly as matters progress. A copy of this letter will remain within our files for future referral.

Sincerely,

Bradley N. Kirkley
Zoning Administrator/CZO
Code Enforcement Supervisor

CC: Case File #025-19

P.O. Box 219, 110 North Green Street, Morganton, North Carolina 28680
Email: comdev@burkenc.org Telephone: (828) 764-9030 – FAX: (828) 764-9021

Mr. Kirkley further said there are no longer any vehicles on the property so the Board's decision tonight would not have anything to do with removing a vehicle(s) from the property. Mr. Kirkley explained that there have been no appeals and he noted that staff has sent multiple mailings

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and posted notices to the property owner. He further said that there are delinquent taxes owed on the property, so staff is asking the Board’s permission to work with the County Attorney to investigate what steps can be taken to have the mobile home removed.

Mr. Kirkley also responded to questions from Commissioner Taylor.

Motion: To uphold the condemnation ruling for the mobile home and allow for Code Enforcement to use justifiable means to remove the violations and nuisances from the property located at 4155 St. Paul’s Church Road. Any costs, via cleanup, demolition, or removal will be placed within a property lien and recorded within the Register of Deeds Office.

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

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2019-05

Timeline:

July 2, 2019 Pre-Agenda Meeting: Received staff report. The Board moved the item to August for staff to conduct additional research.

August 6, 2019 Pre-Agenda Meeting: Received staff report. Item moved to the August 20, 2019 regular meeting.

August 20, 2019 Regular Meeting: Received staff report. Held a public hearing and postponed the decision until the Board’s next regularly scheduled meeting in September (Sept. 17, 2019). Further, the Board also recessed the August 20, 2019 regular meeting until September 3, 2019 to discuss ZMA 2019-05 further.

Scott Carpenter, Deputy County Manager/Planning Director, presented information regarding ZMA 2019-05 as follows:

ZMA 2019-05 – BACKGROUND

In 2004 the Carolina Centers, LLC/Crescent Communities, LLC (property owners) petitioned Burke County to rezone approximately 1,122 acres of land off NC Highway 126 in the Linville Township into a Parallel Conditional Planned Mixed-Use District (PRMU-CD). The petition also included a Master Development Plan for six (6) individual parcels. Though the Plan has common goals for all six (6) parcels, each parcel differed slightly in how it was to develop. Overall, the Plan calls for the land to be developed for residential purposes, however, there are allowances for some recreational and commercial development as well. The rezoning and development plan were approved on May 4, 2004. The Burke County Zoning Ordinance provides a two-year vested right for development of land approved through the Conditional Zoning approval to begin. If after two years, progress has not been made toward developing the property in accordance with the approved application and conditions, the Planning Board may recommend to the Board of Commissioners that the property(s) be rezoned.

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Crescent Communities developed one of the East Lake parcels (East Lake 4 – Dry Creek Subdivision) early on but delayed further development due to the recession between 2008-2012. During this time the state enacted Session Law 2010-177. This law basically made it mandatory for all local governments to extend the vested right associated with any development plans and/or permits issued between 2008 and 2012. In January of 2012 a new extension was granted. The new “running time” of this extension was to end on March 31, 2014. On that date the vested right for the Conditional Rezoning and East Lake Development Plan technically expired. Crescent Communities have now either sold off or gifted the East Lake parcels which were approved under the Conditional Zoning. There was one new subdivision which was approved under the original East Lake Development Plan; however, the remaining parcels are not developing. This being the case, county staff is petitioning the County to rezone the remaining East Lake parcels out of the Planned Residential Mix-Use Parallel Conditional District (PRMU-CD) and remove the approved zoning standards and conditions under the original ZMA 2004-05 rezoning as stated within Section 9A13 of the Zoning Ordinance.

ZMA 2019-05 - REQUEST

Burke County Community Development staff is requesting the removal of “all” development “standards” and “conditions” approved under the original rezoning ZMA 2004-05, approved by the Burke County Board of County Commissioners on May 4, 2004. Staff is also proposing to rezone thirteen (13) parcels of land consisting of approximately 586 acres in the Linville Township. The parcels are requested to be re-zoned from the Planned Residential Mixed Use - *Conditional District* (PRMU-CD) to the Low-Density Conservation (CD-L) Zoning District.

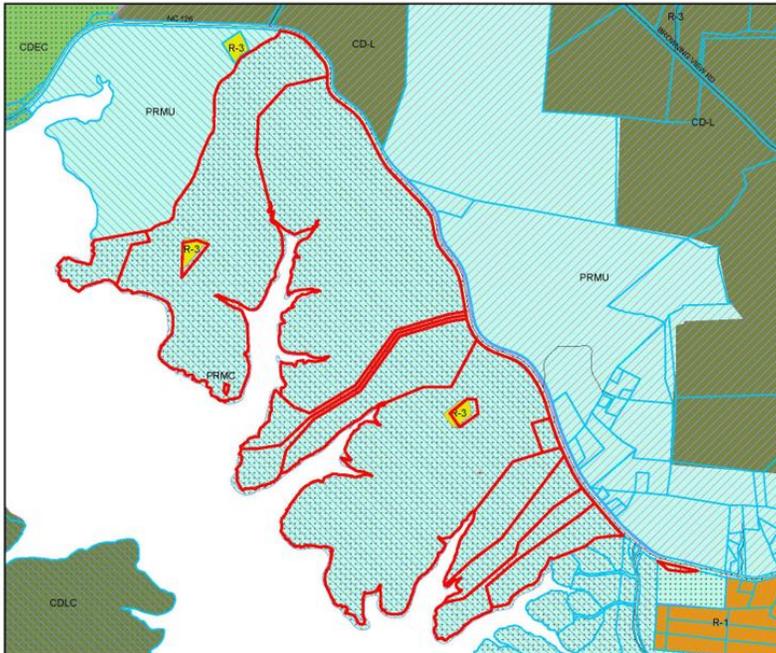
Parcel	PIN#	Acreage	Present Zoning	Proposed Zoning
1	1755243599	128.91	PRMU-CD	CD-L
2	1755047121	10.62	PRMU-CD	CD-L
3	1755440365	167.1	PRMU-CD	CD-L
4	1755314904	10.31	PRMU-CD	CD-L
5	1755314713	11.1	PRMU-CD	CD-L
6	1755427415	34.46	PRMU-CD	CD-L
7	1755510152	151.76	PRMU-CD	CD-L
9	1755618712	2.49	PRMU-CD	CD-L
8	1755602746	20.58	PRMU-CD	CD-L
10	1755604422	16.69	PRMU-CD	CD-L
11	1754692981	15.46	PRMU-CD	CD-L
12	1755608069	16.27	PRMU-CD	CD-L
13	1754895990	0.59	PRMU-CD	CD-L

If the rezoning is approved, land use of the subject properties will be regulated under the “General” zoning standards of CD-L District. These parcels are also located within the Lake Overlay District and that overlay district would remain.
ZMA 2019-05 - The parcels proposed to be rezoned are highlighted in pink

below. Note, the two parcels shown in yellow/green are not included in this rezoning.



Burke County, NC Zoning Administration Current Zoning Map



ZMA 2019-05

Applicant:
Burke County
Comm. Dev.

PIN#
Multiple

Legend

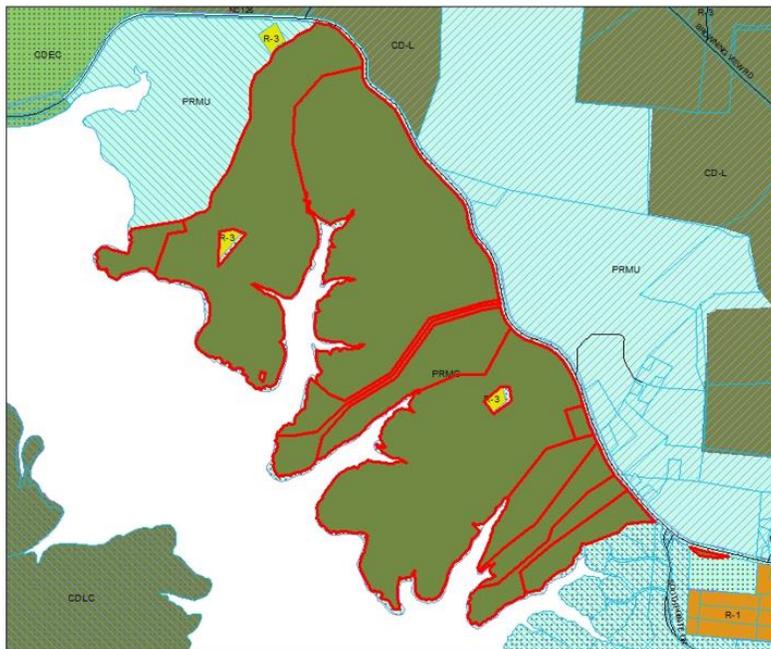
- Streets
- parcel_polygons
- Lake Overlay
- Scenic Overlay
- I-40 Overlay
- Airport Overlay
- R-1 Residential Low Density
- R-2 Residential Medium Density
- R-3 Residential
- R-MU Rural Mixed Use
- PRMU Planned Residential Mixed-Use
- PRMU Conditional
- CD-L Low Density Conservation
- CD-L Conditional
- CD-E Estate Lots
- CD-E Conditional
- N-B Neighborhood Business
- G-B General Business
- GB Conditional
- O-I Office & Institutional
- OI Conditional
- L-I Light Industrial
- IND Industrial
- IND Conditional



Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.



Burke County, NC Zoning Administration Proposed Zoning Map



ZMA 2019-05

Applicant:
Burke County
Comm. Dev.

PIN#
Multiple

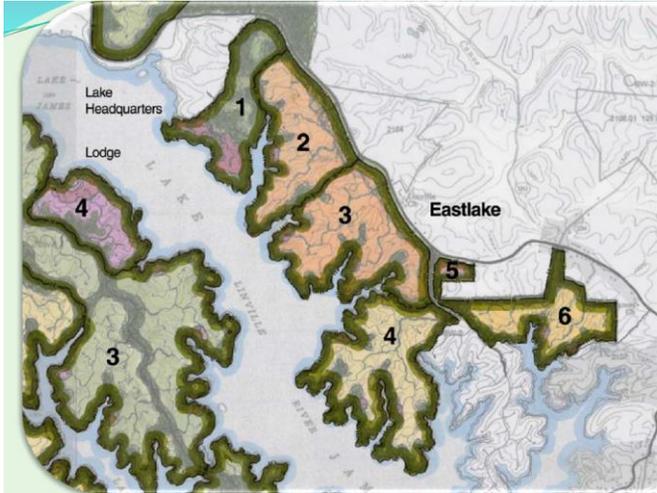
Legend

- Streets
- parcel_polygons
- Lake Overlay
- Scenic Overlay
- I-40 Overlay
- Airport Overlay
- R-1 Residential Low Density
- R-2 Residential Medium Density
- R-3 Residential
- R-MU Rural Mixed Use
- PRMU Planned Residential Mixed-Use
- PRMU Conditional
- CD-L Low Density Conservation
- CD-L Conditional
- CD-E Estate Lots
- CD-E Conditional
- N-B Neighborhood Business
- G-B General Business
- GB Conditional
- O-I Office & Institutional
- OI Conditional
- L-I Light Industrial
- IND Industrial
- IND Conditional



Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.

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STAFF COMMENTS
 The proposed re-zonings are initiated primarily to bring certain parcels into compliance with Section 9A13 of the Zoning Ordinance. Those parcels are subject to Conditional Zonings ZMA 2004-04 and ZMA 2004-05 and have not developed within the two-year vesting period and presumably never will. Parcels already developed under the adopted zoning

and development plan would continue under those approvals, however, those parcels which have not, should be rezoned to bring them into compliance.

PLANNING BOARD RECOMMENDATION

The Planning Board heard this rezoning request on May 23, 2019. Staff presented the request and submitted the phone record from citizens. There was one property owner who spoke. They were in favor of the additional conservation measures; however, they had a concern that the rezoning might have an effect on his ongoing property sale negotiations with the Foothills Conservancy. The Planning Board did not feel that was grounds to deny the rezoning request and voted unanimously in favor of the rezoning.

STATEMENT OF CONSISTENCY

When a local government adopts development regulations, including zoning maps, there must be a rational basis for determining what those regulations should be. The statement must take one of three forms:

1. A statement approving the proposed zoning amendment and describing its consistency with the plan;
2. A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or
3. A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community taken into account in the zoning amendment.

With each of these alternatives, the statement is also to include an explanation of why the board deems the action reasonable and in the public interest.

In response to a question from Commissioner Taylor, Mr. Carpenter said the options to consider are:

1. Remove the contested parcels from the rezoning and rezone the other parcels as requested.

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- 2. Rescind the East Lake Planned Residential Mixed-Use Conditional District which is essentially defunct because it was built on parameters that no longer exist because of a lack of public sewer.
- 3. Request a new Planned Residential Mixed-Use Conditional District that meets today's realities that would allow for additional units than the Low-Density Conservation District, which would allow for 110 lots, however, Mr. Zinzow's potential developer said he needed 200 lots to make any potential development viable.
- 4. The original staff-initiated rezoning request can be upheld.

Motion: To adopt Ordinance (No. 2019-07) amending the Burke County Zoning Map and related consistency statement.

**Statement of Consistency
ZMA 2019-05**

The proposed rezoning would be consistent with the 2016-2030 Burke County Strategic Land Use plan and considered reasonable and in the public interest because:

The proposed rezoning is consistent with Section 9A13 of the Zoning Ordinance to rezone parcels to an appropriate "general" zoning district when progress has not been made toward developing the parcels in accordance with the current approved "Conditional" zoning district and plan.

RESULT:	ADOPTED [3 TO 1]
MOVER:	Scott Mulwee, Vice Chairman
AYES:	Johnnie W. Carswell, Scott Mulwee and Jeffrey C. Brittain
NAYS:	Maynard M. Taylor
ABSENT:	Wayne F. Abele, Sr.

Ordinance No. 2019-07 reads as follows:

Burke County
North Carolina

An Ordinance Amending the Official Burke County Zoning Map
ZMA 2019-05

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

Thirteen (13) parcels corresponding to PIN's: 1755243599, 1755047121, 175440365, 1755314904, 1755314713, 1755427415, 1755510152, 1755618712, 1755602746, 1755604422, 1754692981, 1755608069, and 1754895990 and is hereby re-zoned from the Planned Residential Mixed-Use Conditional District (PRMU-CD) to the Low-Density Conservation Zoning District.

These parcels shall also be removed from the "East Lake PRMU-CD Ordinance" associated with 2004 Parallel Conditional rezoning.

Adopted this 17th day of September 2019.

September 17, 2019 (Regular)

DRAFT

/s/: Johnnie W. Carswell
 Johnnie W. Carswell, Chairman
 Burke Co. Board of Commissioners

Attest:

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

Note: The agenda materials for this item are hereby incorporated into the meeting minutes by reference and provided at the end of the meeting minutes.

REPORTS AND COMMENTS

GEN. SERVICES - WATER & SEWER REPORT

As requested by the Commissioners several months ago, the following report on the County's water and sewer systems was presented by Miles Champion, General Services Director. Highlights of his presentation included:

WATER & SEWER SYSTEM OVERVIEW September 17, 2019

Burke County currently operates approximately 18.5 miles of gravity sewer lines, approximately 12.0 miles of sewer force mains and approximately 93 miles of water distribution system. Discussion points of both the water and sewer system are as follows:

Water System:

Water is purchased for resale from the following water suppliers:

<u>Water Supplier</u>	<u>Million Gallons Per Month</u>
City of Morganton	54
Town of Valdese	30
Town of Long View	10
Icard Water Corporation	<u>55</u>
Total water purchased per month	149

<u>Water Storage Tanks</u>	<u>Storage Capacity (gallons)</u>
Mineral Springs Mtn	100,000
Music Mountain	100,000
Watershed	50,000
Sugarloaf	250,000
Piney Mountain	<u>200,000</u>
Total Water Storage	700,000

<u>Active Water Accounts:</u>	
Residential	1,753
Commercial/Industrial	46

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Schools	26
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Sewer System:

Sewer is pumped to the Town of Valdese and the City of Morganton for treatment.

Sewer Pump Stations:

<u>Pump Station</u>	<u>Capacity (gal./min.)</u>
Eckard Creek	1,000
George Hildebran School	300
Indian Hills	1,000
Island Creek	1,100

Active Sewer Accounts:

Residential	111
Commercial/Industrial	8
Schools	7

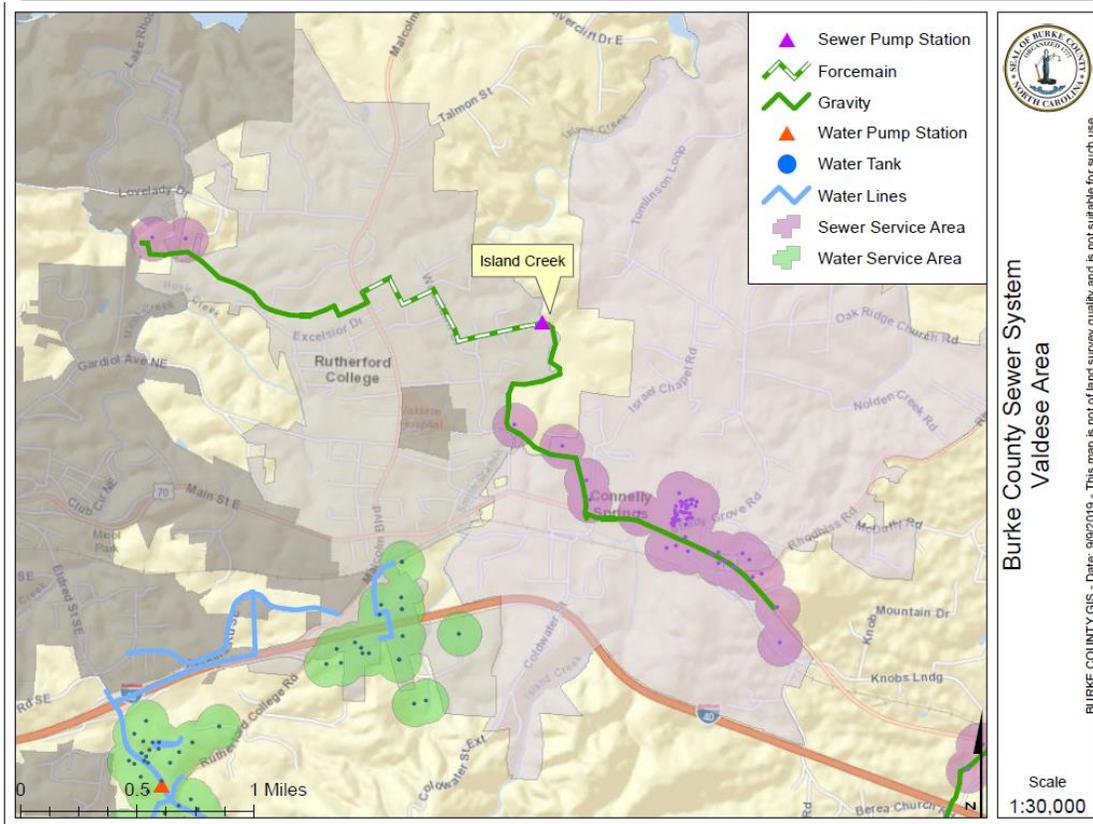
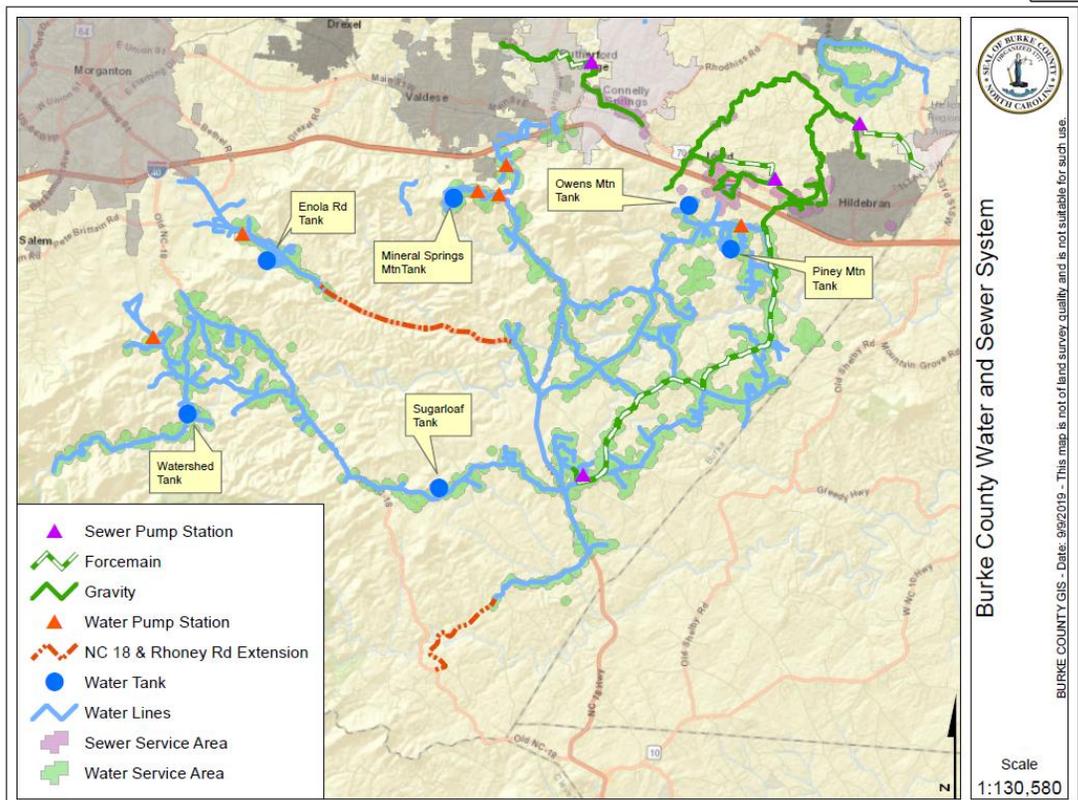
Current Projects:

The NC Hwy 18 South / Rhoney Road Water Line Project is currently under construction with the Rhoney Road line completed and in service. The Contractor is currently installing the NC Hwy 18 South segment and is on schedule. This is a \$2,000,000 CDBG (Community Development Block Grant) funded project.

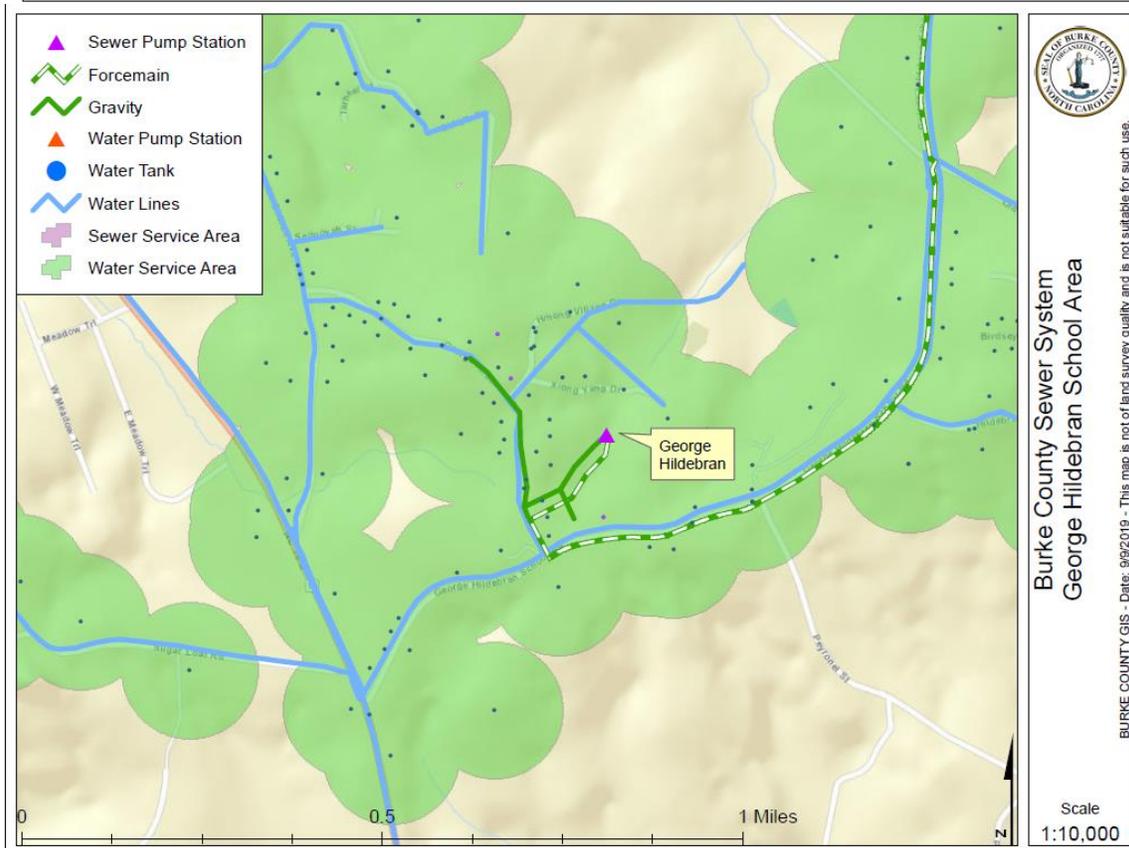
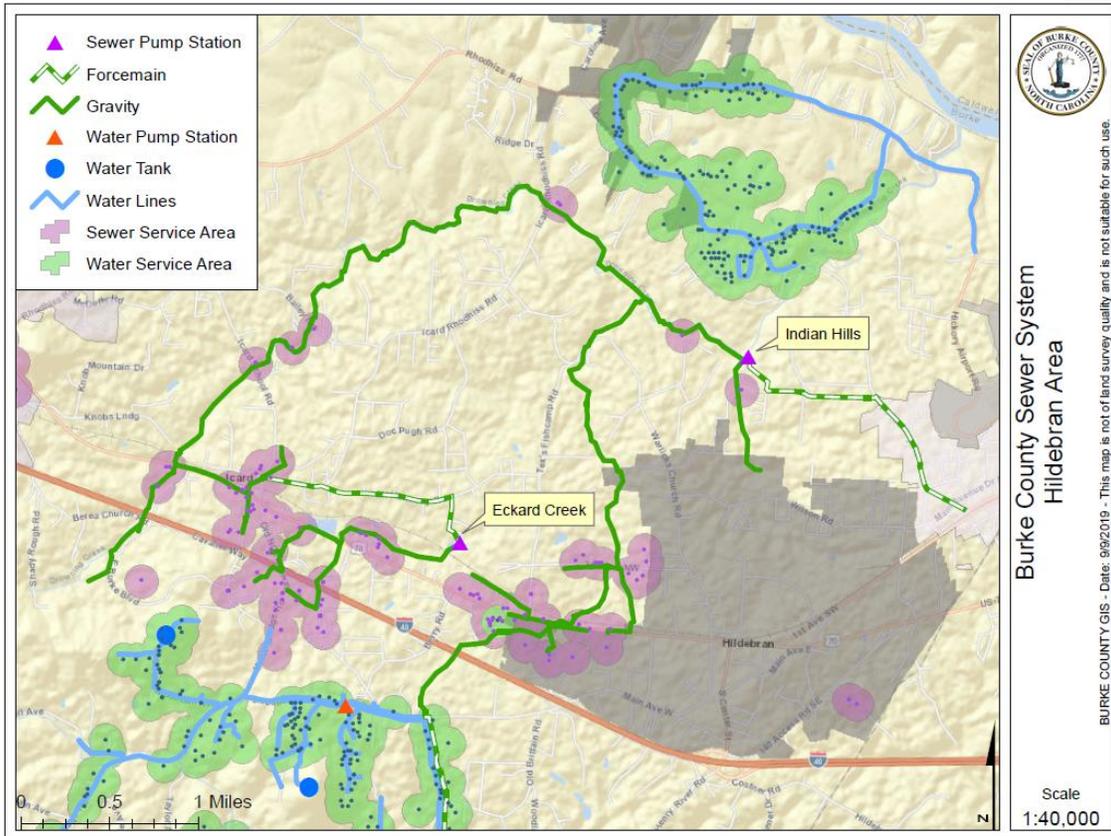
Replacement of the Eckard Creek Pump Station is a \$1,600,000 project and will begin this fall. A contractor has been awarded the work and will be starting the project this fall with completion anticipated in the spring of 2020.

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Mr. Champion said there are approximately 2,200 meters in the ground, but not all of them are active, some are vacant, under construction, etc. Regarding sewer, Mr. Champion said, this was not included in the report, but Burke County also pumps sewer to the City of Hickory as well. He said the Eckard Creek Pump Station Rebuild Project will begin in October and he noted that the project will not increase the capacity of the pump station. Mr. Champion further stated the project should take approximately 11 months to complete.

Mr. Champion responded to a question from Commissioner Taylor. Vice Chairman Mulwee commended Mr. Champion for the report.

Motion: To accept the report as presented.

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

BOC - REPORTS & COMMENTS

Reports and comments from Commissioners and staff will be accepted at this time.

Commissioner Taylor said his reports are in the agenda packet for review. He reported that he, along with other BOC members, attended the North Carolina Association of County Commissioners' (NCACC) Annual Conference. He also attended the tour of Meridian Specialty Yarn Group in Valdese, Lake James Fire and Rescue's 50th year anniversary celebration and the Morganton Festival.

Vice Chairman Mulwee said he attended many of the same events as Commissioner Taylor. He further reported that he was elected chairman of the Western Piedmont Community College (WPCC) Board of Trustees and said there are many exciting events taking place at the College, such as selecting a new president. Vice Chairman Mulwee said because of innovative measures, enrollment at WPCC has risen by nine (9) percent from the previous fall semester for the first time in years. He said the Career College Promise program has 498 high school students currently enrolled which is a 40 percent increase from last year. Vice Chairman Mulwee said he was at a Tourism Development Authority (TDA) meeting this morning and *Our State Magazine* is featuring Burke County in their October publication.

Commissioner Brittain reported the search for a new DSS Director is well underway and they have been working with a consultant to conduct the search. He said there was a meeting today with the consultant to begin narrowing down the list of candidates.

County Manager Steen reported that this is the first meeting since the new Animal Services staff was hired and that the state inspection report for the Animal Services Center (ASC) is included in the agenda packet. The shelter was closed in late spring / early summer for the floors to be resealed, then a few weeks ago, the walls were resealed. He said the inspection report indicated a few areas that needed to be corrected, which will be completed in a reasonable period of time, in addition to resealing the sally port area. County Manager Steen also said the Animal Services intake report from August 1 – August 30 is included in the packet and noted that 66 dogs and 100 cats were received into the ASC during the reporting period. He said the

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live release rate for dogs was 87 percent and 80 percent for cats. He said the goal is a 90 percent live release rate but considering that this is the first full month the new staff has been at the ASC; he believes they are doing very well.

Chairman Carswell said on behalf of the Burke County Board of Commissioners, he wants to congratulate Kevin Austin who was elected president of the NCACC (N.C. Association of County Commissioners). The Chairman further reported that he will be returning as the chair of the Legislative Affairs Committee and he reminded citizens to not litter, please spay or neuter their pets, and to "like" Burke County on Facebook.

VACANCY ANNOUNCEMENTS

CLERK - BOARDS AND COMMITTEES VACANCY REPORT

Clerk Draughn announced the following vacancies on boards and committees.

- Hickory Regional Planning Commission
- Adult Care & Nursing Home Community Advisory Committee
- Council on Aging
- Juvenile Crime Prevention Council
- City of Morganton - Board of Adjustment (ETJ)
- City of Morganton - Planning Board (ETJ)
- Voluntary Agriculture Board
- Burke Co. Board of Adjustment & Planning Board
- Western Piedmont Regional Transit Authority - Transportation Advisory Board
- Partners Behavioral Health Mgmt.
- Burke Senior Center Advisory Council
- Recreation Commission

CLOSED SESSION

BOC - CLOSED SESSION TO DISCUSS THREATENED OR PENDING LITIGATION, TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE, TO DISCUSS ECONOMIC DEVELOPMENT MATTERS AND TO DISCUSS PERSONNEL MATTERS AS AUTHORIZED BY NCGS 143-318.11(A)(3), (4) AND (6).

Motion: To go into closed session.

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

Motion: To come out of closed session.

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

RETURN TO OPEN SESSION

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RESULT: NO ACTION TAKEN IN CLOSED SESSION

ADJOURN

Motion: To adjourn at 8:04 p.m.

RESULT: APPROVED [UNANIMOUS]

MOVER: Scott Mulwee, Vice Chairman

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

ABSENT: Wayne F. Abele, Sr.

Approved this 21st day of April 2020.

Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

Minutes Acceptance: Minutes of Sep 17, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

October 1, 2019 (Pre-Agenda)

DRAFT

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

The Burke County Board of Commissioners held a pre-agenda meeting on Tuesday, October 1, 2019 at 3:00 p.m. They met in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E in Morganton, NC. Those present were:

COMMISSIONERS: Johnnie W. Carswell, Chairman
Scott Mulwee, Vice Chairman
Wayne F. Abele, Sr.
Jeffrey C. Brittain
Maynard M. Taylor

STAFF PRESENT: Bryan Steen, County Manager
Scott Cook, Deputy Finance Director
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

STAFF ABSENT: Margaret Pierce, Deputy County Manager/Finance Director
(Family medical event.)

CALL TO ORDER

Chairman Carswell called the meeting to order at 3:00 p.m. Chairman Carswell asked the Board to remember Margaret Pierce's husband, Will Pierce, in their thoughts and prayers as he is dealing with a serious medical event.

APPROVAL OF THE AGENDA

Motion: To approve the agenda.

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

PRESENTATIONS

AS - PET OF THE MONTH (PLACE HOLDER)

Kaitlin Settlemyre, Animal Services Director, said Animal Services staff will present a dog or cat in need of its "forever" home at the regular meeting. She also reported the dog that was presented at the previous meeting, Caesar, was pulled by K9s for Warriors and will begin training to become a service dog for a veteran.

RESULT:	MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 10/15/2019 AT 6:00 PM
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SPRINGS OF HOPE - US - PROCLAMATION DECLARING NOV 2019 AS NATIONAL VETERANS & FAMILIES MONTH

Minutes Acceptance: Minutes of Oct 1, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

On behalf of Springs of Hope – US, Kim James, Burke Recovery Executive Director, presented the following proclamation declaring November 2019 as National Veterans and Families Month and urged citizens, government agencies, public and private institutions, businesses and schools in Burke County to recommit our community to increasing awareness and understanding of PTSD, specifically in veterans, and the need for appropriate and accessible services for veterans and their families and the complications and struggles for daily living in wellness and peace. She also reported the co-founders of Springs of Hope, who are members of the Burke Substance Abuse Network, were unexpectedly called out of town.

**PROCLAMATION
DECLARING NOVEMBER 2019 AS VETERANS AND MILITARY FAMILIES MONTH**

WHEREAS, veterans and their families are an integral, valued element of our community, and

WHEREAS, providing resources and support to said veterans and military families is a national imperative, and

WHEREAS, preventing and overcoming trauma incurred by veterans and their families, is essential to achieving healthy lifestyles both physically and emotionally, and

WHEREAS, Post-Traumatic Stress Disorder (PTSD) is a condition that greatly impacts veterans and their families on multiple levels, and

WHEREAS, we must encourage relatives and friends of veterans with PTSD to implement intervention measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services, and

WHEREAS, according to the Veterans Administration, 30% of Vietnam Veterans, 12% of Desert Storm Veterans, and 20% of Operations Iraqi Freedom and Enduring Freedom have been diagnosed with PTSD at some point in their lifetime, and

WHEREAS, according to the Veterans Administration, 22 veterans commit suicide every day; this is the equivalent of 9/11 occurring every four-and-a-half months, and

WHEREAS, to help more veterans and their families address and cope with PTSD and the resulting lifelong impact, Springs of Hope - US invites Burke County residents to reach out to their military friends and relatives in need in recognition of National Veterans and Military Families Month.

NOW, THEREFORE, the Burke County Board of Commissioners do hereby proclaim November 2019 as National Veterans and Military Families Month in Burke County, North Carolina. Further, the Commissioners urge citizens, government agencies, public and private institutions, businesses and schools in Burke County to recommit our community to increasing awareness and understanding of PTSD, specifically in veterans, and the need for appropriate and

accessible services for veterans and their families and the complications and struggles for daily living in wellness and peace.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 10/15/2019 AT 6:00 PM

SCHEDULED PUBLIC HEARINGS - NONE

CONSENT AGENDA

AS - APPROVAL OF NEW FEE SCHEDULE

Kaitlin Settlemyre, Animal Services Director, presented information regarding the approval of a new fee schedule as follows:

This is a request to incorporate pull fees for animals that are transferred to an approved rescue and that received preventative care on intake to recover costs of the services provided at the county’s expense, including vaccines and internal and external parasite control treatments. Prior to August 2019, animals did not receive preventative care. Some advantages include fewer disease outbreaks, increased adoptions, more timely rescue pulls, safety from zoonotic diseases and parasites to staff members, volunteers, and members of the public, increased likelihood of being able to place animals in foster homes, and to overall enhance our life saving operations. Surrounding counties including Caldwell, Catawba, Rowan, and Davidson counties charge fees for rescues to transfer animals into their care.

These fees are not for the ASC to make a profit from rescues. These fees were determined based off the expense to the ASC for these services.

Further, the ASC Director believes a reduction in the adoption fee for cats would increase adoption rates. Currently, the adoption fee for a cat/kitten is \$125. The ASC Director recommends a fee of \$90. This lower fee would still cover the spay/neuter cost as well as preventive care costs. A lower adoption fee for cats was mentioned as a change for the new ASC operations prior to August 2019.

The ASC Director believes that increasing boarding fees is necessary for daily operations. Animals receive preventative care on intake as well as socialization and enrichment throughout their stay.

The ASC Director feels that changing the “Owner Surrender Reclaim Fee” to an “Owner Surrender Fee” will further assist in life saving operations. These fees help cover the costs of caring for people’s pets until it is adopted, including food, cleaning, vaccinations and medical care. We are committed to finding loving homes for all healthy, adoptable pets.

If approved, the new fees shown in bold would take effect on November 1, 2019.

Current		Proposed	
General Board Fee	\$5 / day	General Board Fee	\$10 / day

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Isolation Cell Board	\$8 / day	Isolation Cell Board	\$15 / day
Rabies Vaccine (Citizen Reclaim)	\$10 each	Rabies Vaccine (Citizen Reclaim)	\$10 each
Capture Fee	\$10	Capture Fee	\$10
Animal Bite Pick Up	\$20	Animal Bite Pick Up	\$20
Owner Surrender Reclaim Fee	\$25	Owner Surrender Fee (Single Pet)	\$10
	\$75	Owner Surrender Fee (Multiple Pets)	\$25
Chemical Capture Fee		Chemical Capture Fee	\$75
Adoption Fee (canine/feline)	\$125	Canine Adoption Fee	\$125
Veteran Discount	10%	Feline Adoption Fee	\$90
		Veteran Discount	10%
AC Civil Citation 1st Offense	\$50	AC Civil Citation 1st Offense	\$50
AC Civil Citation 2nd Offense	\$100	AC Civil Citation 2nd Offense	\$100
AC Civil Citation 3rd Offense	\$200	AC Civil Citation 3rd Offense	\$200
		Rescue Pull Fees	
		Cats	\$12 each
		Kittens (B/T 4 wks and 8 wks)	\$5 each
		Dogs	\$27 each
		Puppy (B/T 4 wks and 8 wks)	\$12 each
		Spay/Neuter Fee	*\$60

***The Spay/Neuter Fee would be added if the spay or neuter was performed at the county's expense.**

Ms. Settlemyre also said Animal Services is seeking to implement an intake vaccine protocol which will help cut down on animal illness and increase the life-saving mission of the Animal Services Center (ASC). She said they have priced out everything to what it would cost the ASC and adjusted those fees per animal. Ms. Settlemyre noted that the proposed fees were made in conjunction with Dr. Dunning (a local veterinarian). She said one reason Animal Services is proposing to increase the board fee is because some citizens will surrender their animals to the ASC for three (3) days and then pick it up for \$15 so they can go on a trip, which is not the purpose of the ACS.

Commissioner Taylor asked is the \$125 adoption fee for dogs a deterrent to getting them adopted. Ms. Settlemyre said she would love to recommend a lower adoption fee; however, it costs approximately \$60 - \$75 to spay or neuter and then an additional \$30 for vaccines. Commissioner Taylor asked would Animal Services consider holding special adoption events with lower fees if the ASC is inundated with dogs. Ms. Settlemyre said she believes adjusting the fees would need to be approved by the Board and noted that other shelters do have discounted adoption events and that could be implemented here. Ms. Settlemyre also responded to an additional question from Commissioner Taylor.

County Manager Steen said if the Board is agreeable, they could give him the authority to

October 1, 2019 (Pre-Agenda)

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adjust the fees for special events. Ms. Settlemyre said some shelters have a donation line so they can decrease the cost of adoptions and recuperate what they would have charged from the donation line. Commissioner Brittain suggested that the Animal Advisory Board (AAB) consider that and provide a recommendation to the Board. Chairman Carswell and Vice Chairman Mulwee concurred with Commissioner Brittain and expressed a desire to be able to reduce adoption fees.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 10/15/2019 AT 6:00 PM

BCPS - SCHOOL CONSTRUCTION CHANGE ORDERS NO'S. 14 & 15

Doug Setzer, Auxiliary Services Director, with Burke Co. Public Schools (BCPS) reviewed Change Orders No. 14 and 15 for the new Mountain View Elementary School. Because the County is a party to the financing, approval by the Board of Commissioners is necessary, and change orders over \$25,000 require Board approval.

Change Order No. 14	(\$347,020.15)	
Original canopy change order		
(from change order number 12)		\$358,757.00
Costs incurred to date		(\$11,736.85)
Peachtree Engineering & sub.		(\$8,960.00)
HCC labor & processing		(\$1,280.00)
Labor burden		(\$678.00)
OH&P		(\$818.85)
Canopy credit to Burke Schools		(\$347,020.15)

Change Order No. 15	\$27,594.00	
Delete control wire conduit		\$0.00
Reconfigure condenser racks		\$669.00
Dumpster pad drain changes		\$5,605.00
Added electrical kitchen work		\$5,491.00
HVAC Paint Credit at HW lines		(\$1,917.00)
Auditorium aisle lighting		\$6,032.00
Change gas regulators at meter		\$3,688.00
Credit for delete 2 plaques		(\$3,000.00)
Upgrade to electronic strikes		\$10,037.66
Add one safety harness anchor		\$1,300.00
Milk loss credit		(\$312.23)

Chairman Carswell opened the floor for questions or comments. Mr. Setzer elaborated that the State recommends a five (5) percent budget for change orders and these put them at about two and one half (2 ½) percent. Further, he reported these are the last change orders and that Burke Co. Public Schools met with the architect last Friday and received a certificate of compliance including disciplines such as the HVAC, mechanical, plumbing, electrical, and verified the school was constructed as it should be. Mr. Setzer hoped to close everything out by October 31st, and noted he is holding one more pay application until the pumps at the athletic field are finished as well as some minor landscaping and re-seeding work are completed.

Chairman Carswell commended Mr. Setzer for his hard work.

Minutes Acceptance: Minutes of Oct 1, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 10/15/2019 AT 6:00 PM

CO. MGR. - RESOLUTION AUTHORIZING LEASE AMENDMENT OF REAL PROPERTY

County Manager Steen presented information regarding the resolution authorizing lease amendment of real property as follows:

The State of North Carolina wishes to continue leasing office space at 110 N. Green Street (Suite A) (Probation/Parole) until January 31, 2023 for an annual rent of \$10,816 or \$10.40 per 1,040 square ft. The required 30-day notice was posted on the County's website and published in the News Herald on September 5, 2019 in accordance with NCGS 160A-272.

Resolution Approving Lease of Real Property
110. N. Green Street – Suite A
Morganton, NC

WHEREAS, the County of Burke owns property located at 110 N. Green Street (Suite A) in Morganton; and

WHEREAS, the State of North Carolina has leased office space (110 N. Green Street -Suite A) from the County for probation/parole offices for several years and wishes to continue; and

WHEREAS, as set forth in Amendment No. 4, the Lessee will lease 1,040 sq. ft. of net useable office space at an annual rent of \$10,816. 00 through January 31, 2023; and

WHEREAS, North Carolina General Statute § 160A-272 authorizes the County to enter into leases of up to 10 years upon resolution of the County Commissioners adopted at a regular meeting after 30 days' public notice; and

WHEREAS, the required notice has been published and the County Commissioners are convened in a regular meeting.

NOW THEREFORE BE IT RESOLVED that the County Commissioners of Burke County hereby approves the lease of county property described above to the State of North Carolina and authorizes the County Manager to execute the lease on behalf of the Board.

County Manager Steen responded to questions from Commissioners Brittain and Taylor.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 10/15/2019 AT 6:00 PM

ITEMS FOR DECISION

BOE - FUNDING / APPROVAL OF NEW VOTING MACHINES (PLACE HOLDER)

Minutes Acceptance: Minutes of Oct 1, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

Information from the agenda packet:

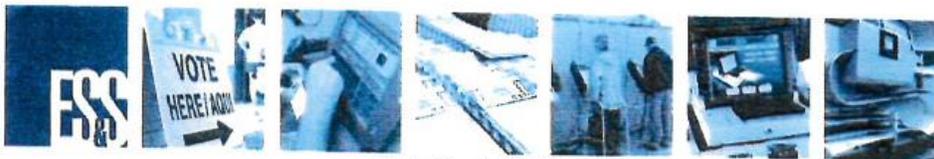
The State Board of Elections recently certified the voting equipment to be used in the November 2020 elections. The Board of Elections and elections staff witnessed demonstrations of the recommended voting equipment as well as another type of voting system certified by the State Board of Elections. As indicated in the following resolution from the BOE, the recommended equipment is the DS-200 & Express Vote by ES&S/Printelect. The new voting equipment and related supplies need to be ordered so they arrive in time for the next election. However, funding was not included in the FY 19-20 budget because, at the time, staff believed the certification process would not occur until the next budget cycle. The estimated cost is about \$800,000 which includes a rebate for the existing equipment. The Elections Director and/or the Chairman of the Board of Elections will present a more definitive funding request at the regular meeting.

Budgetary Effect: +/- \$800,000. An appropriation of General Fund, Fund Balance is necessary to move forward with the purchase of voting equipment and supplies.

Debbie Mace, Elections Director, said she received a quote of \$606,551.19 (shown below) today from ES&S and Printelect which she distributed to the Board and reviewed. Ms. Mace said the quoted voting equipment will take care of all Burke County's voting needs for many years and the \$21,045 maintenance / hardware cost is cheaper than what they currently pay (\$47,000). Further, she said most counties are going with the same voting equipment.

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Total
606,551.¹⁹



Burke County, NC BOE
Purchase Proposal Quote
Submitted by Election Systems & Software

Purchase Solution Includes:

Quantity	Item Description	Price
Tabulation Hardware		
Model DS200 Precinct Scanner:		
48	Model DS200 (Includes Scanner, Internal Backup Battery, Plastic Ballot Box with Steel Door and e-Bin, Paper Roll and One (1) Standard 4GB Memory Device)	\$276,000.00
48	Tote Bin	\$10,800.00
25	Standard 4GB Memory Device (Additional)	\$2,625.00
ExpressVote Ballot Marking Device:		
45	ExpressVote BMD Terminal (Includes Terminal, Internal Backup Battery, ADA Keypad, Headphones, Power Supply with AC Cord, and One (1) Standard 4GB Memory Device)	\$149,625.00
45	Soft-Sided Case	\$7,875.00
ExpressVote Add-Ons:		
48	DS200 Paper Guide	\$480.00
Election Services		
2	Implementation Services (Does not include Coding, Voice Files or Ballots)	\$3,400.00
X	Equipment Operations Training	
X	Poll Worker Train-the-Trainer	
1	Election On-Site Support (One Event includes a person on-site the day before, day of, and day after election)	\$4,675.00
X	Equipment Installation	\$10,245.00
X	1 Year Hardware and Firmware Warranty	Included
Shipping & Other		
X	Shipping and Handling	\$9,495.00
X	Customer Loyalty Discount and Trade-In Allowance. Equipment Being Traded-In by Customer Includes: 5-Model 100 Scanner 5-Model 100 Ballot Box 1-AutoMARK 244-Ivotronic Terminal (Voter, ADA, and/or Supervisor) 244-Ivotronic RTAL Booth WITH Printer	\$1,800.00
Total Purchase Solution		\$395,208.00

Annual Post-Warranty Hardware Maintenance and Support Fees:

48	HMA DS200 - Extended Warranty with Annual Maintenance	\$8,880.00
45	HMA ExpressVote BMD - Extended Warranty with Annual Maintenance	\$5,400.00

Annual Post-Warranty Firmware License and Maintenance and Support Fees:

48	Firmware License - DS200	\$3,840.00
45	Firmware License - ExpressVote	\$2,925.00

Post-Warranty License and Maintenance and Support Fees		\$21,045.00
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Minutes Acceptance: Minutes of Oct 1, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)



QUOTATION

PO Box 13216 · New Bern, NC 28561
 800.682.4500 (Toll Free) · 252.637.9320 (Fax)
 www.printelect.com

DATE: 9/22/2019

CUSTOMER INFORMATION:

CUSTOMER Burke County Board of Elections
CONTACT Debbie Mace, Director
ADDRESS
CITY Morganton
STATE NC
ZIP
EMAIL debbie.mace@burkenc.org

Product #	Product Description	Quantity	Cost	Total
1589-01	Red Supply Bags	40	-16.95	678.00
1589-02	Blue Supply Bags	40	16.95	678.00
2251-01	EZ Cart 3000 (Red) w ramp for DS200 w locking casters	40	1700.00	58,000.00
1588-02	Roll A Vote (Blue)	45	159.98	7,199.10
2250-01	X4 Four-in-One Booth	157	699.00	109,743.00
Subtotal				176,298.10
Shipping				14,000.00
Total				190,298.10

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Brittain asked if the equipment will utilize a paper ballot that the voter will feed into a machine. Ms. Mace said yes and proceeded to describe some of the features of the new ES&S machines. Vice Chairman Mulwee asked Ms. Mace to describe her history with the proposed vendor. Ms. Mace said she has been with the County for approximately 14 years and the iVotronic machines were purchased when she first arrived, and they have had no issues with them. Ms. Mace said she has references for ES&S and noted they are a third-generation company that has done business with North Carolina for a long time. In response to a question from Chairman Carswell, Ms. Mace said the vendor originally offered between \$40,000 - \$50,000 for a trade-in allowance, but in the quote she received, they are now offering \$80,011.91 for all their machines, which will be hauled away by the vendor. She also stated the credit did not print clearly on the handout she provided. Ms. Mace, in response to another question from Chairman Carswell said she would check with ES&S about them purchasing any left-over paper. Next, Chairman Carswell asked Ms. Mace to explain how the votes get back to her office once an election is complete. Ms. Mace said the way it works now is that once the last person votes, the votes are downloaded from the machines then they must print them on a tape, which is very time consuming. She said the with the new equipment, once the last person has voted, a "close" button is pressed which immediately begins the printing process and will drastically

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reduce their wait time. Commissioner Taylor asked how much did the iVotronic machines cost when they were initially purchased. Ms. Mace said with a grant that paid 50 percent of the price, the cost was almost \$4 million for all the equipment. In response to another question from Commissioner Taylor, Ms. Mace said the County could pay half of the cost for the new equipment in December when it is ordered and the remaining balance in July.

In response to a question from Mr. Kirksey, BOE Chairman, concerning the status of a leaking roof at the Board of Elections office where the voting equipment is stored, Ms. Mace advised that the roof has not leaked in several weeks despite a recent heavy rain shower and believes the repair was successful. County Manager Steen elaborated on the work performed by the General Services Department to repair the roof leak.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 10/15/2019 AT 6:00 PM

DSS - REQUEST FOR PROPOSALS FOR OUTSOURCING OF CHILD SUPPORT (PLACE HOLDER)

Kathy Craig, Interim DSS Director, reported a staffing study, prepared by The Cansler Group, was completed for the Dept. of Social Services in April 2019 and one of the recommendations, among others, was for the County to explore outsourcing child support services. A "Request for Proposals" was published on the County website on August 12, 2019. The responses were due September 6, 2019 and four (4) proposals were received. The proposals were reviewed and ranked by a team consisting of Kathy Craig, Interim DSS Director; Amanda Grady, DSS Economic Services Program Administrator; and Margaret Pierce, Deputy County Manager/Finance Director. The proposals and scoring sheets are in the process of being provided to the DSS Board. The DSS Board will meet on October 15, 2019 to consider proposals to move forward with the outsourcing of child support services and the outcome of the action taken by the DSS Board will be shared at the County Commissioner's meeting on October 15, 2019.

Chairman Carswell opened the floor for questions or comments from the Board. Commissioner Taylor asked what are the main objectives for outsourcing child support services. Ms. Craig said the main reason they are exploring this option is to see if they can get better outcomes for citizens in a more cost-effective way. Commissioner Taylor also asked if it would be more cost effective to outsource child support. Ms. Craig said they are currently evaluating those numbers and said three (3) of the proposals they received would be in line with that they are spending now or would need to spend based on the staffing study that was completed last year. Next, Commissioner Taylor asked what the County might lose, if anything, by outsourcing child support services. Ms. Craig said DSS would still be responsible for the outcomes of child support, this was communicated to the potential vendors and regular reports would be required. If the vendor is not meeting expectations, then DSS could terminate their contract or utilize other measures. She said the companies they are considering are all experienced and have good track records, they work successfully with other counties, receive the same support from the State, and are required to operate and function the same as Burke County DSS. Ms. Craig further explained that some of the companies provide additional resources to noncustodial parents to get them employed so they can pay their child support and that is something DSS cannot do. She said she does not believe they would lose anything other than the day-to-day operational oversight, but DSS would still have broad oversight. Ms. Craig then responded to an additional question from Commissioner Taylor. Next, Vice Chairman Mulwee asked how many

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other counties are utilizing similar companies. Ms. Craig said around 20 and believes that number will increase. Then a brief discussion ensued on the outcomes that other counties have experienced from outsourcing child support services, with the majority of those outcomes being positive.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 10/15/2019 AT 6:00 PM

CONSENT AGENDA - CONTINUED

The Tax administrator was not present when his items were initially called up. Therefore, the Board moved on.

TAX DEPT. - COLLECTION REPORT AND RELEASE REFUND REPORT FOR SEPTEMBER 2019

Danny Isenhour, Tax Administrator, reported the Collection Report and the Release Refund Report for September were not ready but will be provided to the Clerk soon.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 10/15/2019 AT 6:00 PM

TAX - RESOLUTION RESCINDING MOTOR VEHICLE VALUATION REVIEW COMMITTEE

Danny Isenhour, Tax Administrator, reported in 1993, the Commissioners established the Motor Vehicle Valuation Review Committee. To the best of his knowledge, the Committee was never seated or met, and believes the Committee is no longer needed. The following resolution rescinds the Motor Vehicle Valuation Review Committee for the official record.

Resolution Rescinding the Motor Vehicle Valuation Review Committee

Whereas, in 1993, the Commissioners established the Motor Vehicle Valuation Review Committee by resolution in accordance with the Machinery Act of North Carolina; and

Whereas, the Committee was never seated or met; and

Whereas, the Tax Administrator believes the Committee is no longer needed and the authorizing resolution should be rescinded; and

Whereas, motor vehicle valuation appeals are reviewed by the Tax Assessor; and

Whereas, the Tax Assessor has not received any motor vehicle valuation appeals to date; and

Whereas, the Board of Equalization and Review will handle any appeal of the Tax Assessors' ruling related to the valuation if a motor vehicle.

Now therefore be it resolved that the Burke County Board of Commissioners hereby rescinds the 1993 resolution establishing the Motor Vehicle Valuation Review Committee for the official record.

Appeals to motor vehicles are reviewed at the assessor level and there have not been owner appeals beyond this level. Should one be received, the Board of Equalization and Review will handle the appeal.

Mr. Isenhour also said the intent of this committee was to handle the appeals that went above the Tax Administrator’s authority. Because the committee never met, he recommends that it be rescinded, and noted that appeals are being handled by the Board of Equalization and Review. Chairman Carswell asked if the State mandated the County to create this committee. Mr. Isenhour said it was recommended at the time, however, no one was ever seated on the committee.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 10/15/2019 AT 6:00 PM

REPORTS

OTHER DISCUSSION ITEMS

County Manager Steen reported that he received an email this morning from the United States Department of Justice which indicated that Burke County was awarded a \$600,000 opioid treatment grant, \$200,000 a year for three (3) years. He requested to place this on the Board’s October 15, 2019 agenda under “Items for Decision”. There was no objection to adding the item to the agenda.

Chairman Carswell reminded the Board of the following upcoming events:

- Save the date – November 15 – Valdese Library Expansion Celebration.
- Save the date – December 20 – Burke Co. Jail Opening (Tentative).
- Candidates Forum – October 1 - Leviton Auditorium at Western Piedmont Community College at 5:30 p.m.

ADJOURN

Motion: To adjourn at 3:50 p.m.

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

Approved this 21st day of April 2020.

Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

October 1, 2019 (Pre-Agenda)

DRAFT

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

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October 15, 2019 (Regular)

DRAFT

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

The Burke County Board of Commissioners held a regular meeting on Tuesday, October 15, 2019 at 6:00 p.m. They met in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E in Morganton, N.C. Those present were:

COMMISSIONERS: Johnnie W. Carswell, Chairman
Wayne F. Abele, Sr.
Maynard M. Taylor

COMMISSIONERS ABSENT: Scott Mulwee, Vice Chairman (Out of town.)
Jeffrey C. Brittain (Out of town.)

STAFF PRESENT: Bryan Steen, County Manager
Margaret Pierce, Deputy County Manager/Finance Director
Scott Cook, Deputy Finance Director
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

CALL TO ORDER

With a quorum present, Chairman Carswell called the meeting to order at 6:00 p.m. He took a moment to remember Elizabeth Cooper, former Burke County Register of Deeds, who recently passed away.

INVOCATION

Jeff Lovitt, Morganton Church of Christ, delivered the invocation.

PLEDGE OF ALLEGIANCE

Under the leadership of Principal Randy Sain, Hildebran Elementary School students led the Pledge of Allegiance to the American Flag. Afterwards, they had a commemorative photograph taken with the Commissioners and staff.

APPROVAL OF AGENDA

The following items were added to the agenda:

- BOC – Resolution in Support of Breast Cancer Awareness Month (Consent Agenda)
- Clerk – Appointment to JCPC & Planning Board (Consent Agenda)
- CA – Approval of Settlement (Burke County V. Padgett) – (Items for Decision)
- WPCC – Project 2516-New Trades Building – (Items for Decision)
- Health – HARBOUR Lead Grant Program – (Items for Decision)

Motion: To approve the agenda as amended.

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

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APPROVAL OF MEETING MINUTES

Motion: To approve the meeting minutes of May 30, 2019 (recessed) as written.

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

PRESENTATIONS

ASD - PET OF THE MONTH

Kaitlin Settlemire, Animal Services Director, and Lindsay Stump, Animal Services Coordinator, presented Bo, a dog in need of his "forever" home. Ms. Settlemire reported Caesar, the previous dog of the month, was adopted by K9s for Warriors and will be trained to be a service dog for a veteran.

RESULT:	NO ACTION TAKEN
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SPRINGS OF HOPE - US - PROCLAMATION DECLARING NOV 2019 AS NATIONAL VETERANS & FAMILIES MONTH

Jason Webb, CEO and Co-founder of Springs of Hope, presented information regarding Springs of Hope – US – proclamation declaring November 2019 as National Veterans & Families month as follows:

This proclamation declares November 2019 as National Veterans and Families Month and urges citizens, government agencies, public and private institutions, businesses and schools in Burke County to recommit our community to increasing awareness and understanding of PTSD, specifically in veterans, and the need for appropriate and accessible services for veterans and their families and the complications and struggles for daily living in wellness and peace.

Mr. Webb introduced Shane Fulp, COO and Co-founder as well as a former public safety officer with the City of Morganton. He also introduced David Cheni, Director of Civil and International Ministries. Mr. Webb then read the proclamation. He said Springs of Hope – US reaches out to veterans, one life at a time, and offers support services that will help them reduce the impact of PTSD in their lives. He said they work to restore families, marriages and save lives. Mr. Fulp and Mr. Cheni expressed appreciation for being able to present the proclamation to the Board.

Chairman Carswell opened the floor for comments. Commissioner Taylor expressed his support for veterans and said without them there would be no free America. He said he appreciates the price they paid and continue to pay for serving. Chairman Carswell said as a Vietnam era veteran himself, he appreciates everything said in the proclamation. He said he lost numerous friends that he went into the army with and he expressed appreciation for what Springs of Hope – US does and what they will continue to do.

Motion: To approve Proclamation No. 2019-05.

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

Proclamation No. 2019-05 reads as follows:

BURKE COUNTY
NORTH CAROLINA

PROCLAMATION
DECLARING NOVEMBER 2019 AS VETERANS AND MILITARY FAMILIES MONTH

WHEREAS, veterans and their families are an integral, valued element of our community, and

WHEREAS, providing resources and support to said veterans and military families is a national imperative, and

WHEREAS, preventing and overcoming trauma incurred by veterans and their families, is essential to achieving healthy lifestyles both physically and emotionally, and

WHEREAS, Post-Traumatic Stress Disorder (PTSD) is a condition that greatly impacts veterans and their families on multiple levels, and

WHEREAS, we must encourage relatives and friends of veterans with PTSD to implement intervention measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services, and

WHEREAS, according to the Veterans Administration, 30% of Vietnam Veterans, 12% of Desert Storm Veterans, and 20% of Operations Iraqi Freedom and Enduring Freedom have been diagnosed with PTSD at some point in their lifetime, and

WHEREAS, according to the Veterans Administration, 22 veterans commit suicide every day; this is the equivalent of 9/11 occurring every four-and-a-half months, and

WHEREAS, to help more veterans and their families address and cope with PTSD and the resulting lifelong impact, Springs of Hope - US invites Burke County residents to reach out to their military friends and relatives in need in recognition of National Veterans and Military Families Month.

NOW, THEREFORE, the Burke County Board of Commissioners do hereby proclaim November 2019 as National Veterans and Military Families Month in Burke County, North Carolina. Further, the Commissioners urge citizens, government agencies, public and private institutions, businesses and schools in Burke County to recommit our community to increasing awareness and understanding of PTSD, specifically in veterans, and the need for appropriate and accessible services for veterans and their families and the complications and struggles for daily living in wellness and peace.

Approved this 15th day of October 2019.

October 15, 2019 (Regular)

DRAFT

/s/ Johnnie W. Carswell
 Johnnie W. Carswell, Chairman
 Burke County Board of Commissioners

SCHEDULED PUBLIC HEARINGS - NONE

INFORMAL PUBLIC COMMENTS

At 6:14 p.m. Chairman Carswell opened the floor for informal public comments. There was one (1) citizen who signed up to address the Board.

Megan Roper, 1190 Misty Morn Drive, Lenoir, said she is one (1) of three (3) staff attorneys at Burke County DSS and the only one who handles Child Support and Adult Protective Services cases. Ms. Roper said since the time she was hired, the DSS legal workload has grown and while there are other attorneys on staff, she is the only one who handles Child Support and Adult Protective Services cases. She said she has worked through legal hurdles centering around decisions by the NC Court of Appeals and the NC Supreme Court and she worked with the County and Child Support agents to remedy those issues, which allowed the agency to set more cases for court. Ms. Roper said at the 2018 Child Support Conference, Burke County Child Support was awarded "Outstanding Achievement and Overall Improvement of Self-Assessment Measures", and the agents took great pride in receiving that score and have worked diligently to make further improvements. Ms. Roper said since her arrival there has been some employee turnover, but agents have taken this in stride and have done their best to not let it impact their work. She said there has been a change in leadership which has been beneficial to the Child Support Unit, she then commended the current supervisor. Ms. Roper noted they have not been fully staffed since April of 2019, which in part was due to the possibility of privatizing, but the agents continue to do the best they can. Ms. Roper said others from the agency would have been in attendance, but they had other family / health obligations to attend to and noted that many employees fully expected to retire from the County. However, Ms. Roper said, some employees are now facing severe pay cuts to continue working for the County or a loss of benefits if they leave for the private sector. Ms. Roper said she understands that the DSS Board has made the decision to privatize Child Support, however, she requested the Board to weigh the vote very carefully to make sure this is the right decision for the County and employees.

With there being no one else to address the Board, Chairman Carswell closed the informal public comments portion of the meeting.

CONSENT AGENDA

At the request of the Chairman, County Manager Steen reviewed the items on the Consent Agenda.

AS - APPROVAL OF NEW FEE SCHEDULE

This is a request to incorporate pull fees for animals that are transferred to an approved rescue and that received preventative care on intake to recover costs of the services provided at the county's expense, including vaccines and internal and external parasite control treatments. Prior to August 2019, animals did not receive preventative care. Some advantages include fewer disease outbreaks, increased adoptions, more timely rescue pulls, safety from zoonotic diseases and parasites to staff members, volunteers, and members of the public, increased likelihood of being able to place animals in foster homes, and to overall enhance our life saving operations.

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Surrounding counties including Caldwell, Catawba, Rowan, and Davidson counties charge fees for rescues to transfer animals into their care. These fees are not for the ASC to make a profit from rescues. These fees were determined based off the expense to the ASC for these services. Further, the ASC Director believes a reduction in the adoption fee for cats would increase adoption rates. Currently, the adoption fee for a cat/kitten is \$125. The ASC Director recommends a fee of \$90. This lower fee would still cover the spay/neuter cost as well as preventive care costs. A lower adoption fee for cats was mentioned as a change for the new ASC operations prior to August 2019. The ASC Director believes that increasing boarding fees is necessary for daily operations. Animals receive preventative care on intake as well as socialization and enrichment throughout their stay. The ASC Director feels that changing the "Owner Surrender Reclaim Fee" to an "Owner Surrender Fee" will further assist in life saving operations. These fees help cover the costs of caring for people's pets until it is adopted, including food, cleaning, vaccinations and medical care. We are committed to finding loving homes for all healthy, adoptable pets. If approved, the new fees shown in bold would take effect on November 1, 2019.

Current		Proposed	
General Board Fee	\$5 / day	General Board Fee	\$10 / day
Isolation Cell Board	\$8 / day	Isolation Cell Board	\$15 / day
Rabies Vaccine (Citizen Reclaim)	\$10 each	Rabies Vaccine (Citizen Reclaim)	\$10 each
Capture Fee	\$10	Capture Fee	\$10
Animal Bite Pick Up	\$20	Animal Bite Pick Up	\$20
Owner Surrender Reclaim Fee	\$25	Owner Surrender Fee (Single Pet)	\$10
Chemical Capture Fee	\$75	Owner Surrender Fee (Multiple Pets)	\$25
Adoption Fee (canine/feline)	\$125	Chemical Capture Fee	\$75
Veteran Discount	10%	Canine Adoption Fee	\$125
		Feline Adoption Fee	\$90
AC Civil Citation 1st Offense	\$50	Veteran Discount	10%
AC Civil Citation 2nd Offense	\$100	AC Civil Citation 1st Offense	\$50
AC Civil Citation 3rd Offense	\$200	AC Civil Citation 2nd Offense	\$100
		AC Civil Citation 3rd Offense	\$200
		Rescue Pull Fees	
		Cats	\$12 each
		Kittens (B/T 4 wks and 8 wks)	\$5 each
		Dogs	\$27 each
		Puppy (B/T 4 wks and 8 wks)	\$12 each
		Spay/Neuter Fee	*\$60

***The Spay/Neuter Fee would be added if the spay or neuter was performed at the county's expense.**

Motion: To approve the new fee schedule for the Animal Services Center, effective

November 1, 2019 as follows:

Current		Proposed	
General Board Fee	\$5 / day	General Board Fee	\$10 / day
Isolation Cell Board	\$8 / day	Isolation Cell Board	\$15 / day
Rabies Vaccine (Citizen Reclaim)	\$10 each	Rabies Vaccine (Citizen Reclaim)	\$10 each
Capture Fee	\$10	Capture Fee	\$10
Animal Bite Pick Up	\$20	Animal Bite Pick Up	\$20
Owner Surrender Reclaim Fee	\$25	Owner Surrender Fee (Single Pet)	\$10
Chemical Capture Fee	\$75	Owner surrender Fee (Multiple Pets)	\$25
Adoption Fee (canine/feline)	\$125	Chemical Capture Fee	\$75
Veteran Discount	10%	Canine Adoption Fee	\$125
		Feline Adoption Fee	\$90
AC Civil Citation 1st Offense	\$50	Veteran Discount	10%
AC Civil Citation 2nd Offense	\$100	AC Civil Citation 1st Offense	\$50
AC Civil Citation 3rd Offense	\$200	AC Civil Citation 2nd Offense	\$100
		AC Civil Citation 3rd Offense	\$200
Rescue Pull Fees			
		Cats	\$12 each
		Kittens (B/T 4 wks and 8 wks)	\$5 each
		Dogs	\$27 each
		Puppy (B/T 4 wks and 8 wks)	\$12 each
		Spay/Neuter Fee	*\$60

***The Spay/Neuter Fee would be added if the spay or neuter was performed at the county's expense.**

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

BCPS - SCHOOL CONSTRUCTION CHANGE ORDERS NO'S. 14 & 15

At the pre-agenda meeting, Doug Setzer with Burke Co. Public Schools (BCPS) reviewed Change Orders No. 14 and 15 for the new Mountain View Elementary School. Because the County is a party to the financing, approval by the Board of Commissioners is necessary, and change orders over \$25,000 require Board approval.

Change Order No. 14 - (\$347,020.15)

Original canopy change order (from change order number 12)	\$358,757.00
Costs incurred to date	(\$11,736.85)
Peachtree Engineering & sub.	(\$8,960.00)
HCC labor & processing	(\$1,280.00)

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Labor burden	(\$678.00)
OH&P	(\$818.85)
Canopy credit to Burke Schools	(\$347,020.15)

Change Order No. 15 - \$27,594.00

Delete control wire conduit	\$0.00
Reconfigure condenser racks	\$669.00
Dumpster pad drain changes	\$5,605.00
Added electrical kitchen work	\$5,491.00
HVAC Paint Credit at HW lines	(\$1,917.00)
Auditorium aisle lighting	\$6,032.00
Change gas regulators at meter	\$3,688.00
Credit for delete 2 plaques	(\$3,000.00)
Upgrade to electronic strikes	\$10,037.66
Add one safety harness anchor	\$1,300.00
Milk loss credit	(\$312.23)

Budgetary Effect: Proceeds of sales tax refunds and funds originally budgeted for equipment will be utilized to cover Change Orders 14 and 15.

Motion: To approve Change Orders No. 14 and 15 with Hickory Construction Company for the Mountain View Elementary School.

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

BOC - RESOLUTION IN SUPPORT OF BREAST CANCER AWARENESS MONTH

The National Breast Cancer Awareness Month (NBCAM) organization is a partnership of national public service organizations, professional medical associations and government agencies working together to promote breast cancer awareness, share information on the disease, and provide greater access to screening services. This is an annual international health campaign organized by major breast cancer charities every October. Since its inception more than two decades ago, NBCAM has been at the forefront of promoting awareness of breast cancer issues, education, and empowerment to women to increase their knowledge of the disease and to raise funds for research into its cause, prevention, diagnosis, treatment and cure.

Motion: Motion to adopt Resolution No. 2019-20.

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

Res. No. 2019-20 reads as follows:

BURKE COUNTY
NORTH CAROLINA

RESOLUTION IN SUPPORT OF THE

October 15, 2019 (Regular)

DRAFT

NATIONAL BREAST CANCER AWARENESS MONTH (NBCAM)

WHEREAS, The National Breast Cancer Awareness Month (NBCAM) organization is a partnership of national public service organizations, professional medical associations, and government agencies working together to promote breast cancer awareness, share information on the disease, and provide greater access to screening services.

WHEREAS, The National Breast Cancer Awareness Month (NBCAM) is an annual international health campaign organized by major breast cancer charities every October to increase awareness of the disease and to raise funds for research into its cause, prevention, diagnosis, treatment and cure.

WHEREAS, The National Breast Cancer Awareness Month (NBCAM) for more than two decades has been at the forefront of promoting awareness, education, and empowerment for women to take charge of their own breast health by practicing regular self-breast exams to identify any changes, scheduling regular visits and annual mammograms with their healthcare provider, adhering to prescribed treatment, and knowing the facts about recurrence.

THEREFORE, THE BOARD OF COMMISSIONERS OF BURKE COUNTY RESOLVES THAT the Burke County Board of Commissioners hereby supports National Breast Cancer Awareness Month in an effort to save more lives and improve the quality of life for all of us touched by breast cancer.

Adopted this 15th day of October 2019.

/s/ Johnnie W. Carswell
Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

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

CLERK - APPOINTMENT TO JCPC & PLANNING BOARD

An application from Dorian Palmer was received. He is interested in serving on the JCPC and the Planning Board. Both boards have vacancies and the appropriate staff members recommend his appointment.

JCPC: Seat No. 23 (at-large) is vacant. The 2-year term expires on June 30, 2021.

Planning Board: Alan Scholl occupies Seat No. 5 representing the west. Mr. Scholl has served the maximum number of terms and is not eligible for reappointment. The unexpired term ends September 30, 2022.

Motion: To remove Alan Scholl from the official roster for the Burke Co. Planning Board and thank him for his service to the community.

To appoint Dorian Palmer to the JCPC, Seat 23 (at-large) to complete an unexpired term ending June 30, 2021 and to appoint him to the Burke Co. Planning Board, Seat

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5 (west), for the remainder of a 3-year term ending September 30, 2022.

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

CO. MGR. - RESOLUTION AUTHORIZING LEASE AMENDMENT OF REAL PROPERTY

The State of North Carolina wishes to continue leasing office space at 110 N. Green Street (Suite A) (Probation/Parole) until January 31, 2023 for an annual rent of \$10,816 or \$10.40 per 1,040 square ft. The required 30-day notice was posted on the County's website and published in the News Herald on September 5, 2019 in accordance with NCGS 160A-272.

Motion: To adopt Resolution No. 2019-18.

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

Res. No. 2019-18 reads as follows:

Burke County
North Carolina

Resolution Approving Lease of Real Property
110. N. Green Street – Suite A
Morganton, NC

WHEREAS, the County of Burke owns property located at 110 N. Green Street (Suite A) in Morganton; and

WHEREAS, the State of North Carolina has leased office space (110 N. Green Street -Suite A) from the County for probation/parole offices for several years and wishes to continue; and

WHEREAS, as set forth in Amendment No. 4, the Lessee will lease 1,040 sq. ft. of net useable office space at an annual rent of \$10,816. 00 through January 31, 2023; and

WHEREAS, North Carolina General Statute § 160A-272 authorizes the County to enter into leases of up to 10 years upon resolution of the County Commissioners adopted at a regular meeting after 30 days' public notice; and

WHEREAS, the required notice has been published and the County Commissioners are convened in a regular meeting.

NOW THEREFORE BE IT RESOLVED that the County Commissioners of Burke County hereby approves the lease of county property described above to the State of North Carolina and authorizes the County Manager to execute the lease on behalf of the Board.

Adopted this 15th day of October 2019.

/s/: Johnnie W. Carswell
 Johnnie W. Carswell, Chairman
 Board of Commissioners

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

TAX DEPT. - TAX COLLECTION REPORT FOR SEPTEMBER 2019

The Board of Commissioners is presented with the Tax Collection Report for the period between July 1, 2019 and September 30, 2019. It reflects the status of collections by the Burke County Tax Collection’s Staff. Included is the status comparing Collections to Levy and comparing Collections to Budget. Levy information is for Property Tax only and does not include the Vehicle Tax. The information below is comparing Tax Collections to the Tax Levy. Tax Levy is the total taxable property value times the tax rate. This does not include Public Utilities or Motor Vehicle Tax. The levy changes monthly with the addition of discoveries, other changes or corrections and when Public Utility values are added.

Category	Tax Levy	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$44,818,676	\$28,879,453.32	\$15,939,223.05	64.44%

The information below is comparing Tax Collections for Property Tax and Motor Vehicle Tax to the Annual Budget. This information is a supplement to the Annual Settlement Report.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Current Year Taxes	\$48,070,000.00	\$30,092,498.52	\$17,977,501.48	62.60%
Delinquent Taxes	\$650,000.00	\$252,831.22	\$397,168.78	38.90%
Late List Penalty	\$250,000.00	\$106,097.29	\$143,902.71	42.44%

These two items below make up the current year taxes above.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$43,470,000.00	\$28,879,453.32	\$14,590,546.68	66.44%
Motor Vehicle Tax	\$4,600,000.00	\$1,213,045.20	\$3,386,954.80	26.37%

Motion: To accept the Tax Collection Report for September 2019 as presented.

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

TAX DEPT. - RELEASE REFUND REPORT FOR SEPTEMBER 2019

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.

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- Valuation appeals reduce the value for real or personal property.
- The postmark reveals a payment was timely sent.

The Board of Commissioners is presented with the following list of releases and refunds for consideration. The Net Release is a result of the Report Amount minus the Rebilled Amount.

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$8,729.94	\$2,116.35	\$6,613.59	\$601.71

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

Motion: To approve the Tax Releases and Refunds for September 2019 as presented.

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

Tax reports read as follows:

TR-304 BILL RELEASE REPORT SEPTEMBER 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Adjustment								
0000028568-2019-2019-0000-00-REG	WILLIS, EMMIT P	7/1/2019	CONNIE HOLDER	9/17/2019	681.06	681.06	0.00	989.70
0000028568-2019-2019-0000-01-REG	WILLIS, EMMIT P	7/1/2019	CONNIE HOLDER	9/17/2019	989.70	989.70	0.00	1,025.70
0024033490-2019-2019-0000-00-REG	HUGHES, CHARLES B	7/1/2019	CONNIE HOLDER	9/30/2019	10.55	10.55	0.00	0.00
Subtotal						1,681.31		2,015.40
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Amended Listing								
0000086768-2019-2019-0000-00-REG	MICHAEL JA MAGNOTTA DDS PLLC	7/1/2019	RENEE AUSTIN	9/30/2019	950.34	950.34	0.00	0.00
0024020302-2019-2019-0000-00-REG	WORKMANS GLASS INC	7/1/2019	RENEE AUSTIN	9/11/2019	4.05	4.05	0.00	100.95
Subtotal						954.39		100.95
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Discovery Billing								
0000081578-2016-2016-0000-01-REG	NORMAN, TIM L	7/1/2016	LINDA WILBUR	9/12/2019	372.30	372.30	0.00	0.00
0000081578-2017-2017-0000-01-REG	NORMAN, TIM L	7/1/2017	LINDA WILBUR	9/12/2019	398.35	398.35	0.00	0.00
0000081578-2018-2018-0000-01-REG	NORMAN, TIM L	7/1/2018	LINDA WILBUR	9/12/2019	408.35	408.35	0.00	0.00
0000081578-2019-2019-0000-01-REG	NORMAN, TIM L	7/1/2019	LINDA WILBUR	9/12/2019	408.23	408.23	0.00	0.00
Subtotal						1,587.23		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Duplicate Billing								
0024011176-2019-2019-0000-00-REG	BUFF, CLYDE HAROLD	7/1/2019	CONNIE HOLDER	9/26/2019	27.98	19.95	8.03	0.00
0024040942-2019-2019-0000-00-REG	PAUL, JEFFREY ALLEN	7/1/2019	BARBARA HARTLEY	9/11/2019	10.98	10.98	0.00	0.00
Subtotal						30.93		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Not in Burke County								

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TR-304 BILL RELEASE REPORT SEPTEMBER 2019

0024010172-2017-2017-0000-00-REG	JONES, HOLLY A	7/1/2017	CONNIE HOLDER	9/9/2019	147.40	147.40	0.00	0.00
0024010172-2018-2018-0000-00-REG	JONES, HOLLY A	7/1/2018	CONNIE HOLDER	9/9/2019	132.68	132.68	0.00	0.00
0024025897-2018-2018-0000-00-REG	RYDER TRUCK RENTAL INC	7/1/2018	LINDA WILBUR	9/12/2019	414.13	414.13	0.00	0.00
0024035952-2019-2018-0000-00-REG	HELPER, GREGORY CHRISTOPHER	8/9/2019	LINDA WILBUR	9/26/2019	54.53	54.53	0.00	0.00
0024036480-2019-2018-0000-00-REG	CLARK, ANTHONY JOHN	8/9/2019	CONNIE HOLDER	9/24/2019	196.69	196.69	0.00	0.00
0024036650-2019-2018-0000-00-REG	CLARK, ANTHONY JOHN	8/9/2019	CONNIE HOLDER	9/24/2019	61.72	61.72	0.00	0.00
Subtotal					1,007.15		0.00	
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Sold/Traded								
0000009161-2019-2019-0000-00-REG	WATTS, HERMAN	7/1/2019	BARBARA HARTLEY	9/19/2019	259.03	2.09	256.94	0.00
0000009320-2019-2019-0000-00-REG	WHISENANT, LOUISE DALE	7/1/2019	BARBARA HARTLEY	9/19/2019	430.06	6.19	423.87	0.00
Subtotal					8.28		0.00	
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Value Change								
0000002135-2019-2019-0000-00-REG	GLADDEN, WILLIAM MICHAEL	7/1/2019	LINDA WILBUR	9/26/2019	987.36	27.24	960.12	0.00
0000028121-2019-2019-0000-00-REG	WEHUNT, JOHNNY	7/1/2019	AMANDA CONLEY	9/24/2019	2,558.79	2,558.79	0.00	0.00
0000047609-2015-2015-0000-00-REG	PERKINS, NED G	7/1/2015	AMANDA CONLEY	9/18/2019	513.76	435.81	77.95	0.00
0000047609-2016-2016-0000-00-REG	PERKINS, NED G	7/1/2016	AMANDA CONLEY	9/18/2019	516.76	438.81	77.95	0.00
Subtotal					3,460.65		0.00	
Total					8,729.94		2,116.35	
Net release Amount					6,613.59			

TAX - RESOLUTION RESCINDING MOTOR VEHICLE VALUATION REVIEW COMMITTEE

In 1993, the Commissioners established the Motor Vehicle Valuation Review Committee. To the best of the Tax Administrator’s knowledge, the Committee was never seated or met, and believes the Committee is no longer needed. The following resolution rescinds the Motor Vehicle Valuation Review Committee for the official record. Appeals to motor vehicles are reviewed at the assessor level and there have not been owner appeals beyond this level. Should one be received, the Board of Equalization and Review will handle the appeal.

Motion: To adopt Resolution No. 2019-19.

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

Res. No. 2019-19 reads as follows:

Burke County
North Carolina

Resolution Rescinding the Motor Vehicle Valuation Review Committee

Whereas, in 1993, the Commissioners established the Motor Vehicle Valuation Review Committee by resolution in accordance with the Machinery Act of North Carolina; and

Whereas, the Committee was never seated or met; and

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Whereas, the Tax Administrator believes the Committee is no longer needed and the authorizing resolution should be rescinded; and

Whereas, motor vehicle valuation appeals are reviewed by the Tax Assessor; and

Whereas, the Tax Assessor has not received any motor vehicle valuation appeals to date; and

Whereas, the Board of Equalization and Review will handle any appeal of the Tax Assessors' ruling related to the valuation if a motor vehicle.

Now therefore be it resolved that the Burke County Board of Commissioners hereby rescinds the 1993 resolution establishing the Motor Vehicle Valuation Review Committee for the official record.

Adopted this 15th day of October 2019.

/s/ Johnnie W. Carswell
 Johnnie W. Carswell, Chairman
 Burke Co. Board of Commissioners

Attest:

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

MOMENT OF PERSONAL PRIVILEGE

Chairman Carswell took a moment of personal privilege to recognize that it is breast cancer awareness month and said that after 10 years, his wife will be able to stop taking her cancer medication. He also remembered his sister in law who passed away from breast cancer and he found out that the pastor's wife of Gateway Bible Baptist Church has stage four breast cancer. Chairman Carswell said breast cancer touches every family and asked everyone to remember those individuals

ITEMS FOR DECISION

DSS - REQUEST FOR PROPOSALS FOR OUTSOURCING OF CHILD SUPPORT

Kathy Craig, Interim DSS Director, reported a staffing study which was completed for Burke County DSS in April 2019 suggested to consider exploring the outsourcing of Child Support Services. A "Request for Proposals" was published on the County website on August 12, 2019. The responses were due September 6, 2019. Four (4) proposals were received from Young Williams, Veritas, Maximus and Sunflower. The proposals were reviewed and ranked by a team consisting of Kathy Craig, Interim DSS Director; Amanda Grady, DSS Economic Services Program Administrator; and Margaret Pierce, Deputy County Manager/Finance Director. The proposals and scoring sheets were provided to the DSS Board. The DSS Board met this morning, October 15, 2019, to consider proposals for outsourcing of child support services.

The scoring sheet summary is provided for reference.

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Name of Service Being Bid Out:	Child Support
Contract Administrator:	
Service Area:	

Name of Bidder	Average Score
Young Williams	48
Veritas	58.33333333
Maximus	50
Sunflower	40
Bidder 5	

Further, she said her recommendation to the DSS Board today was that the DSS Board recommend the Board of Commissioners to move forward with outsourcing child support services. Ms. Craig said Veritas HHS was the highest ranked proposal and should result in better outcomes for the citizens of Burke County in the most cost-effective way. While there have been recent improvements, child support has not met the goals or required performance measures in the child support program for many years. She said with North Carolina Department of Health and Human Services (DHHS) approval, multiple counties throughout the state have successfully outsourced their child support programs. Veritas HHS has a proven record of improving outcomes for counties in which they contract, noting that Buncombe County, which also contracts with Veritas HHS, has a very successful child support program and will be a resource for Burke County operations. Ms. Craig said Veritas HHS has an executive staff with over 50 years of experience specifically in child support, and their proposal includes specific strategies to enhance services to non-custodial parents, which Burke County DSS cannot currently provide. The current yearly expense for Burke County child support is approximately \$680,000 and she said the staffing study completed in April recommended that if they did not outsource the program, DSS would need two (2) additional positions thereby increasing the cost of the program by \$100,000 annually. Further, Craig noted the annual cost is reimbursable at 66 percent. Ms. Craig said the fixed price in the Veritas proposal in the first year is \$786,848, the second year is \$709,786, and the third year is \$722,203. She said the initial year of the contract may require an appropriation of General Fund, Fund Balance to cover any cost shortage, which would be no more than \$35,000. Ms. Craig said the DSS Board took a vote on the matter this morning, which was four (4) to one (1) to recommend to the County Commissioners to move forward with contracting with Veritas HHS and eliminating 10 positions in the child support program: eight (8) child support agents, one (1) child support supervisor, and one (1) processing assistant. In closing, Ms. Craig reviewed the action requested of the Board.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Abele asked why did one of the DSS Board members vote against outsourcing child support. Ms. Craig said this member informed the DSS Board that while she understood the business reason for the recommendation; however, this member has been a social worker for many years and therefore could not vote for the recommendation. In addition, this member also worked as a social worker in mental health and did not believe the privatization of mental health services went very well and therefore had concerns about the privatization of child support. Commissioner Taylor said it was embarrassing to read that Burke County DSS was last in every category of a report he received at the pre-agenda meeting and said those low scores are what contributed to the County investigating outsourcing measures. Commissioner Taylor

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asked does the County pay the provider upfront or do they get paid as they go. Ms. Craig said the County pays the provider and then submits the cost for reimbursement to the state. Commissioner Taylor said he sees this as a good move for Burke County.

Ms. Craig said this was an agonizing decision to make because of their staff and noted they have worked very hard to overcome challenges and made improvements over the last two (2) years. However, she said there are 4,000 cases which represent Burke County citizens and she had to take them into consideration as well. Ms. Craig said she appreciates their staff and will help them in any way she can. Commissioner Taylor expressed support for helping those who may lose their jobs find other means of employment and said he appreciates them. Chairman Carswell asked would DSS be able to meet the new metrics as dictated by the memorandum of understanding that the County had to sign with the DHHS. Ms. Craig said that is what their expectation is and their proposal lays out how they will meet those expectations and if not, they would be violating the terms of the contract and DSS would have to decide how to proceed at that point. Chairman Carswell asked how many counties utilize outsourcing. Ms. Craig said there are more than 20 counties and others are exploring the idea. J.R. Simpson, II, County Attorney, responded to a question from Commissioner Abele concerning an "out" clause in the contract.

Motion: To accept the DSS Board’s recommendation to outsource child support services and authorize the County Manager to move forward and take all actions necessary to complete the transition. To enter into a contract with Veritas HHS and authorize the County Manager to execute the contract on behalf of the Board, subject to review and/or revision by the County Attorney. To eliminate the affected child support positions (Child Support Agents (8), Child Support Supervisor and Processing Assistant), effective as established in the contract. To appropriate up to \$35,000 of General Fund, Fund Balance.

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

BOE - FUNDING / APPROVAL OF NEW VOTING MACHINES

Information from the agenda packet:

The State Board of Elections recently certified the voting equipment to be used in the November 2020 elections. The Board of Elections and elections staff witnessed demonstrations of the recommended voting equipment as well as another type of voting system certified by the State Board of Elections. As indicated in the following resolution from the BOE, the recommended equipment is the DS-200 & Express Vote by ES&S/Printelect. The new voting equipment and related supplies need to be ordered so they arrive in time for the next election. However, funding was not included in the FY 19-20 budget because, at the time, staff believed the certification process would not occur until the next budget cycle. The estimated cost is about \$800,000 which includes a rebate for the existing equipment. The Elections Director and/or the Chairman of the Board of Elections will present a more definitive funding request at the regular meeting.

Budgetary Effect: +/- \$800,000. An appropriation of General Fund, Fund Balance is necessary to move forward with the purchase of voting equipment

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and supplies.

L. H. Kirksey, Board of Elections Chairman, reported two (2) weeks ago at the pre-agenda meeting, the Elections Director presented a quote of \$606,551.19 for new voting machines. Because the amount was lower than he expected, he asked Ms. Mace to confirm the amount. As it turns out, the complete cost is \$615,766.19, including the annual software license and maintenance and support fees, which were omitted in the original quote. Debbie Mace, Elections Director, reported she spoke with the vendor, ES&S, and they apologized profusely for the omission and she advised that Elections currently pays the same type of fees for the existing voting equipment. Further, she said the post warranty license and maintenance fees that they currently pay are over \$47,000. In contrast, the fees would be \$30,740 for the new voting machines because there is less equipment to service. Ms. Mace said the vendor has assured her that there will be no additional charges beyond what is quoted. However, the freight charge (\$14,000) could be \$1,500 - \$2,000 less because it was estimated on the high end. In closing, she reported the vendor is willing to split the payment over two (2) fiscal years.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor asked Ms. Mace to verify the actual cost of the voting equipment. Ms. Mace said \$615,766.19, which is due to support, license, and maintenance fees which were omitted from the previous quote and noted that around 97 percent of the state has contracted with this company. Commissioner Taylor read some reviews of the new voting equipment noting the ease of use for voters and poll workers alike. A brief discussion ensued about the progression of voting technology and the payment option. County Manager Steen preferred to make one (1) payment. Commissioner Taylor noted that he spoke with NC Representative Hugh Blackwell about the possibility of having the state pay for the new machines.

Motion: To accept the Board of Election's recommendation on the voting equipment and appropriate up to \$615,767 of General Fund, Fund Balance for the purchase of voting equipment (DS-200 & Express Vote by ES&S/Printelect) and supplies.

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

CA - APPROVAL OF SETTLEMENT (BURKE COUNTY V. PADGETT)

Information from the agenda packet:

In 2017, the Board authorized the County Attorney to proceed with legal action against Dean Padgett, 2617 Barrier Loop Road in Morganton, for failure to comply with the Environmental Compliance Ordinance. Mediation was held and a settlement was reached on October 2, 2019. The County Attorney will review the following settlement agreement for Burke v. Padgett (17 CVS 1335) which is subject to ratification by the Burke County Board of Commissioners.

J.R. Simpson, II, County Attorney, reported Mr. Padgett operated a junkyard which was appropriately zoned, however, he had three (3) other pieces of property that he was putting junk and cars on and his fence around the junkyard was falling down. Attorney Simpson said the County filed suit against Mr. Padgett for violation of the zoning ordinance, environmental ordinances and operating as a public nuisance. He said a trial date was set for the end of next

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Certification 2.

Based on an analysis of the colleges annual operating and utility costs, (as per the NCCCS 3-1 Attachment, Page 6) it is estimated that the college will expend an additional _____ per year in support of this new construction. I certify that this document has been reviewed, and that the information stated herein will be shared with the proper county officials to seek an appropriate adjustment to the college's budget as the new facility is brought online.

Signature _____
Title County Manager

Budgetary Effect: None on FY 19-20. Future budgetary impact of \$25,408 annually.

Sandy Hoilman, WPCC Chief Financial Officer, reported that due to a lack of adequate space and increase in demand, a new building is needed for the trades program. She said the following construction trades are projected to see an increase in training demand: residential, commercial, and general construction, electricians, HVAC, plumbers, concrete and foundation, heavy equipment, and site preparation. Further, she said the average age of a licensed electrician in North Carolina is 58 and there are less than 100 electricians under the age of 35. To meet current demands, WPCC plans to expand their offering of specialty short-term training programs by more than 100 percent and envisions this facility to be a regional training center. Ms. Hoilman further said the portion of the cost that WPCC is requesting the County to consider is the estimated annual operating costs of \$25,408.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Abele said he was on the vocational council years ago and vocational education at that time was a dirty word and now it's becoming popular again. Commissioner Taylor said he appreciates that WPCC is pursuing this project and noted he has members of his family who work in trades and make good money. This project will help people get the necessary training to go into those areas he said. Ms. Hoilman then responded to questions from Commissioner Taylor.

Motion: To authorize the County Manager to execute the Form 3-1 on behalf of the Board of Commissioners as presented.

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

HEALTH - HARBOUR-LEAD GRANT PROGRAM

Information from the agenda packet:

Burke County received approval of grant funding from the Department of Justice for the Locally Driven Response to the Opioid Epidemic grant submitted for the HARBOUR-LEAD project proposal. This Grant is \$600,000 in funding for 36 months. January 2020 through December 2023. The HARBOUR (Helping Achieve Recovery through Burke Opioid Use Reduction) -LEAD (Law Enforcement Assisted Diversion) program will provide funding to continue the current LEAD program within Burke County for three years and add the HARBOUR program

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which will be led by Burke Recovery in conjunction with integral community partners.

Budgetary Effect: None. A local grant match is not required.

Lisa Moore, Health Education Supervisor, read the following statement concerning the HARBOUR-LEAD grant program:

I am here to give you some information about new grant funding that Burke County has been awarded. Burke County received approval of grant funding from the Department of Justice for the Locally Driven Response to the Opioid Epidemic grant submitted for the HARBOUR-LEAD project proposal. This will be \$600,000 in funding for 36 months. The HARBOUR (Helping Achieve Recovery through Burke Opioid Use Reduction) -LEAD (Law Enforcement Assisted Diversion) program will provide funding for three years to continue the current LEAD program within Burke County and add the HARBOUR program which will be led by Burke Recovery in conjunction with integral community partners. LEAD is a voluntary pre-booking diversion program developed to help low level offenders whose behaviors are directly linked to substance use to be redirected to community-based treatment and recovery support services instead of jail and prosecution. The HARBOUR program offers a daily schedule of treatment and recovery services with medical interventions. The weekly program provides co-ed and gender specific group sessions along with individual training time, vocational training and guest speakers from partner agencies. The program will be facilitated within Burke United Christian Ministries through a Social Worker and LEAD Coordinator working together to determine what resources each client will need in order to successfully adhere to their schedule including but not limited to housing, employment, vocational skills, etc. The HARBOUR-LEAD project will have positive impacts in the reduction of costs to the community by: 1) Diverting individuals from the judicial system to community based treatment, 2) Securing appropriate referrals to social services and medical systems through intensive case management, 3) Mitigating harm reduction through strategies to reduce overdose deaths, spread of communicable diseases, etc., and the 4) Opportunity to reduce the incidences of property crime within Burke County. This grant award adds to the approximately \$1.7 million in grant funds that a core group has secured over the last 18 months. I am asking that the Board accept these federal grant dollars and give the county manager permission to sign any contracts for this grant for \$90,000 and over.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor requested that the County Attorney take a second look at the contract to make sure everything is in order.

Motion: To accept the grant funding in the amount of \$600,000 from the Department of Justice. Further, authorize the County Manager to execute the grant agreement and sign any contracts related to this grant of \$90,000 or greater on behalf of the Board.

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

REPORTS AND COMMENTS

BOC - REPORTS & COMMENTS

Reports and comments from Commissioners and staff will be accepted at this time.

Attorney Simpson presented a long list of tasks he has worked on and/or completed since the September regular meeting.

Commissioner Taylor said his reports are in the agenda packet for review. He also reported he attended the following events / meetings: Burke County Cattlemen's Annual Meeting, Franklin Graham's Decision America event at the Hickory Crawdads Stadium, Regan Dinner at the Morganton Community House, and ribbon cutting and open house events facilitated by the Chamber of Commerce.

Chairman Carswell said he received a letter from Michael Sprayberry, Director / Deputy Homeland Security Advisor, NC Emergency Management / NC Office of Recovery & Resiliency, thanking Burke County for providing assistance during Hurricane Dorian. He reported that the progress on the Valdese Public Library expansion project is advancing at a good pace. Chairman Carswell said he attended a North Carolina Association of County Commissioners (NCACC) meeting in Wilmington where he was asked to facilitate a roundtable discussion session and noted they have the largest number of new commissioners on the NCACC executive board than they have had in a long time. He reported that Kevin Austin, NCACC President, introduced his new initiative of working on disengaged youth and said a committee will be formed that some Burke County Board members may be asked to serve on.

County Manager Steen reported there is a letter from the Local Government Commission (LGC) in the agenda packet to the Tourism Development Authority (TDA) regarding their audit, which noted many financial issues. He said the TDA is not a part of Burke County government and they have their own board who hires and oversees their director. He said he will be working with the County Attorney to review the enabling legislation and investigate ways to express concern over this matter. He reminded the Board that the County did offer to prepare the TDA's financials, but they decided to go another route last year. County Manager Steen then showed updated pictures of the new jail and sally port construction projects.

RESULT:	NO ACTION TAKEN.
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VACANCY ANNOUNCEMENTS

CLERK - BOARDS AND COMMITTEES VACANCY REPORT

Clerk Draughn announced the following vacancies on boards and committees:

- Hickory Regional Planning Commission
- Adult Care & Nursing Home Community Advisory Committee
- Council on Aging
- Juvenile Crime Prevention Council

- City of Morganton - Board of Adjustment (ETJ)
- City of Morganton - Planning Board (ETJ)
- Voluntary Agriculture Board
- Burke Co. Board of Adjustment & Planning Board
- Western Piedmont Regional Transit Authority - Transportation Advisory Board
- Partners Behavioral Health Mgmt.
- Burke Senior Center Advisory Council
- Recreation Commission

ADDITIONAL COMMENTS

Chairman Carswell reminded citizens to please spay or neuter their pets, to please pick up a piece of trash to keep Burke County beautiful, and to "like" Burke County on Facebook. Chairman Carswell recognized Deputy County Manager / Finance Director, Margaret Pierce, noting that her husband has been in the hospital for some time dealing with a serious medical event and said she and her family are in his thoughts and prayers.

RESULT: NO ACTION TAKEN.

CLOSED SESSION

RESULT: NOT NEEDED. NOT HELD.

ADJOURN

Motion: To adjourn at 7:20 p.m.

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

Approved this 21st day of April 2020.

Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

Minutes Acceptance: Minutes of Oct 15, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

November 5, 2019 (Pre-Agenda)

DRAFT

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

The Burke County Board of Commissioners held a pre-agenda meeting on Tuesday, November 5, 2019 at 3:00 p.m. They met in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E in Morganton, N.C. Those present were:

COMMISSIONERS: Johnnie W. Carswell, Chairman
Scott Mulwee, Vice Chairman
Jeffrey C. Brittain
Maynard M. Taylor

ABSENT: Wayne F. Abele, Sr. (Unable to attend.)

STAFF PRESENT: Bryan Steen, County Manager
Margaret Pierce, Deputy County Manager/Finance Director
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

CALL TO ORDER

Chairman Carswell called the meeting to order at 3:00 p.m.

At the request of the Chairman, Ms. Pierce gave an update regarding her husband's ongoing medical situation.

APPROVAL OF THE AGENDA

Motion: To approve the agenda with the addition of the "Pet of the Month" presentation item.

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

PRESENTATIONS

AS – PRESENTATION OF THE PET OF THE MONTH (PLACE HOLDER)

Note: This item was added to the agenda but not discussed.

SHERIFF - RECOGNITION OF CAPTAIN GREG HUNTLEY FOR BEING NAMED NC JAIL ADMINISTRATOR OF THE YEAR

Information from the agenda packet:

Captain Greg Huntley was named the North Carolina Jail Administrator of the Year for 2019 by the North Carolina Jail Administrators Association at their annual conference in Greensboro in September. Captain Huntley was recognized for his exceptional meritorious service to the operation of the Burke County Jail, the Burke County Sheriff's Office, and his contributions to the betterment of the North Carolina Jail Administrators Association. Sheriff Whisenant will recognize

November 5, 2019 (Pre-Agenda)

DRAFT

and congratulate Captain Huntley for receiving this prestigious recognition.

County Manager Steen said the Sheriff is running late and this item along with the recognition of Lieutenant Don Barber and Detective Kirstie Puckett will be presented by the Sheriff at the regular meeting.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

SHERIFF - RECOGNITION OF LIEUTENANT DON BARBER FOR THE ADVANCED LAW ENFORCEMENT CERTIFICATE

Lieutenant Don Barber has been awarded the prestigious "Advanced Law Enforcement Certificate" from the North Carolina Sheriff's Education and Training Standards Commission. This certificate is awarded in recognition of the attainment of training and educational objectives commensurate with the role of a professional law enforcement officer. Sheriff Whisenant will recognize and congratulate Lieutenant Barber for receiving this prestigious recognition.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

SHERIFF - RECOGNITION OF DETECTIVE KIRSTIE PUCKETT FOR THE ADVANCED LAW ENFORCEMENT CERTIFICATE

Detective Kirstie Puckett has been awarded the prestigious "Advanced Law Enforcement Certificate" from the North Carolina Sheriff's Education and Training Standards Commission. This certificate is awarded in recognition of the attainment of training and educational objectives commensurate with the role of a professional law enforcement officer. Sheriff Whisenant will recognize and congratulate Detective Puckett for receiving this prestigious recognition.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

BCPS - PRESENTATION OF FINANCIAL DATA FOR THE PERIOD ENDING SEPT. 30, 2019

In accordance with the Memorandum of Agreement approved by the County and the Board of Education, the Board of Education will provide to the County quarterly financial reports on the 2019-2020 budget year, showing the application of the County's local funding by the end of each fiscal quarter. These reports will be presented to the County's Board of Commissioners in November 2019, February 2020 and May 2020, respectively.

Keith Lawson, Burke County Public Schools Finance Officer, presented the following financial data for the period ending September 30, 2019.

Minutes Acceptance: Minutes of Nov 5, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

BCPS						
Estimated Revenues						
2019/2020						
	Annual		1st Quarter			% of Budget Received
	Previous (Unaudited)	Current Fcst	Current	Previous	% Change	
State	80,597,459	80,600,000	16,674,488	17,602,247	-5.3%	20.7%
Federal	7,462,092	7,720,415	1,427,587	1,525,352	-6.4%	18.5%
Local	14,568,907	14,425,772	3,745,262	3,744,739	0.0%	26.0%
School Nurses	718,403	998,140	89,557	76,394	17.2%	9.0%
Charter Schools	412,143	450,291	1,529	524	191.8%	0.3%
Fines & Forfeitures	430,149	380,000	70,933	56,934	24.6%	18.7%
Special Revenue	5,631,540	5,687,850	1,857,966	1,538,781	20.7%	32.7%
Total	\$ 109,820,693	\$ 110,262,468	\$ 23,867,322	\$ 24,544,971	-2.8%	21.6%

As of this report we still have no state budget. We are operating on state funds at the previous year's funding level. We have adjusted to the new, anticipated state retirement and health insurance employer matching rates. Maintaining operations at the previous year's funding level will become increasingly difficult.

BCPS										
Local Financials by Purpose & Function Level										
Expenses	'16/'17	'17/'18	Unaudited '18/'19	Budget	'19/'20				Total	
					1st	2nd	3rd	4th		
5XXX Regular Instructional Services	4,912,851	5,164,868	5,307,311	5,426,911	822,802					822,802
6XXX Support & Development Services	9,795,255	10,405,887	10,176,043	10,442,916	2,975,589					2,975,589
81XX Payments to Other Governmental Units	655,442	625,363	693,802	617,763	57,823					57,823
49XX Revenues Over/(Under) Expenditures	430,881	(98,431)	6,992	(188,387)	93,890					93,890
XXXX Grand Total	\$ 15,794,429	\$ 16,097,687	\$ 16,184,148	\$ 16,299,203	\$ 3,950,104	\$ -	\$ -	\$ -	\$ -	\$ 3,950,104
% of Annual Budget										24.2%
Revenue										
4110 Burke County	14,264,035	14,599,358	14,448,211	14,416,272	3,745,262					3,745,262
4110 Timber Receipts	10,747	9,406	120,696	9,500	-					-
4490 School Nurses	653,750	726,095	718,403	998,140	89,557					89,557
4110 Charter Schools	370,618	372,286	412,143	450,291	1,529					1,529
4410 Fines & Forfeitures	430,126	330,570	430,149	380,000	70,933					70,933
4493 Individual Schools' Receivables	65,152	59,972	54,546	45,000	42,823					42,823
XXXX Grand Total	\$ 15,794,429	\$ 16,097,687	\$ 16,184,148	\$ 16,299,203	\$ 3,950,104	\$ -	\$ -	\$ -	\$ -	\$ 3,950,104
LCE FB contributed \$7.0k for '18/'19, bringing total FB to \$2.7M, 16.6% of local budget										
At this point in time have no forecast as to current FB usage due to lack of state budget										
School Nutrition realized a profit of \$553k before equipment and serving lines reinvestment of \$181k										

Mr. Lawson noted the State has not adopted a budget; therefore, BCPS is currently operating at last year's level. He said as BCPS progresses into the year, this will become more difficult because they have had to increase their employer matching retirement rate and the health insurance rate. Mr. Lawson said BCPS appreciates the County's consideration of this year's budget and the increase in funding for one (1) additional school nurse which was previously being funding from their Fund Balance.

Chairman Carswell opened the floor for questions and comments from the Board. Mr. Lawson responded to a question from Commissioner Taylor, who then suggested that boards of county commissioners across the state pass resolutions encouraging the state to pass a budget.

Since the Board has the report and had their questions answered, Vice Chairman Mulwee suggested moving this item to the consent agenda. After discussion, the Board agreed to move the item to the consent agenda.

Minutes Acceptance: Minutes of Nov 5, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

RESULT: MOVED WITHOUT OBJECTION TO THE CONSENT AGENDA FOR THE NEXT MEETING: 11/19/2019 AT 6:00 PM

MPM - RESOLUTION PROCLAIMING NOV. 16-24 AS NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK

Alison Azbell, The Meeting Place Mission Executive Director, presented information regarding the resolution proclaiming November 16-24 as National Hunger and Homelessness Awareness Week as follows:

A RESOLUTION PROCLAIMING NOVEMBER 16-24, 2019 AS NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK IN BURKE COUNTY, NORTH CAROLINA

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

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

WHEREAS, there are many organizations committed to sheltering and providing supportive services as well as meals and food supplies to people experiencing homelessness including: The Meeting Place Mission, Burke United Christian Ministries, Partners Behavioral Health Management, The Outreach Center, Burke County United Way, The House of Refuge, Options, Inc., North Carolina Vocational Rehabilitation, Burke Recovery, Veteran's representatives and many more community partners; and

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

NOW, THEREFORE BE IT RESOLVED that the Burke County Board of Commissioners hereby proclaims November 16-24, 2019 as National Hunger and Homelessness Awareness Week.

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

Ms. Azbell said The Meeting Place Mission (TMPM) helps those who are homeless and those at imminent risk of homelessness by getting them back into housing, and noted that last year in the first quarter of 2019, they helped move over 40 individuals into housing, helped with over 20 job placements, had over 7,514 night stays across their programs, served over 17,000 meals, and did 20,000 loads of laundry. She said the most significant aspect of this resolution is that it helps to spread awareness about who they are, what they do, and the population they

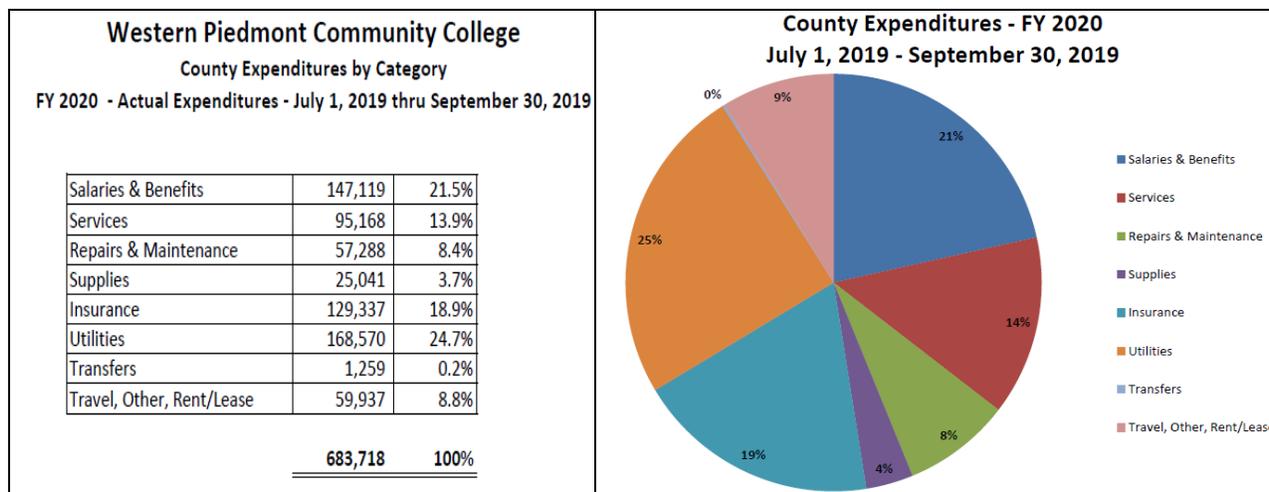
serve. Ms. Azbell said information and knowledge are power and it helps teach everyone in the community about underserved populations and how they and the community can help them. She then relayed a story about an individual TPM was able to assist.

Chairman Carswell asked if the City of Morganton passed the same resolution. Ms. Azbell answered in the affirmative.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

WPCC – PRESENTATION OF FINANCIAL DATA FOR THE PERIOD ENDING SEPT. 30, 2019

Sandy Hoilman, WPCC Chief Financial Officer, presented an overview of the College’s financial data for the period ending September 30, 2019.



WESTERN PIEDMONT COMMUNITY COLLEGE
FY 2019-2020 SUMMARY AS OF SEPTEMBER 30, 2019

Summary of Revenues	STATE			COUNTY			INSTITUTIONAL		
	BUDGET	ACTUAL	REMAINING	BUDGET	ACTUAL	REMAINING	BUDGET	ACTUAL	REMAINING
State Appropriations	13,729,630	3,413,972							
Add. Allocations (detail below)	206,751								
County Appropriations				2,560,155	640,039				
Rent & Interest Income				53,000	5,390				
Institutional Funds							5,416,497	2,281,413	
Total Budgeted Revenues	13,936,381	3,413,972	10,522,409	2,613,155	645,429	1,967,726	5,416,497	2,281,413	3,135,084
Summary of Expenditures									
Institutional Support	2,869,531	647,180	23%	258,380	152,974	59%	114,659	11,272	10%
Curriculum Instruction	6,626,563	1,489,008	22%				270,666	68,910	25%
Non Curricular Instruction	1,330,250	354,994	27%				147,380	42,903	29%
Academic Support	1,375,619	342,613	25%				1,137	-	0%
Student Support	1,478,104	363,039	25%				370,000	72,589	20%
Plant Operations & Maint.				2,354,775	530,743	23%			
Proprietary / Other							988,202	439,640	44%
Student Aid							3,524,453	1,674,885	48%
Capital Outlay (excluding capital improvements)	256,314	13,832	5%						
Total Budgeted Expenditures	13,936,381	3,210,667	10,725,714	2,613,155	683,718	1,929,437	5,416,497	2,310,199	3,106,298
		23.0%	77.0%		26.2%	73.8%		42.7%	57.3%

ADDITIONAL FUNDING DESIGNATED FOR APPROVED PROJECTS	
Customized Training Projects	33,007
CTP Regional Trainer	128,614
Male Minority Grant - Aviso	45,130
Perkins Grant - Reserve Funds	-
Federal Portion - Basic Skills	-
NCWorks Career Coach	-
Carryforward	-
Longevity	-
Total Other	206,751

As of September 30, 2019	
Total College Budget	\$ 21,966,033
Total Expenditures	\$ 6,204,583
	28.2%

Fund Balance: County Funds	
Fund Balance, Beginning July 1, 2019	626,111
Current Operating Cash	(38,289)
Current Fund Balance	587,822
	23%

Minutes Acceptance: Minutes of Nov 5, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

Ms. Hoilman said, regarding fiscal year 2019, WPCC spent approximately \$14.7 million which was 99.5 percent of their state budget. Regarding their County funding, WPCC spent 95 percent with a carry over amount of \$126,483, which has been committed to ongoing projects in WPCC's Paton, E, and K buildings. Ms. Hoilman noted they had several vacancies during the year in maintenance in addition to attempting to conserve funds for the upcoming year. Ms. Hoilman then responded to a question from Commissioner Taylor. Commissioner Brittain suggested moving this item to the consent item agenda for the next meeting. There was no objection from the Board.

RESULT: MOVED WITHOUT OBJECTION TO THE CONSENT AGENDA FOR THE NEXT MEETING: 11/19/2019 AT 6:00 PM

SCHEDULED PUBLIC HEARINGS

AAB - ORDINANCE AMENDING CHAPTER 6, BURKE CODE OF ORDINANCES & PUBLIC HEARING - 6:00 P.M.

Debbie Hawkins, Animal Advisory Board (AAB) Chair, presented information regarding the ordinance amending Chapter 6, Burke Code of Ordinances as follows:

The Animal Advisory Board (AAB) has recently reviewed the audit procedures for the approved rescues who are transferring animals from Burke County Animal Services. The AAB recommends a change to the ordinance (Section 6.77, Rescue Requirements, Paragraph 2) which is actually also stated in what the AAB is recommending for its Rules of Procedure. This change basically lightens the consequence for any rescue who is not in compliance with the audit. Currently, if a rescue is out of compliance during two (2) consecutive audits, their ability to pull animals from Animal Services will be revoked for a period of 12 months. The AAB proposes the following: if a rescue is out of compliance during two consecutive audits, or there are issues, a warning is given, and the rescue has 10 days to submit additional information. If they remain out of compliance, the revocation period will be no less than 6 months. This would give Animal Services and the Advisory Board a little more flexibility in determining the circumstances versus just revoking their status for a full year. As an Advisory Board, we felt the current consequence was greater than what we actually need in place. The AAB considered the proposed ordinance change on October 23, 2019 and the vote was 6-0.

Ordinance Amending Burke Co. Code of Ordinances
Chapter 6, Section 6.77, Rescue Requirements

Text to be removed is shown with a strikethrough mark. Text to be added is shown in bold font.

Sec. 6-77. - Rescue requirements.

Approved rescue groups are allowed to pull animals from county animal services. Pursuant to G.S. 130A-192(a), all animals are required to be held for an initial impoundment period of 72 hours. However, in the event that an animal is surrendered to county animal services, the animal may be released immediately.

Following the initial impoundment period, animals will be held in the animal services center and made available for rescue by an approved rescue group or the general public as long as the health and temperament of the animal determines that it is suitable for rescue/adoption. This determination will be made by the animal services director and the decision will be final.

(1) Following the transfer of an animal to an approved rescue group, county animal services will require that the animal be provided with the appropriate care that includes spay/neuter, updated vaccinations, and health reconditioning (if needed), etc.

~~(2) Quarterly audits will be performed by the animal advisory board to ensure proper care and recordkeeping of all approved rescue groups/groups. During each audit, two approved rescues will be selected for audit review and required to provide all documentation of applicable vaccinations, spay/neuter, and current location of a random selection of animals they have pulled from county animal services. If the audit shows an approved rescue group is not in compliance two times in two consecutive audits due to missing or incorrect documentation or refusal/failure to provide, their "approved" status shall be revoked for a period of 12 months and they may reapply at the conclusion of the revocation period. An additional violation after reinstatement shall result in a 24-month revocation and a further violation after two reinstatements shall result in permanent revocation.~~

(2) Quarterly audits will be performed by the animal advisory board to ensure proper care and recordkeeping of all approved rescue groups/groups. During each audit, two approved rescues will be selected for audit review and required to provide all documentation of applicable vaccinations, spay/neuter, and current location of a random selection of animals they have pulled from county animal services. If the audit shows an approved rescue group is not in compliance two (2) times in two (2) consecutive audits due to missing or incorrect documentation or refusal/failure to provide, a warning will be issued, and the rescue given ten (10) working days to produce additional documentation. If the rescue fails to produce requested documents or additional information to refute the audit, the rescue's permission to pull animals from Animal Services will be suspended. Time of suspension will be no less than six (6) months. Re-evaluation of the rescue will be conducted by the Animal Services Director. A second violation will warrant a twelve (12) month suspension, and any additional violations will mean permanent revocation.

Chairman Carswell opened the floor for questions and comments from the Board. Vice Chairman Mulwee asked is this similar to what other surrounding counties are doing. Ms. Hawkins said from her understanding, a lot of counties do not audit animal rescue groups. However, Hawkins said, when the AAB met with Dr. Norris with the NC Department of Agriculture, she informed them that this was a best practice measure. Chairman Carswell asked Ms. Hawkins to confirm that the AAB voted unanimously to approve this change. Ms. Hawkins said yes. J.R. Simpson, II, County Attorney asked if the phrase, "no less than six months" meant that in certain circumstances they want the ability to suspend a rescue group somewhere between six (6) - 12 months for the first violation. Ms. Hawkins said yes, and noted it depends on the circumstances. In response to a question from Commissioner Brittain, Ms. Hawkins said the AAB selects a

percentage of the animals that have been pulled, it is a random audit in which the selected rescue group(s) then submits their records to the AAB. Chairman Carswell commended the AAB for their work.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2019-08 & PUBLIC HEARING - 6:00 P.M.

Scott Carpenter, Deputy County Manager/Planning Director, presented information regarding ZMA 2019-08 as follows:

REQUEST

Staff has received a rezoning application from Lake James Camping Resort, LLC to rezone one (1) parcel of land totaling 42.07 acres. The request is to rezone the property from its current zoning of Residential One (R-1) to the Low-Density Conservation District (CD-L) zoning district. The parcel is also within the Scenic Overlay District and the Lake Overlay District.

SITE ANALYSIS

The parcel is described as follows: The 911 address of the parcel is 2013 Winding Pine Way Nebo, NC. The parcel is further identified in county records as (PIN# 1753021294 and REID# 16983).

As mentioned above, the parcel is 42.07 acres. Although the property is zoned "Residential One", there are no dwellings on the property. Currently, the primary use on the property is an onsite waste-water treatment system for the commercial campground across the street. Of the 42.07 acres, 10.93 acres is reserved and dedicated for the septic system. This area cannot be used for any other purpose. The property is located within the Lake James WS IV-C Water Supply Watershed and is within the West End Fire District. The parcel is also located within the Linville Township of Burke County. The parcel is accessed by Benfield's Landing Road and a perpetual forty-five (45) foot right-of-way and easement (Daly Way) for ingress and egress (Plat Bk.51 / Pg.50).

SURROUNDING AREA

Land uses in the surrounding area are a mixture of residential, commercial, and horticultural uses. However, the vast majority of land use in this area is vacant land. There are several commercially zoned properties in close vicinity to the subject parcel. There are several more commercially zoned parcels further to the north as well. Across Benfield's Landing Road is the existing Lake James Camping Resort property. This property is zoned Low-Density Conservation. The majority of residential development in this area is within multiple residential subdivisions along the shore of Lake James. Those subdivisions are located within the Residential One (R-1) zoning district. The table below indicates the existing land uses in the area.

Existing Zoning and Land Uses within the Surrounding Area	
Current Zoning	Existing Land Uses

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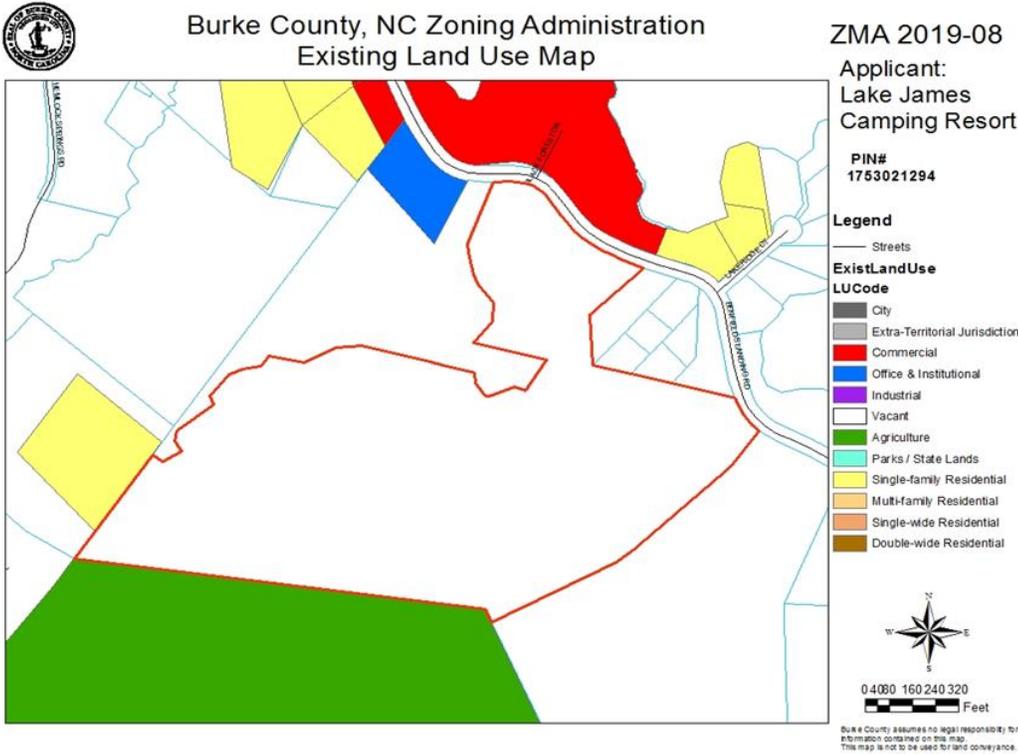
North	CD-L, R-1, G-B	Small business, Campground, Residential subdivisions
South	CD-L	Large plant nursey
East	R-1, CD-L	Vacant land, scattered residences
West	R-1, CD-L	Vacant land / scattered residences



The 2018 Aerial photo and Existing Land Use Map also provide a visual representation of the existing land uses in the area. The current Zoning Map shows where the current zoning districts are located.

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CONFORMITY WITH THE COMPREHENSIVE PLAN

The current land use plan for Burke County is the 2016-2030 Blueprint Burke Strategic Land Use Plan. Within that plan, this area of the county is designated as the "Lake James Special Planning 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. In addition, watershed and shoreline protection regulations are important in this area as Lake James is the beginning of the Catawba River Basin which provides water and electricity to multiple cities and counties in North and South Carolina. It is necessary to balance development and recreational uses while maintaining the area's natural resources.

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Minutes Acceptance: Minutes of Nov 5, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

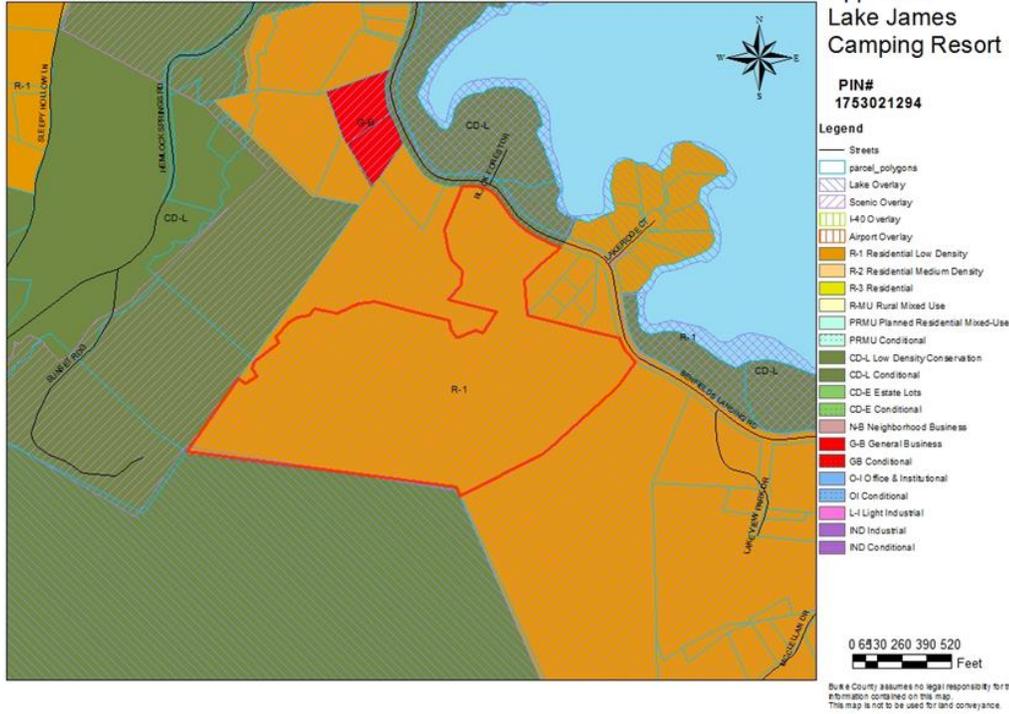


Burke County, NC Zoning Administration
Current Zoning Map

ZMA 2019-08

Applicant:
Lake James
Camping Resort

PIN#
1753021294



PLANNING BOARD RECOMMENDATION

Gary Kling made a motion to approve: A request to rezone one (1) parcel of land consisting of 42.07 acres from the Residential One (R-1) Zoning District to the Low-Density Conservation (CD-L) Zoning District (PIN# 1753021294). Lake James Camping Resort, LLC, Applicant. He was seconded by William Tunstill. The motion passed unanimously with a 5/0 vote.

STAFF COMMENTS

A great amount of land within the Lake Overlay and Scenic Overlay Districts are already zoned Conservation. Rezoning the property from residential to conservation would allow for both residential and outdoor recreational uses. As the surrounding area is predominately vacant land, there would be more development choices for this area. Any recreational uses established through this rezoning should not impact the majority of the residential subdivisions as they are located along the Lake James waterfront. Staff feels the proposed zoning change would be appropriate for this area and consistent with the county land use plan. Therefore, staff recommends approval of the rezoning.

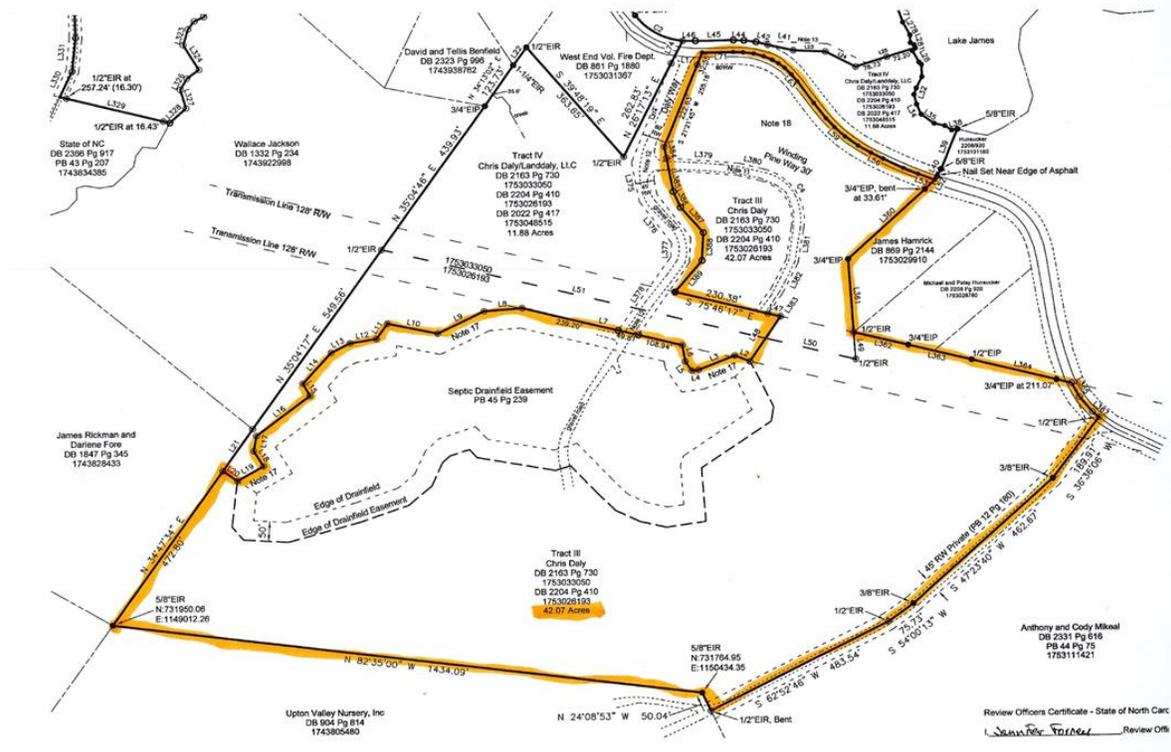
To assist the Board in their decision, staff has provided the following considerations:

- Is there a public need for additional land to be zoned to the requested classification?
- What is the impact on public services, facilities, infrastructure, fire and safety, and topography?
- What are the nearby development/zoning patterns?

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- Consider the full range of uses allowed by the proposed district versus the uses allowed within the current zoning district.
- Is the rezoning request compatible with the character of the surrounding area and suitable with the property for certain uses?

Area to be Rezoned



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SUBJECT PROPERTY



West End Fire Dept. Adjoins Subject Property

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Lake James Camping Resort Located Across Benfield's Landing Road



Benfield's Landing Road Looking South

Minutes Acceptance: Minutes of Nov 5, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)



Mr. Carpenter further reported the proposed rezoned property will be used for short-term camping. He said a few citizens attended the Planning Board meeting and while no one was expressly against the rezoning, some had concerns over a potential increase in traffic.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Brittain asked if this land would be developed for temporary camping. Mr. Carpenter said yes, it would be a traditional campground and noted it will have a pool and trail so campers can enjoy other lake amenities. Mr. Carpenter responded to an additional question from Commissioner Brittain and a question from Commissioner Taylor.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

CONSENT AGENDA

AAB - BURKE COUNTY ANIMAL ADVISORY BOARD BY-LAWS (RULES OF PROCEDURE)

Information from the agenda packet:

The AAB's by-laws/rules of procedure have been reviewed and modified. The changes must be submitted to the Burke County Board of Commissioners for review and approval in accordance with Article 2, Section 2-87 of the Burke Co. Code of Ordinances. Note: This agenda item directly relates to the proposed change to Chapter 6, Animals, in the Burke Co. Code of Ordinances, also on the Nov. agenda for a public hearing.

Debbie Hawkins Animal Advisory Board (AAB) Chair, said the AAB voted unanimously to present this to the Board for approval. She said this combines their old rules of procedures, new by-laws and a few new items such as the duties of the secretary.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Brittain asked if J.R. Simpson, II, County Attorney, has reviewed the documents and made sure this is appropriate. Attorney Simpson said he is in the process of reviewing the changes, but in general, it would be appropriate because most by-laws cover rules of procedure. Ms. Hawkins noted that the AAB by-laws were fashioned after the by-laws of the Board of Commissioners. Ms. Hawkins responded to a question from Chairman Carswell.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

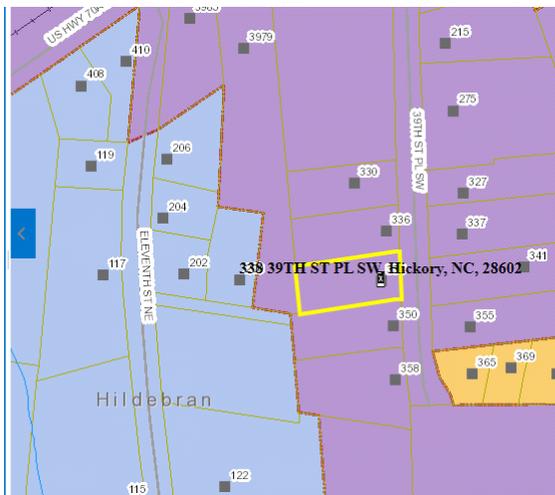
CLERK - APPOINTMENTS TO ADULT CARE & NURSING HOME CAC (PLACE HOLDER)

Clerk Draughn reported an application to serve on the Adult Care / Nursing Home advisory board was received from Kathy Foster. She has completed her training and orientation from the Regional Ombudsman and is recommended for appointment. The initial term is for one year. The terms for Deborah Cooper, Ron Cooper, Victoria Whitworth and Susan Merrill ended May 31st. All members can be reappointed, and the term is for 3 years. Further, Helen Wilson's mother was placed in a nursing home; therefore, she can no longer serve on the committee and her removal is requested. In addition, the Ombudsman has two (2) more applicants that can be appointed as soon as they complete their orientation and training.

Note: It was reported at the meeting that Ms. Wilson's mother recently passed away and is therefore eligible to continue serving on the advisory board.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

CLERK - RECOMMENDATION TO MAKE APPOINTMENT TO HICKORY REGIONAL PLANNING COMMISSION



Clerk Draughn reported an application from Robert L. Weaver was received for the vacant position on the Hickory Regional Planning Commission. The City of Hickory will make the actual appointment based on a recommendation from the County Commissioners.

Chairman Carswell said only 96 citizens live in the ETJ and he commended Scott Black, GIS Manager, for his assistance with getting a map of the area.

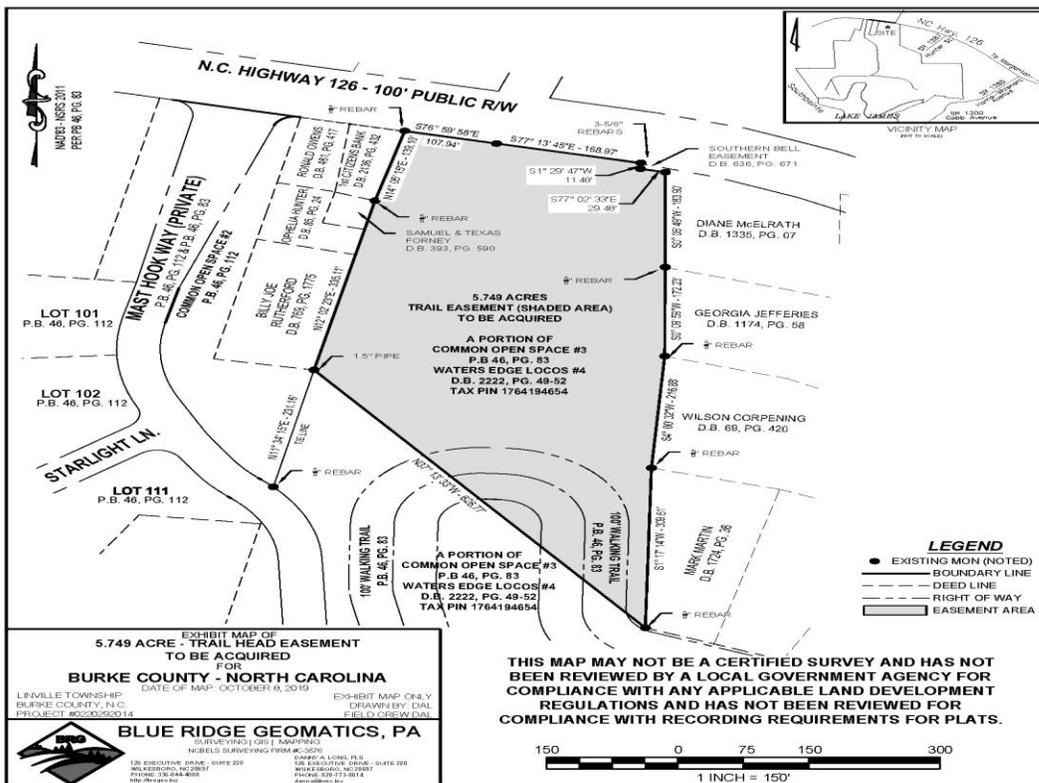
RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

COMM. DEV. - ACCEPT WATERS EDGE EASEMENT AMENDMENT

Shane Prisby, Operations Manager, said Burke County Community Development Department has been working with BWE Land LLC on a 5.749-acre easement for a public parking area and trailhead for the Fonta Flora State Trail. This parking area would be on NC 126 across from

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Gwaltney Road and provide connection into the Fonta Flora Trail system at the Waters Edge subdivision.



Mr. Prisby said this would allow Community Development to add a connection by trail between the existing system and the parking area.

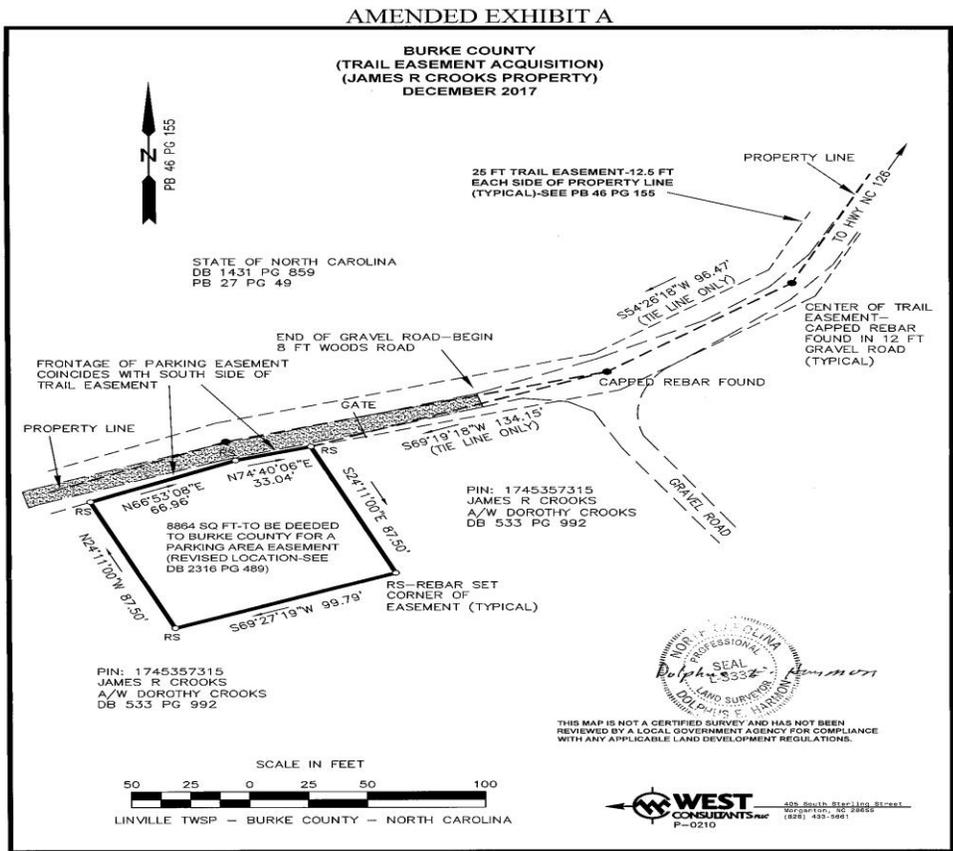
Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor asked where the parking area is going to be. Mr. Prisby said it will be right off Gwaltney Road. Mr. Prisby also responded to a question from County Manager Steen.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

COMM. DEV. - ACCEPT LINVILLE RIVER EASEMENTS

Shane Prisby, Operations Manager, said Burke County Community Development Department has received a trail and parking area easement from Mr. James R. Crooks, owner of the Linville River Campground, for the Fonta Flora State Trail. These easements have already been recorded with the Register of Deeds but were not presented to the Board for approval.

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Chairman Carswell opened the floor for questions and comments from the Board. County Manager Steen asked if this would give Community Development all the easements they need for the loop trail. Mr. Prisby said almost and described the roads and sections that this easement will allow them to connect to. He said the final piece is around the North Powerhouse Road / Cobb Road area. County Manager Steen commended Community Development for their work and thanked the Board for supporting this project. Mr. Prisby responded to a question from Commissioner Brittain concerning the easement and parking.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

CM - RESOLUTION ESTABLISHING NEW OFFICE SPACE FOR MAGISTRATES

County Manager Steen said within the new jail, there is office space specifically designed for the magistrates and he will keep the Board informed as to when the operational switch over from their current location to the new jail will take place. He requested the Board adopt the resolution establishing new office space for the magistrates as follows:

Resolution Establishing New Office Space for Magistrates

Whereas, North Carolina General Statute (NCGS) 7A-302 establishes that Counties shall provide adequate physical facilities for the judicial system operating within its boundaries to include office space for magistrates; and

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Whereas, NCGS 153A-11 establishes the "corporate powers" of each county in North Carolina; and

Whereas, NCGS 153A-12 establishes the "exercise of corporate powers" for each county in North Carolina; and

Whereas, after the court reform of the 1960's, the primary responsibilities of North Carolina counties are to provide adequate physical facilities for the courts and by extension, the provision of office space for judges, clerks of superior court staff, district attorneys and magistrates; and

Whereas, the Board of County Commissioners in each of the one hundred counties in North Carolina has authority to organize other local boards, agencies, departments, and offices not mandated by state law in any way it sees fit; and

Whereas, that in fulfillment of its obligation, Burke County has constructed a new jail with modernized, roomy office space that greatly provides for the security, connectivity needs, work space and privacy of magistrates, and the new office space was specifically planned and intended for use by magistrates in Burke County to securely and efficiently serve the needs of Burke County and its citizens as it relates to the provision of services generally provided by magistrates; and

Whereas, the new office space is approximately 2,570 sq. feet and approximately 1,474 sq. ft. larger than the magistrates' current office space at the courthouse; and

Whereas, the cost of the new office space for the magistrates is approximately \$793,693.10; and

Whereas, the magistrates have toured the new office space on several occasions and are involved in the selection of office furnishings; and

Whereas, the magistrates' new office space is located near an Interstate exchange, which makes it highly visible and easy to find; and

Whereas, to help citizens and end-users locate the new magistrates' office, the County has installed new signage on the jail, provided new wayfinding signage on Government Drive and at the intersection of Government Drive and Enola Road.

Now therefore, the Burke County Board of Commissioners hereby declares that the official and only magistrates' office for Burke County will be in the new jail, 130 Government Drive, in Morganton, by December 31, 2019 at 5:00 p.m. Further, the Burke County Board of Commissioners hereby directs the County Manager to share this resolution with the Chief District Court Judge serving Burke County.

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Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor asked if the cost for the new office space was included in the original jail budget. County Manager Steen said yes.

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019
AT 6:00 PM**

FINANCE - APPLICATION FOR PUBLIC SCHOOL BUILDING CAPITAL LOTTERY FUNDS

Information from the agenda packet:

A portion of lottery proceeds are deposited into a special fund administered by the North Carolina Department of Public Instruction called the Public School Building Capital fund. This fund is used by counties in addressing their school capital needs. Monies deposited into the fund accumulate and earn interest until drawn down by the county. In order to draw down funds, the Board of County Commissioners and the Board of Education must approve and submit an application for an eligible project. Historically, the County has used debt service on school construction as their projects. An application to draw down \$2 million for debt service on Patton and Draughn High Schools is provided in the agenda packet. This application was approved by the Board of Education on October 7th, 2019.

Margaret Pierce, Deputy County Manager/Finance Director, reported the County submits an application approximately every other year to draw down funds for school debt service and this application was approved by the Board of Education.

Chairman Carswell opened the floor for questions and comments from the Board. Ms. Pierce responded to a question from Commissioner Taylor concerning the outstanding balance on the high school debt. Commissioner Taylor said he wants to make sure the state and the County are living up to their expectations regarding the proper use / drawdown of lottery funds.

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019
AT 6:00 PM**

TAX DEPT. - TAX COLLECTION REPORT FOR OCTOBER 2019

Danny Isenhour, Tax Administrator, presented the tax collection report for October as follows:

Category	Tax Levy	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$44,817,271.00	\$29,859,581.79	\$14,957,689.15	66.63%

The information below is comparing Tax Collections for Property Tax and Motor Vehicle Tax to the Annual Budget. This information is a supplement to the Annual Settlement Report.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Current Year Taxes	\$48,070,000.00	\$31,509,725.31	\$16,560,274.69	65.55%
Delinquent Taxes	\$650,000.00	\$335,698.92	\$314,301.08	51.65%
Late List Penalty	\$250,000.00	\$122,303.85	\$127,696.15	48.92%

These two items below make up the current year taxes above.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$43,470,000.00	\$29,859,581.79	\$13,610,418.21	68.69%
Motor Vehicle Tax	\$4,600,000.00	\$1,650,143.52	\$2,949,856.48	35.87%

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019
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TAX DEPT. - RELEASE REFUND REPORT FOR OCTOBER 2019

Danny Isenhour, Tax Administrator, presented the release refund report for October as follows:

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$9,719.55	\$5,769.54	\$3,950.01	\$1,240.67

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$186.92

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

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019
AT 6:00 PM**

ITEMS FOR DECISION

SHERIFF - REQUEST FOR PROPOSALS FOR INMATE FOOD SERVICES

Sheriff Whisenant and Brian Nieft, Support Services Specialist, presented information regarding the Request for Proposals (RFP) for inmate food services as follows:

In preparation of the opening of the New Burke County Jail, the Sheriff’s Office, in consultation with the Burke County Finance Office, made the decision to seek proposals for providing inmate food services at the new jail. A “Request for Proposals” was published on the County website on September 6, 2019 along with an ad in the local newspaper. A mandatory pre-proposal conference was held on September 18, 2019 and all proposals were due October 4, 2019. Four (4) proposals were received. The proposals have been reviewed by the Sheriff’s Office with consultation of County Purchasing Agent. The bid tabulation sheet that was used to review the proposals is shown below and the proposal from the recommended provider, Aramark Correctional Services, LLC, is included in the agenda packet. An average daily population of 170 inmates was used in the Request for Proposals for requesting a per meal price. All the proposals submitted cost proposals that gave a sliding scale for the cost per meal based on the average daily population of the jail but when reviewing proposals, the price quoted for 170 inmates is what was used when they were evaluated.

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Inmate Food Services Request for Proposals Tabulations

Bid Opening: Friday, October 4, 2019

Time: 3:00pm

Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Aramark Correctional Services, LLC	2400 Market Street, Philadelphia, PA, 19103	765-730-7822	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Price Per Meal based on an ADP of 170:		\$ 1.92	
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
7	Sample contract provided?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Company	Address	Telephone	Proposal Submitted
Kimble's/Skillet	100 Webster Street, LaGrange, GA 30241	706-884-5527	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Price Per Meal based on an ADP of 170:		\$ 2.7024	
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements? NO CERTIFICATE OF INSURANCE PROVIDED IN PROPOSAL, NO MENTION OF INSURANCE REQUIREMENTS IN PROPOSAL, AND INSURANCE INFORMATION IN SAMPLE CONTRACT DOES NOT ADDRESS ALL REQUIREMENTS	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references? DID NOT PROVIDE LENGTH OF SERVICE FOR REFERENCES	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code? MENU DID NOT PROVIDE DETAILS OF NUTRIENT REQUIREMENTS & NO CERTIFICATION FROM A DIETITIAN WAS INCLUDED IN PROPOSAL ATTESTING TO MEETING REQUIRED NC DIETARY & NUTRIENT REQUIREMENTS	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
7	Sample contract provided?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

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Inmate Food Services Request for Proposals Tabulations

Bid Opening: Friday, October 4, 2019

Time: 3:00pm

Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Trinity Services Group	477 Commerce Boulevard, Oldsmar, FL 34677	813-854-4264	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Price Per Meal based on an ADP of 170: \$ 2.99*			
<small>*VENDOR DID INCLUDE NOTATION STATING PRICING IS BASED ON ASSUMPTION OF USING THEIR TRINITY TAKE-OUT PROGRAM. THIS TYPE OF PROGRAM WAS NOT PART OF THE RFP. PROGRAM ALLOWS INMATES TO PURCHASE ADDITIONAL MEALS. THIS IS NOT A PROGRAM THE JAIL WOULD WANT TO USE WHICH IS WHY IT WAS NOT PART OF THE RFP.</small>			
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample contract provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Company	Address	Telephone	Proposal Submitted
Summit Food Services	500 East 52 nd Street North, Sioux Falls, SD 57104	605-335-0825	YES <input type="checkbox"/> NO <input type="checkbox"/>
Price Per Meal based on an ADP of 170: \$ 3.158			
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies? NO STAFFING PLAN WAS INCLUDED	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
7	Sample contract provided? NO SAMPLE CONTRACT WAS PROVIDED	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

Inmate Food Services Request for Proposals Tabulations

Bid Opening: Friday, October 4, 2019

Time: 3:00pm

Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Kellwell Food Management	P.O. Box Z, Beattyville, KY 41311	606-464-9596	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VENDOR ATTENDED PRE-PROPOSAL CONFERENCE & WAS ELIGIBLE TO SUBMIT A BID BUT DID NOT SUBMIT ONE			
Price Per Meal based on an ADP of 170:			
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
7	Sample contract provided?	YES <input type="checkbox"/> NO <input type="checkbox"/>	

Recommendation:

After reviewing all proposals, we recommend Aramark Correctional Services, LLC as the vendor for the contract. This recommendation is based on Aramark being the lowest responsible, responsive bidder.

Budgetary Effect: The recommended provider will provide one (1) year of inmate food services at the Burke County jail for \$1.925 per meal based on an average daily population of 170 inmates. The contract will begin January 1, 2020; half of the contract will be paid from funds allocated in the FY 2019-20 budget and the

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remaining half of the contract will be budgeted in the FY 2020-21 budget.

Sheriff Whisenant apologized for being late and thanked the County Manager for presenting his presentation items. Chairman Carswell opened the floor for questions and comments from the Board. In response to a question from Commissioner Taylor, Sheriff Whisenant said utilizing this service would not add or remove any employees. Commissioner Taylor asked if the kitchen equipment is already installed and belongs to Burke County. Sheriff Whisenant responded in the affirmative. Chairman Carswell asked the Sheriff to confirm that no detainees or inmates will be handling the food, it will all come from the proposed vendor. Sheriff Whisenant said that is correct.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019 AT 6:00 PM

SHERIFF - REQUEST FOR PROPOSALS FOR INMATE MEDICAL SERVICES

Sheriff Whisenant and Brian Nieft, Support Services Specialist, presented information regarding the request for proposals (RFP) for inmate medical services as follows:

In preparation of the opening of the new Burke County Jail, the Sheriff’s Office, in consultation with the Burke County Finance Office, made the decision to seek proposals for providing inmate medical services at the new jail. A “Request for Proposals” was published on the County website on August 28, 2019 along with an ad in the local newspaper. A mandatory pre-proposal conference was held on September 4, 2019 and all proposals were due September 25, 2019. Five (5) proposals were received. The proposals were reviewed by the Sheriff’s Office and upon consultation with the County Purchasing Agent, one (1) provider has been recommended. The bid tabulation sheet that was used to review the proposals is provided as well as the proposal from the recommended provider, Institutional Medical Services, PLLC. Institutional Medical Services (IMS) is recommended because:

- 1. IMS is the lowest responsible, responsive bidder.
- 2. IMS has a medical doctor on staff.
- 3. IMS has years of experience working in jails and with inmates.
- 4. In our determination IMS is judged best able to provide a healthcare delivery system at the Burke County Jail that best fits the needs of the County.

Budgetary Effect: None. The recommended provider will provide one (1) year of inmate medical services at the Burke County jail for \$318,000. The contract will begin January 1, 2020; half of the contract (\$159,000) will be paid from funds allocated in the FY 2019-20 budget and the remaining half (\$159,000) of the contract will be budgeted in the FY 2020-21 budget.

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Inmate Medical Services Request for Proposals Tabulations

Bid Opening: Wednesday, September 25, 2019

Time: 3:00pm

Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Institutional Medical Services	135 Cedar Lake Drive, Statesville, NC 228625	828-850-0755	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 318,000	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample Contract Provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Company	Address	Telephone	Proposal Submitted
Community Family Health Care	219 Avery Ave # A, Morganton, NC 28655	828-439-4057	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 373,464	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references? <small>DID NOT PROVIDE LENGTH OF SERVICE FOR REFERENCES</small>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample Contract Provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

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Inmate Medical Services Request for Proposals Tabulations

Bid Opening: Wednesday, September 25, 2019

Time: 3:00pm

Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Quality Correctional Health Care	200 Narrows Parkway, Suite A, Birmingham, AL 35242	309-241-6300	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 528,940.00	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?		YES <input type="checkbox"/> NO <input type="checkbox"/>
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies? NO STATEMENT ON HOW TEMPORARY VACANCIES WILL BE HANDLED WAS INCLUDED		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
7	Sample Contract Provided?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Company	Address	Telephone	Proposal Submitted
MEDIKO	3900 Westerre Parkway, Suite 302, Richmond, VA 23233	716-982-9327	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 635,573	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies? NO STATEMENT ON HOW TEMPORARY VACANCIES WILL BE HANDLED WAS INCLUDED		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
7	Sample Contract Provided?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Inmate Medical Services Request for Proposals Tabulations

Bid Opening: Wednesday, September 25, 2019

Time: 3:00pm

Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Southern Health Partners	2030 Hamilton Place Blvd, Suite 140, Chattanooga, TN 27421	336-214-0143	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 274,380	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies? STAFFING PLAN IS NOT COMPLETE, OMMITS STAFF ON SATURDAYS & SUNDAYS		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week? PROPOSAL DOES NOT LIST MEDICAL CARE FOR 16 HOURS ON SATURDAYS & SUNDAYS		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
7	Sample Contract Provided?		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Recommendation:
<p>After reviewing all proposals, we recommend <u>Institutional Medical Services</u> as the vendor for the contract. This recommendation is based on the following:</p> <ol style="list-style-type: none"> 1. Vendor was the lowest responsible, responsive bidder 2. Vendor has a medical doctor on staff 3. Vendor has extensive experience working in jails and interacting with inmates

Minutes Acceptance: Minutes of Nov 5, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

Sheriff Whisenant said IMS was the second lowest bidder and they were selected because the lowest bidder did not meet the qualifications such as having an incomplete staffing plan, no staff on Saturdays and Sundays, nor did their proposal list medical care for 16 hours on Saturdays and Sundays.

Chairman Carswell opened the floor for comments or questions from the Board. Commissioner Brittain suggested moving this item and the inmate food services item to the consent agenda. Chairman Carswell and Vice Chairman Mulwee concurred, however, Commissioner Taylor objected. Commissioner Taylor asked if there is currently a contract for medical care. Sheriff Whisenant responded in the affirmative and discussion ensued regarding the goal of having medical staff inside the jail. County Manager Steen noted the difficulty in comparing the medical needs of the Burke-Catawba District Confinement Facility to the new Burke County Jail because there are so many medical variables. Sheriff Whisenant said the trend for inmates coming into jails is that they are progressively getting more ill. He said having medical staff inside the jail should be much less expensive in the long run rather than calling EMS every time an inmate gets sick. Using outside medical services also ties up a deputy for extended periods of time. Discussion continued on inmate medical care.

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019
AT 6:00 PM**

CLERK - APPOINTMENT TO ANIMAL ADVISORY BOARD

Clerk Draughn reported Seat No. 7 (at-large, pet-owner) on the Animal Advisory Board was formerly held by David Coffin and is vacant due to his resignation. An application along with a copy of a current rabies certificate/verification was received from Megan Bradley, Lynda Garibaldi, Donald Propst and Carla Wallace. The term ends July 31, 2020.

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019
AT 6:00 PM**

CA - ACCEPTANCE OR REJECTION OF OFFER TO PURCHASE SURPLUS PROPERTY

J.R. Simpson, II, County Attorney presented information regarding the acceptance or rejection of an offer to purchase surplus real property as follows:

On Nov. 16, 2010, the County adopted a policy on selling surplus real property and the policy is included in the packet for reference. A minimum bid amount of \$2,002.55 was also approved by the Board in 2010 for the vacant property located on East View Street in Morganton and the amount includes \$125 for advertising and \$500 for attorney fees. Mr. Joseph Belanger owns the parcel across the street (#31635) and wishes to purchase the surplus property owned by the County (Parcel ID# 3514) which is 0.06/acre in size. He has submitted a \$500 bid. In accordance with Section IV, Bid Exception, the Tax Assessor along with the County Attorney may request the Board to accept a bid less than the minimum amount established if the Assessor and Attorney believe it is in the County's best interest. The Tax Administrator believes it would be in the County's best interest to accept an offer less than the minimum bid of \$2,002.55 as authorized by the Commissioners in 2010. A fair value for this property in his estimation would be the attorney and advertising costs, which should be less than \$1,000. However, the County Attorney can provide a better estimate. This

parcel is unbuildable due to size and the required setbacks. The Tax Office’s value of \$2,700 is not representative of fair market value which should be \$500 - \$1,000. There is only one adjoining lot to this parcel and the owner of that lot would benefit the most by owning this lot. The County Attorney will initiate the 10-day upset bid process after the Board accepts the current bid or establishes a new minimum bid amount.

PARCEL: 3541		01/02/2018		PIN: 2703-55-4343	
Property Record Card Physical Address: 0 EASTVIEW ST					
Status: ACTIVE		Corp Limit: MORGANTON		Assessed Acreage: 0.06	
Market Area: 85(1091)		Special District:		Utilities: ALL, PAVED	
Land Class: EXEMPT VALUE		Fire District:		Flags:	
Pin History:		Township: MORGANTON			
Deed Book/Pg: 000624/00524		Deed Date: 9/29/1982		Stamps: \$1,378	
Description:					
Name: BURKE COUNTY		Jan 1, Owner(s)		Sales Details	
Mailing Address: P O BOX 219 MORGANTON NC 28680		BURKE COUNTY		TYPE	PRICE
				LND	\$1,378
				DATE	09-29-82
				SRC	R
				STATUS	D
Historic Deferral:		Total Cost Value of Property:		Valued by cost: \$2,700	
Use Value Deferral:		Total Exempt/Deferred:		\$2,700	
Exempt Value: \$2,700					
Exempt Desc: County Govt					
Total Taxable Value: \$0					
Land Summary					
Seq	Zoning	Land Desc	Land Units	Rate	Size Adj Factor
1	MID	PRIME SITE	0.06 AC	\$45,000	
					Adjusted Rate
					\$45,000
					Land Value
					\$2,700
Total Assessed Value for Land: \$2,700					
PARCEL: 3541		01/02/2018		PIN: 2703-55-4343	
DATE	BLDG #	DESCRIPTION			
6/23/2015		TMAP (44-10-2-1)			

Budgetary Effect: Currently, the property does not generate any revenue for the county. However, it would if it were sold and put back on the tax rolls, a small amount of property tax would be generated.

Attorney Simpson also reviewed the upset bid process. Chairman Carswell opened the floor for questions and comments from the Board. In response to a question from Vice Chairman Mulwee, Attorney Simpson said he has no way of knowing the actual fair market value of the land without an appraisal and noted that the Tax Administrator believes the property is overvalued at \$2,700. Commissioner Taylor said if \$2,700 is not the fair market value of the land, it should have been corrected before the County listed it for sale. He then asked in addition to paying the attorney fees and advertising fees, (originally from 1982) will the County have to pay for Attorney Simpson’s fee and additional advertising. Attorney Simpson said the County will have to pay his hourly rate and for the cost of any additional advertising. Commissioner Taylor expressed his displeasure with having taxpayers paying for something that they get nothing out of and suggested the County try and recuperate the funds spent on the 1982 expenses as well as the current advertising and attorney fees by making a counteroffer of \$750 to \$1,000. Commissioner Brittain asked if the County will keep accruing fees if they drag out the process. Attorney Simpson said yes. Chairman Carswell said if any Board member is uncomfortable with the current bid (\$500), they can suggest a new minimum bid and he would like to know what it is before the regular meeting. Discussion ensued regarding the bid amount. Chairman Carswell asked how long the County has not been receiving any taxes from the property. Attorney Simpson said since 1982. Vice Chairman Mulwee commented that nothing can be built on the property because of its small size and said if someone is willing to buy it, then the County should let them, in order to get the property back on the tax rolls.

Minutes Acceptance: Minutes of Nov 5, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019
AT 6:00 PM**

CM - FUNDING FOR INMATE MEDICAL CARE

County Manager Steen reported information regarding the funding for inmate medical care as follows:

To cover medical expenses for BCDCF inmates, an appropriation of up to \$200,000 of General Fund, Fund Balance is needed during the closure process of the regional jail facility. Staff will direct bill the Sheriff of the inmate's particular county of origin for the medical costs.

Budgetary Effect: A Fund Balance appropriation in the amount of \$200,000 is necessary. The County may recover a portion of the funds at the conclusion of the BCDCF process from BCDCF's fund balance.

County Manager Steen said there are still inmates at the Burke-Catawba District Confinement facility who require medical attention and while Burke County has taken steps to direct bill the county from whose custody they belong in, they have depleted the funds available for in custody inmate medical care. He said you never know what kind of medical issues inmates may have when they come into the jail and how much that may cost.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor said there is not a lot anyone can do to control this type of situation, but it would be nice if there was another way to pay for it besides using General Fund, Fund Balance. Margaret Pierce, Deputy County Manager/Finance Director, reported the County has applied to purchase an insurance policy for catastrophic inmate medical claims, the requested claim history was provided to the company and they are waiting for a response. If the County is approved and if the annual premium is reasonable, estimated at \$40,000 to \$50,000 with a \$10,000 deductible, it could be more cost effective than not having such a policy Pierce said.

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 11/19/2019
AT 6:00 PM**

REPORTS

FINANCE - COUNTY FINANCIAL REPORT FOR THE PERIOD ENDING SEPTEMBER 30, 2019

Margaret Pierce, Deputy County Manager/Finance Director, said the report did not go out in the agenda packet but was emailed to the Board. She said overall, property tax revenues are up marginally from last year, sales tax numbers do not come out until October, so the \$0 figure is common at this point, and the rest of the County's revenues are on target. Regarding expenses, she said everything is on schedule.

November 5, 2019 (Pre-Agenda)

DRAFT

GENERAL FUND AS OF SEPTEMBER 30, 2019				PERCENT RECEIVED / EXPENDED
	BUDGET	ACTUAL	BALANCE	
REVENUES:				
Property Taxes, Interest, & Penalties	\$48,970,000	30,145,019	\$18,824,981	61.56%
Sales Tax	\$7,400,000	0	\$7,400,000	0.00%
Other taxes	\$1,501,000	335,825	\$1,165,175	22.37%
Intergovernmental	\$17,171,201	3,260,218	\$13,910,983	18.99%
Sales/Services	\$4,082,300	1,064,018	\$3,018,282	26.06%
Permit/Fees	\$1,503,500	355,107	\$1,148,393	23.62%
Misc Revenues	\$807,450	418,387	\$389,063	51.82%
Transfer from other Funds	\$6,681,410	0	\$6,681,410	0.00%
Fund Balance	\$1,437,945	0	\$1,437,945	0.00%
TOTAL	\$89,554,806	35,578,574	\$53,976,232	39.73%
EXPENDITURES:				
Animal Services	\$217,535	35,831	\$181,704	16.47%
Burke County Schools	\$15,874,203	3,834,820	\$12,039,383	24.16%
Community Dev/Planning	\$871,545	247,182	\$624,363	28.36%
Cooperative Extension	\$380,855	62,109	\$318,746	16.31%
Debt Service	\$8,398,330	3,374,297	\$5,024,033	40.18%
DSS	\$17,476,862	3,452,508	\$14,024,354	19.75%
Economic Development	\$1,420,674	277,415	\$1,143,259	19.53%
Elections	\$490,280	131,686	\$358,594	26.86%
Emergency Services	\$8,916,900	2,171,900	\$6,745,000	24.36%
General Government	\$7,079,032	2,200,750	\$4,878,282	31.09%
Health	\$3,366,725	826,841	\$2,539,884	24.56%
Library	\$1,586,735	479,075	\$1,107,660	30.19%
Maintenance & Operation	\$1,752,235	449,834	\$1,302,401	25.67%
Mental Health	\$265,000	132,500	\$132,500	50.00%
Recreation	\$709,600	171,694	\$537,906	24.20%
Register of Deeds	\$486,235	83,717	\$402,518	17.22%
Senior Services/Veteran Services	\$628,770	121,254	\$507,516	19.28%
Sheriff and Jail	\$12,837,075	2,880,026	\$9,957,049	22.44%
Soil & Water	\$129,125	30,574	\$98,551	23.68%
Tax	\$1,580,935	377,010	\$1,203,925	23.85%
Western Piedmont Community College	\$2,710,155	640,039	\$2,070,116	23.62%
Transfers to other Funds	\$2,376,000	16,000	\$2,360,000	0.67%
TOTAL	\$89,554,806	\$21,997,062	\$67,557,744	24.56%
FUND BALANCE INCREASE / (DECREASE)			<u>\$13,581,512</u>	

ENTERPRISE FUNDS AS OF SEPTEMBER 30, 2019				PERCENT RECEIVED / EXPENDED
	BUDGET	ACTUAL	BALANCE	
WATER & SEWER:				
Revenues	\$1,854,510	315,399	\$1,539,111	17.0%
Expenditures	\$1,854,510	178,937	\$1,675,573	9.6%
FUND BALANCE INCREASE / (DECREASE)			<u>\$136,462</u>	
SOLID WASTE:				
Revenues	\$5,440,225	2,244,987	\$3,195,238	41.3%
Expenditures	\$5,440,225	1,084,391	\$4,355,834	19.9%
FUND BALANCE INCREASE / (DECREASE)			<u>\$1,160,596</u>	

At the direction of the Board, this report was moved to the consent item agenda for the November regular meeting.

Minutes Acceptance: Minutes of Nov 5, 2019 3:00 PM (APPROVAL OF MEETING MINUTES)

RESULT: MOVED WITHOUT OBJECTION TO THE CONSENT AGENDA FOR THE NEXT MEETING: 11/19/2019 AT 6:00 PM

OTHER DISCUSSION ITEMS

Chairman Carswell reminded the Board of the following dates:

- Nov. 5 – Election Day.
- Nov. 11 – County offices will be closed for Veterans Day with the annual Veterans Day celebration being held at 10:30 a.m. at the Foothills Higher Ed. Center.
- Nov. 15 – Valdese Library Grand Reopening Ceremony, 10:30 a.m., rain or shine.
- Nov. 19 – Meet / Greet for Korey Fisher-Wellman, new DSS Director, HRC, Conference Room, 700 E. Parker Road, 10:00 a.m. – 11:00 a.m.
- Nov. 28 & 29 – County offices will be closed for Thanksgiving.
- Dec. 2 (Monday) – Pre-Agenda meeting.
- Dec. 3 (Tuesday) – Morganton Parade.
- Dec. 12 (Thursday) – Burke County Jail Grand Opening Ceremony at 10:30 a.m.

Commissioner Taylor asked everyone to please remember the daughter of former Burke County Commissioner, Lloyd Young, who recently passed away.

ADJOURN

Motion: To adjourn at 4:25 p.m.

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

Approved this 21st day of April 2020.

Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

November 19, 2019 (Regular)

DRAFT

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

The Burke County Board of Commissioners held a regular meeting on Tuesday, November 19, 2019 at 6:00 p.m. They met in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E in Morganton, N.C. Those present were:

COMMISSIONERS:

Johnnie W. Carswell, Chairman
Scott Mulwee, Vice Chairman
Wayne F. Abele, Sr.
Jeffrey C. Brittain
Maynard M. Taylor

STAFF:

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

CALL TO ORDER

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

INVOCATION

Ed Stephenson, Arneys Fairview United Methodist Church, delivered the invocation.

PLEDGE OF ALLEGIANCE

Under the leadership of Principal Heidi Bristol, Ray Childers Elementary School students led the Pledge of Allegiance to the American Flag. Afterwards, they had a commemorative photograph taken with the Commissioners and staff.

APPROVAL OF AGENDA

Chairman Carswell announced the following change to the agenda:

Removal of Presentation Item No. 4: Sheriff – Recognition of Detective Kirstie Puckett for the Advanced Law Enforcement Certificate. The recipient was unable to attend the meeting.

Motion: To approve the agenda as amended.

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

APPROVAL OF MEETING MINUTES

Motion: To approve the meeting minutes of June 4, 2019 (Pre-Agenda) as written.

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

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

PRESENTATIONS

AS - PET OF THE MONTH

Kaitlin Settlemyre, Animal Services Director, and Alicia Grindstaff, Animal Services Technician, presented a dog, Gomez, who is in need of his "forever" home. Ms. Settlemyre gave updates on upcoming Animal Services events/activities. Chairman Carswell encouraged citizens to check out the Animal Services Center and noted that Burke County's adoption rates are increasing.

RESULT:	NO ACTION TAKEN.
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MPM - RESOLUTION PROCLAIMING NOV. 16-24 AS NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK

Alison Azbell, The Meeting Place Mission (TMPM) Executive Director, presented the following resolution proclaiming November 16-24, 2019 as National Hunger and Homelessness Awareness Week in Burke County.

Ms. Azbell said National Hunger and Homelessness Awareness Week is a national movement that has been occurring for a long time and TMPM participates because they help a lot of people who are homeless or facing the imminent threat of homelessness. She said TMPM has an emergency shelter for women and children, and two (2) transitional living facilities. Ms. Azbell said TMPM had over 7,500-night stays across their programs, served over 17,000 meals, did 20,000 loads of laundry, and moved 40 people into permanent housing that were homeless. She noted that the homeless population is growing, and they are doing what they can to combat the issue. She said that knowledge is power and by passing this resolution, the Board is assisting TMPM by spreading information, informing the community about who they are, what they do, and who they serve.

Chairman Carswell opened the floor for comments or questions from the Board. Vice Chairman Mulwee asked how much money did TMPM raise at their "Give Cheese a Chance" event. Ms. Azbell said the preliminary number is \$7,000 which is the most they have ever made at a fundraiser. Vice Chairman Mulwee commended the event and TMPM for their work. Commissioner Taylor commented on the number of organizations that assist the hungry and homeless and said America is a very compassionate nation. Chairman Carswell commended Ms. Azbell for her work with TMPM.

Motion: To adopt Resolution No. 2019-22.

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

Res. No. 2019-22 reads as follows:

November 19, 2019 (Regular)

DRAFT

A RESOLUTION PROCLAIMING NOVEMBER 16-24, 2019 AS NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK IN BURKE COUNTY, NORTH CAROLINA

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

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

WHEREAS, there are many organizations committed to sheltering and providing supportive services as well as meals and food supplies to people experiencing homelessness including: The Meeting Place Mission, Burke United Christian Ministries, Partners Behavioral Health Management, The Outreach Center, Burke County United Way, The House of Refuge, Options, Inc., North Carolina Vocational Rehabilitation, Burke Recovery, Veteran's representatives and many more community partners; and

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

NOW, THEREFORE BE IT RESOLVED that the Burke County Board of Commissioners hereby proclaims November 16-24, 2019 as National Hunger and Homelessness Awareness Week.

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

Adopted this 19th day of November 2019.

/s/ Johnnie W. Carswell
Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

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

SHERIFF - RECOGNITION OF CAPTAIN GREG HUNTLEY FOR BEING NAMED NC JAIL ADMINISTRATOR OF THE YEAR

Sheriff Whisenant reported Captain Greg Huntley was named the North Carolina Jail Administrator of the Year for 2019 by the North Carolina Jail Administrators Association at their annual conference in Greensboro in September. Captain Huntley was recognized for his exceptional meritorious service to the operation of the Burke County Jail, the Burke County Sheriff's Office, and his contributions to the betterment of the North Carolina Jail Administrators Association. Sheriff Whisenant recognized and congratulated Captain Huntley for receiving this

prestigious recognition. He also said there are 100 counties in North Carolina and only one (1) gets the award. He said Captain Huntley is the point person for the new jail, spends a significant amount of time there and has been a remarkable success in working with the North Carolina Jail Administrators Association.



From left to right: Captain Greg Huntley and Sheriff Steve Whisenant

RESULT: NO ACTION TAKEN.

SHERIFF - RECOGNITION OF LIEUTENANT DON BARBER FOR THE ADVANCED LAW ENFORCEMENT CERTIFICATE

Sheriff Whisenant reported Lieutenant Don Barber has been awarded the prestigious "Advanced Law Enforcement Certificate" from the North Carolina Sheriff's Education and Training Standards Commission. This certificate is awarded in recognition of the attainment of training and educational objectives commensurate with the role of a professional law enforcement officer. He recognized and congratulated Lieutenant Barber for receiving this prestigious recognition. He also thanked the Board for allowing the Sheriff's Office to honor the officers who receive these prestigious awards.

RESULT: NO ACTION TAKEN

SCHEDULED PUBLIC HEARINGS

AAB - ORDINANCE AMENDING CHAPTER 6, BURKE CODE OF ORDINANCES & PUBLIC HEARING - 6:00 P.M.

Debbie Hawkins, Animal Advisory Board (AAB) Chair, presented information regarding the ordinance amending Chapter 6, Burke Code of Ordinances as follows:

The Animal Advisory Board (AAB) has recently reviewed the audit procedures for the approved rescues who are transferring animals from Burke County Animal Services. The AAB recommends a change to the ordinance (Section 6.77, Rescue Requirements, Paragraph 2) which is actually also stated in what the AAB is recommending for its Rules of Procedure. This change basically lightens the

consequence for any rescue who is not in compliance with the audit. Currently, if a rescue is out of compliance during two (2) consecutive audits, their ability to pull animals from Animal Services will be revoked for a period of 12 months. The AAB proposes the following: if a rescue is out of compliance during two consecutive audits, or there are issues, a warning is given, and the rescue has 10 days to submit additional information. If they remain out of compliance, the revocation period will be no less than 6 months. This would give Animal Services and the Advisory Board a little more flexibility in determining the circumstances versus just revoking their status for a full year. As an Advisory Board, we felt the current consequence was greater than what we actually need in place. The AAB considered the proposed ordinance change on October 23, 2019 and the vote to approve it was 6-0.

Ms. Hawkins said the AAB is tasked with performing quarterly audits for all the rescue groups that pull animals from Animal Services. She said in reviewing the audit procedures the AAB would like to recommend changing the ordinance to essentially lighten the consequences for those rescues who are not in compliance with the audit. Ms. Hawkins said currently, a group found to be in non-compliance would be penalized by not being able to pull animals for 12 months. The AAB recommendation, Hawkins said, is that the penalized time be limited to no less than six (6) months after a 10-day period to get their records in order. She said the AAB felt the current penalty was too stringent, it only hurts Animals Service by not allowing rescues to pull animals for a year, and this would give the AAB time to look at the consequences of what is behind non-compliance and documentation issues.

At 6:19 p.m. Chairman Carswell opened the public hearing. The Public Hearing Notice was published in THE NEWS HERALD on November 7, 2019, in addition, it was posted to the County’s website (www.burkenc.org) on November 7, 2019. No one signed up to address the Board; therefore, Chairman Carswell closed the public hearing.

Motion: To adopt an Ordinance (No. 2019-14) amending the Burke County Code of Ordinances.

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

Ord. No. 2019-14 reads as follows:

Burke County
North Carolina

Ordinance Amending Burke Co. Code of Ordinances
Chapter 6, Section 6.77, Rescue Requirements

Text to be removed is shown with a strikethrough mark. Text to be added is shown in bold font.

Sec. 6-77. - Rescue requirements.

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

November 19, 2019 (Regular)

DRAFT

Approved rescue groups are allowed to pull animals from county animal services. Pursuant to G.S. 130A-192(a), all animals are required to be held for an initial impoundment period of 72 hours. However, in the event that an animal is surrendered to county animal services, the animal may be released immediately. Following the initial impoundment period, animals will be held in the animal services center and made available for rescue by an approved rescue group or the general public as long as the health and temperament of the animal determines that it is suitable for rescue/adoption. This determination will be made by the animal services director and the decision will be final.

(1) Following the transfer of an animal to an approved rescue group, county animal services will require that the animal be provided with the appropriate care that includes spay/neuter, updated vaccinations, and health reconditioning (if needed), etc.

~~(2) Quarterly audits will be performed by the animal advisory board to ensure proper care and recordkeeping of all approved rescue groups/groups. During each audit, two approved rescues will be selected for audit review and required to provide all documentation of applicable vaccinations, spay/neuter, and current location of a random selection of animals they have pulled from county animal services. If the audit shows an approved rescue group is not in compliance two times in two consecutive audits due to missing or incorrect documentation or refusal/failure to provide, their "approved" status shall be revoked for a period of 12 months and they may reapply at the conclusion of the revocation period. An additional violation after reinstatement shall result in a 24-month revocation and a further violation after two reinstatements shall result in permanent revocation.~~

(2) Quarterly audits will be performed by the animal advisory board to ensure proper care and recordkeeping of all approved rescue groups/groups. During each audit, two approved rescues will be selected for audit review and required to provide all documentation of applicable vaccinations, spay/neuter, and current location of a random selection of animals they have pulled from county animal services. If the audit shows an approved rescue group is not in compliance two (2) times in two (2) consecutive audits due to missing or incorrect documentation or refusal/failure to provide, a warning will be issued, and the rescue given ten (10) working days to produce additional documentation. If the rescue fails to produce requested documents or additional information to refute the audit, the rescue's permission to pull animals from Animal Services will be suspended. Time of suspension will be no less than six (6) months. Re-evaluation of the rescue will be conducted by the Animal Services Director. A second violation will warrant a twelve (12) month suspension, and any additional violations will mean permanent revocation.

Adopted this 19th day of November 2019.

/s/ Johnnie W. Carswell
Johnnie W. Carswell, 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 2019-08 & PUBLIC HEARING - 6:00 P.M.

Scott Carpenter, Deputy County Manager/Planning Director, presented information regarding ZMA 2019-08 as follows:

REQUEST

Staff has received a rezoning application from Lake James Camping Resort, LLC to rezone one (1) parcel of land totaling 42.07 acres. The request is to rezone the property from its current zoning of Residential One (R-1) to the Low-Density Conservation District (CD-L) zoning district. The parcel is also within the Scenic Overlay District and the Lake Overlay District.

SITE ANALYSIS

The parcel is described as follows: The 911 address of the parcel is 2013 Winding Pine Way, Nebo, NC. The parcel is further identified in county records as (PIN# 1753021294 and REID# 16983). As mentioned above, the parcel is 42.07 acres. Although the property is zoned "Residential One", there are no dwellings on the property. Currently, the primary use on the property is an onsite wastewater treatment system for the commercial campground across the street. Of the 42.07 acres, 10.93 acres is reserved and dedicated for the septic system. This area cannot be used for any other purpose. The property is located within the Lake James WS IV-C Water Supply Watershed and is within the West End Fire District. The parcel is also located within the Linville Township of Burke County. The parcel is accessed by Benfield's Landing Road and a perpetual forty-five (45) foot right-of-way and easement (Daly Way) for ingress and egress (Plat Bk.51 / Pg.50).

SURROUNDING AREA

Land uses in the surrounding area are a mixture of residential, commercial, and horticultural uses. However, the vast majority of land use in this area is vacant land. There are several commercially zoned properties in close vicinity to the subject parcel. There are several more commercially zoned parcels further to the north as well. Across Benfield's Landing Road is the existing Lake James Camping Resort property. This property is zoned Low-Density Conservation. The majority of residential development in this area is within multiple residential subdivisions along the shore of Lake James. Those subdivisions are located within the Residential One (R-1) zoning district. The table below indicates the existing land uses in the area.

Existing Zoning and Land Uses within the Surrounding Area		
	Current Zoning	Existing Land Uses
North	CD-L, R-1, G-B	Small business, Campground, Residential subdivisions
South	CD-L	Large plant nursey
East	R-1, CD-L	Vacant land, scattered residences
West	R-1, CD-L	Vacant land / scattered residences



Burke County, NC Zoning Administration
Aerial Land Use Map

ZMA 2019-08

Applicant:
Lake James
Camping Resort

PIN#
1753021294



0 4080 160 240 320
Feet

Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.

The 2018 Aerial photo and Existing Land Use Map also provide a visual representation of the existing land uses in the area. The current Zoning Map shows where the current zoning districts are located.

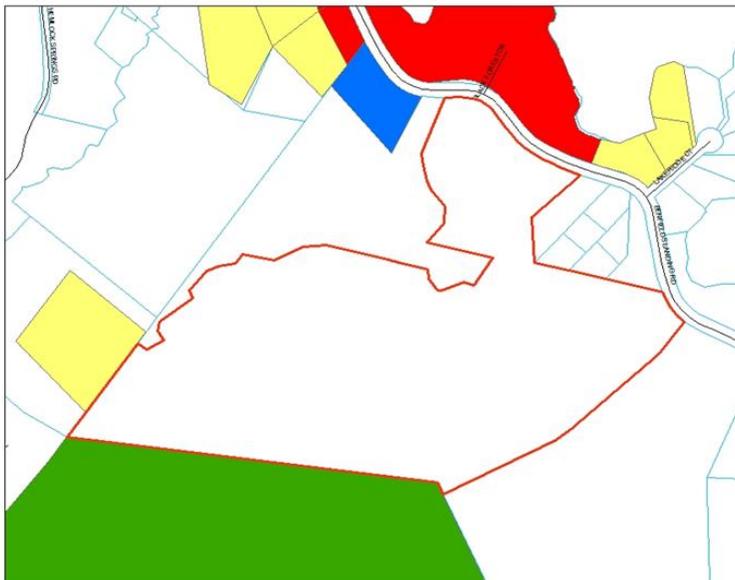


Burke County, NC Zoning Administration
Existing Land Use Map

ZMA 2019-08

Applicant:
Lake James
Camping Resort

PIN#
1753021294



- Legend**
- Streets
 - ExistLandUse**
 - LUCode**
 - City
 - Extra-Territorial Jurisdiction
 - Commercial
 - Office & Institutional
 - Industrial
 - Vacant
 - Agriculture
 - Parks / State Lands
 - Single-family Residential
 - Multi-family Residential
 - Single-wide Residential
 - Double-wide Residential



0 4080 160 240 320
Feet

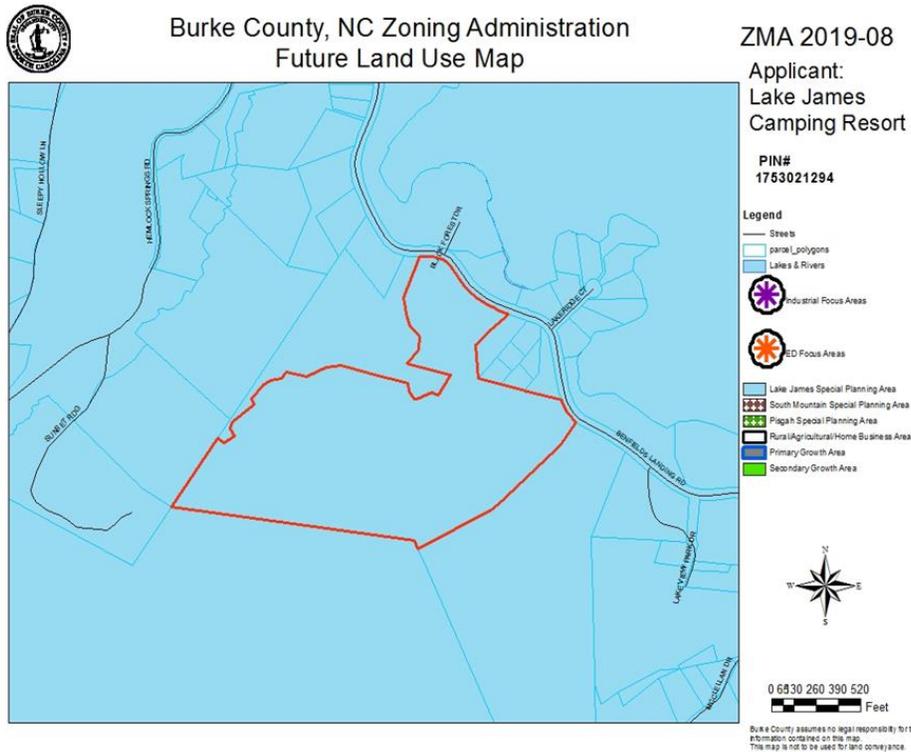
Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.

CONFORMITY WITH THE COMPREHENSIVE PLAN

The current land use plan for Burke County is the 2016-2030 Blueprint Burke Strategic Land Use Plan. Within that plan, this area of the county is designated as the "Lake James Special Planning Area". This area includes Lake James and

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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. In addition, watershed and shoreline protection regulations are important in this area as Lake James is the beginning of the Catawba River Basin which provides water and electricity to multiple cities and counties in North and South Carolina. It is necessary to balance development and recreational uses while maintaining the area's natural resources.



CONFORMITY WITH THE BURKE COUNTY ZONING ORDINANCE

The "current" zoning district for this parcel is Residential One (R-1). The R-1 Residential District is composed of high to medium density single-family site built and modular homes in areas that have now or are likely to have in the future both water and sewer availability. The R-1 district may also be located in areas without these services, but at reduced density levels. The characteristics of the district, and the uses allowed there, are primarily residential in nature. The regulations of this district are intended to discourage any use that, because of its character, would substantially interfere with the development of single-family residences which would be detrimental to the quiet residential nature of the areas included in this district.

Although the Strategic Land Use Plan encourages various outdoor recreation uses in this area, the Residential One District does not allow such uses. The Low-Density Conservation District would allow both.

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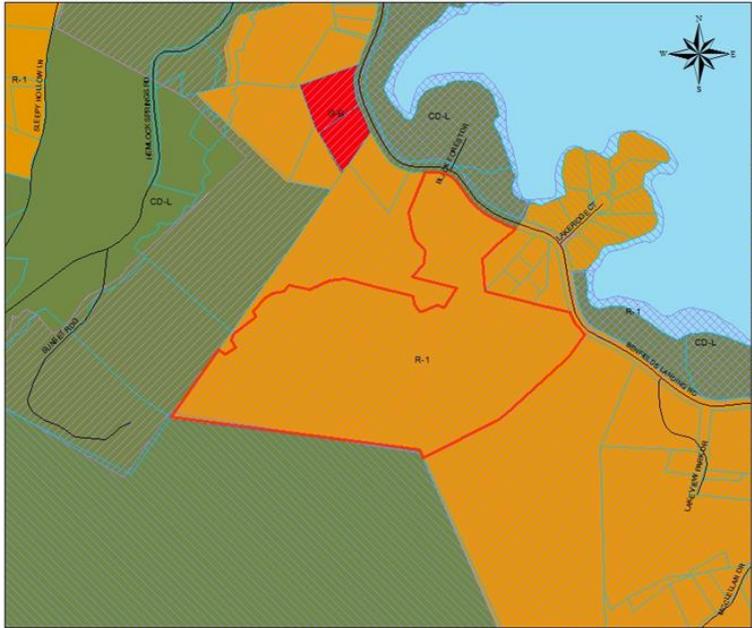


Burke County, NC Zoning Administration
Current Zoning Map

ZMA 2019-08

Applicant:
Lake James
Camping Resort

PIN#
1753021294



- Legend**
- Streets
 - parcel_polygon
 - Lake Overlay
 - Scenic Overlay
 - 140' Overlay
 - Airport Overlay
 - R-1 Residential Low Density
 - R-2 Residential Medium Density
 - R-3 Residential
 - R-MU Rural Mixed Use
 - PRMU Planned Residential Mixed-Use
 - PRMU Conditional
 - CD-L Low Density Conservation
 - CD-L Conditional
 - CD-E Estate Lots
 - CD-E Conditional
 - N-B Neighborhood Business
 - O-B General Business
 - OB Conditional
 - O-I Office & Institutional
 - O-I Conditional
 - L-I Light Industrial
 - IND Industrial
 - IND Conditional

0 6930 260 390 520
Feet

Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.

PLANNING BOARD RECOMMENDATION

Gary Kling made a motion to approve: A request to rezone one (1) parcel of land consisting of 42.07 acres from the Residential One (R-1) Zoning District to the Low-Density Conservation (CD-L) Zoning District (PIN# 1753021294). Lake James Camping Resort, LLC, Applicant. He was seconded by William Tunstill. The motion passed unanimously with a 5/0 vote.

STAFF COMMENTS

A great amount of land within the Lake Overlay and Scenic Overlay Districts are already zoned Conservation. Rezoning the property from residential to conservation would allow for both residential and outdoor recreational uses. As the surrounding area is predominately vacant land, there would be more development choices for this area. Any recreational uses established through this rezoning should not impact the majority of the residential subdivisions as they are located along the Lake James waterfront. Staff feels the proposed zoning change would be appropriate for this area and consistent with the county land use plan. Therefore, staff recommends approval of the rezoning.

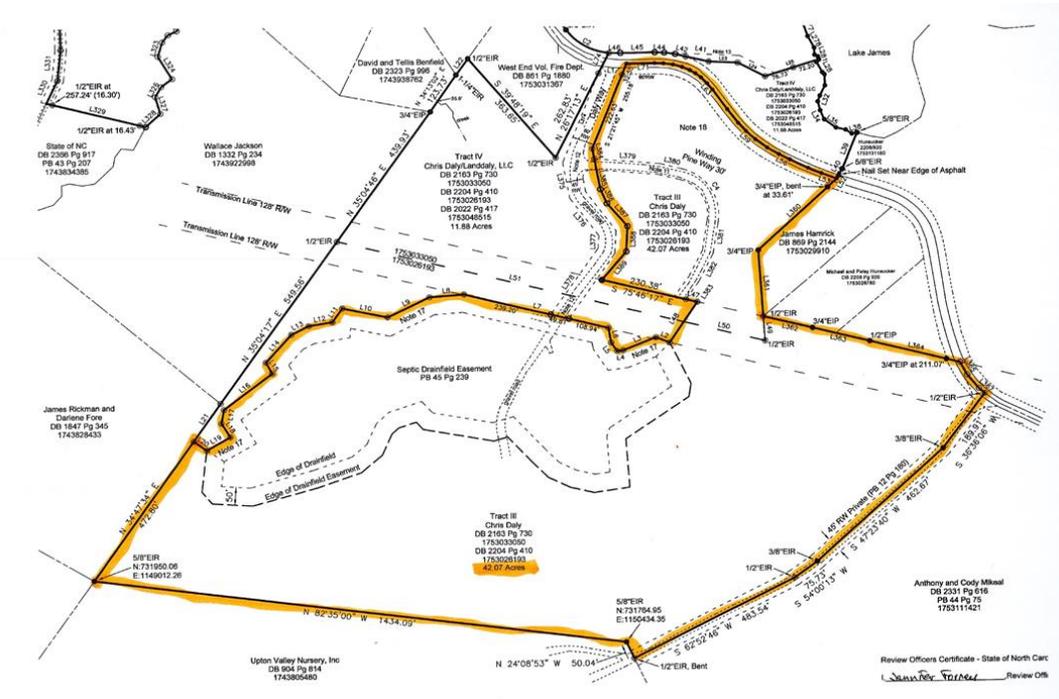
To assist the Board in their decision, staff has provided the following considerations:

- Is there a public need for additional land to be zoned to the requested classification?
- What is the impact on public services, facilities, infrastructure, fire and safety, and topography?
- What are the nearby development/zoning patterns?
- Consider the full range of uses allowed by the proposed district versus the uses allowed within the current zoning district.

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- Is the rezoning request compatible with the character of the surrounding area and suitable with the property for certain uses?

Area to be Rezoned



SUBJECT PROPERTY



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West End Fire Dept. Adjoins Subject Property



Lake James Camping Resort Located Across Benfield's Landing Road

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Benfield's Landing Road Looking South



Mr. Carpenter said he does not anticipate any potential future development adding much traffic to Benfield's Landing Road because of existing restrictions. Mr. Carpenter noted that the new zoning would allow for a few more types of uses which would be conditional uses such as camping and some small commercial uses, but only one (1) dwelling unit for residential per acre is the major issue.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor asked if there was any opposition to the rezoning at the Planning Board meeting. Mr.

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Carpenter said several people had concerns about traffic and other uses with the land. He said staff was unable to give any specific answers because a proposed site plan was not provided. Mr. Carpenter clarified that the decision before the Commissioners is to decide whether the proposed zoning classification is a reasonable request for that area. Commissioner Abele asked if this would be an expansion of the existing campground or something else. Mr. Carpenter replied that the applicants are in attendance and could speak to that matter. Dan Huffenus, the attorney for the applicant, said it would be an expansion of the campground and said in response to another question from Commissioner Abele, that they would come back during the site plan approval phase with specific details. Commissioner Abele said there are a lot of unknowns for this site and questioned what the final use of the land would be. Mr. Carpenter clarified that a campground expansion would necessitate a conditional use approval from the Board of Adjustment which would require a full set of detailed plans and include a public comment period. He also noted that this could potentially fulfill a need that has been discussed during his tenure, which is allowing more traditional short-term camping instead of the current long-term arrangement in which all of the camping space is leased out for a year at a time. In response to another question from Commissioner Abele, Mr. Carpenter said at least 50 percent of the expanded campground should be traditional overnight camping, but specific numbers would be included in the site plan. Mr. Carpenter and Mr. Huffenus responded to a question from Vice Chairman Mulwee concerning the nature of the comments or concerns raised at the Planning Board meeting, which they said were mostly related to traffic. Chairman Carswell asked if the rezoning is approved, how long would it take to get a site plan ready for approval. Mr. Huffenus estimated it may take a month. In response to a question from Commissioner Taylor, Mr. Carpenter said any conditional use site plan would be thoroughly vetted by Community Development and Environmental Health staff before going to the Board of Adjustment for consideration and placement of any additional restrictions on the property that may be necessary. Mr. Carpenter responded to an additional question from Commissioner Abele concerning overnight camping requirements and commented on new regulations/guidelines for campgrounds.

At 6:35 p.m., Chairman Carswell opened the public hearing. The Public Hearing Notice was published in THE NEWS HERALD on November 7, 2019 and November 14, 2019, in addition, it was posted to the County's website (www.burkenc.org) on November 7, 2019. Several citizens signed up to address the Board.

Paul Mason, Nebo, said he grew up on Lake James and over the years it has become increasingly difficult to access the Lake. After many years, he and his wife now have a camping spot at the campground near Benfield's Landing Road. Mr. Mason said that over the years the campground has significantly improved and said it is important to the growth of Morganton and Marion that some kind of recreational camping is offered. Carol Mason, who was at the podium with her husband, said she does not believe boat storage will be an issue because short-term campers usually do not bring boats.

Devon Hinson, 2331 James Town Road, said he is a lifelong resident of Burke County and it is almost impossible for the common person to have a place at the Lake for camping. He commended the company which owns the campground and said they should be supported.

Joanne Stewart, 2218 Mallard Cove Drive, Nebo, said as a homeowner, she wants the Lake James area to keep as much of its residential nature as possible. Ms. Stewart said some of the things that makes living at Lake James attractive is the low density, quietness, and the beauty

of the Lake. She said there are numerous campgrounds in the area in addition to camping at the Lake James State Park. Ms. Stewart further said she is not against camping but does not believe the residential nature of the property should be changed. Ms. Stewart said she and others in the community are concerned about the increase in traffic on a narrow 2-lane road, water quality, and septic system. She said this could set a precedent and other types of commercial businesses could be allowed in the area. Ms. Stewart concluded by stating that she does not believe that this is in the best interest of Lake James or the residential owners.

Mike Hunsucker, 2714 Lake Ridge Court, said he is not against the campground, but he is concerned that they do not know what is going to occur on the property before it came to the Board for a vote. He said he would like to know what the applicant is going to do on the property before the Board votes on it and is out of their hands. Mr. Hunsucker said while he is glad people get to spend time on the Lake, he does not want it to be "loved to death" like Lake Norman.

Mitchell Setzer, said he lives in Lenoir, but he camps frequently at Lake James and owns a lot at the campground at Benfield's Landing. He said from what he can tell, the new company is going to improve the campground and this company owns other successful campgrounds. He said if a campground is operated well, then it will improve the area and noted that he does not think traffic will be a significant issue. Mr. Setzer said he wants to see the Lake improve and wants people to be able to enjoy one of the jewels of North Carolina. In closing, he said he supports their proposal.

Roger Lowery said there are enough people at Lake James, and they do not need anymore. He said the area will get congested with vehicles and the area should be kept like it is.

David Zweig said he is one of the principals of the campground and would like to give a few clarifications regarding the site. He said this is just a rezoning request and therefore does not have the site plan drafted. He noted that he has a wait list of over 200 people at the campground and if they do not come here, they will go somewhere else. He said in early discussions with Community Development, it was decided that a significant amount of space would be devoted to transient camping and they would work to make the new camping space tie in with the Fonta Flora State Trail. Mr. Zweig noted that NC State Parks informed him that they have no room and have to turn campers away. He said they are looking to have approximately 100 campsites, a luxury clubhouse, and a swimming pool.

Mr. Zweig also responded to questions from Commissioner Abele concerning campsites, long-term verses short-term rentals.

Wendell Sugg, a resident of Lake Ridge Court across from Lake James Family Campground, said he does not have any opposition to a campground, but is concerned about access to the Lake for the new addition. He said his concern is that the Lake access will be through or close to the residential area and unless they are directed to utilize the existing boat ramp at the campground, they will use the residential area. He said if the Board approves the rezoning, he would like to make sure everyone watches out for the conditional uses that could be brought forward at a later date.

Carol Mason, speaking a second time, said there is not a beach area for people at the campground to utilize. She said if a pool is proposed to be constructed across the street, that's

where people would be most likely to go. She then described a few of the existing amenities at the campground.

With there being no one else to address the Board, Chairman Carswell closed the public hearing at 6:54 p.m. and called for a vote.

Motion: To deny the rezoning request.

The proposed rezoning would not be consistent with the 2016-2030 Burke County Strategic Land Use plan and considered reasonable and in the public interest because:

- **The proposed rezoning would allow for more non-residential uses which could impact the existing residential character of the surrounding area.**

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

Commissioner Brittain said he believes the Board’s responsibility tonight is not to dictate the uses of the property and should allow the Board of Adjustment and Planning staff to do that through the newly adopted process of conditional use. He said everyone understands the concerns of the residents in the area and noted the purpose of the conditional use process is to allow the Board of Adjustment and staff to ensure concerns are considered. Commissioner Brittain said he is not sure it is appropriate to deny this request and not allow the process to work at all.

Motion: To adopt an Ordinance (No. 2019-13) amending the Burke County Zoning Map and related consistency statement.

**Statement of Consistency
ZMA 2019-08**

The proposed rezoning would be consistent with the 2016-2030 Burke County Strategic Land Use plan and considered reasonable and in the public interest because:

- **The proposed rezoning is consistent with the Burke County 2016-2030 Strategic Land Use Plan as it recommends both residential and recreational uses within the Lake James Planning Area.**
- **The proposed rezoning would enact more stringent water quality standards by reducing the density for residential development on Lake James. The reduced density allowance would increase protection of the natural scenic beauty of the Lake James area.**

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November 19, 2019 (Regular)

DRAFT

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

Chairman Carswell reminded everyone that this is the first phase of the process and encouraged everyone to stay abreast of all the meetings that will occur at a later date and to voice any concerns they may have at those meetings.

Ord. No. 2019-13 reads as follows:

Burke County
North Carolina

An Ordinance Amending the Official Burke County Zoning Map
ZMA 2019-08

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

One (1) parcel of land corresponding to PIN#: 1753021294 and is hereby re-zoned from the Residential One (R-1) District to the Low-Density Conservation Zoning District.

Adopted this 19th day of November 2019.

/s/: Johnnie W. Carswell
Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

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

INFORMAL PUBLIC COMMENTS – NONE.

CONSENT AGENDA

As requested by the Chairman, County Manager Steen reviewed the items on the consent agenda.

AAB - BURKE COUNTY ANIMAL ADVISORY BOARD BY-LAWS (RULES OF PROCEDURE)

The AAB's by-laws/rules of procedure have been reviewed and modified. The changes must be submitted to the Burke County Board of Commissioners for review and approval in accordance with Article 2, Section 2-87 of the Burke Co. Code of Ordinances. Note: This agenda item directly relates to the proposed change to Chapter 6, Animals, in the Burke Co. Code of Ordinances, also on the Nov. agenda for a public hearing.

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Motion: To approve the by-laws/rules of procedure for the Animal Advisory Board as presented.

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

The bylaws read as follows:

RULES OF PROCEDURE
 ANIMAL ADVISORY BOARD
 BURKE COUNTY

Applicability:
 These rules apply to all meetings of the Animal Advisory Board of Burke County. For purposes of these rules, a meeting of the board occurs whenever a majority of the board’s members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board’s real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

Quorum:
 The presence of a quorum is necessary for the board to conduct business. A quorum consists of a majority of the board’s membership. Vacancies do not reduce the number of members necessary to establish a quorum. A member who withdraws from a meeting of the board without being excused by majority vote of the remaining members present is deemed present for quorum purposes.

Agenda:
 Preparation. The secretary to the board shall prepare an agenda in consultation with the Chair and Vice Chair in advance of each meeting of the board. For a regular meeting, a request to have an item of business placed on the agenda must be received by the secretary at least 5 days before the date of the meeting.

Supplemental information/materials. Any supporting information related to items on the agenda should be emailed to each board member at least 72 (seventy - two) hours prior to the scheduled meeting.

Delivery to board members. Except in the case of an emergency meeting, each member shall receive an electronic copy of the agenda and agenda packet at least seventy-two (72) hours before the meeting.

Public inspection. The agenda will be available to the public 24 hours prior to the meeting.

Order of Business. Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

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1. Call to order.
2. Approval of meeting minutes.
3. Approval of the agenda.
4. Informal public comments.
5. Old or unfinished business.
6. New business.
7. Adjourn.

Without objection, the chair may call agenda items in any order most convenient for the dispatch of business.

Officers / Duties:

Chairperson. The Chairperson shall be elected by the appointed members of the Advisory Board for a term of one (1) year at the first meeting of each calendar year. It shall be the duties of the Chairperson to conduct business as set forth in Robert's Rules of Order, notify the Clerk to the Board of Commissioners should there be: a resignation or any other termination of membership; any changes of address of appointed members, and other such duties as may be prescribed.

Vice-Chairperson. The Vice-Chairperson shall be elected by the appointed members of the Advisory board for a term of once (1) year at the first meeting of each calendar year. The Vice-Chairperson duties shall be to direct all meetings in the absence of the Chairperson to ensure the development and maintenance of a strong and active Advisory Board.

Secretary. The Secretary shall be elected by the appointed members of the Advisory board for a term of one (1) year at the first meeting of each calendar year. The Secretary shall prepare the agenda in consultation with the Chair and Vice Chair prior to each meeting. The Secretary shall also have the Animal Advisory Board's agenda posted on the County website 24 hours prior to the meeting. The Secretary will keep, record, and disseminate the minutes of the Advisory Board meetings and have the minutes posted on the County website.

The board must keep full and accurate minutes of all meetings, including subcommittee meetings. To be "full and accurate," minutes must record all actions taken by the board. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of board members, though the board in its discretion may decide to incorporate such details into the minutes.

The Secretary shall also keep a current list of Advisory Board members' names, email and mailing addresses, and other contact information.

Composition of the Board:

The Animal Advisory Board shall be composed of seven (7) members appointed by the Board of Commissioners. All members must reside in the County. This

Board shall include one member, as defined by the listed parameters, for each of the following seats:

- Member of a 501 (c) 3 animal rescue agency or foster agency
- Veterinarian (practicing or retired)
- Board of Health member or designee, excluding Health Director
- At – large (Pet Owner)
- Law enforcement officer, excluding Animal Control officers
- Member of a 501 (c) 3 animal rescue agency or foster agency
- At – large (Pet owner)

The Animal Services Director or his/her designee will attend and be responsible for the proper advertisement of meetings. He/she also shall serve as the staff resource for the Board in its research and deliberations. However, he/she shall have no vote on any matter coming before the Board unless in the event of a tie.

The Public Health Director or designee will attend all meetings. He/she shall also serve as a public health resource for the Board in its research and deliberations. However, he/she shall have no vote on any matter coming before the Board.

Vacancy:

In the event of a vacancy due to resignation or removal of a board member, the vacancy shall be filled by the subsequent appointing authority (i.e. Burke County Board of Commissioners).

Term Appointments:

Initially, three of the members shall be appointed for one-year terms, and four of the members shall be appointed for two-year terms. All subsequent appointments shall be for two-year terms, so that the membership appointments are staggered. Such officers may be reelected for not more than three consecutive terms. Board members shall serve their term unless removed for any reason by the Board of Commissioners. In the event of any vacancy on the Board, the Board of Commissioners shall appoint a replacement member.

Animal Advisory Board members shall not serve more than one unexpired term and four full terms of office consecutively, provided that this provision shall not prevent any person from serving any number of nonconsecutive terms, nor shall it apply to any board or commission whose authorization or bylaws are in conflict with this provision.

Compensation:

Members of the Animal Advisory Board shall serve without compensation.

Types of Meetings

Regular Meetings:

All meetings of the Animal Advisory Board will be open to the public.

All meetings will be held in accordance with the ordinance provisions, adopted and approved Rules of Procedure, and the North Carolina Open Meetings laws.

In January of each year, the Chairperson shall be responsible for notifying the Clerk to the Board of Commissioners and the news media of the regular meeting time and place for all regular meetings in the calendar year.

Regular attendance of advisory board meetings by appointed members is expected by the Board of Commissioners. No appointed member shall, without good and sufficient reason, fail to attend three consecutive meetings or fail to attend fifty (50%) percent of all the regularly scheduled meetings in one calendar year. Any member who at any time does not comply with this requirement shall be deemed to have abandoned and forfeited membership on this board and the term of office of such absentee shall thereby terminate. It shall be the responsibility of the Chairperson to notify the Clerk to the Board of Commissioners that a vacancy exists on the Animal Advisory Board.

A simple majority of the Animal Advisory Board members shall constitute a quorum for conducting Animal Advisory Board business.

The board shall meet at least quarterly for review and discussion of any issue(s) that it deems appropriate regarding operation of the Animal Services Center.

Additional meetings may be scheduled, if requested by the Board of Commissioners, County Manager, Animal Services Director, or the Chairperson of the Animal Advisory Board. Appointed members can also make a motion, have it seconded, and subsequently voted and approved by a majority of the attending board members to cancel or postpone any meeting.

All regular meetings shall be publicly advertised no less than seven (7) days prior to the scheduled meeting; location, date, and time shall be included in the public advertisement.

An "agenda" shall be presented at the beginning of each meeting listing the business of the day, as well as time for "public comments".

Recessed Meetings:

When conducting a properly called regular meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

Subcommittee Meetings:

When the board determines there are issues that require open dialogue and sharing of ideas, the board may call for a subcommittee meeting. These meetings are open to the public and minutes will be taken in order to document a record of discussion.

Motions and Voting

Action by the Board:

Except as otherwise provided in these rules, the board shall act by motion. Any member may make a motion.

One Motion at a Time:

A member may make only one motion at a time.

Withdrawal of Motion:

The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

Adoption by Majority Vote:

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Changing a Vote:

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Each board member shall be given an opportunity by the Chairperson to state their position on any item before the board.

The majority of the board may ask any member to leave the meeting, if the member is disruptive or disrespectful.

Procedural Motions**To Adjourn:**

This motion may be used to close a meeting. It is not in order if the board is in closed session.

To Recess to a Time and Place Certain:

This motion may be used to call a recessed meeting. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume.

Public Comment Periods:

Frequency of Public Comment Periods. The board should provide at least one opportunity for public comment at a regular meeting.

Rules for Public Comment Periods:

The board may adopt reasonable rules for public comment periods that, among other things,

- fixes the maximum time allotted to each speaker at 3 minutes,
- provides for the designation of spokespersons for groups supporting or opposing the same positions,
- provides for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the meeting room (so long as arrangements are made for those excluded from the meeting room to listen to the public comment period), and
- provides for the maintenance of order and decorum in the conduct of the public comment period,
- requires each speaker to complete a "speaker's card" and submit it to the Chairperson or AAB member before the meeting convenes,
- prohibits the extension of a speaker's time without a majority vote by the Board, and
- prohibits the transfer of a speaker's time to another speaker.

Upon recognition by the presiding officer to speak at the meeting, such person shall appear at the location designated by the presiding officer and provide their name and address for the record.

If such person addressing the board has printed materials to distribute to members of the board, such materials shall be submitted to the Secretary of the Animal Advisory Board.

If such person wishes to distribute printed material to the general audience in attendance, such person shall place the materials in the area designated by the presiding officer in order to provide public access to the materials.

The presiding officer may establish time limits on public comments regarding an issue, provided time limits for differing opinions are equivalent.

All attendees must refrain from conversation or creating noise of any kind that may cause a disruption to the meeting. If a non-member causes disorder or interruption to the meeting, the presiding officer may require the person to cease the offensive behavior or leave.

No campaigning of any kind shall be permitted as public input under this procedure and provide for the designation of spokespersons for groups supporting or opposing the same positions.

Content-Based Restrictions Generally Prohibited:

The board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the board's real or apparent jurisdiction.

Duties of the Board:

In addition to such other powers and duties as may be set forth in the chapter, the Animal Advisory Board shall have the power and duty to:

Study Animal Services Center organizational and operational related issues and make recommendations to the Board of Commissioners, County Manager, and Animal Services Center Director.

Review and make recommendations as determined by the "majority" of the voting board members regarding ordinances relating to the control and welfare of animals in the County.

Supply reports to the Board of Commissioners at such frequency as the Board may require.

Perform quarterly audits to ensure proper care and recordkeeping of all approved rescue groups/groups. During each audit, two approved rescues will be selected for audit review and required to provide all documentation of applicable vaccinations, spay/neuter, and current location of a random selection of animals they have pulled from county animal services. If the audit shows an approved rescue group is not in compliance two times in two consecutive audits due to missing or incorrect documentation or refusal/failure to provide, a warning will be issued, and the rescue given ten (10) working days to produce additional documentation. If the rescue fails to produce requested documents or additional information to refute the audit, the rescue's permission to pull animals from Animal Services will be suspended. Time of suspension will be no less than six (6) months. Re-evaluation of the rescue will be conducted by the Animal Services Director. A second violation will warrant a twelve (12) month suspension, and any additional violations will mean permanent revocation.

To provide positive support and public awareness of the Animal Services Center programs.

To endorse the philosophy of "humane care, humane housing and treatment" of impounded animals.

To select from within their appointed members a spokesperson for the Board's decisions on all items entertained and/or voted on.

To serve as an integral part of the community; bridging the gap of philosophical differences between various animal welfare agencies.

To stand as one voice united by supporting and respecting the "majority vote" of the Animal Advisory Board members.

Amendments:

New bylaws may be adopted by a majority vote of the Advisory Board at any regular meeting or special meeting but will not be considered approved until approved by the Burke County Board of Commissioners. All bylaws, regulations, and rules of procedures shall be approved by the Board of Commissioners. These bylaws may be altered, amended, or repealed by a majority of the Advisory Board, upon approval from the Board of Commissioners.

BCPS - PRESENTATION OF FINANCIAL DATA FOR THE PERIOD ENDING SEPT. 30, 2019

In accordance with the Memorandum of Agreement approved by the County and the Board of Education, the Board of Education will provide to the County quarterly financial reports on the 2019-2020 budget year, showing the application of the County's local funding by the end of each fiscal quarter. These reports will be presented to the County's Board of Commissioners in November 2019, February 2020 and May 2020, respectively.

BCPS						
Estimated Revenues						
2019/2020						
	Annual		1st Quarter			% of Budget Received
	Previous (Unaudited)	Current Fcst	Current	Previous	% Change	
State	80,597,459	80,600,000	16,674,488	17,602,247	-5.3%	20.7%
Federal	7,462,092	7,720,415	1,427,587	1,525,352	-6.4%	18.5%
Local	14,568,907	14,425,772	3,745,262	3,744,739	0.0%	26.0%
School Nurses	718,403	998,140	89,557	76,394	17.2%	9.0%
Charter Schools	412,143	450,291	1,529	524	191.8%	0.3%
Fines & Forfeitures	430,149	380,000	70,933	56,934	24.6%	18.7%
Special Revenue	5,631,540	5,687,850	1,857,966	1,538,781	20.7%	32.7%
Total	\$ 109,820,693	\$ 110,262,468	\$ 23,867,322	\$ 24,544,971	-2.8%	21.6%

As of this report we still have no state budget. We are operating on state funds at the previous year's funding level. We have adjusted to the new, anticipated state retirement and health insurance employer matching rates. Maintaining operations at the previous year's funding level will become increasingly difficult.

BCPS										
Local Financials by Purpose & Function Level										
Expenses		'16/'17	'17/'18	Unaudited '18/'19	Budget	'19/'20				Total
						1st	2nd	3rd	4th	
5XXX	Regular Instructional Services	4,912,851	5,164,868	5,307,311	5,426,911	822,802				822,802
6XXX	Support & Development Services	9,795,255	10,405,887	10,176,043	10,442,916	2,975,589				2,975,589
81XX	Payments to Other Governmental Units	655,442	625,363	693,802	617,763	57,823				57,823
49XX	Revenues Over/(Under) Expenditures	430,881	(98,431)	6,992	(188,387)	93,890				93,890
XXXX	Grand Total	\$ 15,794,429	\$ 16,097,687	\$ 16,184,148	\$ 16,299,203	\$ 3,950,104	\$ -	\$ -	\$ -	\$ 3,950,104
	% of Annual Budget									24.2%
Revenue										
4110	Burke County	14,264,035	14,599,358	14,448,211	14,416,272	3,745,262				3,745,262
4110	Timber Receipts	10,747	9,406	120,696	9,500	-				-
4490	School Nurses	653,750	726,095	718,403	998,140	89,557				89,557
4110	Charter Schools	370,618	372,286	412,143	450,291	1,529				1,529
4410	Fines & Forfeitures	430,126	330,570	430,149	380,000	70,933				70,933
4493	Individual Schools' Receivables	65,152	59,972	54,546	45,000	42,823				42,823
XXXX	Grand Total	\$ 15,794,429	\$ 16,097,687	\$ 16,184,148	\$ 16,299,203	\$ 3,950,104	\$ -	\$ -	\$ -	\$ 3,950,104
LCE FB contributed \$7.0k for '18/'19, bringing total FB to \$2.7M, 16.6% of local budget										
At this point in time have no forecast as to current FB usage due to lack of state budget										
School Nutrition realized a profit of \$553k before equipment and serving lines reinvestment of \$181k										

Motion: To accept the report as presented.

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

CLERK - APPOINTMENTS TO ADULT CARE & NURSING HOME CAC

An application to serve on the Adult Care / Nursing Home advisory board was received from Kathy Foster. She has completed her training and orientation from the Regional Ombudsman and is recommended for appointment. The initial term is for one year. The terms for Deborah Cooper, Ron Cooper, Victoria Whitworth and Susan Merrill ended May 31st. All members can be reappointed, and the term is for 3 years. Note: The Ombudsman has two (2) more applicants that can be appointed as soon as they complete their orientation.

Motion: To appoint Kathy Foster to the Adult Care Nursing Home Community Advisory Committee for the remainder of a 1-year term ending May 31, 2020.

To reappoint Deborah Cooper, Ron Cooper, Victoria Whitworth and Susan Merrill to complete the remainder of 3-year terms ending May 31, 2022.

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

CLERK - RECOMMENDATION TO MAKE APPOINTMENT TO HICKORY REGIONAL PLANNING COMMISSION



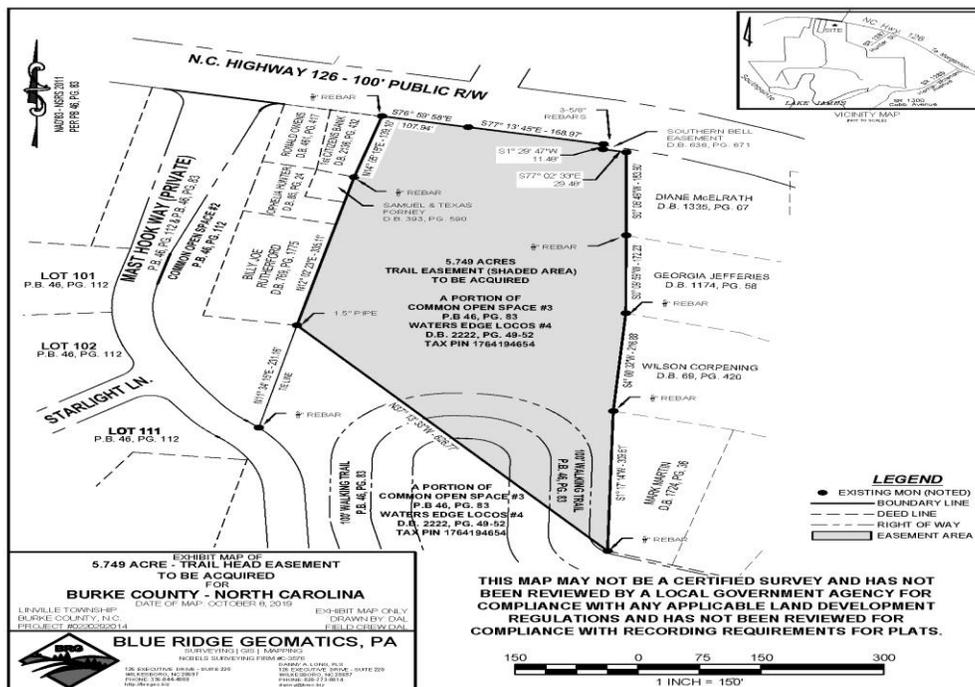
An application from Robert L. Weaver was received for the vacant position on the Hickory Regional Planning Commission. The City of Hickory will make the actual appointment based on a recommendation from the County Commissioners.

Motion: To recommend that the Hickory City Council appoint Robert L. Weaver to the Hickory Regional Planning Commission.

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

COMM. DEV. - ACCEPT WATERS EDGE EASEMENT AMENDMENT

Burke County Community Development Department has been working with BWE Land LLC on a 5.749-acre easement for a public parking area and trailhead for the Fonta Flora State Trail. This parking area would be on NC 126 across from Gwaltney Road and provide connection into the Fonta Flora Trail system at the Waters Edge subdivision.



Motion: To accept the amendment to the trail easement agreement with BWE Land LLC.

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

COMM. DEV. - ACCEPT LINVILLE RIVER EASEMENTS

Burke County Community Development Department has received a trail and parking area easement from Mr. James R. Crooks, owner of the Linville River Campground, for the Fonta Flora State Trail. These easements have already been recorded with the Register of Deeds.

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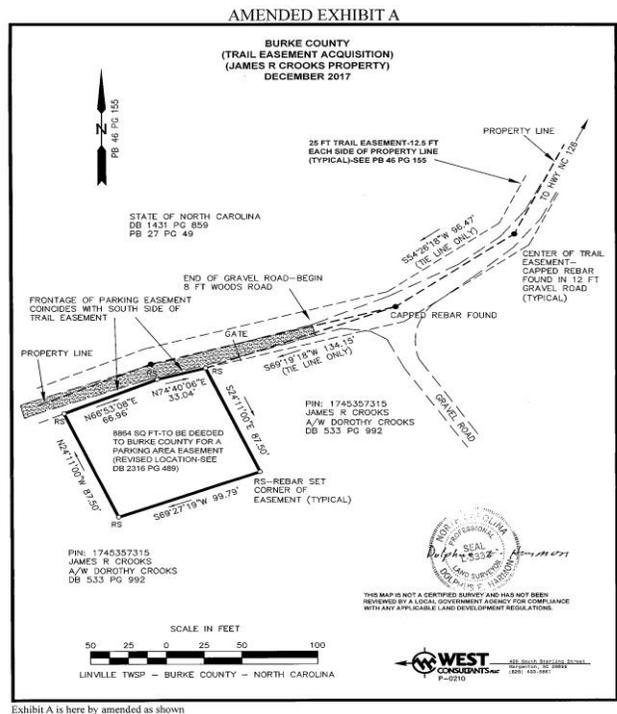


Exhibit A is hereby amended as shown

Motion: To accept the trail and parking area easements from Mr. James R. Crooks.

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

CM - RESOLUTION ESTABLISHING NEW OFFICE SPACE FOR MAGISTRATES

The following resolution officially establishes the location of office space for the Burke County Magistrates in the new jail, 130 Government Drive in Morganton.

Motion: To adopt Resolution No. 2019-21.

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

Res. No. 2019-21 reads as follows:

Burke County
North Carolina

Resolution Establishing New Office Space for Magistrates

Whereas, North Carolina General Statute (NCGS) 7A-302 establishes that Counties shall provide adequate physical facilities for the judicial system operating within its boundaries to include office space for magistrates; and

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November 19, 2019 (Regular)

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Whereas, NCGS 153A-11 establishes the "corporate powers" of each county in North Carolina; and

Whereas, NCGS 153A-12 establishes the "exercise of corporate powers" for each county in North Carolina; and

Whereas, after the court reform of the 1960's, the primary responsibilities of North Carolina counties are to provide adequate physical facilities for the courts and by extension, the provision of office space for judges, clerks of superior court staff, district attorneys and magistrates; and

Whereas, the Board of County Commissioners in each of the one hundred counties in North Carolina has authority to organize other local boards, agencies, departments, and offices not mandated by state law in any way it sees fit; and

Whereas, that in fulfillment of its obligation, Burke County has constructed a new jail with modernized, roomy office space that greatly provides for the security, connectivity needs, work space and privacy of magistrates, and the new office space was specifically planned and intended for use by magistrates in Burke County to securely and efficiently serve the needs of Burke County and its citizens as it relates to the provision of services generally provided by magistrates; and

Whereas, the new office space is approximately 2,570 sq. feet and approximately 1,474 sq. ft. larger than the magistrates' current office space at the courthouse; and

Whereas, the cost of the new office space for the magistrates is approximately \$793,693.10; and

Whereas, the magistrates have toured the new office space on several occasions and are involved in the selection of office furnishings; and

Whereas, the magistrates' new office space is located near an Interstate exchange, which makes it highly visible and easy to find; and

Whereas, to help citizens and end-users locate the new magistrates' office, the County has installed new signage on the jail, provided new wayfinding signage on Government Drive and at the intersection of Government Drive and Enola Road.

Now therefore, the Burke County Board of Commissioners hereby declares that the official and only magistrates' office for Burke County will be in the new jail, 130 Government Drive, in Morganton, by December 31, 2019 at 5:00 p.m. Further, the Burke County Board of Commissioners hereby directs the County Manager to share this resolution with the Chief District Court Judge serving Burke County.

Adopted this 19th day of November 2019.

/s/ Johnnie W. Carswell
Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

/s/ Kay Honeycutt Draughn

Kay Honeycutt Draughn, CMC, NCMCC

Clerk to the Board

FINANCE - APPLICATION FOR PUBLIC SCHOOL BUILDING CAPITAL LOTTERY FUNDS

A portion of lottery proceeds are deposited into a special fund administered by the North Carolina Department of Public Instruction called the Public School Building Capital fund. This fund is used by counties in addressing their school capital needs. Monies deposited into the fund accumulate and earn interest until drawn down by the county. In order to draw down funds, the Board of County Commissioners and the Board of Education must approve and submit an application for an eligible project. Historically, the County has used debt service on school construction as their projects. Attached for the Board's consideration is an application for debt service on Patton and Draughn High Schools. This application was approved by the Board of Education on October 7th, 2019.

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

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

FINANCE - COUNTY FINANCIAL REPORT FOR THE PERIOD ENDING SEPTEMBER 30, 2019

At the pre-agenda meeting, the County's Finance Director provided a brief overview of the County's financial status at the regular meeting for informational purposes only. The reports read as follows:

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GENERAL FUND AS OF SEPTEMBER 30, 2019					ENTERPRISE FUNDS AS OF SEPTEMBER 30, 2019				
	BUDGET	ACTUAL	BALANCE	PERCENT RECEIVED / EXPENDED		BUDGET	ACTUAL	BALANCE	PERCENT RECEIVED / EXPENDED
REVENUES:					WATER & SEWER:				
Property Taxes, Interest, & Penalties	\$48,970,000	30,145,019	\$18,824,981	61.56%	Revenues	\$1,854,510	315,399	\$1,539,111	17.0%
Sales Tax	\$7,400,000	0	\$7,400,000	0.00%	Expenditures	\$1,854,510	178,937	\$1,675,573	9.6%
Other taxes	\$1,501,000	335,825	\$1,165,175	22.37%	FUND BALANCE INCREASE / (DECREASE)		\$136,462		
Intergovernmental	\$17,171,201	3,260,218	\$13,910,983	18.99%	SOLID WASTE:				
Sales/Services	\$4,082,300	1,064,018	\$3,018,282	26.06%	Revenues	\$5,440,225	2,244,987	\$3,195,238	41.3%
Permit/Fees	\$1,503,500	355,107	\$1,148,393	23.62%	Expenditures	\$5,440,225	1,084,391	\$4,355,834	19.9%
Misc Revenues	\$807,450	418,387	\$389,063	51.82%	FUND BALANCE INCREASE / (DECREASE)		\$1,160,596		
Transfer from other Funds	\$6,681,410	0	\$6,681,410	0.00%					
Fund Balance	\$1,437,945	0	\$1,437,945	0.00%					
TOTAL	\$89,554,806	35,578,574	\$53,976,232	39.73%					
EXPENDITURES:									
Animal Services	\$217,535	35,831	\$181,704	16.47%					
Burke County Schools	\$15,874,203	3,834,820	\$12,039,383	24.16%					
Community Dev/Planning	\$871,545	247,182	\$624,363	28.36%					
Cooperative Extension	\$380,855	62,109	\$318,746	16.31%					
Debt Service	\$8,398,330	3,374,297	\$5,024,033	40.18%					
DSS	\$17,476,862	3,452,508	\$14,024,354	19.75%					
Economic Development	\$1,420,674	277,415	\$1,143,259	19.53%					
Elections	\$490,280	131,686	\$358,594	26.86%					
Emergency Services	\$8,916,900	2,171,900	\$6,745,000	24.36%					
General Government	\$7,079,032	2,200,750	\$4,878,282	31.09%					
Health	\$3,366,725	826,841	\$2,539,884	24.56%					
Library	\$1,586,735	479,075	\$1,107,660	30.19%					
Maintenance & Operation	\$1,752,235	449,834	\$1,302,401	25.67%					
Mental Health	\$265,000	132,500	\$132,500	50.00%					
Recreation	\$709,600	171,694	\$537,906	24.20%					
Register of Deeds	\$486,235	83,717	\$402,518	17.22%					
Senior Services/Veteran Services	\$628,770	121,254	\$507,516	19.28%					
Sheriff and Jail	\$12,837,075	2,880,026	\$9,957,049	22.44%					
Soil & Water	\$129,125	30,574	\$98,551	23.68%					
Tax	\$1,580,935	377,010	\$1,203,925	23.85%					
Western Piedmont Community College	\$2,710,155	640,039	\$2,070,116	23.62%					
Transfers to other Funds	\$2,376,000	16,000	\$2,360,000	0.67%					
TOTAL	\$89,554,806	\$21,997,062	\$67,557,744	24.56%					
FUND BALANCE INCREASE / (DECREASE)		\$13,581,512							

Motion: To accept the report as presented.

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

TAX DEPT. - TAX COLLECTION REPORT FOR OCTOBER 2019

The Board of Commissioners is presented with the Tax Collection Report for the period between July 1, 2019 and October 31, 2019. It reflects the status of collections by the Burke County Tax Collection's Staff. Included is the status comparing Collections to Levy and comparing Collections to Budget. Levy information is for Property Tax only and does not include the Vehicle Tax. The information below is comparing Tax Collections to the Tax Levy. Tax Levy is the total taxable property value times the tax rate. The levy changes monthly with the addition of discoveries, other changes or corrections and when Public Utility values are added.

Category	Tax Levy	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$44,817,271	\$29,859,581.79	\$14,957,689.15	66.63%

The information below is comparing Tax Collections for Property Tax and Motor Vehicle Tax to the Annual Budget. This information is a supplement to the Annual Settlement Report.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Current Year Taxes	\$48,070,000.00	\$31,509,725.31	\$16,560,274.69	65.55%
Delinquent Taxes	\$650,000.00	\$335,698.92	\$314,301.08	51.65%
Late List Penalty	\$250,000.00	\$122,303.85	\$127,696.15	48.92%

November 19, 2019 (Regular)

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These two items below make up the current year taxes above.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$43,470,000.00	\$29,859,581.79	\$13,610,418.21	68.69%
Motor Vehicle Tax	\$4,600,000.00	\$1,650,143.52	\$2,949,856.48	35.87%

Motion: To accept the Tax Collection Report for October 2019 as presented.

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

TAX DEPT. - RELEASE REFUND REPORT FOR OCTOBER 2019

Releases in value and/or refunds of taxes typically occur when:

- Taxpayers submit information that creates a reduction in value.
- Situs is corrected between counties and/or municipalities.
- Valuation appeals reduce the value for real or personal property.
- The postmark reveals a payment was timely sent.

The Board of Commissioners is presented with the following list of releases and refunds for consideration. The Net Release is a result of the Report Amount minus the Rebilled Amount.

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$9,719.55	\$5,769.54	\$3,950.01	\$1,240.67

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$186.92

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

Motion: To approve the Tax Releases and Refunds for October 2019 as presented.

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

The tax reports read as follows:

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

TR-304 BILL RELEASE REPORT OCTOBER 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Adjustment								
0024009511-2018-2018-0000-01-REG	RIVERBEND MHP	7/1/2018	LINDA WILBUR	10/24/2019	3,006.24	3,006.24	0.00	3,006.24
Subtotal						3,006.24		3,006.24
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Amended Listing								
0024009511-2017-2017-0000-01-REG	RIVERBEND MHP	7/1/2017	LINDA WILBUR	10/24/2019	2,637.78	2,637.78	0.00	2,637.78
Subtotal						2,637.78		2,637.78
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Deceased								
0000018259-2019-2019-0000-00-REG	CORPENING, JAMES N JR	7/1/2019	BARBARA HARTLEY	10/10/2019	1,453.72	6.89	1,446.83	0.00
0000020782-2019-2019-0000-00-REG	HERMAN, RICHARD MCCOY	7/1/2019	BARBARA HARTLEY	10/10/2019	590.96	32.87	558.09	0.00
0000036133-2016-2016-0000-00-REG	GREENE, PHYLLIS R	7/1/2016	BARBARA HARTLEY	10/11/2019	118.27	19.63	98.64	0.00
0000036133-2017-2017-0000-00-REG	GREENE, PHYLLIS R	7/1/2017	BARBARA HARTLEY	10/11/2019	122.46	18.08	104.38	0.00
0000036133-2018-2018-0000-00-REG	GREENE, PHYLLIS R	7/1/2018	BARBARA HARTLEY	10/11/2019	124.46	18.08	106.38	0.00
0000036133-2019-2019-0000-00-REG	GREENE, PHYLLIS R	7/1/2019	BARBARA HARTLEY	10/11/2019	124.56	17.21	107.35	0.00
0000073401-2016-2016-0000-00-REG	STREET, HERMAN D	7/1/2016	BARBARA HARTLEY	10/11/2019	214.19	12.31	201.88	0.00
0000073401-2017-2017-0000-00-REG	STREET, HERMAN D	7/1/2017	BARBARA HARTLEY	10/11/2019	221.26	11.35	209.91	0.00
0000073401-2018-2018-0000-00-REG	STREET, HERMAN D	7/1/2018	BARBARA HARTLEY	10/11/2019	222.15	10.24	211.91	0.00
0024024905-2017-2017-0000-00-REG	ROPER, MICHAEL FRANKLIN	7/28/2017	BARBARA HARTLEY	10/11/2019	2.09	2.09	0.00	0.00
0024024905-2018-2018-0000-00-REG	ROPER, MICHAEL FRANKLIN	7/1/2018	BARBARA HARTLEY	10/11/2019	2.30	2.30	0.00	0.00

TR-304 BILL RELEASE REPORT OCTOBER 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0024024905-2019-2019-0000-00-REG	ROPER, MICHAEL FRANKLIN	7/1/2019	BARBARA HARTLEY	10/11/2019	2.30	2.30	0.00	0.00
0024033912-2019-2019-0000-00-REG	SAIN, JIMMIE CURTIS	7/1/2019	BARBARA HARTLEY	10/11/2019	18.35	18.35	0.00	0.00
0024041632-2019-2019-0000-01-REG	SHADE, MARY S	7/1/2019	BARBARA HARTLEY	10/11/2019	7.18	7.18	0.00	0.00
0024041641-2019-2019-0000-01-REG	ELLER, MONIE SMITH	7/1/2019	BARBARA HARTLEY	10/10/2019	9.21	9.21	0.00	0.00
Subtotal						188.09		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Duplicate Billing								
0000029915-2019-2019-0000-00-REG	NICHOLS, CARL L	7/1/2019	BARBARA HARTLEY	10/22/2019	978.54	6.95	971.59	0.00
0024022517-2017-2017-0000-00-REG	FARM CREDIT LEASING SERVICES CORP	7/1/2017	LINDA WILBUR	10/2/2019	412.11	412.11	0.00	0.00
0024022517-2018-2018-0000-00-REG	FARM CREDIT LEASING SERVICES CORP	7/1/2018	LINDA WILBUR	10/2/2019	347.05	347.05	0.00	0.00
0024022517-2019-2019-0000-00-REG	FARM CREDIT LEASING SERVICES CORP	7/1/2019	LINDA WILBUR	10/2/2019	135.57	135.57	0.00	0.00
0024025535-2019-2019-0000-00-REG	HUDSON, DILLON LEE	7/1/2019	CONNIE HOLDER	10/8/2019	52.11	44.61	7.50	0.00
Subtotal						946.29		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Listed In Error								
0024043217-2019-2014-0000-00-REG	PEREZ, BRIANNON	9/26/2019	LINDA WILBUR	9/30/2019	24.24	24.24	0.00	0.00
0024043217-2019-2015-0000-00-REG	PEREZ, BRIANNON	9/26/2019	LINDA WILBUR	9/30/2019	22.36	22.36	0.00	0.00
0024043217-2019-2016-0000-00-REG	PEREZ, BRIANNON	9/26/2019	LINDA WILBUR	9/30/2019	21.65	21.65	0.00	0.00
0024043217-2019-2017-0000-00-REG	PEREZ, BRIANNON	9/26/2019	LINDA WILBUR	9/30/2019	36.51	36.51	0.00	0.00
Subtotal						104.76		0.00

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

TR-304 BILL RELEASE REPORT OCTOBER 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
TAX DISTRICT: BURKE COUNTY		RELEASE REASON: Not in Burke County						
0000078543-2013-2013-0000-00-REG	HOULE, JAMES G	7/1/2013	LINDA WILBUR	10/4/2019	19.36	19.36	0.00	0.00
0000078543-2015-2015-0000-00-REG	HOULE, JAMES G	7/1/2015	LINDA WILBUR	10/4/2019	16.05	16.05	0.00	0.00
0000078543-2016-2016-0000-00-REG	HOULE, JAMES G	7/1/2016	LINDA WILBUR	10/4/2019	16.05	16.05	0.00	0.00
0000078543-2018-2018-0000-00-REG	HOULE, JAMES G	7/1/2018	LINDA WILBUR	10/4/2019	13.76	13.76	0.00	0.00
0000078543-2019-2019-0000-00-REG	HOULE, JAMES G	7/1/2019	LINDA WILBUR	10/4/2019	12.62	12.62	0.00	0.00
0024009918-2015-2015-0000-00-REG	ISLEY, MICHAEL	7/24/2015	LINDA WILBUR	10/22/2019	129.40	129.40	0.00	0.00
0024032387-2018-2018-0000-00-REG	CLARK, STEVEN MATHEW	8/2/2018	LINDA WILBUR	10/1/2019	29.54	29.54	0.00	0.00
0024034674-2019-2019-0000-00-REG	PUPPY LOVE INC	7/1/2019	LINDA WILBUR	10/25/2019	2,064.15	2,064.15	0.00	0.00
0024039557-2019-2018-0000-00-REG	DEROSIER, DAVID ALLEN	8/9/2019	LINDA WILBUR	10/3/2019	104.39	104.39	0.00	0.00
Subtotal						2,405.32	0.00	
TAX DISTRICT: BURKE COUNTY		RELEASE REASON: Over Assessment						
0000019007-2019-2019-0000-00-REG	DEAL, RUSSELL	7/1/2019	LINDA WILBUR	10/18/2019	78.82	2.09	76.73	0.00
0024035567-2019-2018-0000-00-REG	ROBERTS, JEFFREY ALAN	8/9/2019	LINDA WILBUR	10/18/2019	49.23	39.38	9.85	0.00
Subtotal						41.47	0.00	
TAX DISTRICT: BURKE COUNTY		RELEASE REASON: Release LFUF						
0000054128-2019-2019-0000-00-REG	BURKE COUNTY PUBLIC SCHOOLS BOARD OF EDUCATION	7/1/2019	AMANDA CONLEY	10/16/2019	72.00	72.00	0.00	0.00
Subtotal						72.00	0.00	

TR-304 BILL RELEASE REPORT OCTOBER 2019

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
TAX DISTRICT: BURKE COUNTY		RELEASE REASON: Sold/Traded						
0000086268-2019-2019-0000-00-REG	SHUFFLER, TRAVIS R	7/1/2019	CONNIE HOLDER	10/1/2019	8.41	3.82	4.59	0.00
Subtotal						3.82	0.00	
TAX DISTRICT: BURKE COUNTY		RELEASE REASON: Update Description						
0024039873-2019-2019-0000-00-REG	CARSWELL, EVA ESTELLE	7/1/2019	BARBARA HARTLEY	10/1/2019	25.43	25.43	0.00	27.97
0024039874-2019-2019-0000-00-REG	CARSWELL, EVA ESTELLE	7/1/2019	BARBARA HARTLEY	10/1/2019	88.68	88.68	0.00	97.55
Subtotal						114.11		125.52
TAX DISTRICT: BURKE COUNTY		RELEASE REASON: Value Change						
0000047900-2015-2015-0000-00-REG	GARDNER, R CLINE	7/1/2015	AMANDA CONLEY	10/24/2019	2,101.69	36.74	2,064.95	0.00
0000047900-2016-2016-0000-00-REG	GARDNER, R CLINE	7/1/2016	AMANDA CONLEY	10/24/2019	2,106.73	36.74	2,069.99	0.00
0000047900-2017-2017-0000-00-REG	GARDNER, R CLINE	7/1/2017	AMANDA CONLEY	10/24/2019	2,156.77	37.55	2,119.22	0.00
0000047900-2018-2018-0000-00-REG	GARDNER, R CLINE	7/1/2018	AMANDA CONLEY	10/24/2019	2,158.77	37.55	2,121.22	0.00
0000047900-2019-2019-0000-00-REG	GARDNER, R CLINE	7/1/2019	AMANDA CONLEY	10/24/2019	2,605.66	51.09	2,554.57	0.00
Subtotal						199.67	0.00	
Total						9,719.55		5,769.54
Net Release Amount							3,950.01	

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

NCVTS PENDING REFUND REPORT OVER \$100
DESC VTS: OCTOBER 2019

Payee Name	Primary Owner	Secondary Owner	Address 1	Address 3	Refund Type	Bill #	Refund Description	Tax Juris.	Levy Type	Change	Interest Change	Total Change
TAYLOR, JASON ROBERT	TAYLOR, JASON ROBERT	TAYLOR, MELISSA GRAYSON	4308 BRIDGES FLD	MORGANTON, NC 28655	Adjustment >= \$100	0039416006	Refund Generated due to adjustment on Bill #0039416006-2017-2017-0000	01	Tax	\$0.00	\$0.00	\$0.00
								57	Tax	(\$196.59)	\$0.00	(\$196.59)
								57	Vehicle Fee	(\$20.00)	\$0.00	(\$20.00)
								22	Tax	\$29.67	\$0.00	\$29.67
											Refund Total	\$186.92

WPCC – PRESENTATION OF FINANCIAL DATA FOR THE PERIOD ENDING SEPT. 30, 2019

A report of the College’s financial data for the period ending September 30, 2019 reads as follows:

**WESTERN PIEDMONT COMMUNITY COLLEGE
FY 2019-2020 SUMMARY AS OF SEPTEMBER 30, 2019**

Summary of Revenues	STATE			COUNTY			INSTITUTIONAL		
	BUDGET	ACTUAL	REMAINING	BUDGET	ACTUAL	REMAINING	BUDGET	ACTUAL	REMAINING
State Appropriations	13,729,630	3,413,972							
Add. Allocations (detail below)	206,751								
County Appropriations				2,560,155	640,039				
Rent & Interest Income				53,000	5,390				
Institutional Funds							5,416,497	2,281,413	
Total Budgeted Revenues	13,936,381	3,413,972	10,522,409	2,613,155	645,429	1,967,726	5,416,497	2,281,413	3,135,084
Summary of Expenditures									
Institutional Support	2,869,531	647,180	23%	258,380	152,974	59%	114,659	11,272	10%
Curriculum Instruction	6,626,563	1,489,008	22%				270,666	68,910	25%
Non Curriculum Instruction	1,330,250	354,994	27%				147,380	42,903	29%
Academic Support	1,375,619	342,613	25%				1,137	-	0%
Student Support	1,478,104	363,039	25%				370,000	72,589	20%
Plant Operations & Maint.				2,354,775	530,743	23%			
Proprietary / Other							988,202	439,640	44%
Student Aid							3,524,453	1,674,885	48%
Capital Outlay (excluding capital improvements)	256,314	13,832	5%						
Total Budgeted Expenditures	13,936,381	3,210,667	10,725,714	2,613,155	683,718	1,929,437	5,416,497	2,310,199	3,106,298
		23.0%	77.0%		26.2%	73.8%		42.7%	57.3%

ADDITIONAL FUNDING DESIGNATED FOR APPROVED PROJECTS

Customized Training Projects	33,007
CTP Regional Trainer	128,614
Male Minority Grant - Aviso	45,130
Perkins Grant - Reserve Funds	-
Federal Portion - Basic Skills	-
NCWorks Career Coach	-
Carryforward	-
Longevity	-
Total Other	206,751

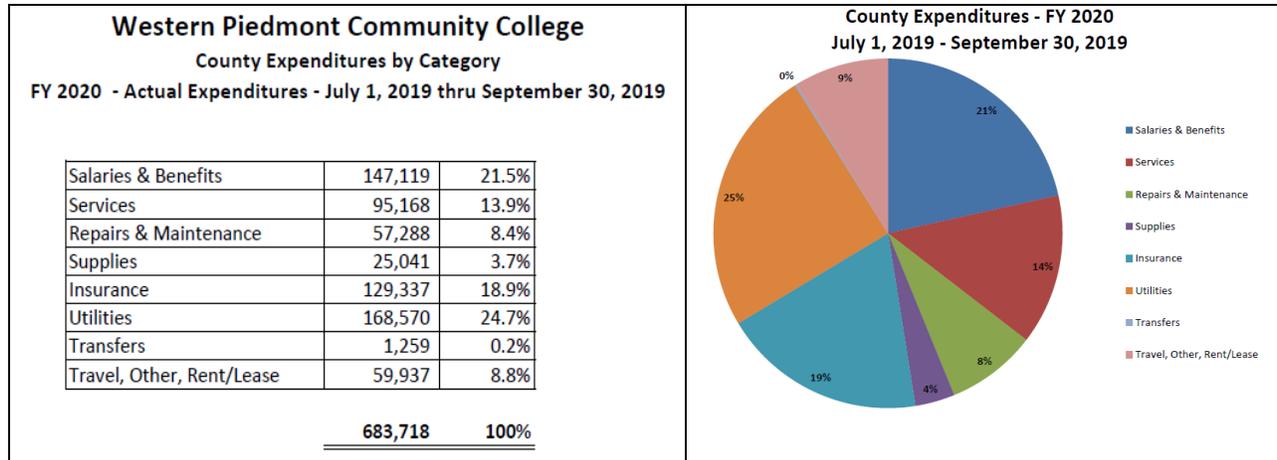
As of September 30, 2019

Total College Budget	\$ 21,966,033
Total Expenditures	\$ 6,204,583
	28.2%

Fund Balance: County Funds

Fund Balance, Beginning July 1, 2019	626,111
Current Operating Cash	(38,289)
Current Fund Balance	587,822
	23%

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)



Motion: To accept the report as presented.

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

ITEMS FOR DECISION

SHERIFF - REQUEST FOR PROPOSALS FOR INMATE MEDICAL SERVICES

Sheriff Whisenant said in preparation of the opening of the new Burke County Jail, the Sheriff’s Office, in consultation with the Burke County Finance Office, made the decision to seek proposals for providing inmate medical services at the new jail. A “Request for Proposals” was published on the County website on August 28, 2019 along with an ad in the local newspaper. A mandatory pre-proposal conference was held on September 4, 2019 and all proposals were due September 25, 2019. Five (5) proposals were received. The proposals were reviewed by the Sheriff’s Office and upon consultation with the County Purchasing Agent, one (1) provider has been recommended. The bid tabulation sheet that was used to review the proposals is provided as well as the proposal from the recommended provider, Institutional Medical Services, PLLC. Institutional Medical Services (IMS) is recommended because:

1. IMS is the lowest responsible, responsive bidder.
2. IMS has a medical doctor on staff.
3. IMS has years of experience working in jails and with inmates.
4. In our determination IMS is judged best able to provide a healthcare delivery system at the Burke County Jail that best fits the needs of the County.

Budgetary Effect: None. The recommended provider will provide one (1) year of inmate medical services at the Burke County jail for \$318,000. The contract will begin January 1, 2020; half of the contract (\$159,000) will be paid from funds allocated in the FY 2019-20 budget and the remaining half (\$159,000) of the contract will be budgeted in the FY 2020-21 budget.

The bid tabulation reads as follows:

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

Inmate Medical Services Request for Proposals Tabulations

Bid Opening: Wednesday, September 25, 2019
 Time: 3:00pm
 Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Institutional Medical Services	135 Cedar Lake Drive, Statesville, NC 228625	828-850-0755	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 318,000	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample Contract Provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Company	Address	Telephone	Proposal Submitted
Community Family Health Care	219 Avery Ave # A, Morganton, NC 28655	828-439-4057	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 373,464	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references? <small>DID NOT PROVIDE LENGTH OF SERVICE FOR REFERENCES</small>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample Contract Provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Inmate Medical Services Request for Proposals Tabulations

Bid Opening: Wednesday, September 25, 2019
 Time: 3:00pm
 Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Quality Correctional Health Care	200 Narrows Parkway, Suite A, Birmingham, AL 35242	309-241-6300	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 528,940.00	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies? <small>NO STATEMENT ON HOW TEMPORARY VACANCIES WILL BE HANDLED WAS INCLUDED</small>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample Contract Provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Company	Address	Telephone	Proposal Submitted
MEDIKO	3900 Westerre Parkway, Suite 302, Richmond, VA 23233	716-982-9327	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 635,573	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies? <small>NO STATEMENT ON HOW TEMPORARY VACANCIES WILL BE HANDLED WAS INCLUDED</small>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample Contract Provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Inmate Medical Services Request for Proposals Tabulations

Bid Opening: Wednesday, September 25, 2019
 Time: 3:00pm
 Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Southern Health Partners	2030 Hamilton Place Blvd, Suite 140, Chattanooga, TN 27421	336-214-0143	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Annualized Price 1st Year:	\$ 274,380	Annualized Price After 1st Year:	N/A
Requirements			
1	Proposer has 5 continuous years of experience in administering correctional health care programs?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, admin name, phone number, & length of time of 3 locations where care is provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	An example of a Policies and Procedures for the medical program based on NCCHC standards is provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & Complete Staffing Plan w/ Positions, Titles, & # of hours per week worked. Includes statement on temp. vacancies? <small>STAFFING PLAN IS NOT COMPLETE, OMMITS STAFF ON SATURDAYS & SUNDAYS</small>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
6	Explains in detail how medical care will be delivered 16 hours a day, 7 days a week? <small>PROPOSAL DOES NOT LIST MEDICAL CARE FOR 16 HOURS ON SATURDAYS & SUNDAYS</small>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
7	Sample Contract Provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Recommendation:

After reviewing all proposals, we recommend Institutional Medical Services as the vendor for the contract. This recommendation is based on the following:

1. Vendor was the lowest responsible, responsive bidder
2. Vendor has a medical doctor on staff
3. Vendor has extensive experience working in jails and interacting with inmates

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

Motion: To approve Institutional Medical Services, PLLC as the provider of inmate medical services at the new Burke County Jail effective January 1, 2020 and authorize the County Manager to execute a contract on behalf of the Board, subject to review and/or revision by the County Attorney.

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

SHERIFF - REQUEST FOR PROPOSALS FOR INMATE FOOD SERVICES

Sheriff Whisenant said in preparation of the opening of the New Burke County Jail, the Sheriff's Office, in consultation with the Burke County Finance Office, made the decision to seek proposals for providing inmate food services at the new jail. A "Request for Proposals" was published on the County website on September 6, 2019 along with an ad in the local newspaper. A mandatory pre-proposal conference was held on September 18, 2019 and all proposals were due October 4, 2019. Four proposals were received. The proposals have been reviewed by the Sheriff's Office with consultation of County Purchasing Agent. The bid tabulation sheet that was used to review the proposals is provided as well as the proposal from the recommended provider, Aramark Correctional Services, LLC. An average daily population of 170 inmates was used in the Request for Proposals for requesting a per meal price. All the proposals submitted cost proposals that gave a sliding scale for the cost per meal based on the average daily population of the jail but when reviewing proposals, the price quoted for 170 inmates is what was used when they were evaluated.

Budgetary Effect: The recommended provider will provide one (1) year of inmate food services at the Burke County jail for \$1.925 per meal based on an average daily population of 170 inmates. The contract will begin January 1, 2020; half of the contract will be paid from funds allocated in the FY 2019-20 budget and the remaining half of the contract will be budgeted in the FY 2020-21 budget.

This space is intentionally left blank.

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

The bid tabulation reads as follows:

Inmate Food Services Request for Proposals Tabulations

Bid Opening: Friday, October 4, 2019

Time: 3:00pm

Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Aramark Correctional Services, LLC	2400 Market Street, Philadelphia, PA, 19103	765-730-7822	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Price Per Meal based on an ADP of 170:		\$ 1.92	
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample contract provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Company	Address	Telephone	Proposal Submitted
Kimble's/Skillet	100 Webster Street, LaGrange, GA 30241	706-884-5527	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Price Per Meal based on an ADP of 170:		\$ 2.7024	
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements? NO CERTIFICATE OF INSURANCE PROVIDED IN PROPOSAL, NO MENTION OF INSURANCE REQUIREMENTS IN PROPOSAL, AND INSURANCE INFORMATION IN SAMPLE CONTRACT DOES NOT ADDRESS ALL REQUIREMENTS	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references? DID NOT PROVIDE LENGTH OF SERVICE FOR REFERENCES	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code? MENU DID NOT PROVIDE DETAILS OF NUTRIENT REQUIREMENTS & NO CERTIFICATION FROM A DIETITIAN WAS INCLUDED IN PROPOSAL AT TESTING TO MEETING REQUIRED NC DIETARY & NUTRIENT REQUIREMENTS	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample contract provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Inmate Food Services Request for Proposals Tabulations

Bid Opening: Friday, October 4, 2019

Time: 3:00pm

Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Trinity Services Group	477 Commerce Boulevard, Oldsmar, FL 34677	813-854-4264	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Price Per Meal based on an ADP of 170:		\$ 2.99*	
<small>*VENDOR DID INCLUDE NOTATION STATING PRICING IS BASED ON ASSUMPTION OF USING THEIR TRINITY TAKE-OUT PROGRAM. THIS TYPE OF PROGRAM WAS NOT PART OF THE RFP. PROGRAM ALLOWS INMATES TO PURCHASE ADDITIONAL MEALS. THIS IS NOT A PROGRAM THE JAIL WOULD WANT TO USE WHICH IS WHY IT WAS NOT PART OF THE RFP.</small>			
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7	Sample contract provided?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Company	Address	Telephone	Proposal Submitted
Summit Food Services	500 East 52 nd Street North, Sioux Falls, SD 57104	605-335-0825	YES <input type="checkbox"/> NO <input type="checkbox"/>
Price Per Meal based on an ADP of 170:		\$ 3.158	
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies? NO STAFFING PLAN WAS INCLUDED	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input type="checkbox"/> NO <input type="checkbox"/>	
7	Sample contract provided? NO SAMPLE CONTRACT WAS PROVIDED	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

November 19, 2019 (Regular)

DRAFT

Inmate Food Services Request for Proposals Tabulations

Bid Opening: Friday, October 4, 2019

Time: 3:00pm

Location: HR Conference Room, 200 Avery Avenue, Morganton, NC 28655

Company	Address	Telephone	Proposal Submitted
Kellwell Food Management	P.O. Box Z, Beattyville, KY 41311	606-464-9596	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VENDOR ATTENDED PRE-PROPOSAL CONFERENCE & WAS ELIGIBLE TO SUBMIT A BID BUT DID NOT SUBMIT ONE			
Price Per Meal based on an ADP of 170:			
Requirements			
1	Proposer has 5 continuous years of experience in providing food services in a correctional or commercial setting?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2	Proposer meets all General Liability, Workers Compensation, and Employers Liability Insurance requirements?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3	Name, location, administrator name, phone number, and length of contract for providing Food Service at three locations provided as references?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
4	Provide an example of a menu for 1 month that meets all dietary and nutrient requirements pursuant to North Carolina Administrative Code?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
5	Full & complete staffing plan w/ positions, titles, & # of hours per week worked. Includes statement on temp. vacancies?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
6	Explains in detail how food services will be provided 3 times a day, 7 days a week?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7	Sample contract provided?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Recommendation:	
After reviewing all proposals, we recommend Aramark Correctional Services, LLC as the vendor for the contract. This recommendation is based on Aramark being the lowest responsible, responsive bidder.	

Chairman Carswell opened the floor for questions and comments from the Board. Brian Nieft, Support Services Specialist also in attendance, responded to a question from Commissioner Taylor. Commissioner Taylor asked what it would look like for Burke County to cook/provide meals for the jail. Sheriff Whisenant said he does not know of any jail of similar size that provides food in-house. He noted that everything regarding food service, including the menu, must be approved by the state and noted they do not have the expertise to provide those services. Commissioner Abele commented on the use of frozen food in the proposals.

Motion: To approve Aramark Correctional Services, LLC as the provider of inmate food services at the new Burke County Jail effective January 1, 2020 and authorize the County Manager to execute a contract for that purpose.

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

CM - FUNDING FOR INMATE MEDICAL CARE

Information from the agenda packet:

To cover medical expenses for BCDCF inmates, an appropriation of up to \$200,000 of General Fund, Fund Balance is needed during the closure process of the regional jail facility. Staff will direct bill the Sheriff of the inmate's particular county of origin for the medical costs.

Budgetary Effect: A Fund Balance appropriation in the amount of \$200,000 is necessary. The County may recover a portion of the funds at the conclusion of the BCDCF process from BCDCF's fund balance.

County Manager Steen reported he was at a Burke-Catawba District Confinement Facility meeting recently and was told the remaining inmate medical care funds are getting low. He said

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

the proposed appropriation would assist the BCDCF through June 30th, 2020. He said a lot of inmates entering the facility have serious health problems and once they are in custody, they must be provided with medical care. County Manager Steen said once the new jail opens, the County will have additional capabilities to reduce medical expenses.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor asked why Catawba County was not paying half of the \$200,000. County Manager Steen said these funds are only for Burke County’s inmates and noted the County has already started sending medical bills directly to the county sheriffs for their inmates’ medical bills.

Motion: To appropriate up to \$200,000 of General Fund, Fund Balance for inmate medical expenses related to the closure of BCDCF.

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

CA - ACCEPTANCE OR REJECTION OF OFFER TO PURCHASE SURPLUS PROPERTY

J.R. Simpson, II, County Attorney, presented information regarding the acceptance or rejection of offer to purchase surplus property as follows:

On Nov. 16, 2010, the County adopted a policy on selling surplus real property and the policy is included in the packet for reference. A minimum bid amount of \$2,002.55 was also approved by the Board in 2010 for the vacant property located on East View Street in Morganton and the amount includes \$125 for advertising and \$500 for attorney fees. Mr. Joseph Belanger owns the parcel across the street (#31635) and wishes to purchase the surplus property owned by the County (Parcel ID# 3514) which is 0.06/acre in size. He has submitted a \$500 bid. In accordance with Section IV, Bid Exception, the Tax Assessor along with the County Attorney may request the Board to accept a bid less than the minimum amount established if the Assessor and Attorney believe it is in the County’s best interest. The Tax Administrator believes it would be in the County’s best interest to accept an offer less than the minimum bid of \$2,002.55 as authorized by the Commissioners in 2010. A fair value for this property in his estimation would be the attorney and advertising costs, which should be less than \$1,000. However, the County Attorney can provide a better estimate. This parcel is unbuildable due to size and the required setbacks. The Tax Office’s value of \$2,700 is not representative of fair market value which should be \$500 - \$1,000. There is only one adjoining lot to this parcel and the owner of that lot would benefit the most by owning this lot. The County Attorney will initiate the 10-day upset bid process after the Board accepts the current bid or establishes a new minimum bid amount.

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PARCEL: 3541	01/02/2018	PIN: 2703-55-4343												
Property Record Card Physical Address: 0 EASTVIEW ST														
Status: ACTIVE	Corp Limit: MORGANTON	Assessed Acreage: 0.06												
Market Area: 85(1081)	Special District:	Utilities: ALL, PAVED												
Land Class: EXEMPT VALUE	Fire District:	Flags:												
Pin History:	Township: MORGANTON													
Deed Book/Pg: 000624/00524	Deed Date: 9/29/1982	Stamps: \$1,378												
Description:														
Name: BURKE COUNTY	Jan 1, Owner(s): BURKE COUNTY	Sales Details												
Mailing Address: P O BOX 219 MORGANTON NC 28680		<table border="1"> <thead> <tr> <th>TYPE</th> <th>PRICE</th> <th>DATE</th> <th>SRC</th> <th>STATUS</th> </tr> </thead> <tbody> <tr> <td>LND</td> <td>\$1,378</td> <td>09-29-82</td> <td>R</td> <td>D</td> </tr> </tbody> </table>	TYPE	PRICE	DATE	SRC	STATUS	LND	\$1,378	09-29-82	R	D		
TYPE	PRICE	DATE	SRC	STATUS										
LND	\$1,378	09-29-82	R	D										
Historic Deferral:	Total Cost Value of Property:	Valued by cost: \$2,700												
Use Value Deferral:	Total Exempt/Deferred:	\$2,700												
Exempt Value: \$2,700														
Exempt Desc: County Govt														
Total Taxable Value: \$0														
Land Summary														
Seq	Zoning	Land Desc	Land Units	Rate	Size Adj Factor	Land Adj	Adjusted Rate	Land Value						
<table border="1"> <tr> <td>PARCEL: 3541</td> <td>01/02/2018</td> <td>PIN: 2703-55-4343</td> </tr> <tr> <td>DATE: 6/23/2015</td> <td>BLDG #</td> <td>DESCRIPTION: TMAP [44-16-2-1]</td> </tr> </table>									PARCEL: 3541	01/02/2018	PIN: 2703-55-4343	DATE: 6/23/2015	BLDG #	DESCRIPTION: TMAP [44-16-2-1]
PARCEL: 3541	01/02/2018	PIN: 2703-55-4343												
DATE: 6/23/2015	BLDG #	DESCRIPTION: TMAP [44-16-2-1]												

Attorney Simpson noted that the property in question is not buildable because of its small size and most likely only of interest to the proposed buyer.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor said this is an excellent deal for the gentleman who wants to purchase the property but is a bad deal for the taxpayers. Vice Chairman Mulwee said there is a difference between tax rate and market rate and the market rate is \$500 because this is the first time someone has bid on an unusable piece of property

and it is time to sell it. Commissioner Taylor said selling the property for less than the cost the County has incurred would not be good stewardship and, in the future, if the County wants to sell property, then the minimum bid should at least cover the County's costs. At the request of Commissioner Brittain, Attorney Simpson, explained the process if the Board decided to set a new minimum bid. Chairman Carswell asked how many years the property has been vacant. Attorney Simpson said since 1982.

Motion: To accept a bid in the amount of \$500 from Joseph Belanger for Surplus Real Property (Parcel No. 3514) and direct the County Attorney to initiate a 10-day upset bid process.

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

CLERK - APPOINTMENT TO ANIMAL ADVISORY BOARD

Clerk Draughn reported Seat No. 7 (at-large, pet-owner) on the Animal Advisory Board was formerly held by David Coffin and is vacant due to his resignation. An application along with a copy of a current rabies certificate/verification was received from Megan Bradley, Lynda Garibaldi, Donald Propst and Carla Wallace. The term ends July 31, 2020.

Motion: To appoint Megan Bradley to the Animal Advisory Board (Seat No. 7) to complete an unexpired term ending July 31, 2020.

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

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

REPORTS AND COMMENTS

BOC - REPORTS & COMMENTS

Reports and comments from Commissioners and staff will be accepted at this time.

J.R. Simpson, II, County Attorney, listed the projects he has worked on since the Board's last meeting.

Commissioner Abele reported he and Vice Chairman Mulwee attended a Tourism Development Authority (TDA) meeting and said the TDA may have to look into purchasing a new trolley.

Commissioner Taylor said his reports are in the agenda packet for review. He further reported he participated/attended the following events: Regional Resilience Workshop at the Western Piedmont Council of Governments (WPCOG), Valdese Public Library expansion grand reopening and the meet-and-greet for the new DSS Director, Corey Fisher-Wellman.

Vice Chairman Mulwee distributed the 2018-2019 annual report from Burke County Smart Start. He reported that he along with Commissioner Abele attend a TDA meeting, he then reviewed tourism numbers from the TDA. Vice Chairman Mulwee said he attended the grand reopening of the Valdese Public Library and noted there were many attendees. He also attended a meeting with the City of Morganton regarding the historic courthouse square project. He then provided an update on the progress of Western Piedmont Community College's presidential search.

County Manager Steen presented pictures of ongoing construction projects around the county and reported that the grand opening of the Burke County Jail will be held on December 12th at 10:30 a.m.

Chairman Carswell reminded the Board of the following events:

- Nov. 28 – 29 – County offices will be closed for Thanksgiving.
- Dec. 2 (Monday) – Pre-Agenda meeting.
- Dec. 3 (Tuesday) – Morganton Christmas parade.
- Dec. 12 (Thursday) – Burke County Jail Grand Opening Ceremony at 10:30 a.m.

He also reminded everyone to please spay/neuter their pets, pick up a piece of trash, visit the Burke County Facebook page, and website for job openings.

VACANCY ANNOUNCEMENTS

CLERK - BOARDS AND COMMITTEES VACANCY REPORT

Clerk Draughn announced the following vacancies on boards and committees:

- Adult Care & Nursing Home Community Advisory Committee
- Council on Aging
- Juvenile Crime Prevention Council
- City of Morganton - Board of Adjustment (ETJ)
- City of Morganton - Planning Board (ETJ)
- Voluntary Agriculture Board
- Burke Co. Board of Adjustment & Planning Board
- Western Piedmont Regional Transit Authority - Transportation Advisory Board
- Partners Behavioral Health Mgmt.

November 19, 2019 (Regular)

DRAFT

- Burke Senior Center Advisory Council
- Recreation Commission

CLOSED SESSION

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

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

Motion: To come out of closed session.

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

RETURN TO OPEN SESSION

Motion: For a Burke County employee whose position is being eliminated due to a reduction in force, that the County Manager be exempt from the midpoint salary cap when offering the employee another position within Burke County.

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

ADJOURN

Motion: To adjourn at 7:53 p.m.

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

Approved this 21st day of April 2020.

Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

Attest:

Kay Honeycutt Draughn, CMC, NCMCC

Minutes Acceptance: Minutes of Nov 19, 2019 6:00 PM (APPROVAL OF MEETING MINUTES)

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



PRESENTATIONS

Subject Title: AS - Pet of the Month

Presented By: Kaitlin Settlemyre

Summary of Information: Animal Services staff will present a dog and cat in need of its “forever” home at the regular meeting.

Budgetary Effect: None.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: None. Encourage citizens to adopt an animal from the Burke Co. Animal Services Center.

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

Subject Title: BOC - Resolution Supporting Proposed FY 2019-2021 Biennium Budget

Presented By: Johnnie W. Carswell

Summary of Information: The following resolution encourages the State to adopt the proposed FY 2019-2021 Biennium Budget and requests funding for certain projects/initiatives in Burke County.

Budgetary Effect: N.A.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: To adopt Resolution No. 2020-09.

**RESOLUTION OF THE BURKE COUNTY BOARD OF COMMISSIONERS
SUPPORTING THE STATE OF NORTH CAROLINA'S
PROPOSED FY 2019-2021 BIENNIUM BUDGET**

WHEREAS, Burke County, North Carolina is a political subdivision of the State of North Carolina;

WHEREAS, Burke County is recognized as a center for tourism, a revered education system, prospering rural municipalities, and exceptional business growth;

WHEREAS, Burke County and the municipalities within it provide essential public safety services, such as law enforcement and fire services that are dependent on strong funding support from the State;

WHEREAS, Burke County and the municipalities within it provide critical treatment programs for individuals with mental health disorders, substance use disorders, along with facilities for offenders that have been adjudicated by law that require sustained state funding;

WHEREAS, the excellent educational opportunities and business growth in Burke County are critically supported with state funding;

WHEREAS, Burke County Public Schools is among the highest performing public-school systems in North Carolina, with graduation rates at 89.7% cohort for all four high schools; 7 of 23 schools exceeding growth at 30% (SA 20%); 12 schools met growth at 52%; Draughn High School's graduation rate was 95.1% and Burke Middle College was 100%. All four high schools received a grade of B and Burke Middle College received an A (99); ranked #22 on Niche.com list of best school districts in the state; tied for 3rd for districts our size behind Chapel Hill-Carborro and Henderson County;

WHEREAS, Western Piedmont Community College is responsible for over \$177 million per year in income added by its graduates to the regional workforce and is considered one of the top attractions for recruiting business and industry to Burke County;

WHEREAS, Burke County recognizes that strong collaborative efforts in the community create lasting, positive impact for residents of Burke County and surrounding areas; and

WHEREAS, the current proposed bipartisan state budget for the FY 2019-2021 biennium would include funding for several critical county and community investments, including:

Burke County Items in H966 – Appropriations Act

- **\$15.8 million** to Burke Schools for school construction and R&R
- **\$3.9 million** to Western Piedmont Community College for school construction and R&R
- **\$15 thousand** to the Veterans Killed in Action Fund

- **\$25 thousand** to East Burke Christian Ministries for the provision of food, clothing, and emergency financial aid to low income individuals in the community
- **\$25 thousand** to Burke United Christian Ministries for the provision of food, clothing and emergency financial aid to low income individuals in the community
- **\$100 thousand** to Christ Centered Recovery Program
- **\$180 thousand** to Partners Behavioral Health Management to study the feasibility of starting a behavioral health crisis center
- **\$15 thousand** to the Pregnancy Care Center of Burke County
- **\$1 million** to Burke County for the repair and renovation of the courthouse
- **\$50 thousand** to the Town of Valdese for parks
- **\$50 thousand** to the City of Morganton for Main street improvements
- **\$5.6 million** to the North Carolina School of Science and Math – Morganton campus for staff, operating expenses, and equipment
- **\$2 million** to the Department of Natural and Cultures Resources for the development of the Wilderness Gateway Trail in McDowell, Rutherford, Burke, and Catawba counties

TOTAL: \$28.7 Million

NOW THEREFORE, BE IT RESOLVED, that Burke County strongly encourages all members of the General Assembly to act in accordance with the needs of the State and support Burke County by taking measures to enact the proposed bipartisan state budget, notwithstanding the objections of the Governor, to ensure these important programs for the institutions and communities that they will so clearly benefit.

This the 21st day of April 2020.

 Johnnie W. Carswell, Chairman
 Burke Co. Board of Commissioners

Attest:

 Kay Honeycutt Draughn, CMC, NCMCC
 Clerk to the Board

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

Subject Title: Clerk - Appointments to CPCF Team

Presented By: Kay Draughn

Summary of Information: The terms of appointment for Seats 1, 2 and 4 on the CPCF (Child Protection Child Fatality Team) end April 30, 2020. Sheriff Whisenant (Seat 1) and Chris Jernigan (Seat 4) are willing to serve another 3-year term. Greg Curry, the EMS Director, has applied for Seat 2 formerly held by Major Jason Black.

Budgetary Effect: None.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: To reappoint Sheriff Steve Whisenant (Seat 1 - Law Enforcement) and Chris Jernigan (Seat 4 - At-large) to the Child Protection Child Fatality Team for 3-year terms ending April 30, 2023.

To appoint Greg Curry (Seat 2 - EMS) to the Child Protection Child Fatality Team for a 3-year term ending April 30, 2023.

**Child Protection & Child Fatality Prevention Team
21-Members
County Appoints Eight (8) Members
3-Year Terms**

General Statute: 7B-1406

Seat No.	Position	Name-Address		Term
1	Law Enforcement	Steve Whisenant, Sheriff 110 Meadow View Street Morganton, North Carolina 28655	A	1/17/2012
			R	7/15/2014
			R	4/18/2017
			TE	4/30/2020
2	EMS	Major Jason Black 5706 Mt. Olive Churh Road Morganton NC 28655	A	4/18/2017
			TE	4/30/2020
3	Parent w/ Child < 18	Kathy Smith 3097 Spencer Trail Lenoir NC 28645	A	7/19/2016
			R	6/18/2019
			TE	4/30/2022
4	At-large	1 Mr. Chris Jernigan 7330 Myrtle Drive Nebo, North Carolina 28761	A	
			R	4/19/2005
			R	6/17/2008
			R	5/17/2011
			R	7/15/2014
			R	4/18/2017
TE	4/30/2020			
5	At-large	2 April Pope 940 E. Union Street Morganton NC 28655	A-UT	1/21/2020
			R	
			R	
			TE	4/30/2022
6	At-large	3 Beth Cali 1552 Mtn. Shadows Drive	A-UT	5/15/2018
			R	

Attachment: CPCT Roster (3025 : Clerk - Appointments to CPCF Team)

			Morganton NC 28655	TE	4/30/2021
7	At-large	4	David Rust 2971 Shell Avenue Valdese, NC 28690	A R R TE	10/2/2012 9/15/2015 5/15/2018 4/30/2021
8	At-Large	5	Brandon L. Collins 155 Whispering Pine St. Morganton, NC 28655	A R TE	7/21/2015 5/15/2018 4/30/2021

A=Appointment
R=Reappointment
A-UT=Appointed to Complete Unexpired Term
TE=Term Expires

Attachment: CPCT Roster (3025 : Clerk - Appointments to CPCF Team)



BURKE COUNTY APPOINTMENT APPLICATION BOARDS AND COMMITTEES

Name: Steve E. Whisenant Date: February 11, 2020

Address: PO Box 2027

City: Morganton State: NC Zip: 28680

Telephone: Home: _____ Business: 828-764-9504

Cell: _____ Email: steve.whisenant@burkenc.org

Occupation: Burke County Sheriff

Retired from: Federal Probation

How did you hear about this opportunity? Currently serving on board

Are you currently serving on a county board or committee? Yes No

If so, please identify the board or committee: Community Child Protection Team
Child Fatality Protection Team

Community interest and activities:

Do you reside in the extraterritorial area of a municipality? Yes No

List in order of preference the board and/or committee(s) on which you would like to serve.

1. _____
2. _____
3. _____

Most board or committee seats have no special requirement other than being a citizen of Burke County. Do you have special criteria that you would like to be considered for this appointment?

Revised: 1-26-18

Attachment: Sheriff Whisenant- CCPT-CFPT application 2020 (3025 : Clerk - Appointments to CPCF Team)

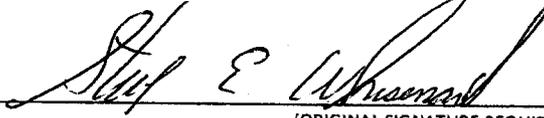
Describe why you are interested in serving on a board or committee. What goals and objectives do you have?

Are you willing to attend board or committee meetings on a regular basis? Yes No

Please disclose any business or personal relationships that may be considered a conflict of interest, if selected to serve on a board or committee: _____

Remarks: _____

(OPTIONAL)

Signature:  _____

(ORIGINAL SIGNATURE REQUIRED)

(SIGNING INDICATES AGREEMENT TO ABIDE BY THE BURKE COUNTY CODE OF ETHICS.)

Return to: Burke County
Attn: Clerk to the Board
P.O. Box 219
Morganton NC 28680
Email: kay.draughn@burkenc.org
Phone: 828-764-9354 Fax: 828-764-9352

Attachment: Sheriff Whisenant- CCPT-CFPT application 2020 (3025 : Clerk - Appointments to CPCF Team)



**BURKE COUNTY
APPOINTMENT APPLICATION
BOARDS AND COMMITTEES**

Name: Greg Curry Date: March 11, 2020

Address: PO Box 307

City: Jonas Ridge State: NC Zip: 28641

Telephone: Home: 828-733-8869 Business: 828-764-9326

Cell: 828-448-1894 Email: greg.curry@burkenc.org

Occupation: EMS Director

Retired from: N/A

How did you hear about this opportunity? Rebecca McCleod

Are you currently serving on a county board or committee? Yes No

If so, please identify the board or committee: LEPC

Community interest and activities:

Safety

Do you reside in the extraterritorial area of a municipality? Yes No

List in order of preference the board and/or committee(s) on which you would like to serve.

1. Child protection. Child fatality.
2. _____
3. _____

Most board or committee seats have no special requirement other than being a citizen of Burke County. Do you have special criteria that you would like to be considered for this appointment?

I have no special skills.

Describe why you are interested in serving on a board or committee. What goals and objectives do you have?

Rebecca asked me.

Are you willing to attend board or committee meetings on a regular basis? Yes No

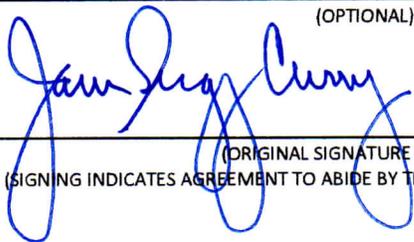
Please disclose any business or personal relationships that may be considered a conflict of interest, if selected to serve on a board or committee:

None.

Remarks: _____

(OPTIONAL)

Signature: _____



(ORIGINAL SIGNATURE REQUIRED)

(SIGNING INDICATES AGREEMENT TO ABIDE BY THE BURKE COUNTY CODE OF ETHICS.)

Return to:

Burke County
Attn: Clerk to the Board
P.O. Box 219
Morganton NC 28680
Email: kay.draughn@burkenc.org
Phone: 828-764-9354 Fax: 828-764-9352

Attachment: Greg Curry App (3025 : Clerk - Appointments to CPCF Team)



**BURKE COUNTY
APPOINTMENT APPLICATION
BOARDS AND COMMITTEES**

Name: Chris Jernigan Date: 2/11/20

Address: 105 S Green St.

City: Morganton State: NC Zip: 28655

Telephone: Home: _____ Business: _____

Cell: 828-403-0862 Email: wcjernigan@southmountain.org

Occupation: Executive Director

Retired from: _____

How did you hear about this opportunity? _____

Are you currently serving on a county board or committee? Yes No

If so, please identify the board or committee: Child Fatality Review / Community Child Protection Team

Community interest and activities:

Community Child Protection Team

Child Fatality Review Team

Do you reside in the extraterritorial area of a municipality? Yes No

List in order of preference the board and/or committee(s) on which you would like to serve.

1. CCPT / CFR
2. _____
3. _____

Most board or committee seats have no special requirement other than being a citizen of Burke County. Do you have special criteria that you would like to be considered for this appointment?

I am the sole remaining Charter member of this committee. We began CCPT in 1990 & added CFR in 1991

Revised: 1-26-18

Attachment: Chris Jernigan-CCPT-CFPT application 2020 (3025 : Clerk - Appointments to CPCF Team)

Describe why you are interested in serving on a board or committee. What goals and objectives do you have?

Are you willing to attend board or committee meetings on a regular basis? Yes No

Please disclose any business or personal relationships that may be considered a conflict of interest, if selected to serve on a board or committee: _____

Remarks: _____

(OPTIONAL)

Signature:  _____
(ORIGINAL SIGNATURE REQUIRED)
(SIGNING INDICATES AGREEMENT TO ABIDE BY THE BURKE COUNTY CODE OF ETHICS.)

Return to: Burke County
Attn: Clerk to the Board
P.O. Box 219
Morganton NC 28680
Email: kay.draughn@burkenc.org
Phone: 828-764-9354 Fax: 828-764-9352

Attachment: Chris Jernigan-CCPT-CFPT application 2020 (3025 : Clerk - Appointments to CPCF Team)

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

Subject Title: Clerk - Resolution Supporting SCFAC

Presented By: Kay Draughn

Summary of Information: The State Consumer & Family Advisory Committee (SCFAC) has composed a draft resolution asking each of NC's 100 counties to consider adopting showing support for the SCFAC as the members meet on May 19th with legislators. The goal is to inform law makers of the needs associated with treatment and services for Mental Health (MH), Substance Use Disorder (SUD) and Intellectual Developmental Disabilities (IDD).

Budgetary Effect: N.A.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: To adopt Res. No. 2020-10.

County of Burke
State of North Carolina

**Resolution in Support
of
NC State Consumer & Family Advisory Committee (SCFAC)**

WHEREAS, North Carolina's 100 counties experience on a daily basis; short falls in treatment of its residents in resources to treat, support and sustain life and health;

WHEREAS, NC counties are challenged with the decision to spend tax dollars for needed services for those experiencing Mental Health/Intellectual Developmental Disabilities/Substance Use Disorder/Traumatic Brain Injury (MH/IDD/SUD/TBI) challenges;

WHEREAS, the NC State CFAC is tasked with seven (7) statutory mandates to advise the NC Department of Health and Human Services (DHHS) and the legislature;

- Review, comment on, and monitor the implementation of the State Plan for Mental Health, Developmental Disabilities, and Substance Abuse Services
- Identify service gaps and underserved populations
- Make recommendations regarding the service array and monitor the development of different services
- Review and comment on the State budget for mental health, developmental disabilities, and substance abuse services
- Participate in all quality improvement measures and performance indicators
- Receive the findings and recommendations by local CFAC's regarding ways to improve the delivery of mental health, developmental disabilities, and substance abuse services
- Provide technical assistance to local CFACs in implementing their duties

THEREFORE, the NC State CFAC in its efforts to address the needs of MH/IDD/SUD/TBI individuals, their families and the larger community, requests county support for the engagement of:

- Systems Advocacy;
- Improved Service Delivery;
- Ensure Provision of Quality Services and
- Cultivation of Community Engagement.

BE IT FURTHER RESOLVED that NC State CFAC is endorsed by the Burke County Board of Commissioners to represent the needs of Burke County.

Adopted this 21st day of April 2020.

Johnnie W. Carswell, Chairman
Burke Co. Board of Commissioners

ATTEST:

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

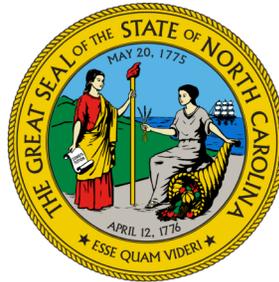
Mission

The Mission of the State CFAC is to:

- Support development of consumer services by identifying needs and gaps in services and promoting services that are effective and meet quality standards.
- Support CFAC growth and development at state and local level.
- Support individual consumer and family participation at state and local level.

State Statute

State CFAC is mandated under G.S. 122C-171. This committee is a self-governing and self-directed organization that advises the Department and the General Assembly on the planning and management of the State's public mental health, developmental disabilities, and substance abuse system.



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

Division of Mental Health,
Developmental Disabilities
and Substance Abuse Services

The Community Engagement and Empowerment Team (CE&E) provides support to the CFAC to assist in implementing its duties.

State Consumer & Family Advisory Committee

C/O
Community Engagement &
Empowerment Team
3001 Main Service Center
Raleigh NC 27699-3001

State Consumer and Family Advisory Committee

Nothing About Us, Without Us.



CFAC Purpose

- Review, comment on, and monitor the implementation of the State Plan for Mental Health, Developmental Disabilities, and Substance Abuse Services.
- Identify service gaps and underserved populations.
- Make recommendations regarding the service array and monitor the development of different services.
- Review of and comment on the State budget for mental health, developmental disabilities, and substance abuse services.
- Participate in all quality improvement measures and performance indicators.
- Receive the findings and recommendations by local CFACs regarding ways to improve the delivery of mental health, developmental disabilities, and substance abuse services.
- Provide technical assistance to local CFACs in implementing their duties.

**Nothing About Us,
Without Us.**

Membership for State CFAC

The State CFAC is composed of 21 members. The membership shall be composed exclusively of adult consumers (18 and over) of mental health, developmental disabilities and substance abuse services; and family members of consumers of mental health, developmental disabilities, and substance abuse services.

“State CFAC has given me another avenue to learn how to approach policymakers about critical issues as it relates to people with Mental Health, Developmental Disabilities, and Substance Use Disorders and their families.”

*- Jonathan Ellis, ADA Coordinator
State CFAC Member, Trillium Catchment Area*

Appointing Authorities for State CFAC

- Nine by the Secretary of DHHS
- Three by the General Assembly upon the recommendations of the President Pro-Tempore of the Senate
- Three by the General Assembly upon the recommendations of the Speaker of the House of Representatives
- Three by the Council of Community Programs
- Three by the North Carolina Association of County Commissioners

State CFAC Meeting Information



State CFAC meets the second Wednesday of every month. These meetings are open and public comments are encouraged.

**Your voice is so important
it was written into law.**

Systems Advocacy



Improving the Service Delivery System



Ensuring Quality Services



Cultivating Community Engagement



Visit Us on the Web

All meetings with location are posted on the NC Division of Mental Health Developmental Disabilities & Substance Abuse Services.



<https://www.ncdhhs.gov/documents/state-consumer-and-family-advisory-committee-agendas>

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

Subject Title: Comm. Dev. - Accept 2020 Abandoned Manufactured Home Grant

Presented By: Shane Prisby

Summary of Information: The Community Development Department applied for and received a \$10,000 grant from NC Department of Environmental Quality to remove 6-7 Abandoned Manufactured Houses. The grant would reimburse \$1,500 per single-wide unit removed or \$2,500 per double-wide unit.

The department has already had more applicants to the program than the grant would cover. The applicants have agreed to pay the tipping fee for disposal at the landfill. The County would hire a contractor to remove the unit and separate out any hazardous materials. The removals would be bid out as a single contract. The County would be responsible for any amount over the reimbursement rate and the department is requesting authorization of up to \$2,335 from the General Fund to complete the removals.

Budgetary Effect: An increase of \$2,335 from the grant and an expense of up to \$2,335 from the General Fund for any additional expenses.

County Manager's Recommendation: Approval is recommended

Suggested Motion: To accept the Abandoned Manufactured Housing Removal Grant in the amount of \$10,000 and authorize up to \$2,335 of Fund Balance from the General Fund for the completion of the removals. Further, authorize the County Manager to execute the grant agreement and removal contract on behalf of the Board, subject to review and/or revision by the County Attorney.

Abandoned Manufactured Homes Grant Program

REQUEST FOR PROPOSAL

Division of Environmental Assistance and Customer Service
N.C. Department of Environmental Quality (NC DEQ)

The purpose of this grant program is to assist counties with implementing Abandoned Manufactured Home Clean-up Programs. The Division of Environmental Assistance and Customer Service (DEACS) within the N.C. Department of Environmental Quality (NC DEQ) administers the Abandoned Manufactured Home (AMH) Grant Program through the Solid Waste Management Outreach Program.

With the release of this request for proposals (RFPs), DEACS is accepting applications for grant funding from North Carolina counties seeking to participate in the Abandoned Manufactured Homes Grant Program.

Applicants should carefully read this entire document prior to applying for an AMH grant. There are many details in this grant application and the county staff need to be fully aware of them to provide the best possible application and have the greatest chance of getting grant funding. For assistance, potential applicants are strongly encouraged to contact David Hance, AMH Grant Program Administrator at (919) 707-8122 or david.hance@ncdenr.gov.

Application Deadline: 5:00 p.m. on Tues., Dec. 3, 2019.

Eligible Entities:

Only North Carolina county governments are eligible for funding through the AMH Grant Program.

Applicants with current, open DEACS AMH grant contracts will not be considered for funding. Applicants that have failed to complete and submit the required Local Government Solid Waste and Materials Management Annual Report will not be considered for funding.

Types of AMH Grants:

There are two types of AMH grants available:

- (1) **AMH Planning Grant:** Available to first-time applicants in Tier 1 and Tier 2 counties, AMH Planning Grants are designed to assist counties in gaining a more precise understanding of the AMH challenges in their jurisdiction and how they will be addressed. A planning grant may be applied for with a cleanup grant or may be applied separately. See sections below for more information on planning requirements, planning grants, and funding availability.
- (2) **AMH Cleanup Grant:** AMH Cleanup Grants are designed to assist counties with the demolition and cleanup costs associated with the removal of abandoned manufactured homes within their jurisdiction. Applicants for an AMH Cleanup Grant must have either previously received an AMH Planning Grant, submit in conjunction an application for an AMH Planning Grant (if eligible), or submit in conjunction a written plan for the management of AMH within their jurisdiction.

Available Funding:

DEACS has limited funds for the Abandoned Manufactured Home Grant Program and has allocated \$80,000 for AMH grant funding for fiscal year 2019-20. Upon consideration of the proposals, DEACS reserves the right to revise the amount spent for this grant cycle. Contract execution and disbursement of funds are contingent upon the availability of fund to DEACS for this purpose.

The amount of funding available to each applicant through an AMH Grant is determined by the a county's designation by the N.C. Department of Commerce as a development Tier 1, 2, or 3 area ([map of tier designations](#)) as set forth by [G.S. 143B-437.08](#).

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

Regardless of total funds received by a particular county, the type of funding a county may receive is dictated by NCGS 130A-309.115 (c) for counties based on economic stress levels under the NC Department Commerce economic tier map and listing. Planning grants may be used to support the development of a County’s written plan for the management of abandoned manufactured homes (AMHs) and/or to identify and inventory the number abandoned manufactured homes in a community. Planning grants may be separate from or incorporated into the initial AMH Grant Program application and contract. Tier 3 counties are not eligible for supplemental funds or planning grants.

The following table summarizes the types of funds for the AMH Grant Program based on tiers levels:

AMH Grant Funding Availability	Tier 1 or 2 County	Tier 3 County
Planning Grant (<i>one-time only</i>)	Eligible	<i>Not eligible</i>
Clean-up Grant	Eligible	Eligible
Supplemental award for clean-up	Eligible	<i>Not eligible</i>

Required Written Plan:

The statutory foundation for addressing abandoned manufactured homes is found in Session Law 2013-409. **The statute requires that for a county to be eligible for AMH Grant Program funding, the county must have a specific written plan for the management of abandoned manufactured homes.**

Each county that is seeking AMH grant funds to remove units must submit a written plan with the grant application. This requirement impacts both new applicants and those who have applied as repeat grantees. The only exception are first-time applicants seeking a planning grant only. First-time grantees receiving a planning grant separate from a cleanup grant must submit a written plan as an attachment to their final report at the end of the contract period to fulfill the requirements of the planning grant contract.

At a minimum, this written plan must address the following four items:

- A method by which the county proposes to identify abandoned manufactured homes in the county, including, without limitation, a process by which manufactured homeowners or other responsible parties may request designation of their home as an abandoned manufactured home.
- A plan for the deconstruction of these abandoned manufactured homes.
- A plan for the removal of the deconstructed components, including mercury switches from thermostats for reuse or recycling, as appropriate.
- A plan for the proper disposal of abandoned manufactured homes not deconstructed.

When applying for an AMH Cleanup Grant, applicants must provide a copy of their written plan for the management of abandoned manufactured homes. This plan must address **each** of the four required provisions listed above.

DEACS will not accept references to county ordinances, solid waste plans or other documents in lieu of an actual written plan that follows the four points listed above.

Grantees who have received an AMH grant in the past are required to submit any significant changes to their final written plan with the final report they send in on a grant. Things that may necessitate that change could include changes acted upon by the county board, significant amendments to ordinances, changes to any other documents used to support program, or some administrative change enacted by the county government.

Contact David Hance, AMH Grant Program Administrator at (919) 707-8122 or david.hance@ncdenr.gov if program changes occur or if you have any questions.

AMH Planning Grant:

As stipulated in Section 5 of Session Law 2008-136, counties designated as Tier 1 or Tier 2 areas may request a Planning Grant of up to \$2,500. These funds may be used to prepare a plan for the management of abandoned manufactured homes and to identify abandoned manufactured homes within their jurisdiction for potential abatement. In receiving a planning grant from DEACS, the county is making a commitment to pursue an AMH demolition and cleanup grant either in conjunction with the planning grant or in a later grant round.

Eligible applicants may choose to apply for a planning grant either *in conjunction with* or *separately from* their application for an AMH cleanup grant.

- **Where a planning grant is applied for separately from a cleanup grant by a NEW grantee, these small grants are exempt from grant RFP deadlines and may be applied for anytime during a fiscal year, provided funds are still available.**
- Any grantee that applies for a cleanup grant *with* a planning grant is subject to deadlines and other requirements of the RFP for new applicants.
- Repeat grantees are not eligible for a planning grant.

Any first-time Tier 1 or Tier 2 applicant may apply for an AMH Planning Grant as a stand-alone grant during a grant-round in advance of applying for a full AMH demolition and cleanup grant in a later year. The applicant will need to demonstrate in the application that the county board or program manager intends to apply for an abandoned manufactured home (AMH) cleanup grant. Acceptable proof of the intent to pursue an AMH cleanup grant includes board minutes showing a favorable vote, a resolution from the county board, a letter from the board chairman, or a letter from the AMH program manager stating the intent to pursue an AMH grant in a later round.

Counties are directed by statute to pursue sharing of the cost of managing AMH units with responsible parties. Counties should attempt to recover costs that exceed \$1,000 spent on a project from the responsible party prior to seeking reimbursement of grant funds. The steps required for recovering costs from responsible parties are outlined in [G.S. 130A-309.114](#) subsection c. For more information on the amount of grant funding available for the deconstruction of individual units, please see the description of the AMH Cleanup Grant below.

AMH Cleanup Grant:

Counties may develop abandoned manufactured home (AMH) clean-up programs that are mandatory, voluntary or any combination thereof. Counties are encouraged to develop programs that incorporate both voluntary and mandatory components. Counties are also strongly encouraged to incorporate up-front cost recovery practices into their programs to ensure that the most efficient and effective use of state grant funding is achieved. Counties may directly conduct clean-up of abandoned manufactured home units if they may contract with a private entity or another unit of local government to conduct clean-up operations.

The maximum amount of money a grantee may use for each AMH demolition is dependent on the county's annual tier designation (Tier 1, Tier 2, or Tier 3) from the NC Department of Commerce. In addition, the allowable reimbursement amounts per unit are based on the size of the mobile home unit deconstructed (single- or double-wide unit). Use of grant funds to support the demolition and removal of triple-wide units is no longer allowed.

The AMH Grant Program reimbursement schedule allows for Tier 1 and Tier 2 counties to be reimbursed \$1,000 for the management of single-wide units, plus a supplemental reimbursement of \$500 to assist with the disposition of abandoned manufactured homes. Counties are encouraged to seek program cost savings through operation efficiencies and to recover costs that exceed \$1,000 from responsible parties prior to using supplemental funds. When applying for an AMH Grant, the applicant's AMH program description must describe the approach towards seeking funds from responsible parties. Reimbursement of supplemental funds is made at the discretion of DEACS.

Maximum Per Unit Reimbursement Schedule		
Unit Type	Tier 1 and 2 Counties	Tier 3 Counties
Single-Wide	\$1,500.00	\$1,000.00
Double-Wide	\$2,500.00	\$2,000.00

Apart from planning grants, reimbursement will only be made for operating expenses directly related to the management of abandoned manufactured homes. If a county is using a contractor for deconstruction operations, documentation of disposal/deconstruction costs will be through contractor invoices, tipping fee invoices, and general full cost accounting. If the program is run internally, documentation of costs will be through full cost accounting of program expenses using an accounting methodology agreed upon by the county and DEACS. If a third party is administering or operating aspects of the abandoned manufactured homes (AMH) program, reasonable fees paid for program administration will be considered reimbursable, and details of anticipated administrative costs should have been provided as a part of the county’s program budget in the grant application.

In order to minimize the amount of time spent managing reimbursements, requests for reimbursement should be submitted on a quarterly basis or when a grantee has accumulated a minimum of 5 deconstructed units. DEACS may make exceptions to this on a case-by-case basis.

Funding Period:

AMH Grant Contracts will be written for the minimum contract term of one (1) year and a maximum contract term of two (2) years. Applicants should carefully consider the need and demand for AMH deconstruction in their community as they determine whether to seek a one (1) year or two (2) year grant term and develop their grant timeline. Grantees must expend grant funds within the grant contract term unless the term is extended by written agreement between the grantee and the N.C. Department of Environmental Quality.

How to Submit a Proposal:

One electronic copy of the proposal must be submitted to David Hance at david.hance@ncdenr.gov. Please submit electronic applications as Microsoft Word (preferred) or Adobe (PDF) attachments. If you are unable to apply electronically, please contact David Hance at 919-707-8122 for alternative arrangements. Please note that the application deadline still applies.

Due Date:

Proposals MUST be received by DEACS by 5:00 p.m. on Tues., Dec. 3, 2019.

Proposals received after the deadline will NOT be considered. Local governments requiring board approval to apply for grant funds should plan to procure that approval before the submittal deadline.

Receipt of all proposals will be acknowledged by email. It is the responsibility of applicants submitting a proposal to contact our office if they do not receive a confirmation. No arrangements will be made for lost applications after the due date. If you do not receive a confirmation that your application has been received, contact David Hance at david.hance@ncdenr.gov or 919-707-8122 as soon as possible.

Grant Selection Process:

The selection committee will use the pre-established criteria below to rank proposals and make award decisions. A total of 100 points is available. Applicants are encouraged to consider the award scoring criteria as they develop their grant proposals. It is incumbent on the county staff to make the best possible case for grant funding of your proposal to the DEACS staff.

Award Scoring Criteria	Available points
1. Project Planning/Experience Does the grant application adequately address all the required items described on pages 6-8? Does the proposal indicate sufficient program planning to ensure the success of the proposed project? Is the proposal well thought-out, well researched and backed by valid facts and assumptions? Did the grantee submit an implementation timeline and accurate budget tables for expenses and revenues?	(0 - 25 points)
2. Written Plan Assessment Does the county's AMH Written Plan that meet the requirements outlined on page 2 to identify AMHs, establish a process for responsible parties to request AMH designation, plan for the deconstruction of identified AMHs, plan for the appropriate removal and recycling of deconstructed components, and a plan for the proper disposal of other AMHs? Are all the elements listed included in the application? Is the rest of the proposal consistent with the Written Plan in the application requirements?	(0 - 25 points)
3. Cost Effectiveness & Cost Sharing with Homeowners Does the proposal effectively utilize limited funds and provide a mechanism for partial cost recovery? How does the proposal utilize homeowner or landowner funds to advance AMH demolition, disposal or recycling? How much will the average homeowner need to pay to get participate in the program? If the county pays a standard charge for demolition and/or disposal and does not directly charge homeowners fees, can the portion of that charge that could be supported by homeowners as revenue be estimated and what is that amount?	(0 - 10 points)
4. Effectiveness Does the application demonstrate that the applicant can reduce the inventory of AMHs in the county and by how many units? How will the project facilitate more AMH demolitions, removals, and recycling in the county? Does the project set a strong example for other counties to replicate? How does the project provide innovative solutions in addressing AMHs in the county?	(0 - 10 points)
5. Impact on the Waste Stream Describe how the project will reduce the local waste stream through the recovery and recycling of metals, window/door frames, steel components, white goods, and other materials? What is the anticipated tonnage recycled based on past data? Can you give a rough estimate of that tonnage if you are a new grantee? Did the applicant provide the names and contact information for at least two demolition contractors and at least two recyclers?	(0 - 10 points)
6. County Tier Level per NC Department of Commerce Grant Tier 1 and Tier 2 will receive 10 points. Grant Tier 3 will receive 5 points. This is in recognition that poorer communities struggling with local economics need to be given greater consideration. For more information, see the following: https://www.nccommerce.com/grants-incentives/county-distress-rankings-tiers .	(5 or 10 points)
7. Priority Project: ONLY NEW GRANTEES requesting an AMH Cleanup grant with a planning grant are regarded as priority projects. To clarify, these are those counties that have never applied for a grant.	(0 - 5 points)
8. Partnerships with Other Communities Does the proposed project work in partnership with one or more communities to expand the project scope? Please include documentation of support from the partnering community (i.e., a resolution, letter of intent, letter of fund transfer, etc.) and the contact information of the partnering entity. A one-party proposal will receive zero (0) points; multi-party proposals (involving cash match from all participants) will receive the maximum of 5 points.	(0 - 5 points)

Failure to address the Award Scoring Criteria above could result in a low score and could impact the ranking and funding of the proposed application.

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

AMH Application Requirements:

The following outline indicates what applicants **must** include in their proposal for the application to be considered complete. Proposals that fail to provide all of the required information or that fail to follow the format below may not compete well and may not be considered for funding.

1. Contact Information, including:

- Name and title of main contact
- Organization
- Address
- Phone number
- E-mail address
- County's Federal Employer Identification Number (EIN)
- County's NC Department of Commerce Tier Designation

2. General Requirements:

- ✓ Written statement indicating that the applicant does not have an open AMH grant contract with DEACS.
- ✓ Written statement indicating that the applicant has completed and submitted the required Local Government Solid Waste and Materials Management Annual Report for FY2018-19. The county solid waste staff should have this information.

3. AMH Program Description: Application must include a detailed description of the County's AMH Program. Copies of program materials, such as ordinances, plans or reports **shall NOT be accepted** as a substitute for providing a description of each of the following program elements:

- Please specify the length or term of the grant (one or two years).
- Description of the county's AMH program implementation history, how the county identifies AMH units for deconstruction, and the process used for the selection of the contractor(s) that will perform deconstruction services (if applicable).
- A description of the program approach to sharing the cost of deconstruction with responsible parties and a description of the process for recovery of funds from responsible parties. Does the program waive homeowner fees under some circumstances? If so, please explain.
Please note that the statutes governing the AMH program require DEQ to place a strong emphasis on cost recovery from responsible parties. Counties applying for an abandoned manufactured home (AMH) grant expected to articulate their approach to seeking funds from responsible parties.
- A description of the program approach to deconstruction operations, including:
 - Will deconstruction activities be performed by county staff or a contractor? Will county staff oversee or supervise deconstruction activities?
 - Will non-recycled deconstruction debris be directed to a specific landfill(s) for disposal? If so, provide the name and location of the landfill(s) to be used.
 - Provide the contact information for each demolition contractor pre-qualified for bid, anticipated to bid on AMH demolition(s). For new grantees, provide contractors who could potentially be an abandoned manufactured homes (AMH) contractor for this grant. There needs to be a minimum of two persons or firms noted in the application.
- A plan for meeting basic recycling requirements when managing AMH units. At a minimum, all metals, including siding, roofing, chassis, and window frames should be recycled. Provide the contact information for each recycler the program will use, with a minimum of two persons or firms noted in the application.
- A plan for removal and proper management of mercury thermostats, fluorescent lights, or any other mercury containing product at the site, including the name and contact information of the entity receiving them from the program.
- A plan for the removal and proper management of white goods, tires and other materials banned from disposal in North Carolina.

- An estimate or projection of the number of AMH units intended to be managed during the grant term and the length of grant term requested (one or two years).
- A plan for gathering and tracking program data including the number of units managed and the tonnage and types of materials recycled and disposed for each unit (data on materials landfilled and recycled is required to be included for each project when seeking reimbursement of grant funds).

4. **Timeline for Implementation of AMH Program:** The applicant should specify desired the length of contract sought and the projected dates of grant contract term. The timeline must include a bulleted list with key implementation dates for the following grant project elements:

- Projected date of initiation of deconstruction activities during grant term; and
- A date showing the completion of the AMH Grant Final Report prior to the end of contract term (typically shown as last day of contract term).

5. **Program Budget:**

Applicants must submit a project budget in the form of two tables, one for expenses and one for revenues. Expenses and revenues should be estimated for individual AMH units.

Expense Table: Provide estimated per unit expenses and the number of AMH units projected to be deconstructed during the grant term. Typical expense items may include program promotion and advertising, program supplies and equipment, contractor costs for deconstruction/disposal, landfill tipping fees, hazardous materials handling costs, and program administration costs (local labor and/or fees paid to consultants or third-party administrators). If your program intends to seek grant funds for the support of program administrative costs, please provide detail in descriptive text. Applicants that do not include administrative costs in their program budget will not be eligible for the reimbursement of administrative expenses.

Revenue Table: Provide the proposed amount of the state grant awarded, local government funds for mercury recycling from thermostats collected, responsible party fees, county mobile home permitting fees used to support the program, revenues from other government for joint projects with the applicant, and any other source of revenue for the project. The estimated per unit revenues and the projected number of units to be deconstructed during the grant term should also be identified.

The revenue table must specify any existing or new fees to support the county's AMH program. If you are awarded state funds based on the merits of your grant application, you must show those funds in this table as well as other revenue sources. If an AMH grant applicant has commitments for revenues from another county or a municipality within the county, the total amounts must be entered in the applicants AMH Program Revenue Budget Table as matching funds. Any other revenue that is not a part of the grant or the grant match needs be listed under other.

Sample budget tables can be provided upon request. Please contact David Hance for assistance at david.hance@ncdenr.gov or 919-707-8122.

6. **Written Plan for the Management of Abandoned Manufactured Homes:** Provide a copy of county's written plan for the management of abandoned manufactured homes. See "Required Written Plan" section on page 2 of this document for more information. *Failure to submit an actual Written Plan referenced on this page and the bulleted list may result in an application deemed incomplete by DEACS and return of the application to the county.* Applicants must address each bulleted point shown on that list.

7. **Important Reminders for AMH Applicants:**

- ALL applicants** must respond to each of the items outlined above in the section titled "**AMH Application Requirements**" of this grant RFP (see pages 6-8);
- The **Written Plan** for your county as required under statute as shown on page 2 and referenced above must be included with this application;

- ❑ **All applicants** must address the “**AMH Grant Award Scoring Criteria**” outlined on page 5 to be considered for AMH funding. Failure to adequately address items in this section may result in a lower score when compared to other grantee applications and may negatively impact funding given for your proposal.

There is no limit on the number of times a county can participate in the AMH Grant Program, but to be eligible to reapply a county must be in good standing with the abandoned manufactured home (AMH) Grant Program and with other grant programs operated by DEACS, and the county must be in compliance with all solid waste statutes and rules as determined by the N.C. Division of Waste Management.

If Selected for Funding:

DEACS anticipates that applicants selected for funding will be notified by Monday, January 6, 2020. DEACS will notify the applicant by email. Successful applicants must accept or decline the offer within the timeframe provided by DEACS in the award letter.

- As a condition of the review process and grant award, DEACS may work with applicants to revise initially submitted proposals before entering a contract. Any changes to initial proposals must be approved by DEACS and the applicant, and the resultant final grant application will become an attachment to the grant contract.
- DEACS will complete a compliance review with the N.C. Division of Waste Management related to North Carolina solid waste statutes and rules. Prospective grantees will not be awarded a contract unless and until all regulatory and compliance issues are resolved, as independently verified by the Division of Waste Management.
- DEACS will submit a request through the DEQ contract processing system for a grant contract. Grantees must act to execute the resultant grant contract without excessive delay.
- Successful applicants will be required to register with the state’s e-procurement system using the same address provided in the applicant’s proposal. To register in the state’s e-procurement system, please visit the following link: <https://vendor.ncgov.com/vendor/register-new-vendor?execution=els1>.
- If a county is granted a larger portion of funding due to the ranking of grant by DEACS, then the county grant manager needs to let us know if you will need a two-year grant as opposed to a one-year grant prior to award being made.

Proposals NOT Selected for Funding:

- If a complete application cannot be funded in the year submitted, it will be placed into a pool for the next grant round and may be funded depending on funding availability and competitiveness of the proposal among the pool of applicants. Funding is subject to availability and is determined on an annual basis. Staff may work with the applicant to assist the county in developing a grant application and AMH Program prior to the next grant round.

Other General Terms and Conditions:

All grantees are subject to the following terms and conditions. Additional terms and conditions will be outlined in the awarded grant contract.

- **EIN and NC E-Procurement Registration** – Grantees will be required to provide the local government’s Federal Employer Identification Number (EIN) and to register with the state’s NC E-Procurement system before a contract can be initiated. You may register for NC E-Procurement using the following link: <http://eprocurement.nc.gov/>

- **Reimbursement** – All funds for DEACS grants are distributed on a reimbursement basis. Requests for reimbursement can only be made after the grantee has completed purchases associated with the grant demolition project or a planning grant. Reimbursement requests must include copies of invoices on forms approved by the DEACS staff. Each reimbursement request must include a copy of the paid invoice(s) and a Project Summary Form. To minimize the amount of time spent managing reimbursements, requests for reimbursement should be submitted on a quarterly basis or when a grantee has accumulated a minimum of 5 deconstructed units. **Purchases made before a grant contract is signed by both DEQ and the grant recipient will NOT be reimbursed.**
- **Reporting Requirements** – There are two separate reporting requirements associated with the AMH Grant Program. Please see page 10 of this document for more information.
- **Final 10% of Grant Funds** – DEACS will continue to reimburse grantees until 90% of the award amount has been expended. The final 10% of grant funds will be held until an approved final report has been received by DEACS. *The report must be received and approved prior to the end date of the contract.* All final requests for reimbursement must be received within 30 days of the contract end-date or all remaining grant funds will be forfeited.
- **Extensions** – No-cost time extensions for grant contracts are possible, but not guaranteed. Grantees seeking no-cost time extensions must request an extension 60 days prior to the contract end date; extension requests received less than 60 days prior to the end date may be denied. The request for extension must indicate the reason that the extension is being requested (i.e., why the project cannot be completed on-time). Any request for an extension must include a new timeline of project milestones and a new budget. DEACS reserves the right to decline any request for extension from an AMH Grantee that has had limited deconstruction activity during the term of their grant unless the Grantee has a plan to actively increase program activity. AMH Grants are limited to no more than two (2) no-cost time extensions.
- **Publications** – Documents and publications associated with a grant contract should be printed on recycled paper containing at least 30 percent post-consumer content.
- **Record Keeping** – Comprehensive record keeping is required for continued participation in the AMH Grant Program. At a minimum, counties should maintain records including information on all program costs incurred by the county, proof of payment for program related expenses, all costs recovered, tonnage of material disposed, tonnage and types of materials recycled, the final disposition of mercury thermostats, and “before” and “after” photos of each deconstruction site. These records should be maintained on a unit by unit basis. Failure to maintain these records may result in decreased reimbursement from DEACS and loss of eligibility to participate in the AMH Grant Program.

AMH Grant Program Reporting Requirements:

Any county that receives funding from the AMH Grant Program will be required to complete two (2) different reports.

- **Fiscal Year Progress Report** – This report is due on August 1st for each fiscal year ending June 30th during which an AMH grant contract has been in place. If the grant contract term bridges two fiscal years, then a separate Fiscal Year Progress Report will be required for each fiscal year. Grantees will need to report units demolished by the county with grant funding and units demolished without use of grant funds. *(Note: an AMH disposed of by the homeowner or under a private contract without county involvement should not be included in this fiscal reporting or final reports on grants).*
- **AMH Grant Program Final Report** – All grantees must complete and submit an AMH Grant Program Final Report due on or before the grant contract end date. A draft of the AMH Grant Program final report should be submitted 30 days prior to the grant contract end date, and a final version must be received by the end of the grant contract term.

For more information about AMH grant program reporting requirements, please contact David Hance at david.hance@ncdenr.gov or 919-707-8122.

A Final Word on Grant Writing:

Proposals may receive low scores or even be rejected because applicants fail to follow the instructions outlined in this document. Applicants stand a better chance of success if they include all the required components of the respective format. Information submitted should be thoroughly completed, clear and concise and demonstrating thoughtful planning. Poorly prepared proposals create uncertainty about the project goals and intended results. Clear details will provide grant proposal reviewers confidence regarding the proposal. Applicants with questions are encouraged to contact DEACS for more information prior to application submittal.

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David Hance
Abandoned Manufactured Home Program Administrator
Division of Environmental Assistance and Customer Service
North Carolina Department of Environment Quality

December 3, 2019

Re: Request for Proposal for the Abandoned Manufactured Homes Grant Program

Mr. Hance,

Burke County would like to formally submit the following information for consideration and acceptance into the Abandoned Manufactured Homes Grant Program. The purpose of this request is to assist citizens and the county with the removal of nuisance manufactured homes that have visual and environmental effects on the landscape of Burke County.

Burke County is a Tier 2 county located in western North Carolina, divided into thirteen townships. The Census estimated population in 2017 was 88,898.

The County has received AMH grants in the past and has continued success in their implementation of the program. The department has been receiving inquiries about the program already identified eight manufactured homes that could apply to this program. As part of this cover letter, I am certifying that we do not have an open AMH grant contract with DEACS and that the County has submitted its Local Government Solid Waste and Materials Management Annual Report for FY2018-19.

Burke County is requesting to be accepted into this program in order to facilitate the removal of these violations. This program will benefit the citizens of the county by providing a means to remove homes to individuals who may not have the financial means to remove the homes themselves. Other citizens of the county will also benefit from the reduction in environmental and safety concerns caused by these structures.

Sincerely,



James Marler
Code Enforcement Officer
Burke County Community Development Department

P.O. Box 219, 110 North Green Street, Morganton, North Carolina 28680
Email: comdev@burkenc.org Telephone: (828) 764-9030 – FAX: (828) 764-9021

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

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Abandoned Manufactured Home Program Grant Application

Contact Information

Contact Person: James Marler, Code Enforcement Officer
Organization: Burke County Community Development Department
Mailing Address: PO Box 219, Morganton NC 28680
Phone: (828) 764-9030 / (828) 764-9035
Fax: (828) 764-9021
E-mail: james.marler@burkenc.org
Federal EIN: xx-xxx0280
NCDOC Tier Designation: Tier 2

AMH Program Description

The following is a plan for administration of an Abandoned Manufactured Home program in Burke County. Following the program description are excerpts from the 10 Year Solid Waste Plan and the Burke County Environmental Compliance Ordinance that apply to this program.

Length of Term

Burke County is requesting a one-year term for the AMH Grant.

Implementation History

Manufactured homes have been historically addressed through the Burke County Zoning Ordinance, which restricts the use to residences only and outlines criteria for placement and appearance. In February 2009, the Burke County Board of Commissioners approved an Environmental Compliance Ordinance which further addressed the issue by disallowing abandoned manufactured homes. These ordinances are enforced by the Code Enforcement Division of the Community Development Department.

To address the backlog of abandoned manufactured homes, Burke County applied for and received AMH grants in 2009 and 2015. Through that time, the Department has removed 8 units from the county and improved the implementation of the program.

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Identification

Abandoned manufactured homes are identified by the Code Enforcement Division through written citizen complaint, tax listings, or through direct observation by County staff. Each unit is assigned a case number and investigated by Code Enforcement officers. Responsible parties are identified through tax records and GIS information as well as personal interviews.

Selection for Program

Homes that have been identified are selected to participate in the program by the Planning Director with input from the General Services Director and the Code Enforcement Supervisor. Property owners may apply in writing to participate in the program however, this does not guarantee acceptance. Eligible homes are prioritized for removal on the basis of hazards created by the home, property owner's ability to remove the home without assistance, accessibility to the home, and nuisances created by the home. All homes are selected and processed in accordance with Article 1X of the Environmental Compliance Ordinance.

Contractor Selection

When a unit is approved for demolition by the County, the department hires an outside contractor to complete the work. Contractors are selected by a lowest responsible, responsive bidder format as guided by County purchasing policy and State purchasing law and regulation. These removals generally fall within the informal contractors bidding range. Projects are advertised publicly on the County website and contractors that have previously bid on or expressed interest in the removals are notified of the project directly. A list of the direct contacts is maintained by the department. Once awarded, the contractor has 30 days from the signature date to complete the demolition project.

The County is considering moving to an annual contract for AMH removals. Through the last decade of administering the program, we have found that the more a contract does the removals, the more efficient they become at separating out recyclables, mercury thermometers, and white goods. By switching to an annual removal contract, we expect to increase efficiency, decrease costs, and minimize staff time spent on the bidding process.

The annual contract would use the same lowest responsible, responsive bidder format and have the contractors identify a price per removal for single-wide and double-wide units. We would then give them 30 days per unit for removal as we do with our standard contract.

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Cost Sharing and Recovery

Burke County's removal program gives preference to applicants who are willing to help share in the cost of removal. That primarily comes in the form of the tipping fee at the Burke County landfill but can extend to a cost share on the removal of the unit. In the case of an absent or non-responsive owner, the County attempts to recover the expended funds through a property lien.

Tipping Fees

Tipping fees will be paid for by the property owner. These fees will be applied to the Abandoned Manufactured Home line of the Code Enforcement Budget in an effort to make this program self-sustainable.

Waiving Fees

Tipping fees can be waived or reduced for this program in the interest of promoting compliance with the ordinance and to expedite removal of homes for individuals showing financial hardships or special circumstances. This will be at the sole discretion of the General Services Director with input from the Planning Director. Recycling revenue will most likely be minimal however may apply to offset the cost of removal for the county or the property owner, again at the discretion of the General Services Director.

Process for recovery of funds

Any funds expended by the county may be attached to the property in the form of a lien. The department works with the County attorney to file the lien on the property after the removal is completed. In addition, some amounts of money may be collected utilizing the state debt setoff program.

Deconstruction Operations

Deconstruction Activities

The County contracts out the deconstruction of abandoned units through a competitive bidding process. These contracts are administered by the department directly and the Code Enforcement officer is responsible for the oversight of the contract.

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Non-Recycled Debris

The contractor is responsible for taking all non-recyclable materials to the Burke County Landfill located at 2500 Marsh Trail, Morganton, NC 28655. The Contractor is responsible for providing documentation from each trip made to the landfill and all fees incurred.

Demolition Contractors

The County has used several different contractors in the past and all are pre-qualified to bid on future projects. Additional contractors may be considered for advertised projects but are instructed to supply examples of similar projects. Previously used contractors:

- Bucks Grading & Backhoe 828-403-4534
- S& L Grading and Hauling 828-413-4089
- Foothills Grading & Demolition 828-302-0490

Recycling Requirements

Demolition waste and recycling of materials is described under Page 7 through Page 16 of the '*Burke County Ten-Year Solid Waste Management Plan (FY 2006-16)*'. The General Services Director and their staff will identify and monitor the recycling of materials on an abandoned manufactured home subject to this program. Materials will be separated in accordance with the current procedures approved by the General Services Director. The landfill currently manages most types of recyclables that may be found in a manufactured home.

If a third party is used to dispose of the manufactured home, then the private entity is responsible for the separation and transportation to the landfill of recyclables found within. These materials must be disposed of in a manner consistent with the current operational procedures at the landfill.

Removal of Mercury Thermostats

Thermostats will be recycled at a designated "Thermostat Recycling Corporations" facility. Facilities are located in Hickory as well as other nearby cities.
<http://www.thermostat-recycle.org/>

Removal of white goods

White goods are processed at the county landfill as well as all container sites.

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Estimated Number of units to be managed 2020/2021:

For this fiscal year the county will attempt to remove six to seven manufactured homes.

Program Data

Every unit identified is assigned a case number and a file is created. Through every step of the process, all documentation is added to the file. When the unit is deconstructed, the contractor is required to provide a breakdown of quantities/amounts of recyclable materials, white goods, mercury thermometers, and non-recyclable materials. This data is added to the individual file and aggregated into a larger AMH program file.

Timeline

- **March 1, 2020:** Implement demolition operations for AMHs in the county;
- **March 1, 2021:** Final Report and Final Reimbursement Completed and Approved by NC DEQ DEACS

Burke County 2020 PROGRAM COST TABLE

Program Expenses - Singlewide Units	Cost Per Unit	Projected @ 6 - 7 Units
Cost to Remove 6 to 7 AMHs	\$ 1,500.00	\$ 10,000.00
Asbestos Checks (Free)	\$ -	\$ -
Disposal of Mercury Thermostats (Free)	\$ -	\$ -
Total Projected Expenditures	\$ 1,500.00	\$ 10,000.00

Burke County Program Revenues	Projected @ 6 - 7 Units
Projected AMHP Grant Revenue (Tier 2)	\$ 10,000.00
Tipping Fees (\$350.00 x 6 - 7 Units)	\$ 2,333.10
Total Projected Revenues	\$ 12,333.10

Attachments:

- **Written Plan for Burke County AMH Program;**
- **Relevant Pages of the Burke County Ten-Year Solid Waste Management Plan**

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

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Written Plan for the Management of Abandoned Manufactured Homes in Burke County

Current Program: Abandoned Manufactured Homes are addressed in compliance with NCGS 130A-309.99 and Article IX of the Burke County Environmental Compliance Ordinance. Homes are identified by code enforcement officials by several means that include but are not limited to investigations as a result of a written complaint, by personal observation during daily duties, and from tax listings. Citizens may also declare their manufactured home abandoned. This is done in writing to the Planning Director or by listing the home as abandoned on tax records.

Code enforcement officers will contact the responsible party to notify them of the ordinance and allow for the owner to remove the home on their own. Failure to do so will result in a hearing before the Board of Commissioners in accordance with NCGS 130A-309.99D and Section 1203 of the Environmental Compliance Ordinance. If an order is passed by the board to remove the home, a timeline of 90 days is given to comply.

Upon receipt of the written notice, the responsible party has 90 days to remove and dispose of the manufactured home in accordance with all pertinent State Rules and Laws, and County Ordinances. This includes but is not limited to the disconnection of all utilities, the removal of any hazardous or recyclable materials within the home and their disposal, and all associated permits and fees. Any person who demolishes AMHs in Burke County must comply with all county ordinances, state rules and state laws related to AMH Grant demolition and disposal regardless of whether they are doing this under the grant or without grant support and final deposition of materials from the site must follow solid waste rules in NC.

Failing to comply with an order for removal from the county will result in the county taking action to have the home removed. This may be done by contracting through a third party or utilizing county resources and personnel. Third party contractors will be responsible for the removal of any hazardous or recyclable materials within the home before disposal. If county resources are used, the General Services Director or his designee will determine what parts of the home shall be removed or recycled prior to disposal. Manufactured homes may be disposed of at the landfill in accordance with the current fee schedule in either a deconstructed or intact state.

The responsible party for the manufactured home in violation of this section will be liable for any costs incurred by the county or a third party regarding the removal of said home.

Intended Actions: This program will help reduce the amount of solid waste present in the county and help reduce unsanitary and unsafe conditions caused by abandoned manufactured homes.

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Burke County's Responsibilities

The Code Enforcement Division of the Community Development Department will administer the program by identifying target homes, processing bids, providing follow-up after removal, requesting funds from the state, complying with all reporting procedures, as well as any other duties that become necessary in regard to this program.

The county will further continue to provide disposal of recyclable, white goods, and construction waste for use by property owners and contractors.

Contractors Responsibilities

Contractors will not be allowed to dispose of intact manufactured homes at the landfill. All homes managed by contractors for this program will be deconstructed. Contractors will be allowed 30 days from signing of the contract to remove a home unless an extension is granted by the Planning Director. The contractor's responsibilities are outlined below. These guidelines are taken from a Contractor's Agreement that will be completed prior to removal of any homes. In the following, "I" denotes the contractor.

- 1) Upon notification of bid approval, I will contact the property owner to coordinate an onsite inspection to verify any hazards, ensure permitted easements to allow access for all equipment and personnel, and notify of time and date of deconstruction.
- 2) I agree that the deconstruction and removal of the home will occur within a thirty (30) day period from being notified of project award, unless an extension is granted by Burke County Planning and Development.
- 3) I am aware that if awarded the project and fail to complete the deconstruction and removal within a thirty (30) day period and a time extension is not granted, the project will be reopened for bidding.
- 4) I agree to deconstruct all homes onsite. No homes will be allowed to be disposed of intact or transported to another site for deconstruction.
- 5) I agree that the deconstruction of the home will be performed in a manner that will prevent any debris from becoming airborne or otherwise affecting any adjacent properties.
- 6) I agree that the debris from the deconstructed home shall be transported on a vehicle capable of safely moving the materials from the demolition site to a certified landfill or recycling facility. During transportation, all debris must be covered with a tarp

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or fabric cover and shall be properly secured so not to allow any debris to fall from the vehicle.

7) I agree to level, compact, or fill any portion of the property that is affected by the deconstruction and removal of debris. I agree to remove and replace any contaminated soil that results from the spillage of any fluids or hazardous materials from equipment associated with performing deconstruction or removal of the structure.

8) I am aware that all materials from the demolition of the manufactured home must be removed from the property before payment will be issued.

9) I am aware that any accessory structures or other debris located on the property are not considered part of this project. Burke County will only pay for debris removal that is a result of the deconstruction of the manufactured home. Other debris removed from the property will be the responsibility of the property owner.

10) I agree to take measures during the demolition and removal so as not to cause any unnecessary damage to the property or any easements to or from the site.

11) If any damage to the property occurs during the demolition and removal process, I agree to notify Burke County Planning and Development prior to leaving the property.

12) I agree to provide and maintain a level of insurance that will cover any damage or injuries that may occur to property or persons while performing the service of deconstruction and removal of the structure.

Property Owner's Responsibilities

Property owners are required to complete a release form outlining their responsibilities when requesting assistance from Burke County in removing their manufactured home. These responsibilities as listed in the release are listed below.

1) Upon completion of this agreement by the property owner, the county will coordinate the deconstruction and/or removal of the abandoned manufactured home identified as (Year _____ Make _____ Model _____ VIN _____) located at _____ by independent contractors selected by the County at its sole discretion or by existing County resources.

2) Prior to deconstruction and/or removal of the manufactured home, the property owner agrees to disconnect or cause all utilities to be disconnected including

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

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water and electricity, identify and mark septic system location, and cause reasonable access to the manufactured home for trucks and heavy equipment.

3) All white goods and appliances must be removed from the home by the property owner prior to deconstruction. Other miscellaneous personal items may be left in the home for disposal however said items will be destroyed in the deconstruction process.

4) Property owner acknowledges that any use of the site previously occupied by the manufactured home identified herein must comply with all Federal, State, and County regulations.

5) Property owner acknowledges that the manufactured home in question was not brought into Burke County for the purpose of seeking assistance with disposal.

6) In consideration of acceptance of this agreement, the Property Owner and his agents, servants, successors, heirs, administrators, executors, and assigns, do hereby fully release, remise, acquit, and forever discharge and hold harmless the County of Burke, its agents, servants, insurers, and assigns from any and all claims in any way related to the identification, removal, transportation, storage or deconstruction of the abandoned manufactured home from the premises or property of Property Owner past, present, or future, as well as any and all claims, demands, actions or causes of action or suits of law or in equity of whatever kind of nature, whether based upon alleged contract, vicarious liability, or any other legal action or equitable theory of recovery past, present, or future, which are now known or should have been known at the time of signing of this agreement, which are suspected to exist or reasonably should have been suspected to exist at the time of the signing of this agreement, which are anticipated or reasonably should have been anticipated at the time of the signing of this agreement or which have arisen or are now arising in connection with the events or transactions described in the above-referenced paragraphs. The effect of this paragraph is to be a general release of all claims as against the County of Burke and all other claims that are now known or should have been known at the time of the signing of this agreement.

7) If any paragraph or part of this agreement is found void or unenforceable, the remainder of this agreement shall not be affected by such finding.

8) The undersigned have read this agreement and acknowledge that no promise or representation of any kind, other than as contained herein, has been made by the County of Burke or anyone acting for it. The parties of this agreement have relied fully and completely on their own judgment in executing this agreement.

9) Property owner will be held responsible for any unrecoverable cost or expense including landfill tipping fees incurred by Burke County for removal of the

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manufactured home. Failure to compensate the county will result in civil action against the property owner to include but not limited to a lien placed the property.

Burke County Environmental Compliance Ordinance in regard to Abandoned Manufactured Homes

Abandoned Manufactured Home (Section 402)

Any manufactured home that is both (1) vacant or in need of extensive repair and (2) an unreasonable danger to public health, safety, welfare, or the environment. *State law reference – G.S. 130A-309.99B(1).*

Article IX. Abandoned Manufactured Homes

Section 900. Intent

The intent of this Article is to protect the public health and the environment through the deconstruction of abandoned manufactured homes to reduce blight and attractive nuisances. It is a policy of the County to promote the removal of reusable or recyclable materials to reduce the impact of such solid wastes and production of said materials on the environment.

Section 901. Abandoned Manufactured Homes Unlawful

Section 901.01 Abandoned, Nuisance, and Junked Mobile Homes Unlawful

It shall be unlawful for the registered owner or person entitled to possession of a manufactured home and for the owner, lessee, or occupant of the real property upon which the manufactured home is located to leave, allow, or suffer the manufactured home to remain on the property after it has been declared an abandoned manufactured home or a public nuisance.

Section 902. Notice Requirements for Abandoned Manufactured Homes

- a. The County shall notify the responsible party and the land owner for each identified abandoned manufactured home consistent with the requirements of G.S. 130A-309.99D in writing and shall be served on the person as set forth therein.
- b. The Board of Commissioners shall hold a hearing to determine and decide whether the manufactured home is abandoned as set forth in Section 1203 herein.

Section 903. Removal of Abandoned Manufactured Homes

- a. If, after notice and hearing, the Board of Commissioners decides that the manufactured home under consideration is abandoned, the authorized County official shall state in writing the Board's finding of fact in support of that determination.

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- b. The owner or responsible party shall be given ninety (90) days from receipt of the written notice to dispose of the abandoned manufactured home in a legal manner.
- c. If the owner or responsible party fails to comply with this order, the County shall take any action it deems reasonably necessary to dispose of the abandoned manufactured home, including entering the property where the abandoned manufactured home is located and arranging to have the home deconstructed and disposed of in a manner consistent with the Burke County Comprehensive Solid Waste Management Plan.

Section 904. Protection against Criminal or Civil Liability

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance, or junked manufactured home, for disposing of such manufactured home as provided in this Ordinance.

Section 1203. Hearing before Disposal of Abandoned Manufactured Homes

- a. The owner of an abandoned manufactured home is entitled to a hearing on the intent to declare the manufactured home "abandoned" and dispose of said manufactured home.
- b. The owner of the manufactured home shall be provided written notice served as provided by Rule 4(j) of the Rules of Civil Procedure, G.S. 1A-1. The notice shall disclose the basis for the action and advise that a hearing will be held before the Burke County Board of Commissioners.
- c. The hearing shall not be less than ten (10) days nor more than thirty (30) days after serving the notice.
- d. The decision to use the process set forth herein for Abandoned Manufactured Homes as set forth in G.S. 130A-309.99 does not preclude or prevent the County from seeking condemnation of the structure as set forth in G.S.153A-366-371.



Burke County General Services

P.O. Box 1486 • Morganton, N.C. 28680-1486
100 Government Drive • Morganton, N.C. 28655
828-439-4391 (telephone) 828-439-4396 (fax)
Jeffrey Boss - Engineer/Director

Page 7 through Page 16

Ten Year Solid Waste Management Plan

(Includes Abandoned Manufactured Home {AMH} Approved Additions)

FY: 2006-2016

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

Construction and Demolition Waste

It is estimated that construction and demolition waste can be reduced by at least 0 tons in FY 2009-10, 957 tons in FY 2012-13 and 1,500 tons in FY 2015-16. The proposed reduction methods and targeted wastes are shown in Table 9.

Table (9) Targeted Construction and Demolition Waste Reduction, FY 2009-10 and 2012-13

REDUCTION METHOD	TARGETED MATERIALS	EST. TONS FY 2009-10	EST. TONS FY 2012-13
Recycling	Metal	0	700
Mulching	Wood waste	0	257
TOTAL		0	957

Source: Staff estimates

Table (9a) Targeted Construction and Demolition Waste Reduction, FY 2015-16

REDUCTION METHOD	TARGETED MATERIALS	EST. TONS FY 2015-16
Recycling	Metal	1,200
Mulching	Wood waste	300
TOTAL		1,500

Source: Staff estimates

**Part IV. SOLID WASTE MANAGEMENT METHODS:
 ASSESSMENT OF PROGRAMS AND DESCRIPTION OF INTENDED ACTIONS**

Each solid waste management method as required by North Carolina G.S. 130A - 309.09A (b) is described below. Each section includes an assessment of the current program and a summary of the intended actions.

A. Source Reduction

Current Program: The County has one employee that presents educational programs to civic groups and students, including one on reducing packaging. The County also has available to businesses and residents a junk mail termination kit. The kit contains postcards addressed to the major firms that sell names and addresses to advertising firms. The cards will enable residents to request removal of their names from mailing lists supplied to advertisers.

The community and school education programs also address source reduction and will contribute to the amount of waste reduced.

Intended Actions: The County will be offering the Enviroshopping Program to different civic groups, retirees, clubs and etc., this program educates people about making environmentally friendly purchasing choices. Topics to be covered include buying reusable items, recycled items, and recyclable packaging.

The solid waste department will develop, for the County Manager, a source reduction resolution that will contain language encouraging County departments to use fewer disposable items and purchase products with longer life. The resolution will promote all County offices to use electronic memos in lieu of paper memos, as well as require all government documents that contain multiple pages to be double sided.

The Industrial Solid Waste Commission will hold one source reduction workshop directed toward non-residential waste each year to be advertised in *The News Herald* and member mailings. It is expected that the non-residential source reduction program can reduce future waste by a few tons. Solid waste staff will conduct commercial and industrial waste audits for large contributors to the waste stream to help determine ways to reduce their waste stream.

B. Collection of Solid Waste

Current Program: Waste is collected and hauled by one private firm (see Table 10) for some of the County’s municipalities. As shown in Table 1, 67% of Burke County residents live in unincorporated areas without curbside collection programs. Therefore, the majority of the residential waste is collected by the County from five collection (convenience) centers in the rural areas of the County (see page 1). The collection centers are staffed by Burke County employees. An attendant is at each site from 6:30 a.m. to 6:00 p.m., Monday, Tuesday, Thursday and Friday. Saturday hours are 9:00 a.m. to 6:00 p.m. All sites are closed on Wednesday and Sunday. Residential solid waste is accepted at each center in a roll-off container or compactor. The County then hauls this waste to the transfer station at the landfill. A variety of recyclable materials are also accepted at these collection facilities (see Section C).

Table (10) Waste Hauling Information, FY 2004-05

PUBLIC & PRIVATE HAULERS	RESIDENTIAL WASTE (YES/NO)	NON-RESIDENTIAL WASTE (YES/NO)	C & D WASTE (YES/NO)	TONS HAULED	DISPOSAL DESTINATION
Burke County	Yes	No	No	13,004.06	Burke County Transfer Station
GDS	Yes	Yes	Yes	29,075.66	Burke County Transfer Station
Blue Ridge Disposal	Yes	Yes	Yes	955.93	Burke County Transfer Station
TOTAL				43,035.65	

Source: Information provided to the planning area by Solid Waste Department

Intended Actions: The County will continue to use collection centers to collect waste and recyclables from the rural areas of the Burke County

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

C. Recycling and Reuse

Recycling

Current Program: Burke County does not have a stable recycling program. Currently, the County is recycling about 4.6% of the residential waste (see Table 12). Collection centers use roll-off containers to collect materials. Collection center staff instruct residents of proper sorting and material preparation and are available to answer questions.

The total amount of materials recycled by Burke County is shown in Table 11.

Table (11) Residential Recycling in Tons, FY 2004-05

Material	County Tons
Mixed Glass	51
Mixed Plastic	24
Aluminum Cans and Steel Cans	13
White Goods	1049
Other Metals	565
Newspaper and Magazines	207
Corrugated Cardboard	14
Tires	1645
TOTAL	3568

Source: Tons recycled derived from County reports

Summary of recycling within the County as it compares with the total waste stream is shown in Table 12. Table 12 does not indicate the amount of recycling currently in process through industrial and commercial enterprises outside of the public waste stream. If the tonnage recycled by the private sector were included the percent of recycling would increase substantially. Regardless, this table clearly indicates the County should focus the majority of the waste reduction effort towards recycling.

Table (12) Residential Recycling in Tons, FY 2004-05

BURKE COUNTY	RESIDENTIAL TONS RECYCLED	TOTAL RESIDENTIAL TONS DISPOSED	PERCENT OF RESIDENTIAL WASTE STREAM	PERCENT OF WASTE STREAM
Burke County	3,568	30,270	11.8%	4.6%

Source: Tons recycled and disposed derived from County reports

Comparing the recycling tonnages listed in Table 11 with the estimated waste tonnages and estimated composition from Table 4, shows that there is potential to increase the amount of each material recycled (see Table 13). The table shows that there is plenty of material remaining in the waste stream that can be recycled. According to these figures, the quantity targeted to recycle in Table 7 can be met.

Table (13) Comparison Between Estimated Tons Disposed And Tons Recycled, FY 2004-05

MATERIAL	ESTIMATED RESIDENTIAL TONS DISPOSED	TONS RECYCLED	PERCENT OF ESTIMATED TONS DISPOSED
Paper	12,883	207	1.6%
Cardboard		14	.1%
Plastics		25	.2%
Glass		51	.4%
Metals		1725	13.4%

Source: Tons disposed taken from Table 4, tons recycled derived from County reports

Participation in residential recycling could be increased. Maximizing recovery of residential recyclables would entail increasing participation and possibly increasing the types of materials accepted. Residents of unincorporated areas do not have curbside recycling services. These residents can use the recycling bins at the collection centers.

As stated above, it is unclear how much recycling is being done by industries, businesses, and institutions, but it is clear that there is a large amount of recyclables in that waste stream.

Intended Actions: The residential recycling programs are targeted to reduce future waste by 450 tons in FY 2009-10, 1,513 in 2012-13 and 2,350 tons in 2015-16. Table 14 shows the projected tons that will be targeted by type of material. Currently our aluminum and steel cans are being collected together along with mixed paper products; Burke County intends to implement a plan to separate these categories.

Table (14) Planning Area Recycling Projections, FY 2006-07 to 2010-11

MATERIAL	2006-07 TONS	2007-08 TONS	2008-09 TONS	2009-10 TONS	2010-11 TONS
Mixed Glass	60	60	60	60	60
Mixed Plastic	30	32	34	36	38
Aluminum Cans and Steel Cans	20	25	30	32	34
White Goods	1,300	1,500	1,600	1,700	1,800
Other Metals	700	800	1,000	1,200	1,400
Newspaper and Mixed Paper	300	600	700	800	900
Corrugated Cardboard	30	70	80	90	100
Tires	1,800	1,800	1,800	1,800	1,800
TOTAL	4,240	4,887	5,304	5,718	6,132

Source: Staff projections, includes current and projected recycling tonnages

It is assumed that residents who currently use the solid waste and recycling collection centers will continue to recycle. Collection center employees have been monitoring recycling habits and have seen a steady increase in the number of people who recycle. Approximately 12% of the residents currently using the collection centers uses the recycling bins. Collection center staff continually educates residents on how to separate materials. They also need to educate residents on how recycling reduces the cost of disposing of trash.

Non-residential recycling is targeted to reduce future waste by several tons in FY 2009-10. Research into potential new recycling markets may prove to be a key to reducing non-residential waste. Markets for computer paper and mixed office paper have the potential to reduce consistently disposed wastes.

In an effort to reduce the amount of non-residential cardboard disposed, the County is working on an arrangement with GDS.

Reuse

Current Program: One non-profit program exists in the County (none sponsored by the County Solid Waste Department). Habitat for Humanities located in Morganton collects many of the reusable items in the County and sells them to raise money for their programs. There is also several consignment shops located throughout Burke County that resell goods and used clothing. The local shelter for abused women and children also collects clothing and household items to be given to persons who will be leaving their homes because of domestic violence and starting a new home. Other reusable clothing and household items can be found at the local flea market and at homeowners' garage sales. Several local churches and civic clubs annually have auctions or rummage sales where reusable items are sold. The local radio station has a program called Swap and Shop that also provides a market for reusable goods. Many of our local appliance and furniture stores regularly sell furniture and appliances they have taken as a trade in on new purchases. The area has many antique stores and used furniture stores that keep many unwanted but functional items out of the landfill.

Intended Actions: Burke County solid waste staff will investigate Swap Sheds for the County's five convenience centers.

The County solid waste office will contact administrators from the County schools recycling program at each K-12 school in the County and the possibly the local college.

D. Composting and Mulching

Composting

Current Program: Burke County does not have a composting program in place at this time.

Intended Actions: Residential composting could reduce waste up to 100 tons per year. According to estimations, there is many tons of organic waste in the planning area's waste stream.

The County solid waste office will contact administrators from the County schools and the possibly the community college about establishing a composting program at each K-12 school in the County and the local college.

Mulching

Current Program: The County accepts and stores clean wood, pallets and brush from County and municipal residents. Clean wood, brush and pallets are chipped into mulch at the Burke County Landfill and sold locally.

Intended Actions: Clean wood, pallets and brush will continue to be collected at the County landfill for mulching.

E. Incineration with Energy Recovery

Current Program: Incineration with energy recovery is not part of the county's current program. The County considers it an inappropriate waste management option due to the local waste flow, public opinion, and capital/operating costs.

Intended Actions: The County does not plan to use incineration with energy recovery.

F. Incineration without Energy Recovery

Current Program: Incineration is not part of the County's solid waste program, however the Burke County volunteer fire departments dispose of several buildings yearly by incineration to train local firefighters.

The County considers incineration inappropriate waste management option due to the local waste flow, public opinion, and capital/operating costs. There are no regional facilities of this type in any nearby Counties.

Intended Actions: The County does not plan to use incineration without energy recovery.

G. Transfer of Solid Waste Outside Geographic Area

Current Program: Burke County uses a County owned and operated transfer station. The County has a five year contract with Garbage Disposal Service to transport, deliver and dispose of all solid waste from the county's transfer station to Foothills Environmental in Caldwell County.

Intended Actions: The transfer station will continue to operate.

H. Disposal of Solid Waste

Current Program: The Burke County Landfill continues to receive construction and demolition material and has an anticipated operating life of nineteen years.

Burke County has a five year contract with Garbage Disposal Service starting on March 18, 2004 and ending on March 17, 2009. In 2009 the contract will be considered for renewal. If renewing the

contract with Garbage Disposal Service is not in the best interest of the County we will examine contract options with surrounding landfills.

Intended Actions: Burke County plans to continue to operate the transfer station and ship waste to Foothills Environmental in Caldwell County. Foothills Environmental has a capacity of more than ten years. The Burke County Landfill also has other disposal options, at this point the life capacity of the John's River Landfill is expected to last more than ten years. If the construction demolition regulations change, Burke County plans to construct a new construction demolition landfill at the John's River facility. Burke County also sells mulch that is generated from our collected brush, wood and yard waste.

Construction and demolition waste will continue to be managed at the County construction and demolition landfill. Planned methods for reducing this segment of the waste stream should provide additional years of capacity.

**Part V. EDUCATION, SPECIAL WASTES, ILLEGAL DISPOSAL, AND PURCHASING
ASSESSMENT OF PROGRAMS AND DESCRIPTION OF INTENDED ACTIONS**

A. Community and School Education

Community Education

Current Program: None

Intended Actions: Several educational programs will be developed for presentation to schools and local college. Topics that will be discussed include quality separation of recyclables, true costs of solid waste management, and cost advantages of source reduction.

B. Special Waste Management

The management of special wastes is expected to reduce residential waste by several tons.

Tires

Current Program: Tires are collected free of charge at the Burke County Landfill. They are placed into transfer trailers then picked up by US Tire Recycling and hauled to Concord where they are processed and recycled.

Intended Actions: Investigate shredders in order to chip and shred tires. The chips and shredded tires will be used for road base with any excess material being shipped to Foothills Environment in Caldwell County.

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

White Goods

Current Program: White goods from County convenience centers and municipal residents are stored at the County landfill. Tri-State Scrap Metal removes the CFCs (Chlorofluorocarbon) from the units. After the CFCs are removed white goods are then processed and recycled by Tri-State Scrap Metal.

It is assumed that most white goods are recovered in Burke County. However, to discourage illegal dumping and to encourage proper management, the County collects white goods at collection centers.

Intended Actions: White goods collection will remain the same.

Lead-acid Batteries

Current Program: Lead-acid batteries are collected at the five convenience centers as well as the County landfill. Batteries are picked up by a local scrap metal dealer to be recycled.

Intended Actions: Battery collections will remain the same.

Used Motor Oil

Current Program: Collection of used oil is provided free to all citizens at the five convenience centers and at the County landfill. Used oil is picked up by US Filter Company at the convenience centers and at the landfill.

Intended Actions: The program for used oil collection will remain the same.

Household Hazardous Waste

Current Program: The County has no household hazardous waste collection program at this time.

Intended Actions: The County does not have the financial resources available to establish a permanent household hazardous waste collection facility.

Abandoned Manufactured Homes

Current Program: Abandoned Manufactured Homes are addressed in compliance with NCGS 130A-309.99 and Article IX of the Burke County Environmental Compliance Ordinance. Homes are identified by code enforcement officials by several means that include but are not limited to investigations as a result of a written complaint, by personal observation during daily duties, and from tax listings. Citizens may also declare their manufactured home abandoned. This is done in writing to the Planning Director or by listing the home as abandoned on tax records. Code enforcement officers will contact the responsible party to notify them of the ordinance and allow for the owner to remove the home on their own. Failure to do so will result in a hearing before the Board of Commissioners in accordance with NCGS 130A-309.99D and Section 1203 of

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

the Environmental Compliance Ordinance. If an order is passed by the board to remove the home, a timeline of 90 days is given to comply.

Failing to comply with an order for removal from the county will result in the county taking action to have the home removed. This may be done by contracting through a third party or utilizing county resources and personnel. Third party contractors will be responsible for the removal of any hazardous or recyclable materials within the home before disposal. If county resources are used, the General Services Director or his designee will determine what parts of the home shall be removed or recycled prior to disposal. Manufactured homes may be disposed of at the landfill in accordance with the current fee schedule in either a deconstructed or intact state.

The responsible party for the manufactured home in violation of this section will be liable for any costs incurred by the county or a third party in regards to the removal of said home.

Intended Actions: This program will help reduce the amount of solid waste present in the county and help reduce unsanitary and unsafe conditions caused by abandoned manufactured homes.

C. Prevention of Illegal Disposal and Management of Litter

Illegal Disposal - Operated Sites

Current Program: The County landfill has a Recycling Code Enforcement Officer who investigates reports of illegal dumping, and has authority to enforce penalties for illegal dumping. Minor cases are investigated and contacted by letter and telephone and asked to clean up the refuse. In a major case of illegal dumping, the Officer visits the offender, issues a warning, and stays in contact with the offender until the illegal dumping is cleaned up; otherwise, a citation is issued.

Litter Management and Promiscuous Dumping

Current Program: Burke County has a litter management or promiscuous dumping prevention program at this time.

Intended Actions: The state Adopt-A-Highway program is currently under-utilized, the County plans to promote the program at local fairs, festivals, public schools.

D. Purchase of Recycled Materials and Products

Current Program: The County is currently buying recyclable paper and other recycled products off the state contract and from local vendors. The County will continue to buy trash bins and other office supplies made of recycled plastic.

Intended Actions: The County will implement an educational program through the schools to teach children the importance of buying recyclable materials and products. The program will be taught by the Code Enforcement Officer.

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

E. Disaster Response

Current Program: Burke County Landfill currently has two locations at the John's River facility of over five acres for disaster debris disposal. If necessary Burke County can also store disaster debris at the Kirksey Landfill and East Burke Landfill sites until it can be transferred to the John's River site. Burke County's employee contact information for disaster debris questions are:

Greg Watts:	828-433-9500	David Ingram:	828-433-9500
Donna Dale:	828-433-9500	Jeff Boss:	828-439-4391

Intended Actions: Burke County's disaster debris disposal plan will remain the same.

Part VI. SOLID WASTE COSTS AND FINANCING METHODS

Description and Assessment of Costs:

County Description

Burke County operates a solid waste program. The total budget for the County-operated solid waste program during FY 2004-05 was \$3,476,195. The annual cost of County collection was \$380,000. Disposal costs in the same year were \$2,768,000. Waste reduction programs costs, including recycling, reuse, mulching, etc. totaled \$60,960. Burke County managed 83,393 tons of waste and 3,953 tons of recyclable materials in FY 2004-05. A summary of the County-operated solid waste program costs are shown in Table 15.

Table (15) County-Operated Solid Waste Program Costs, FY 2004-05

	COLLECTION	DISPOSAL	WASTE REDUCTION	TOTAL
Program Cost	379,942	2,768,441	60,960	3,209,343
Cost Per Ton	\$4.56	\$33.20		

Source: Burke County Solid Waste Department and Finance Department Records

County Assessment:

According to the analysis, the cost of collection and disposal of waste is more costly than waste reduction. It can be assumed that as participation in the waste reduction program increases, the total cost for solid waste management will decrease.

Description of Financing Methods:

The current solid waste program is funded through the County household solid waste user fee, property taxes, construction and demolition tipping fees. The tire program is paid for through the tire tax levied by the state. The white goods tax distribution fully supports the white goods and metals recycling program. See Table 16 for a summary of current financing methods.

Attachment: Mobile Home Removal Grant_0001 (3026 : Accept 2020 Abandoned Manufactured Home Grant)

Notice of Certain Reporting and Audit Requirements

A recipient or subrecipient shall comply with the all rules and reporting requirements established by statute or administrative rules found in 09 NCAC Subchapter 3M. For convenience, the requirements of 09 NCAC Subchapter 3M.0205 are set forth in this Attachment.

Reporting Thresholds.

There are three reporting thresholds established for recipients and subrecipients receiving State awards of financial assistance. The reporting thresholds are:

- (1) Less than \$25,000 – A recipient or subrecipient that receives, hold, uses, or expends State financial assistance in an amount less than twenty-five thousand dollars (\$25,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification that State financial assistance received or held was used for the purposes for which it was awarded; and
 - (B) An accounting of all State financial assistance received, held, used, or expended.
- (2) \$25,000 up to \$500,000 -A recipient or subrecipient that receives, holds uses, or expends State financial assistance in an amount of at least twenty-five thousand (\$25,000) but less than five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification that State financial assistance received or held was used for the purposes for which it was awarded; and
 - (B) An accounting of all State financial assistance received, held, used, or expended.
 - (C) A description of activities and accomplishments undertaken by the recipient, including reporting on any performance measures established in the contract.
- (3) Greater than \$500,000 – A recipient or subrecipient that receives, holds, uses, or expends State financial assistance in the amount equal to or greater than five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification that State financial assistance received or held was used for the purposes for which it was awarded; and
 - (B) An accounting of all State financial assistance received, held, used, or expended.
 - (C) A description of activities and accomplishments undertaken by the recipient, including reporting on any performance measures established in the contract.
 - (D) A single or program-specific audit prepared and completed in accordance with Generally Accepted Government Auditing Standards, also known as the Yellow Book.

Other Provisions:

1. All reports shall be filed with the disbursing agency in the format and method specified by the agency no later than three (3) months after the end of the recipient's fiscal year, unless the same information is already required through more frequent reporting. Audits must be provided to the funding agency no later than nine (9) months after the end of the recipient's fiscal year.
2. Unless prohibited by law, the costs of audits made in accordance with the provisions of 09 NCAC 03M .0205 shall be allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in the Code of Federal Regulations, 2CFR Part 200. The cost of any audit not conducted in accordance with this Subchapter shall not be charged to State awards.
3. Notwithstanding the provisions of 09 NCAC 03M .0205, a recipient may satisfy the reporting requirements of Part (3)(D) of this Rule by submitting a copy of the report required under the federal law with respect to the same funds.
4. Agency-established reporting requirements to meet the standards set forth in this Subchapter shall be specified in each recipient's contract.

Burke County Community Development

Building Inspections

Planning

Code Enforcement

ABANDONED MANUFACTURED HOME PROGRAM CONFLICT OF INTEREST POLICY

Conflict of Interest Defined:

A conflict of interest is defined as an actual or perceived interest by a (Staff Member/ Commissioner) in an action that results in, or has the appearance of resulting in, personal, organizational, or professional gain. A conflict of interest occurs when an Employee/Commissioner has a direct or fiduciary interest in another relationship. A conflict of interest could include:

- Ownership with a member of the Board of Commissioners or an Employee where one or the other has supervisory authority over the other or with a client who receives services.
- Employment of or by a member of the Board of Commissioners or an Employee where one or the other has supervisory authority over the other or with a client who receives services.
- Contractual relationship with a member of the Board of Commissioners or an Employee where one or the other has supervisory authority over the other or with a client who receives services.
- Creditor or debtor to a member of the Board of Commissioners or an Employee where one or the other has supervisory authority over the other or with a client who receives services.
- Consultative or consumer relationship with a member of the Board of Commissioners or an Employee where one or the other has supervisory authority over the other or with a client who receives services.

The definition of conflict of interest includes any bias or the appearance of bias in a decision-making process that would reflect a dual role played by a member of the organization or group. An example, for instance, might involve a person who is an Employee and a Commissioner, or a person who is an employee and who hires family members as consultants.

Employee Responsibilities:

It is in the interest of the organization, individual staff, and Commissioners to strengthen trust and confidence in each other, to expedite resolution of problems, to mitigate the effect and to minimize organizational and individual stress that can be caused by a conflict of interest.

Employees are to avoid any conflict of interest, even the appearance of a conflict of interest. This organization serves the community as a whole rather than only serving a special interest group. The appearance of a conflict of interest can cause embarrassment to the organization and jeopardize the credibility of the organization. Any conflict of interest, potential conflict of interest or the appearance of a conflict of interest is to be reported to your supervisor immediately. Employees are to maintain independence and objectivity with clients, the community, and organization. Employees are called to maintain a sense of fairness, civility, ethics, and personal integrity even though law, regulation, or custom does not require them.

P.O. Box 219, 110 North Green Street, Morganton, North Carolina 28680
Email: comdev@burkenc.org Telephone: (828) 764-9030 – FAX: (828) 764-9021

Burke County Community Development

Building Inspections

Planning

Code Enforcement

Acceptance of Gifts:

Employees, members of employee's immediate family, and members of the Board are prohibited from accepting gifts, money or gratuities from the following:

- a. Persons receiving benefits or services from the organization;
- b. Any person or organization performing or seeking to perform services under contract with the organization;
- c. Persons who are otherwise in a position to benefit from the actions of any employee of the organization.

Employees may, with the prior written approval of their supervisor, receive honoraria for lectures and other such activities while on personal days, compensatory time, annual leave, or leave without pay. If the employee is acting in any official capacity, honoraria received by an employee in connection with activities relating to employment with the organization are to be paid to the organization.

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

Subject Title: Comm. Dev. - Accept Recreational Trails Program 2020 Grant Contract - Northwest Gap 2

Presented By: Shane Prisby

Summary of Information: With the Board of Commissioner's approval, the Burke County Community Development Department has applied to and has received a \$89,400 Recreation Trails Program grant from North Carolina Department of Natural and Cultural Resources (NCDNCR) to complete the trail and boardwalk construction on the Fonta Flora State Trail at Linville Access across NC 126 to the existing MST Connector trail. This grant requires a \$22,350 match. In order to receive the money, the Board of Commissioners must approve the grant agreement.

At the time of application, there was concern that we would not be able to complete the project with the initial grant as the amount of necessary boardwalk was doubled to comply with NCDOT requirements. The resulting low bid should allow us to complete the project in its entirety.

Because the original grant request has been met, Community Development is working with NC Parks to amend the grant for a project on the other side of Lake James. The new project will be approximately 2 miles of new trail on the Fonta Flora/Overmountain Victory National Historic Trails through 1780 and the Enclave subdivisions. This new project can be matched with Duke Energy CRA funding, and no match will be necessary from Burke County.

Budgetary Effect: If State Parks approves the requested changes to the grant, then there will be no effect to the County budget. The grant would be matched with Duke Energy CRA funding.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: To approve the Recreational Trails Program grant contract for \$89,400 between the North Carolina Department of Natural and Cultural Resources and Burke County. Further, authorize the County Manager to execute the agreement on behalf of the Board, subject to review and/or revision by the County Attorney.

This Contract is hereby made and entered into this Wednesday, April 1, 2020, by and between the **NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**, (the "Agency") and the **BURKE COUNTY**, (the "Grantee") (referred to collectively as the "Parties") for the **Fonta Flora State Trail - Northwest Gap 2 Project**, as described in the Grantee's Response to Agency's Call for Grant Proposals (the "Project").

1. Contract Documents: This Contract consists of the following documents, all of which are identified by name as:

Grant Contract No. RTP2020-8169

- (1) Grant Contract
- (2) Secretary Award Letter
- (3) General Terms and Conditions
- (4) Notice of Certain Reporting and Audit Requirements
- (5) Federal Certification Regarding Drug-Free Workplace
- (6) Federal Certification Regarding Lobbying
- (7) Federal Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions
- (8) Federal Assurances - Compliance Form
- (9) Application Signature Page
- (10) Insurance Requirement Notification Form
- (11) Grant Administrative and Programmatic Conditions
- (12) Grantee's Response to Agency's Call for Grant Proposals (grantee's application), including line item budget and budget narrative and *if applicable*, indirect cost documentation

These documents constitute the entire agreement between the Parties and supersede all prior oral or written statements or agreements. The Parties may enter into Contract amendments in accordance with the General Terms and Conditions as described herein.

2. Precedence Among Contract Documents: In the event of a conflict between terms of the Contract Documents, the term in the Contract Document with the highest relative precedence prevails. The order of precedence is established by the order of documents in Paragraph 1, above, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple Contract Amendments, the most recent amendment has the highest precedence and the oldest amendment has the lowest precedence.

3. Contract Period: This Contract shall be effective for a period of three (3) years from the date of the Secretary Award letter, 20 day of February, 2020, and expires on 19 day of February, 2023.

4. Contract Procedures: Once this Contract has been executed and the Secretary Award letter issued, the Grantee shall undertake and complete the Project in accordance with the sequence of steps outlined below, which shall assure expeditious completion considering the purposes of this Contract:

a. Complete Environmental Review and obtain & abide by any required permits;

- i. Grantee will obtain all required permits to complete the Project prior to beginning construction. Grantee must provide documentation of the Environmental Review and all required permits to initiate the next step.**

b. Notify the Grants Manager when the Grantee is ready to begin the Project once they have received a notice to proceed;

- i. The Grantee may begin to incur expenses for the Project only once they have completed this notification.**

c. Request reimbursement for eligible expenses at a minimum of every six (6) months;

d. Notify the Regional Trails Specialist and Grants Manager when the Project is complete to schedule a final inspection;

i. Grantee must complete the Project within the term of this Contract.

e. Request final reimbursement prior to the termination or expiration of this Contract;

f. Submit a letter to unencumber any remaining funds that were not used for the contracted deliverables.

5. Grantee's Duties: The Grantee provides the Project as described in the Grantee's Response to Agency's Call for Grant Proposals and in accordance with the approved budget therein.

6. Agency's Duties: The Agency shall pay the Grantee in the manner and in the amounts specified in the Contract Documents.

The total amount paid by the Agency to the Grantee under this Contract shall not exceed	
eighty-nine thousand four hundred Dollars	\$89,400.00

This amount consists of:

Type of Funds	Funding Source	CFDA No.
Other Receipts	FHWA-RTP THROUGH DOT	20.219

Accounting Code Information:

Dollars	GL Company	GL Account	GL Center
\$89,400.00	4602	536425	2803

a. The Grantee's matching requirement is \$22,350.00 , which shall consist of:

In-Kind		\$22,350.00
Cash		\$0.00

b. The Grantee has committed to an additional \$0.00 to complete the project as described in the Grantee's response to Agency's call for grant proposals.

In-Kind		\$0.00
Cash		\$0.00

The contributions from the Grantee shall be sourced from non-federal funds.

The total contract amount is **\$111,750.00** .

7. Conflict of Interest Policy: Grantee implements a Conflict of Interest policy that meets or exceeds the requirements of N.C.G.S. §143-6.2 (b1). Grantee has filed with the Agency a copy, which is attached, of Grantee's policy addressing conflicts of interest that may arise involving the Grantee's management employees and the members of its board of directors or other governing body in accordance with N.C.G.S.143-6.2(b1)(2005). The policy addresses situations in which any of these individuals may directly or indirectly benefit, except as the Grantee's employees or members of its board or other governing body, from the Grantee's disbursing of State funds and includes actions to be taken by the Grantee or the individual, or both, to avoid conflicts of interest and the appearance of impropriety.

8. Statement of No Overdue Tax Debts: Grantee's sworn written statement pursuant to N.C.G.S. 143-6.2(b2), stating that the Grantee does not have any overdue tax debts, as defined by G.S. 105-243.1, at the federal, State, or local level, is attached. Grantee acknowledges a false statement in this regard is a criminal offense punishable as provided in G.S. 143-34(b).

9. Reversion of Unexpended Funds: Any unexpended grant funds shall revert to the Agency upon termination of this Contract.

10. Reporting Requirements: This Contract is subject to the reporting requirements described on the Notice

of Certain Reporting and Audit Requirements which is attached.

11. Payment Provisions: The Grantee will be reimbursed for actual allowable expenditures with the Agency retaining a minimum of ten percent (10%) of the Agency's funds until all required activities are completed and reports/deliverables are received and accepted by the Agency. Allowable expenditures are defined as those associated with work performed to meet the milestones that have been addressed during the specific reporting period. The Agency may withhold payment on invoices when the Grantee fails to accomplish the milestones stated in the Grantee's response to Agency's call for grant proposals.

12. Invoices: The Grantee shall submit invoices to the Agency Contract Administrator at least quarterly. The final invoice must be received by the Agency within 45 days after the end of the contract period. Amended or corrected invoices must be received by the Agency's Office of the Controller within six (6) months after the end of the contract period. The Agency will not pay any invoice received more than six (6) months after the end of the effective period.

13. Contract Administrators: Each Party submits notices, questions and correspondence to the other Party's Contract Administrator. The name, address, telephone number, fax number, and email address of the Parties' initial Contract Administrators are set out below. Either Party may change the name, address, telephone number, fax number, or email address of its Contract Administrator or Principal Investigator or Key Personnel by giving timely notice to the other Party.

Any changes in the scope of this Contract which increase or decrease the Grantee's compensation are not effective until approved in writing by the Agency's Head or Authorized Agent.

Agency Contract Administrator:	
Talivia Brodie NC Division of Parks and Recreation test MSC 1615 Raleigh, NC 27599-1615 (919) 707-9320 talivia.brodie@ncparks.gov	
Grantee Contract Administrator	Grantee Principal Investigator or Key Personnel
Shane Prisby BURKE COUNTY PO Box 219 (110 N. Green St) Morganton, NC 28680 +1 (828) 764-9034 Ext: null shane.prisby@burkenc.org	Shane Prisby BURKE COUNTY PO Box 219 (110 N. Green St) Morganton, NC 28680 +1 (828) 764-9034 Ext: null shane.prisby@burkenc.org

14. Grantee Principal Investigator or Key Personnel: The Grantee shall not substitute the Principal Investigator or Key Personnel assigned to the performance of this Contract without timely notice to the Agency Contract Administrator.

15. Supplantation of Expenditure of Public Funds: The Grantee assures that funds received pursuant to this Contract shall be used only to supplement, not to supplant, the total amount of federal, State and local public funds that the Grantee otherwise expends for the Project services and related programs FHWA-RTP through NC DOT funds. Funds received under this Contract shall be used to provide additional public funding for such services; the funds shall not be used to reduce the Grantee's total expenditure of other public funds for such services.

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16. Disbursements: As a condition of this Contract, Grantee acknowledges and agrees to make disbursements in accordance with the following requirements:

- a. Implement adequate internal controls over disbursements;
- b. Pre-audit all vouchers presented for payment to determine:
 - i. Validity and accuracy of payment
 - ii. Payment due date
 - iii. Adequacy of documentation supporting payment
 - iv. Legality of disbursement
- c. Assure adequate control of signature stamps/plates;
- d. Assure adequate control of negotiable instruments; and
- e. Implement procedures to ensure that account balance is solvent and reconcile the account monthly.

17. Outsourcing: The Grantee certifies that it has identified to the Agency all jobs related to this Contract that have been outsourced to other countries, if any. Grantee further agrees that it will not outsource any such jobs during the term of this Contract without providing notice to the Agency and obtaining written approval from the Agency Contract Administrator prior to outsourcing.

18. E-Verify: As required by G.S. §143-48.5 (Session Law 2013-418), the Grantee certifies that it, and each of its subcontractors for any contract awarded as a result of this solicitation, complies with the requirements of Article 2 of Chapter 64 of the NC General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to verify the work authorization of its employees through the federal EVerify system.

19. Assurances for Non-Federally Funded Contracts: The GRANTEE certifies that with regard to:

- 1. Debarment And Suspension -To the best of its knowledge and belief that it and its principals:
 - (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal, State, or local government agency;
 - (b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Lobbying -To the best of his or her knowledge and belief, that:

- (a) No Federal, State or local government appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal, State or local government agency; a member of Congress, North Carolina's General Assembly or local government body; an officer or employee of Congress, North Carolina's General Assembly or local government body, or an employee of a member of Congress, North Carolina's General Assembly or local government body, in connection with the awarding of any Federal, State or local government contract, the making of any Federal, State or local government grant, the making of any Federal, State or local government loan, the entering into of any Federal, State or local government cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal, State or local government contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal, State or local government appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency; a member of Congress, North Carolina's General Assembly or local government body; an officer or employee of Congress, North Carolina's General Assembly or local government body; or an employee of a member of Congress, North Carolina's General Assembly or local government body in connection with the Federal, State or local government contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

3. Drug-Free Work Place Requirements - It will comply by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about-
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above;
- (d) Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the grant, the employee will -
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above;
 - (d) Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the grant, the employee will -
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - (e) Notifying the Agency within ten days after receiving notice under subparagraph (d)(2), above, from an employee or otherwise receiving actual notice of such conviction;
 - (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), above with respect to any employee who is so convicted -
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f), above.
4. Will comply with the provisions of the Equal Employment Practices Act set out in Article 49A of Chapter 143 of the North Carolina General Statutes.
5. Will comply, as applicable, with the provisions of the Wage and Hour Act, Occupational Safety and Health Act of North Carolina, Controlled Substance Examination Regulation, Retaliatory Employment Discrimination, Safety and Health Programs and Committees, Workplace Violence Prevention, and other applicable provisions of Chapter 95 of the North Carolina General Statutes regarding labor standards.
6. Will comply with all applicable requirements of all other federal, state and local government laws, executive orders, regulations and policies governing this program.

20. Signature Warranty:

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this Contract.

N.C.G.S. §133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you (Grantee) attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

IN WITNESS WHEREOF, the Grantee and the Agency execute this agreement in two (2) originals, one (1) of which is retained by the Grantee and one (1) of which is retained by the Agency, the day and year first above written.

GRANTEE
Title
Printed Name
Grantee's Signature

NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES
Title
Printed Name
Authorized Agent's Signature

Attachment: RTP2020-8169_Burke Co-NW Gap 2_Contract Draft (3021 : Accept Recreational Trails Program 2020 Grant Contract - Northwest

NORTH CAROLINA GENERAL CONTRACT TERMS AND CONDITIONS

1. **PERFORMANCE AND DEFAULT:** If, through any cause, Grantee shall fail to fulfill in timely and proper manner the obligations under this contract, the Agency shall have the right to terminate this contract by giving written notice to the Grantee and specifying the effective date thereof. In that event, all finished or unfinished deliverable items under this contract prepared by the Grantee shall, at the option of the Agency, become its property, and the Grantee shall be titled to receive just and equitable compensation for any acceptable work completed on such materials. Notwithstanding, Grantee shall not be relieved of liability to the Agency for damages sustained by the Agency by virtue of any breach of this contract, and the Agency may withhold any payment due the Grantee for the purpose of setoff until such time as the exact amount of damages due the Agency from such breach can be determined. In addition, in the event of default by the Contractor under this contract, or upon the Contractor filing a petition for bankruptcy or the entering of a judgment of bankruptcy by or against the Contractor, the Agency may immediately cease doing business with the Contractor, immediately terminate this contract for cause, and may act to debar the Contractor from doing future business with the Agency.
2. **GOVERNMENTAL RESTRICTIONS:** In the event any Governmental restrictions are imposed which necessitate alteration of the material, quality, workmanship or performance of the items offered prior to their delivery, it shall be there responsibility of the Grantee to notify, in writing, the issuing purchasing office at once, indicating the specific regulation which required such alterations. The Agency reserves the right to accept any such alterations, including any price adjustments occasioned thereby, or to cancel the Contract.
3. **AVAILABILITY OF FUNDS:** Any and all payments to the Grantee are dependent upon and subject to the availability of funds to the agency for the purpose set forth in this contract.
4. **TAXES:** Any applicable taxes shall be invoiced as a separate item.
 - a. G.S. §143-59.1 bars the Secretary of Administration from entering into Contracts with Grantees if the Grantee or its affiliates meet one of the conditions of G. S. §105-164.8(b) and refuses to collect use tax on sales of tangible personal property to purchasers in North Carolina. Conditions under G. S. §105-164.8(b) include: (1) Maintenance of a retail establishment or office, (2) Presence of representatives in the Agency that solicit sales or transact business on behalf of the Grantee and (3) Systematic exploitation of the market by media-assisted, media-facilitated, or media-solicited means. By execution of the proposal document the Grantee certifies that it and all of its affiliates, (if it has affiliates), collect(s) the appropriate taxes.
 - b. All agencies participating in this Contract are exempt from Federal Taxes, such as excise and transportation. Exemption forms submitted by the Grantee will be executed and returned by the using agency.
 - c. Prices offered are not to include any personal property taxes, nor any sales or use tax (or fees) unless required by the North Carolina Department of Revenue.
5. **SITUS:** The place of this Contract, its situs and forum, shall be North Carolina, where all matters, whether sounding in Contract or tort, relating to its validity, construction, interpretation and enforcement shall be determined.
6. **GOVERNING LAWS:** This Contract is made under and shall be governed and construed in accordance with the laws of the State of North Carolina, without regard to is conflict of laws rules.
7. **PAYMENT TERMS:** Payment terms are Net not later than 30 days after receipt of correct invoice or acceptance of goods, whichever is later. The using agency is responsible for all payments to the Grantee under the Contract. Payment by some agencies may be made by procurement card, if the Vendor accepts that card (Visa, Master Card, etc.) from other customers, and it shall be accepted by the Vendor for payment under the same terms and conditions as any other method of payment accepted by the Vendor. If payment is made by procurement card, then payment may be processed immediately by the Vendor.
8. **AFFIRMATIVE ACTION:** The Grantee will take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of people with disabilities, and concerning the treatment of all employees without regard to discrimination by reason of race, color, religion, sex, national origin or disability.
9. **INTELLECTUAL PROPERTY INDEMNITY:** Grantee shall hold and save the Agency, its officers, agents and employees, harmless from liability of any kind, including costs and expenses, resulting from infringement of the rights of any third party in any copyrighted material, patented or unpatented invention, articles, device or appliance delivered in connection with this contract.

- 10. ADVERTISING:** Grantee agrees not to use the existence of this Contract or the name of the State of North Carolina as part of any commercial advertising or marketing of products or services. A Grantee may inquire whether the Agency is willing to act as a reference by providing factual information directly to other prospective customers.
- 11. ACCESS TO PERSONS AND RECORDS:** During and after the term hereof, the State Auditor and any using agency's internal auditors shall have access to persons and records related to this Contract to verify accounts and data affecting fees or performance under the Contract, as provided in G.S. §143-49(9) and §147-64.7.
- 12. ASSIGNMENT:** No assignment of the Grantee's obligations nor the Grantee's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority and solely as a convenience to the Grantee, the Agency may:

- a. Forward the Grantee's payment check directly to any person or entity designated by the Grantee, and
- b. Include any person or entity designated by Grantee as a joint payee on the Grantee's payment check.

In no event shall such approval and action obligate the Agency to anyone other than the Grantee and the Grantee shall remain responsible for fulfillment of all Contract obligations. Upon advance written request, the Agency may, in its unfettered discretion, approve an assignment to the surviving entity of a merger, acquisition or corporate reorganization, if made as part of the transfer of all or substantially all of the Grantee's assets. Any purported assignment made in violation of this provision shall be void and a material breach of this Contract.

13. INSURANCE:

COVERAGE - During the term of the Contract, the Grantee at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the Contract. As a minimum, the Grantee shall provide and maintain the following coverage and limits:

- a. **Worker's Compensation** - The Grantee shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$500,000.00, covering all of Grantee's employees who are engaged in any work under the Contract. If any work is sub-contracted, the Grantee shall require the sub-Contractor to provide the same coverage for any of his employees engaged in any work under the Contract.
- b. **Commercial General Liability** - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability.)
- c. **Automobile** - Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles, used in connection with the Contract. The minimum combined single limit shall be \$250,000.00 bodily injury and property damage; \$250,000.00 uninsured/under insured motorist; and \$2,500.00 medical payment.

REQUIREMENTS - Providing and maintaining adequate insurance coverage is a material obligation of the Grantee and is of the essence of this Contract. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The Grantee shall at all times comply with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this Contract. The limits of coverage under each insurance policy maintained by the Grantee shall not be interpreted as limiting the Grantee's liability and obligations under the Contract.

- 14. GENERAL INDEMNITY:** The Grantee shall hold and save the Agency, its officers, agents, and employees, harmless from liability of any kind, including all claims and losses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this Contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the Grantee in the performance of this Contract and that are attributable to the negligence or intentionally tortious acts of the Grantee provided that the Grantee is notified in writing within 30 days that the Agency has knowledge of such claims. The Grantee represents and warrants that it shall make no claim of any kind or nature against the Agency's agents who are involved in the delivery or processing of Grantee goods to the Agency. The representation and warranty in the preceding sentence shall survive the termination or expiration of this Contract.

15. **INDEPENDENT CONTRACTOR:** Grantee shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. Grantee represents that it has, or will secure at its own expense, all personnel required in performing the services under this contract. Such employees shall not be employees of, or have any individual contractual relationship with the Agency.
16. **KEY PERSONNEL:** Grantee shall not substitute key personnel assigned to the performance of this contract without prior written approval by the Agency's assigned Contract Lead. The individuals designated as key personnel for purposes of this contract are those specified in the RFP or Grantee's proposal.
17. **SUBCONTRACTING:** Work proposed to be performed under this contract by the Grantee or its employees shall not be subcontracted without prior written approval of the Agency's assigned Contract Administrator.
18. **TERMINATION FOR CONVENIENCE:** The Agency may terminate this contract at any time by 30 days' notice in writing from the Agency to the Grantee. In that event, all finished or unfinished deliverable items prepared by the Grantee under this contract shall, at the option of the Agency, become its property. If the contract is terminated by the Agency as provided in this section, the Agency shall pay for services satisfactorily completed by the Grantee, less payment or compensation previously made.
19. **CONFIDENTIALITY:** Any Agency information, data, instruments, documents, studies or reports given to or prepared or assembled by or provided to the Grantee under this contract shall be kept as confidential, used only for the purpose(s) required to perform this contract and not divulged or made available to any individual or organization without the prior written approval of the Agency.
20. **CARE OF PROPERTY:** The Grantee agrees that it shall be responsible for the proper custody and care of any property furnished it by the Agency for use in connection with the performance of this contract or purchased by or for the Agency for this contract, and Grantee will reimburse the Agency for loss or damage of such property while in Grantee's custody.
21. **PROPERTY RIGHTS:** All deliverable items produced for or as a result of this contract shall be an become the property of the Agency, and Grantee hereby assigns all ownership rights in such deliverables, including all intellectual property rights, to the Agency; provided, however, that as to any preexisting works imbedded in such deliverables, Grantee hereby grants the Agency a fully-paid, perpetual license to copy, distribute and adapt the preexisting works.
22. **COMPLIANCE WITH LAWS:** Grantee shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.
23. **AMENDMENTS:** This contract may be amended only by written amendments duly executed by the Agency and the Grantee. This Contract shall not be amended orally or by performance.
24. **WAIVER:** The failure to enforce or the waiver by the Agency of any right or of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.
25. **FORCE MAJEURE:** Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations as a result of events beyond its reasonable control, including without limitation, fire, power failures, any act of war, hostile foreign action, nuclear explosion, riot, strikes or failures or refusals to perform under subcontracts, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Notice of Certain Reporting and Audit Requirements

Grantee shall comply with the all rules and reporting requirements established by statute or administrative rules. For convenience, the requirements of 09 NCAC Subchapter 03M.0205 are set forth in this Attachment.

Reporting Thresholds.

There are three reporting thresholds established for grantees and subgrantees receiving State funds. The reporting thresholds are:

- (1) Less than \$25,000 -- A grantee that receives, uses, or expends State funds in an amount less than twenty-five thousand dollars (\$25,000) within its fiscal year must comply with the reporting requirements established by 09 NCAC Subchapter 03M including:
 - (A) A certification completed by the grantee Board and management stating that the State funds were received, used, or expended for the purposes for which they were granted; and
 - (B) An accounting of the State funds received, used, or expended. All reporting requirements shall be filed with the funding agency within six months after the end of the grantee's fiscal year in which the State funds were received.

- (2) \$25,000 up to \$500,000 - A grantee that receives, uses, or expends State funds in an amount of at least twenty-five thousand (\$25,000) and up to five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification completed by the grantee Board and management stating that the State funds were received, used, or expended for the purposes for which they were granted;
 - (B) An accounting of the State funds received, used, or expended; and
 - (C) A description of activities and accomplishments undertaken by the grantee with the State funds. All reporting requirements shall be filed with the funding agency within six months after the end of the grantee's fiscal year in which the State funds were received.

- (3) Greater than \$500,000 -- A grantee that receives, uses, or expends State funds and in the amount greater than five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification completed by the grantee Board and management stating that the State funds were received, used, or expended for the purposes for which they were granted;
 - (B) An audit prepared and completed by a licensed Certified Public Accountant for the grantee consistent with the reporting requirement of this Subchapter; and
 - (C) A description of activities and accomplishments undertaken by the grantee with the State funds. All reporting requirements shall be filed with both the funding agency and the Office of the State Auditor within nine months after the end of the grantee's fiscal year in which the State funds were received.

Other Provisions:

1. Unless prohibited by law, the costs of audits made in accordance with the provisions of 09 NCAC 03M.0205 are allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in the Office of Budget and Management(OMB) Circular A-87. The cost of any audit not conducted in accordance with this Subchapter is unallowable and shall not be charged to State or Federal grants.
2. The audit requirements in 09 NCAC Subchapter 03M do not replace a request for submission of audit reports by grant or agencies in connection with requests for direct appropriation of state aid by the General Assembly.
3. Notwithstanding the provisions of 09 NCAC Subchapter 03M, a grantee may satisfy the reporting requirements of Part(a)(3)(B) of this Rule by submitting a copy of the report required under the federal law with respect to the same funds.

FEDERAL CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS
(Requirement of Governmental Agencies and Non-Profit Organizations)

1. By execution of this Agreement the Contractor certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - B. Establishing a drug-free awareness program to inform employees about
 - (1)The dangers of drug abuse in the workplace;
 - (2)The Contractor's policy of maintaining a drug-free workplace;
 - (3)Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4)The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - C. Making it a requirement that each employee be engaged in the performance of the agreement be given a copy of the statement required by paragraph (A);
 - D. Notify the employee in the statement required by paragraph (A) that, as a condition of employment under the agreement, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statue conviction for a violation occurring in the workplace no later than five days after such conviction;
 - E. Notify the Department within ten days after receiving notice under subparagraph (D) (2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local law enforcement, or other appropriate agency; and

Making a good effort to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), and (E).

False certification or violation of the certification may be grounds for suspension of payments, suspension or termination of grants, or government-wide Federal suspension or debarment, 45 C.F.R. 82.510.

Date
Agency/Organization
BURKE COUNTY
Title
Signature

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FEDERAL CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form ILL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Date
Agency/Organization
BURKE COUNTY
Title
Signature

Attachment: RTP2020-8169_Burke Co-NW Gap 2_Contract Draft (3021 : Accept Recreational Trails Program 2020 Grant Contract - Northwest

**FEDERAL CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY
EXCLUSION-LOWER TIER COVERED TRANSACTIONS
(Requirement of Governmental Agencies and Non-Profit Organizations)
Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of the fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant will provide immediate written notice to the person to which the proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used *in* this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter any lower tier covered transaction with a person who is debarred, suspended, determined ineligible or voluntarily excluded from participation in this covered transaction unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency of which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to required establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized in paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension, and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

9.5.a

Date
Agency/Organization
BURKE COUNTY
Title
Signature

Attachment: RTP2020-8169_Burke Co-NW Gap 2_Contract Draft (3021 : Accept Recreational Trails Program 2020 Grant Contract - Northwest

RECREATIONAL TRAILS PROGRAM
FEDERAL ASSURANCES - COMPLIANCE FORM
 (Requirement of Governmental Agencies and Non-Profit Organizations)

As the duly authorized representative of the applicant, I certify that the applicant:

Name of Applicant: BURKE COUNTY

1. Will comply with the provisions of Title H, Americans with Disabilities Act of 1991.
2. Will comply with Section 1302 (e) (2) (C) of the RTP that prohibits the use of grant funds to accommodate motorized use on trails that have been predominately used by non-motorized trail users prior to May 1, 1991.
3. Any Federal agency agrees that the construction of new trails crossing Federal lands in compliance with all applicable laws, including the National Environmental Policy Act, the Forest and Rangeland Renewable Resources Planning Act and the Federal Land Policy and Management Act.
4. Any Federal agency agrees that construction of any recreational trail on National Park Service or National Forest Service lands for motorized uses will be on lands proposed for such uses and will not be on lands in designated wilderness areas and that such construction is otherwise consistent with the management direction is such approved land and resources management plan.
5. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
6. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
7. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
8. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
9. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. " 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. ' 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination act of 1975, as amended (42 U.S.C. " 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) " 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. ' 3601 et seq.), as amended relating to nondiscrimination in the sale, rental or financing of housing; (I) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and (j) the requirements on any other non-discrimination statute(s) which may apply to the application.
10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and Federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
11. Will comply with the provisions of the Hatch Act (5 U.S.C. " 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in Whole or in part with Federal funds.
12. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

- 13. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EI 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with (O 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. " 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. ' 7401 et seq.) (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
- 14. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. " 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 15. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), E0 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
- 16. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1986.
- 17. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.
- 18. "Buy America" provisions apply to steel and iron used in a "Federal-aid highway construction project." If a trail project uses steel for bridges or trail signs and the costs for these items exceeds \$2,500.00, the provisions of 23 CFR 635.410(b)(4) apply.
- 19. The "Disadvantaged Business Enterprise" (DBE) requirement applies to this RTP grant. The objective of the DBE Program is to provide disadvantaged business enterprises with opportunities to compete for government contracts. In keeping with this requirement, we ask that each RIP grant recipient, where feasible and practical, encourage DBE listed contractors and suppliers to bid for trail work for which you were granted RTP funds. For information about North Carolina Department of Transportation's approved DBE contractors, visit

<https://www.ebs.nc.gov/VendorDirectory/default.html>

Date
Agency/Organization
BURKE COUNTY
Title
Signature

Attachment: RTP2020-8169_Burke Co-NW Gap 2_Contract Draft (3021 : Accept Recreational Trails Program 2020 Grant Contract - Northwest

**NORTH CAROLINA'S RECREATIONAL TRAILS PROGRAM
APPLICATION SIGNATURE PAGE**

"On behalf of the applicant, I hereby certify the information contained in the Recreational Trails Program grant application is true and correct. I understand this application will be rated on the basis of the information submitted and the submission of incorrect data or an incomplete application can result in this application being eliminated from consideration for funding."

"I hereby certify the applicant will comply with all applicable local, state and Federal laws and regulations."

"I hereby certify the availability of a minimum of 25% of the requested Recreational Trails Program grant amount as noted in this application."

Date
Agency/Organization
BURKE COUNTY
Title
Signature
Attested By

Note: Non-profit organizations applying for RTP funding for a project located on lands managed by a governmental agency must have the approval of the chief executive officer of the affected land managing agency. This approval is to be represented by the signature of the chief executive officer below.

Approved on
Agency/Organization
Title
By

Attachment: RTP2020-8169_Burke Co-NW Gap 2_Contract Draft (3021 : Accept Recreational Trails Program 2020 Grant Contract - Northwest

FEDERAL RECREATIONAL TRAILS PROGRAM
INSURANCE REQUIREMENT NOTIFICATION FORM
(Requirement of Governmental Agencies and Non-Profit Organizations)

A grantee must provide INSURANCE during the term of a State Grant Contract. As a minimum, the grantee shall provide and maintain the following coverage and limits:

- a. Worker's Compensation - The Grantee shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$150,000.00, covering all of Grantee's employees who are engaged in any work under the contract.
b. Commercial General Liability - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$500,000.00 Combined Single Limit.
c. Automobile - Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles, used in connection with the contract.

Providing and maintaining adequate insurance coverage is a material obligation of the contractor and is of the essence of this contract. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina.

As the approved contact for the below listed organization, I sign that I have read and am now aware of the Insurance Requirement that will be noted in the General Terms and Conditions of our pending State Grant Contract.

Form with fields: Date, Agency/Organization (BURKE COUNTY), Title, Signature

Attachment: RTP2020-8169_Burke Co-NW Gap 2_Contract Draft (3021 : Accept Recreational Trails Program 2020 Grant Contract - Northwest



Recreational Trails Program

Number: 20.219

Agency: Department of Transportation Office: Federal Highway Administration (FHWA)

PROGRAM INFORMATION

Authorization (040):

Fixing America's Surface Transportation (FAST) Act., Public Law 114-94, 23 U.S.C 104, 133, 206.

Objectives (050):

To provide funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. The funds represent a portion of the motor fuel excise tax collected from nonhighway recreational fuel use.

Types of Assistance (060):

Formula Grants; Formula Grants (Apportionments)

Uses and Use Restrictions (070):

Funds from this program may be used for: (1) Maintenance and restoration of existing trails; (2) development and rehabilitation of trailside and trailhead facilities and trail linkages; (3) purchase and lease of trail construction and maintenance equipment; (4) construction of new trails (with restrictions for new trails on Federal lands); (5) acquisition of easements or property for trails or trail corridors; (6) assessment of trail conditions for accessibility and maintenance; (7) development and dissemination of publications and operation of educational programs to promote safety and environmental protection (as those objectives relate to one or more of the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), (limited to 5 percent of a State's funds); and (8) State administrative costs related to this program (limited to 7 percent of a State's funds). Funds may not be used for: property condemnation; constructing new trails for motorized use on National Forest or Bureau of Land Management lands unless the project is consistent with resource management plans; or facilitating motorized access on otherwise nonmotorized trails. The USDOT encourages States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under this program.

Note: States must return 1 percent of the funds to the FHWA for administrative, research, technical assistance, and training expenses for the program. The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks. Funds from this program may be used for: (1) Maintenance and restoration of existing trails; (2) development and rehabilitation of trailside and trailhead facilities and trail linkages; (3) purchase and lease of trail construction and maintenance equipment; (4) construction of new trails (with restrictions for new trails on Federal lands); (5) acquisition of easements or property for trails or trail corridors; (6) assessment of trail conditions for accessibility and maintenance; (7) development and dissemination of publications and operation of educational programs to promote safety and environmental protection (as those objectives relate to one or more of the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), (limited to 5 percent of a State's funds); and (8) State administrative costs related to this program (limited to 7 percent of a State's funds). States must use 40 percent of their funds for diverse recreational trail use, 30 percent for motorized use, and 30 percent for non-motorized use (Connecticut, Delaware, District of Columbia, and Rhode Island have a small State exception).

Note: States must return 1 percent of the funds to the FHWA for administrative, research, technical assistance, and training expenses for the program. The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

Eligibility Requirements (080)

Applicant Eligibility (081):

(The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations using its administrative funds.)

For funds available to the States: the Governor of each State must designate the State agency or agencies responsible for administering this program. The State must have a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less than once per fiscal year. If the State Recreational Trail Advisory Committee does not meet in a fiscal year, or does not have required representation, the State becomes ineligible for an apportionment. The State agency may accept project proposals from private organizations, or from municipal, county, State, or Federal government entities, and other government entities. The projects must satisfy one or more of the permissible uses. States may provide sub-grants to Federal, State, and local government entities and to private entities, at the discretion of the State.

Beneficiary Eligibility (082):

(The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with

other government agencies, institutions of higher learning, or nonprofit organizations using its administrative funds. The State agency designated by the Governor. A State may opt out of the Recreational Trails Program if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.

Credentials/Documentation (083):

Allowable costs will be determined in accordance with applicable cost principles listed in 2 CFR Part 200 for the kind of organization receiving the grant or sub-grant. 2 CFR 200, Subpart E - Cost Principles applies to this program.

Application and Award Process (090)

Preapplication Coordination (091):

Most Recreational Trails Program (RTP) projects qualify as Categorical Exclusions under the National Environmental Policy Act (NEPA). Some projects may require Environmental Assessments. Projects that may have a significant environmental impact may require Environmental Impact Statements. An environmental impact statement is required for this program. An environmental impact assessment is required for this program. This program is eligible for coverage under E.O. 12372, "Intergovernmental Review of Federal Programs." An applicant should consult the office or official designated as the single point of contact in his or her State for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review.

Application Procedures (092):

This program is excluded from coverage under 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. For funds available to the States: The States must submit project proposals to the FHWA division office located in each State for approval. The State may submit individual projects or consolidate similar projects for the purposes of program approval. FHWA approval constitutes a commitment to pay the Federal share of the project's cost. The State's projects also must be included in State transportation improvement programs and applicable metropolitan transportation improvement programs.

For FHWA's administrative, research, technical assistance, and training expenses, FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks. Contracts are announced through www.fbo.gov. Cooperative agreements are announced through www.grants.gov.

Award Procedure (093):

For funds available to the States: The State agency or agencies designated by the Governors decide which projects will be developed within funding levels, but the FHWA division office located in each State makes the final decision on the eligibility of specific projects for funding.

Deadlines (094):

Contact the headquarters or regional office, as appropriate, for application deadlines.

Range of Approval/Disapproval Time (095):

From 5 days to 5 months. In some States, requirements for projects to be listed in statewide or metropolitan transportation improvement programs may add up to a year of delay.

Appeals (096):

Not Applicable.

Renewals (097):

Not Applicable.

Assistance Consideration (100)

Formula and Matching Requirements (101):

Statutory Formula: Title 23 U.S.C., Part 133(h), 206, and former 213(f) and (g), Public Law 114-94. 133(h), 206, and former 213(f) and (g). See http://www.fhwa.dot.gov/environment/recreational_trails/legislation/.

Matching Requirements: Percent: 80%. The Federal share is subject to a sliding scale under 23 U.S.C. 120(b). Funds from any other Federal program may be used for the non-Federal match if the project also is eligible under the other program. Recreational Trails Program funds may be used to match other Federal funds if the project also is eligible under the other program. States also may allow a programmatic match: if some project sponsors in a State provide more match funds than required, other sponsors in the State may provide less. Some in-kind materials and services may be credited toward the project match. States may allow some pre-approval planning and environmental assessment costs toward the project match. See http://www.fhwa.dot.gov/environment/recreational_trails/guidance/matchingfunds.cfm. This program does not have MOE requirements.

Length and Time Phasing of Assistance (102):

Funds generally become available at the beginning of the fiscal year for which they are authorized, and must be obligated within 3 years after the close of that fiscal year. See the following for information on how assistance is awarded/released: The method of money release varies case by case.

Post Assistance Requirements (110)**Reports (111):**

No reports are required.

Audits (112):

In accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements, non-Federal entities that expend financial assistance of \$750,000 or more in Federal awards will have a single or a program-specific audit conducted for that year. Non-Federal entities that expend less than \$750,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503.

Records (113):

Project records and documents must be retained by the State for 3 years following the final submission for Federal payment in accordance with 2 CFR 200.

Financial Information (120)**Account Identification (121):**

69-8083-0-7-401.

Obligations (122):

(Formula Grants (Apportionments)) FY 15 \$80,741,889; FY 16 est \$82,365,802; and FY 17 est \$82,365,802 - The Recreational Trails Program has continued as a set-aside of funds under the Transportation Alternatives Program (20.205) at up to \$84,160,000 per year. A State may choose to opt out of the program in a fiscal year: Connecticut opted out for FY 2016. Remaining unobligated balances from prior years may be available. Note: States must return 1 percent of the funds to the FHWA for administrative, research, technical assistance, and training expenses for the program. The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

Range and Average of Financial Assistance (123):

Apportionments to the States are based on statutory formula. All 50 States and the District of Columbia are eligible to receive apportionments. For FY 2015: \$83,318,400 was potentially available; \$80,741,889 was apportioned (Florida opted out for FY 2015). Awards ranged from \$816,847 to \$5,698,627; the average was \$1,614,838.

Program Accomplishments (130):

Fiscal Year 2015: States obligated \$72 million for approximately 1,100 projects. RTP-funded projects provide accessibility improvements, access to health and fitness, active transportation for safe and livable communities, youth employment, economic stimulus, and habitat conservation. Examples of RTP-funded projects include trails, trail bridges, and trail facilities for uses including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Fiscal Year 2016: States will obligate about \$75-\$85 million for about 1,200 projects. RTP-funded projects provide accessibility improvements, access to health and fitness, active transportation for safe and livable communities, youth employment, economic stimulus, and habitat conservation. Examples of RTP-funded projects include trails, trail bridges, and trail facilities for uses including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Fiscal Year 2017: No Current Data Available

Regulations, Guidelines, and Literature (140):

23 CFR, Highways and 49 CFR, Transportation. There are no regulations specifically for the Recreational Trails Program. Program guidance was completed on April 1, 1999; and is posted at <http://www.fhwa.dot.gov/environment/rectrails/guidance.htm> along with program updates. Program guidance under MAP-21 is posted at <http://www.fhwa.dot.gov/map21/guidance/guidetap.cfm> with Questions and Answers at <http://www.fhwa.dot.gov/map21/qandas/qatap.cfm>. New guidance under the FAST Act will be posted at http://www.fhwa.dot.gov/environment/transportation_alternatives/.

Information Contacts (150)**Regional or Local Office (151):**

See Regional Agency Offices. State-level offices of the Federal Highway Administration (as listed in Appendix IV of the Catalog) or the State agency designated by the Governor to administer this program.

Headquarters Office (152):

Christopher B. Douwes 1200 New Jersey Ave S.E., Washington, District of Columbia 20590 Email: christopher.douwes@dot.gov
Phone: (202) 366-5013 Fax: (202) 366-3409

Website Address (153):

http://www.fhwa.dot.gov/environment/recreational_trails/

Related Programs (160):

20.205 Highway Planning and Construction

Examples of Funded Projects (170):

Fiscal Year 2015: States obligated \$72 million for about 1,100 projects. RTP-funded projects provide accessibility improvements, access to health and fitness, active transportation for safe and livable communities, youth employment, economic stimulus, and habitat conservation. Examples of RTP-funded projects include trails, trail bridges, and trail facilities for uses including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Fiscal Year 2016: States will obligate approximately \$75-\$85 million for about 1,200 projects. RTP-funded projects provide accessibility improvements, access to health and fitness, active transportation for safe and livable communities, youth employment, economic stimulus, and habitat conservation. Examples of RTP-funded projects include trails, trail bridges, and trail facilities for uses including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Fiscal Year 2017: Similar projects will be completed as noted in FY15, and 16.

Criteria for Selecting Proposals (180):

Each State (and the District of Columbia) solicits and selects projects for funding. To be eligible, projects must be selected on the basis of State priorities within the limit of the funds apportioned to each State.

Place Holder for **Secretary Award Letter**

Please reference the Secretary Award Letter under Attachments in the Grant Management System (GMS).

The remainder of this page is intentionally blank

Place Holder for **Application Form**

Please reference the Application form in the Grant Management System (GMS).

The remainder of this page is intentionally blank

Deliverables from Application

DIL	Item Type	Description	Accom. By	Unit(s)	Units of Meas.	Rate	RTP Funds	Match Funds	Total Amount
1	P001 New Trail/Greenway - Unpaved	New 5' Earthen Surface Trail	Contracted	1,375	linear feet	4	\$4,400.00	\$1,100.00	\$5,500.00
2	P012 New Trail Facility	New 6' Clear width Boardwalk	Contracted	225	linear feet	450	\$81,000.00	\$20,250.00	\$101,250.00
3	P012 New Trail Facility	New Road Crossing	Contracted	1		5,000	\$4,000.00	\$1,000.00	\$5,000.00
Sub Total(s)							\$89,400.00	\$22,350.00	\$111,750.00

Attachment: RTP2020-8169_Burke Co-NW Gap 2_Contract Draft (3021 : Accept Recreational Trails Program 2020 Grant Contract - Northwest



9.5.b

Attachment: Project Map (3021 : Accept Recreational Trails Program 2020 Grant Contract - Northwest

Fonta Flora County Park

Pisgah Game Lands

MST CONNECTOR

NC 126

New Crossing

New Boardwalk
Approx 225ft

End of RTP 18 Project

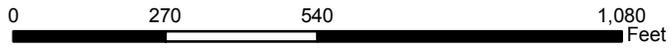
LAKE JAMES

FONTA FLORA
STATE TRAIL



USGS Ashford Quad
USGS Oak Hill Quad
Catawba River Basin

1 inch = 339 feet



**Burke County RTP 2020 Project
Fonta Flora State Trail - Northwest Gap
Project Specific Map**



This map is not survey accurate and is for planning purposes only

- New Boardwalk
- New Trail
- - - Unbuilt FEEST

Packet Pg. 248

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

Subject Title: Comm. Dev. - Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk

Presented By: Shane Prisby

Summary of Information: With the Board of Commissioner's approval, the Burke County Community Development Department has applied to and has received a \$68,000 Recreation Trails Program grant from North Carolina Department of Natural and Cultural Resources (NCDNCR) for trail and boardwalk construction on the Fonta Flora State Trail/Overmountain Victory National Historic Trail. This grant requires a \$17,000 match which will come from the Duke Energy CRA funding. This project will cover trail and boardwalk construction from the existing trail on Lake James State Park Land to Canal Bridge on NC 126 which the trail will use to cross Lake James. In order to receive the money, the Board of Commissioners must approve the grant agreement.

Budgetary Effect: There is no effect to the County budget. The grant match will come from the Duke Energy CRA funding.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: To approve the Recreational Trails Program grant (\$68,000) contract between the North Carolina Department of Natural and Cultural Resources and Burke County. Further, authorize the County Manager to execute the agreement on behalf of the Board, subject to review and/or revision by the County Attorney.

This Contract is hereby made and entered into this Wednesday, April 1, 2020, by and between the **NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**, (the "Agency") and the **BURKE COUNTY**, (the "Grantee") (referred to collectively as the "Parties") for the **Fonta Flora State Trail - OVNHT Boardwalk Project**, as described in the Grantee's Response to Agency's Call for Grant Proposals (the "Project").

1. Contract Documents: This Contract consists of the following documents, all of which are identified by name as:

Grant Contract No. RTP2020-7817

- (1) Grant Contract
- (2) Secretary Award Letter
- (3) General Terms and Conditions
- (4) Notice of Certain Reporting and Audit Requirements
- (5) Federal Certification Regarding Drug-Free Workplace
- (6) Federal Certification Regarding Lobbying
- (7) Federal Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions
- (8) Federal Assurances - Compliance Form
- (9) Application Signature Page
- (10) Insurance Requirement Notification Form
- (11) Grant Administrative and Programmatic Conditions
- (12) Grantee's Response to Agency's Call for Grant Proposals (grantee's application), including line item budget and budget narrative and *if applicable*, indirect cost documentation

These documents constitute the entire agreement between the Parties and supersede all prior oral or written statements or agreements. The Parties may enter into Contract amendments in accordance with the General Terms and Conditions as described herein.

2. Precedence Among Contract Documents: In the event of a conflict between terms of the Contract Documents, the term in the Contract Document with the highest relative precedence prevails. The order of precedence is established by the order of documents in Paragraph 1, above, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple Contract Amendments, the most recent amendment has the highest precedence and the oldest amendment has the lowest precedence.

3. Contract Period: This Contract shall be effective for a period of three (3) years from the date of the Secretary Award letter, 20 day of February, 2020, and expires on 19 day of February, 2023.

4. Contract Procedures: Once this Contract has been executed and the Secretary Award letter issued, the Grantee shall undertake and complete the Project in accordance with the sequence of steps outlined below, which shall assure expeditious completion considering the purposes of this Contract:

a. Complete Environmental Review and obtain & abide by any required permits;

- i. Grantee will obtain all required permits to complete the Project prior to beginning construction. Grantee must provide documentation of the Environmental Review and all required permits to initiate the next step.**

b. Notify the Grants Manager when the Grantee is ready to begin the Project once they have received a notice to proceed;

- i. The Grantee may begin to incur expenses for the Project only once they have completed this notification.**

c. Request reimbursement for eligible expenses at a minimum of every six (6) months;

d. Notify the Regional Trails Specialist and Grants Manager when the Project is complete to schedule a final inspection;

i. Grantee must complete the Project within the term of this Contract.

e. Request final reimbursement prior to the termination or expiration of this Contract;

f. Submit a letter to unencumber any remaining funds that were not used for the contracted deliverables.

5. Grantee's Duties: The Grantee provides the Project as described in the Grantee's Response to Agency's Call for Grant Proposals and in accordance with the approved budget therein.

6. Agency's Duties: The Agency shall pay the Grantee in the manner and in the amounts specified in the Contract Documents.

The total amount paid by the Agency to the Grantee under this Contract shall not exceed	
sixty-eight thousand Dollars	\$68,000.00

This amount consists of:

Type of Funds	Funding Source	CFDA No.
Other Receipts	FHWA-RTP THROUGH DOT	20.219

Accounting Code Information:

Dollars	GL Company	GL Account	GL Center
\$68,000.00	4602	536425	2803

a. The Grantee's matching requirement is \$17,000.00 , which shall consist of:

In-Kind		\$17,000.00
Cash		\$0.00

b. The Grantee has committed to an additional \$0.00 to complete the project as described in the Grantee's response to Agency's call for grant proposals.

In-Kind		\$0.00
Cash		\$0.00

The contributions from the Grantee shall be sourced from non-federal funds.
The total contract amount is **\$85,000.00** .

7. Conflict of Interest Policy: Grantee implements a Conflict of Interest policy that meets or exceeds the requirements of N.C.G.S. §143-6.2 (b1). Grantee has filed with the Agency a copy, which is attached, of Grantee's policy addressing conflicts of interest that may arise involving the Grantee's management employees and the members of its board of directors or other governing body in accordance with N.C.G.S.143-6.2(b1)(2005). The policy addresses situations in which any of these individuals may directly or indirectly benefit, except as the Grantee's employees or members of its board or other governing body, from the Grantee's disbursing of State funds and includes actions to be taken by the Grantee or the individual, or both, to avoid conflicts of interest and the appearance of impropriety.

8. Statement of No Overdue Tax Debts: Grantee's sworn written statement pursuant to N.C.G.S. 143-6.2(b2), stating that the Grantee does not have any overdue tax debts, as defined by G.S. 105-243.1, at the federal, State, or local level, is attached. Grantee acknowledges a false statement in this regard is a criminal offense punishable as provided in G.S. 143-34(b).

9. Reversion of Unexpended Funds: Any unexpended grant funds shall revert to the Agency upon termination of this Contract.

10. Reporting Requirements: This Contract is subject to the reporting requirements described on the Notice

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

of Certain Reporting and Audit Requirements which is attached.

11. Payment Provisions: The Grantee will be reimbursed for actual allowable expenditures with the Agency retaining a minimum of ten percent (10%) of the Agency's funds until all required activities are completed and reports/deliverables are received and accepted by the Agency. Allowable expenditures are defined as those associated with work performed to meet the milestones that have been addressed during the specific reporting period. The Agency may withhold payment on invoices when the Grantee fails to accomplish the milestones stated in the Grantee's response to Agency's call for grant proposals.

12. Invoices: The Grantee shall submit invoices to the Agency Contract Administrator at least quarterly. The final invoice must be received by the Agency within 45 days after the end of the contract period. Amended or corrected invoices must be received by the Agency's Office of the Controller within six (6) months after the end of the contract period. The Agency will not pay any invoice received more than six (6) months after the end of the effective period.

13. Contract Administrators: Each Party submits notices, questions and correspondence to the other Party's Contract Administrator. The name, address, telephone number, fax number, and email address of the Parties' initial Contract Administrators are set out below. Either Party may change the name, address, telephone number, fax number, or email address of its Contract Administrator or Principal Investigator or Key Personnel by giving timely notice to the other Party.

Any changes in the scope of this Contract which increase or decrease the Grantee's compensation are not effective until approved in writing by the Agency's Head or Authorized Agent.

Agency Contract Administrator:	
Talivia Brodie NC Division of Parks and Recreation test MSC 1615 Raleigh, NC 27599-1615 (919) 707-9320 talivia.brodie@ncparks.gov	
Grantee Contract Administrator	Grantee Principal Investigator or Key Personnel
Shane Prisby BURKE COUNTY PO Box 219 MORGANTON, NC 28680-0219 +1 (828) 764-9034 Ext: null shane.prisby@burkenc.org	Shane Prisby BURKE COUNTY PO Box 219 MORGANTON, NC 28680-0219 +1 (828) 764-9034 Ext: null shane.prisby@burkenc.org

14. Grantee Principal Investigator or Key Personnel: The Grantee shall not substitute the Principal Investigator or Key Personnel assigned to the performance of this Contract without timely notice to the Agency Contract Administrator.

15. Supplantation of Expenditure of Public Funds: The Grantee assures that funds received pursuant to this Contract shall be used only to supplement, not to supplant, the total amount of federal, State and local public funds that the Grantee otherwise expends for the Project services and related programs FHWA-RTP through NC DOT funds. Funds received under this Contract shall be used to provide additional public funding for such services; the funds shall not be used to reduce the Grantee's total expenditure of other public funds for such services.

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

16. Disbursements: As a condition of this Contract, Grantee acknowledges and agrees to make disbursements in accordance with the following requirements:

- a. Implement adequate internal controls over disbursements;
- b. Pre-audit all vouchers presented for payment to determine:
 - i. Validity and accuracy of payment
 - ii. Payment due date
 - iii. Adequacy of documentation supporting payment
 - iv. Legality of disbursement
- c. Assure adequate control of signature stamps/plates;
- d. Assure adequate control of negotiable instruments; and
- e. Implement procedures to ensure that account balance is solvent and reconcile the account monthly.

17. Outsourcing: The Grantee certifies that it has identified to the Agency all jobs related to this Contract that have been outsourced to other countries, if any. Grantee further agrees that it will not outsource any such jobs during the term of this Contract without providing notice to the Agency and obtaining written approval from the Agency Contract Administrator prior to outsourcing.

18. E-Verify: As required by G.S. §143-48.5 (Session Law 2013-418), the Grantee certifies that it, and each of its subcontractors for any contract awarded as a result of this solicitation, complies with the requirements of Article 2 of Chapter 64 of the NC General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to verify the work authorization of its employees through the federal EVerify system.

19. Assurances for Non-Federally Funded Contracts: The GRANTEE certifies that with regard to:

1. Debarment And Suspension -To the best of its knowledge and belief that it and its principals:
 - (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal, State, or local government agency;
 - (b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Lobbying -To the best of his or her knowledge and belief, that:

- (a) No Federal, State or local government appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal, State or local government agency; a member of Congress, North Carolina's General Assembly or local government body; an officer or employee of Congress, North Carolina's General Assembly or local government body, or an employee of a member of Congress, North Carolina's General Assembly or local government body, in connection with the awarding of any Federal, State or local government contract, the making of any Federal, State or local government grant, the making of any Federal, State or local government loan, the entering into of any Federal, State or local government cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal, State or local government contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal, State or local government appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency; a member of Congress, North Carolina's General Assembly or local government body; an officer or employee of Congress, North Carolina's General Assembly or local government body; or an employee of a member of Congress, North Carolina's General Assembly or local government body in connection with the Federal, State or local government contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

3. Drug-Free Work Place Requirements - It will comply by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about-
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above;
- (d) Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the grant, the employee will -
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above;
 - (d) Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the grant, the employee will -
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - (e) Notifying the Agency within ten days after receiving notice under subparagraph (d)(2), above, from an employee or otherwise receiving actual notice of such conviction;
 - (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), above with respect to any employee who is so convicted -
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f), above.
4. Will comply with the provisions of the Equal Employment Practices Act set out in Article 49A of Chapter 143 of the North Carolina General Statutes.
5. Will comply, as applicable, with the provisions of the Wage and Hour Act, Occupational Safety and Health Act of North Carolina, Controlled Substance Examination Regulation, Retaliatory Employment Discrimination, Safety and Health Programs and Committees, Workplace Violence Prevention, and other applicable provisions of Chapter 95 of the North Carolina General Statutes regarding labor standards.
6. Will comply with all applicable requirements of all other federal, state and local government laws, executive orders, regulations and policies governing this program.

20. Signature Warranty:

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this Contract.

N.C.G.S. §133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you (Grantee) attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

IN WITNESS WHEREOF, the Grantee and the Agency execute this agreement in two (2) originals, one (1) of which is retained by the Grantee and one (1) of which is retained by the Agency, the day and year first above written.

GRANTEE
Title
Printed Name
Grantee's Signature

NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES
Title
Printed Name
Authorized Agent's Signature

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

NORTH CAROLINA GENERAL CONTRACT TERMS AND CONDITIONS

1. **PERFORMANCE AND DEFAULT:** If, through any cause, Grantee shall fail to fulfill in timely and proper manner the obligations under this contract, the Agency shall have the right to terminate this contract by giving written notice to the Grantee and specifying the effective date thereof. In that event, all finished or unfinished deliverable items under this contract prepared by the Grantee shall, at the option of the Agency, become its property, and the Grantee shall be entitled to receive just and equitable compensation for any acceptable work completed on such materials. Notwithstanding, Grantee shall not be relieved of liability to the Agency for damages sustained by the Agency by virtue of any breach of this contract, and the Agency may withhold any payment due the Grantee for the purpose of setoff until such time as the exact amount of damages due the Agency from such breach can be determined. In addition, in the event of default by the Contractor under this contract, or upon the Contractor filing a petition for bankruptcy or the entering of a judgment of bankruptcy by or against the Contractor, the Agency may immediately cease doing business with the Contractor, immediately terminate this contract for cause, and may act to debar the Contractor from doing future business with the Agency.
2. **GOVERNMENTAL RESTRICTIONS:** In the event any Governmental restrictions are imposed which necessitate alteration of the material, quality, workmanship or performance of the items offered prior to their delivery, it shall be the responsibility of the Grantee to notify, in writing, the issuing purchasing office at once, indicating the specific regulation which required such alterations. The Agency reserves the right to accept any such alterations, including any price adjustments occasioned thereby, or to cancel the Contract.
3. **AVAILABILITY OF FUNDS:** Any and all payments to the Grantee are dependent upon and subject to the availability of funds to the agency for the purpose set forth in this contract.
4. **TAXES:** Any applicable taxes shall be invoiced as a separate item.
 - a. G.S. §143-59.1 bars the Secretary of Administration from entering into Contracts with Grantees if the Grantee or its affiliates meet one of the conditions of G. S. §105-164.8(b) and refuses to collect use tax on sales of tangible personal property to purchasers in North Carolina. Conditions under G. S. §105-164.8(b) include: (1) Maintenance of a retail establishment or office, (2) Presence of representatives in the Agency that solicit sales or transact business on behalf of the Grantee and (3) Systematic exploitation of the market by media-assisted, media-facilitated, or media-solicited means. By execution of the proposal document the Grantee certifies that it and all of its affiliates, (if it has affiliates), collect(s) the appropriate taxes.
 - b. All agencies participating in this Contract are exempt from Federal Taxes, such as excise and transportation. Exemption forms submitted by the Grantee will be executed and returned by the using agency.
 - c. Prices offered are not to include any personal property taxes, nor any sales or use tax (or fees) unless required by the North Carolina Department of Revenue.
5. **SITUS:** The place of this Contract, its situs and forum, shall be North Carolina, where all matters, whether sounding in Contract or tort, relating to its validity, construction, interpretation and enforcement shall be determined.
6. **GOVERNING LAWS:** This Contract is made under and shall be governed and construed in accordance with the laws of the State of North Carolina, without regard to its conflict of laws rules.
7. **PAYMENT TERMS:** Payment terms are Net not later than 30 days after receipt of correct invoice or acceptance of goods, whichever is later. The using agency is responsible for all payments to the Grantee under the Contract. Payment by some agencies may be made by procurement card, if the Vendor accepts that card (Visa, Master Card, etc.) from other customers, and it shall be accepted by the Vendor for payment under the same terms and conditions as any other method of payment accepted by the Vendor. If payment is made by procurement card, then payment may be processed immediately by the Vendor.
8. **AFFIRMATIVE ACTION:** The Grantee will take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of people with disabilities, and concerning the treatment of all employees without regard to discrimination by reason of race, color, religion, sex, national origin or disability.
9. **INTELLECTUAL PROPERTY INDEMNITY:** Grantee shall hold and save the Agency, its officers, agents and employees, harmless from liability of any kind, including costs and expenses, resulting from infringement of the rights of any third party in any copyrighted material, patented or unpatented invention, articles, device or appliance delivered in connection with this contract.

- 10. ADVERTISING:** Grantee agrees not to use the existence of this Contract or the name of the State of North Carolina as part of any commercial advertising or marketing of products or services. A Grantee may inquire whether the Agency is willing to act as a reference by providing factual information directly to other prospective customers.
- 11. ACCESS TO PERSONS AND RECORDS:** During and after the term hereof, the State Auditor and any using agency's internal auditors shall have access to persons and records related to this Contract to verify accounts and data affecting fees or performance under the Contract, as provided in G.S. §143-49(9) and §147-64.7.
- 12. ASSIGNMENT:** No assignment of the Grantee's obligations nor the Grantee's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority and solely as a convenience to the Grantee, the Agency may:

- a. Forward the Grantee's payment check directly to any person or entity designated by the Grantee, and
- b. Include any person or entity designated by Grantee as a joint payee on the Grantee's payment check.

In no event shall such approval and action obligate the Agency to anyone other than the Grantee and the Grantee shall remain responsible for fulfillment of all Contract obligations. Upon advance written request, the Agency may, in its unfettered discretion, approve an assignment to the surviving entity of a merger, acquisition or corporate reorganization, if made as part of the transfer of all or substantially all of the Grantee's assets. Any purported assignment made in violation of this provision shall be void and a material breach of this Contract.

13. INSURANCE:

COVERAGE - During the term of the Contract, the Grantee at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the Contract. As a minimum, the Grantee shall provide and maintain the following coverage and limits:

- a. **Worker's Compensation** - The Grantee shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$500,000.00, covering all of Grantee's employees who are engaged in any work under the Contract. If any work is sub-contracted, the Grantee shall require the sub-Contractor to provide the same coverage for any of his employees engaged in any work under the Contract.
- b. **Commercial General Liability** - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability.)
- c. **Automobile** - Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles, used in connection with the Contract. The minimum combined single limit shall be \$250,000.00 bodily injury and property damage; \$250,000.00 uninsured/under insured motorist; and \$2,500.00 medical payment.

REQUIREMENTS - Providing and maintaining adequate insurance coverage is a material obligation of the Grantee and is of the essence of this Contract. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The Grantee shall at all times comply with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this Contract. The limits of coverage under each insurance policy maintained by the Grantee shall not be interpreted as limiting the Grantee's liability and obligations under the Contract.

- 14. GENERAL INDEMNITY:** The Grantee shall hold and save the Agency, its officers, agents, and employees, harmless from liability of any kind, including all claims and losses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this Contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the Grantee in the performance of this Contract and that are attributable to the negligence or intentionally tortious acts of the Grantee provided that the Grantee is notified in writing within 30 days that the Agency has knowledge of such claims. The Grantee represents and warrants that it shall make no claim of any kind or nature against the Agency's agents who are involved in the delivery or processing of Grantee goods to the Agency. The representation and warranty in the preceding sentence shall survive the termination or expiration of this Contract.

15. **INDEPENDENT CONTRACTOR:** Grantee shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. Grantee represents that it has, or will secure at its own expense, all personnel required in performing the services under this contract. Such employees shall not be employees of, or have any individual contractual relationship with the Agency.
16. **KEY PERSONNEL:** Grantee shall not substitute key personnel assigned to the performance of this contract without prior written approval by the Agency's assigned Contract Lead. The individuals designated as key personnel for purposes of this contract are those specified in the RFP or Grantee's proposal.
17. **SUBCONTRACTING:** Work proposed to be performed under this contract by the Grantee or its employees shall not be subcontracted without prior written approval of the Agency's assigned Contract Administrator.
18. **TERMINATION FOR CONVENIENCE:** The Agency may terminate this contract at any time by 30 days' notice in writing from the Agency to the Grantee. In that event, all finished or unfinished deliverable items prepared by the Grantee under this contract shall, at the option of the Agency, become its property. If the contract is terminated by the Agency as provided in this section, the Agency shall pay for services satisfactorily completed by the Grantee, less payment or compensation previously made.
19. **CONFIDENTIALITY:** Any Agency information, data, instruments, documents, studies or reports given to or prepared or assembled by or provided to the Grantee under this contract shall be kept as confidential, used only for the purpose(s) required to perform this contract and not divulged or made available to any individual or organization without the prior written approval of the Agency.
20. **CARE OF PROPERTY:** The Grantee agrees that it shall be responsible for the proper custody and care of any property furnished it by the Agency for use in connection with the performance of this contract or purchased by or for the Agency for this contract, and Grantee will reimburse the Agency for loss or damage of such property while in Grantee's custody.
21. **PROPERTY RIGHTS:** All deliverable items produced for or as a result of this contract shall be an become the property of the Agency, and Grantee hereby assigns all ownership rights in such deliverables, including all intellectual property rights, to the Agency; provided, however, that as to any preexisting works imbedded in such deliverables, Grantee hereby grants the Agency a fully-paid, perpetual license to copy, distribute and adapt the preexisting works.
22. **COMPLIANCE WITH LAWS:** Grantee shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.
23. **AMENDMENTS:** This contract may be amended only by written amendments duly executed by the Agency and the Grantee. This Contract shall not be amended orally or by performance.
24. **WAIVER:** The failure to enforce or the waiver by the Agency of any right or of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.
25. **FORCE MAJEURE:** Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations as a result of events beyond its reasonable control, including without limitation, fire, power failures, any act of war, hostile foreign action, nuclear explosion, riot, strikes or failures or refusals to perform under subcontracts, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Notice of Certain Reporting and Audit Requirements

Grantee shall comply with the all rules and reporting requirements established by statute or administrative rules. For convenience, the requirements of 09 NCAC Subchapter 03M.0205 are set forth in this Attachment.

Reporting Thresholds.

There are three reporting thresholds established for grantees and subgrantees receiving State funds. The reporting thresholds are:

- (1) Less than \$25,000 -- A grantee that receives, uses, or expends State funds in an amount less than twenty-five thousand dollars (\$25,000) within its fiscal year must comply with the reporting requirements established by 09 NCAC Subchapter 03M including:
 - (A) A certification completed by the grantee Board and management stating that the State funds were received, used, or expended for the purposes for which they were granted; and
 - (B) An accounting of the State funds received, used, or expended. All reporting requirements shall be filed with the funding agency within six months after the end of the grantee's fiscal year in which the State funds were received.

- (2) \$25,000 up to \$500,000 - A grantee that receives, uses, or expends State funds in an amount of at least twenty-five thousand (\$25,000) and up to five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification completed by the grantee Board and management stating that the State funds were received, used, or expended for the purposes for which they were granted;
 - (B) An accounting of the State funds received, used, or expended; and
 - (C) A description of activities and accomplishments undertaken by the grantee with the State funds. All reporting requirements shall be filed with the funding agency within six months after the end of the grantee's fiscal year in which the State funds were received.

- (3) Greater than \$500,000 -- A grantee that receives, uses, or expends State funds and in the amount greater than five hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (A) A certification completed by the grantee Board and management stating that the State funds were received, used, or expended for the purposes for which they were granted;
 - (B) An audit prepared and completed by a licensed Certified Public Accountant for the grantee consistent with the reporting requirement of this Subchapter; and
 - (C) A description of activities and accomplishments undertaken by the grantee with the State funds. All reporting requirements shall be filed with both the funding agency and the Office of the State Auditor within nine months after the end of the grantee's fiscal year in which the State funds were received.

Other Provisions:

1. Unless prohibited by law, the costs of audits made in accordance with the provisions of 09 NCAC 03M.0205 are allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in the Office of Budget and Management(OMB) Circular A-87. The cost of any audit not conducted in accordance with this Subchapter is unallowable and shall not be charged to State or Federal grants.
2. The audit requirements in 09 NCAC Subchapter 03M do not replace a request for submission of audit reports by grant or agencies in connection with requests for direct appropriation of state aid by the General Assembly.
3. Notwithstanding the provisions of 09 NCAC Subchapter 03M, a grantee may satisfy the reporting requirements of Part(a)(3)(B) of this Rule by submitting a copy of the report required under the federal law with respect to the same funds.

FEDERAL CERTIFICATION REGARDING DRUG-FREE WORPLACE REQUIREMENTS
(Requirement of Governmental Agencies and Non-Profit Organizations)

- 1. By execution of this Agreement the Contractor certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - B. Establishing a drug-free awareness program to inform employees about
 - (1)The dangers of drug abuse in the workplace;
 - (2)The Contractor's policy of maintaining a drug-free workplace;
 - (3)Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4)The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - C. Making it a requirement that each employee be engaged in the performance of the agreement be given a copy of the statement required by paragraph (A);
 - D. Notify the employee in the statement required by paragraph (A) that, as a condition of employment under the agreement, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statue conviction for a violation occurring in the workplace no later than five days after such conviction;
 - E. Notify the Department within ten days after receiving notice under subparagraph (D) (2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local law enforcement, or other appropriate agency; and

Making a good effort to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), and (E).
 False certification or violation of the certification may be grounds for suspension of payments, suspension or termination of grants, or government-wide Federal suspension or debarment, 45 C.F.R. 82.510.

Date
Agency/Organization
BURKE COUNTY
Title
Signature

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

FEDERAL CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form ILL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Date
Agency/Organization
BURKE COUNTY
Title
Signature

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

**FEDERAL CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY
EXCLUSION-LOWER TIER COVERED TRANSACTIONS
(Requirement of Governmental Agencies and Non-Profit Organizations)
Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of the fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant will provide immediate written notice to the person to which the proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used *in* this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter any lower tier covered transaction with a person who is debarred, suspended, determined ineligible or voluntarily excluded from participation in this covered transaction unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency of which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to required establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized in paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension, and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Date
Agency/Organization
BURKE COUNTY
Title
Signature

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

**RECREATIONAL TRAILS PROGRAM
FEDERAL ASSURANCES - COMPLIANCE FORM**
(Requirement of Governmental Agencies and Non-Profit Organizations)

As the duly authorized representative of the applicant, I certify that the applicant:

Name of Applicant: BURKE COUNTY

1. Will comply with the provisions of Title H, Americans with Disabilities Act of 1991.
2. Will comply with Section 1302 (e) (2) (C) of the RTP that prohibits the use of grant funds to accommodate motorized use on trails that have been predominately used by non-motorized trail users prior to May 1, 1991.
3. Any Federal agency agrees that the construction of new trails crossing Federal lands in compliance with all applicable laws, including the National Environmental Policy Act, the Forest and Rangeland Renewable Resources Planning Act and the Federal Land Policy and Management Act.
4. Any Federal agency agrees that construction of any recreational trail on National Park Service or National Forest Service lands for motorized uses will be on lands proposed for such uses and will not be on lands in designated wilderness areas and that such construction is otherwise consistent with the management direction is such approved land and resources management plan.
5. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
6. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
7. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
8. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
9. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. " 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. ' 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination act of 1975, as amended (42 U.S.C. " 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) " 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. ' 3601 et seq.), as amended relating to nondiscrimination in the sale, rental or financing of housing; (i) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and (j) the requirements on any other non-discrimination statute(s) which may apply to the application.
10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and Federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
11. Will comply with the provisions of the Hatch Act (5 U.S.C. " 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in Whole or in part with Federal funds.
12. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

13. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EI 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with (O 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. " 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. ' 7401 et seq.) (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
14. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. " 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
15. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), E0 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
16. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1986.
17. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.
18. "Buy America" provisions apply to steel and iron used in a "Federal-aid highway construction project." If a trail project uses steel for bridges or trail signs and the costs for these items exceeds \$2,500.00, the provisions of 23 CFR 635.410(b)(4) apply.
19. The "Disadvantaged Business Enterprise" (DBE) requirement applies to this RTP grant. The objective of the DBE Program is to provide disadvantaged business enterprises with opportunities to compete for government contracts. In keeping with this requirement, we ask that each RIP grant recipient, where feasible and practical, encourage DBE listed contractors and suppliers to bid for trail work for which you were granted RTP funds. For information about North Carolina Department of Transportation's approved DBE contractors, visit

<https://www.ebs.nc.gov/VendorDirectory/default.html>

Date
Agency/Organization
BURKE COUNTY
Title
Signature

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

**NORTH CAROLINA'S RECREATIONAL TRAILS PROGRAM
APPLICATION SIGNATURE PAGE**

"On behalf of the applicant, I hereby certify the information contained in the Recreational Trails Program grant application is true and correct. I understand this application will be rated on the basis of the information submitted and the submission of incorrect data or an incomplete application can result in this application being eliminated from consideration for funding."

"I hereby certify the applicant will comply with all applicable local, state and Federal laws and regulations."

"I hereby certify the availability of a minimum of 25% of the requested Recreational Trails Program grant amount as noted in this application."

Date
Agency/Organization
BURKE COUNTY
Title
Signature
Attested By

Note: Non-profit organizations applying for RTP funding for a project located on lands managed by a governmental agency must have the approval of the chief executive officer of the affected land managing agency. This approval is to be represented by the signature of the chief executive officer below.

Approved on
Agency/Organization
Title
By

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

FEDERAL RECREATIONAL TRAILS PROGRAM
INSURANCE REQUIREMENT NOTIFICATION FORM
(Requirement of Governmental Agencies and Non-Profit Organizations)

A grantee must provide INSURANCE during the term of a State Grant Contract. As a minimum, the grantee shall provide and maintain the following coverage and limits:

- a. Worker's Compensation - The Grantee shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$150,000.00, covering all of Grantee's employees who are engaged in any work under the contract.
b. Commercial General Liability - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$500,000.00 Combined Single Limit.
c. Automobile - Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles, used in connection with the contract.

Providing and maintaining adequate insurance coverage is a material obligation of the contractor and is of the essence of this contract. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina.

As the approved contact for the below listed organization, I sign that I have read and am now aware of the Insurance Requirement that will be noted in the General Terms and Conditions of our pending State Grant Contract.

Form with fields for Date, Agency/Organization (BURKE COUNTY), Title, and Signature.

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)



Recreational Trails Program

Number: 20.219

Agency: Department of Transportation Office: Federal Highway Administration (FHWA)

PROGRAM INFORMATION

Authorization (040):

Fixing America's Surface Transportation (FAST) Act., Public Law 114-94, 23 U.S.C 104, 133, 206.

Objectives (050):

To provide funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. The funds represent a portion of the motor fuel excise tax collected from nonhighway recreational fuel use.

Types of Assistance (060):

Formula Grants; Formula Grants (Apportionments)

Uses and Use Restrictions (070):

Funds from this program may be used for: (1) Maintenance and restoration of existing trails; (2) development and rehabilitation of trailside and trailhead facilities and trail linkages; (3) purchase and lease of trail construction and maintenance equipment; (4) construction of new trails (with restrictions for new trails on Federal lands); (5) acquisition of easements or property for trails or trail corridors; (6) assessment of trail conditions for accessibility and maintenance; (7) development and dissemination of publications and operation of educational programs to promote safety and environmental protection (as those objectives relate to one or more of the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), (limited to 5 percent of a State's funds); and (8) State administrative costs related to this program (limited to 7 percent of a State's funds). Funds may not be used for: property condemnation; constructing new trails for motorized use on National Forest or Bureau of Land Management lands unless the project is consistent with resource management plans; or facilitating motorized access on otherwise nonmotorized trails. The USDOT encourages States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under this program.

Note: States must return 1 percent of the funds to the FHWA for administrative, research, technical assistance, and training expenses for the program. The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks. Funds from this program may be used for: (1) Maintenance and restoration of existing trails; (2) development and rehabilitation of trailside and trailhead facilities and trail linkages; (3) purchase and lease of trail construction and maintenance equipment; (4) construction of new trails (with restrictions for new trails on Federal lands); (5) acquisition of easements or property for trails or trail corridors; (6) assessment of trail conditions for accessibility and maintenance; (7) development and dissemination of publications and operation of educational programs to promote safety and environmental protection (as those objectives relate to one or more of the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), (limited to 5 percent of a State's funds); and (8) State administrative costs related to this program (limited to 7 percent of a State's funds). States must use 40 percent of their funds for diverse recreational trail use, 30 percent for motorized use, and 30 percent for non-motorized use (Connecticut, Delaware, District of Columbia, and Rhode Island have a small State exception).

Note: States must return 1 percent of the funds to the FHWA for administrative, research, technical assistance, and training expenses for the program. The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

Eligibility Requirements (080)

Applicant Eligibility (081):

(The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations using its administrative funds.)

For funds available to the States: the Governor of each State must designate the State agency or agencies responsible for administering this program. The State must have a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less than once per fiscal year. If the State Recreational Trail Advisory Committee does not meet in a fiscal year, or does not have required representation, the State becomes ineligible for an apportionment. The State agency may accept project proposals from private organizations, or from municipal, county, State, or Federal government entities, and other government entities. The projects must satisfy one or more of the permissible uses. States may provide sub-grants to Federal, State, and local government entities and to private entities, at the discretion of the State.

Beneficiary Eligibility (082):

(The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with

other government agencies, institutions of higher learning, or nonprofit organizations using its administrative funds. The State agency designated by the Governor. A State may opt out of the Recreational Trails Program if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.

Credentials/Documentation (083):

Allowable costs will be determined in accordance with applicable cost principles listed in 2 CFR Part 200 for the kind of organization receiving the grant or sub-grant. 2 CFR 200, Subpart E - Cost Principles applies to this program.

Application and Award Process (090)

Preapplication Coordination (091):

Most Recreational Trails Program (RTP) projects qualify as Categorical Exclusions under the National Environmental Policy Act (NEPA). Some projects may require Environmental Assessments. Projects that may have a significant environmental impact may require Environmental Impact Statements. An environmental impact statement is required for this program. An environmental impact assessment is required for this program. This program is eligible for coverage under E.O. 12372, "Intergovernmental Review of Federal Programs." An applicant should consult the office or official designated as the single point of contact in his or her State for more information on the process the State requires to be followed in applying for assistance, if the State has selected the program for review.

Application Procedures (092):

This program is excluded from coverage under 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. For funds available to the States: The States must submit project proposals to the FHWA division office located in each State for approval. The State may submit individual projects or consolidate similar projects for the purposes of program approval. FHWA approval constitutes a commitment to pay the Federal share of the project's cost. The State's projects also must be included in State transportation improvement programs and applicable metropolitan transportation improvement programs.

For FHWA's administrative, research, technical assistance, and training expenses, FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks. Contracts are announced through www.fbo.gov. Cooperative agreements are announced through www.grants.gov.

Award Procedure (093):

For funds available to the States: The State agency or agencies designated by the Governors decide which projects will be developed within funding levels, but the FHWA division office located in each State makes the final decision on the eligibility of specific projects for funding.

Deadlines (094):

Contact the headquarters or regional office, as appropriate, for application deadlines.

Range of Approval/Disapproval Time (095):

From 5 days to 5 months. In some States, requirements for projects to be listed in statewide or metropolitan transportation improvement programs may add up to a year of delay.

Appeals (096):

Not Applicable.

Renewals (097):

Not Applicable.

Assistance Consideration (100)

Formula and Matching Requirements (101):

Statutory Formula: Title 23 U.S.C., Part 133(h), 206, and former 213(f) and (g), Public Law 114-94. 133(h), 206, and former 213(f) and (g). See http://www.fhwa.dot.gov/environment/recreational_trails/legislation/.

Matching Requirements: Percent: 80%. The Federal share is subject to a sliding scale under 23 U.S.C. 120(b). Funds from any other Federal program may be used for the non-Federal match if the project also is eligible under the other program.

Recreational Trails Program funds may be used to match other Federal funds if the project also is eligible under the other program. States also may allow a programmatic match: if some project sponsors in a State provide more match funds than required, other sponsors in the State may provide less. Some in-kind materials and services may be credited toward the project match. States may allow some pre-approval planning and environmental assessment costs toward the project match. See http://www.fhwa.dot.gov/environment/recreational_trails/guidance/matchingfunds.cfm. This program does not have MOE requirements.

Length and Time Phasing of Assistance (102):

Funds generally become available at the beginning of the fiscal year for which they are authorized, and must be obligated within 3 years after the close of that fiscal year. See the following for information on how assistance is awarded/released: The method of money release varies case by case.

Post Assistance Requirements (110)**Reports (111):**

No reports are required.

Audits (112):

In accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements, non-Federal entities that expend financial assistance of \$750,000 or more in Federal awards will have a single or a program-specific audit conducted for that year. Non-Federal entities that expend less than \$750,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503.

Records (113):

Project records and documents must be retained by the State for 3 years following the final submission for Federal payment in accordance with 2 CFR 200.

Financial Information (120)**Account Identification (121):**

69-8083-0-7-401.

Obligations (122):

(Formula Grants (Apportionments)) FY 15 \$80,741,889; FY 16 est \$82,365,802; and FY 17 est \$82,365,802 - The Recreational Trails Program has continued as a set-aside of funds under the Transportation Alternatives Program (20.205) at up to \$84,160,000 per year. A State may choose to opt out of the program in a fiscal year: Connecticut opted out for FY 2016. Remaining unobligated balances from prior years may be available. Note: States must return 1 percent of the funds to the FHWA for administrative, research, technical assistance, and training expenses for the program. The FHWA may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

Range and Average of Financial Assistance (123):

Apportionments to the States are based on statutory formula. All 50 States and the District of Columbia are eligible to receive apportionments. For FY 2015: \$83,318,400 was potentially available; \$80,741,889 was apportioned (Florida opted out for FY 2015). Awards ranged from \$816,847 to \$5,698,627; the average was \$1,614,838.

Program Accomplishments (130):

Fiscal Year 2015: States obligated \$72 million for approximately 1,100 projects. RTP-funded projects provide accessibility improvements, access to health and fitness, active transportation for safe and livable communities, youth employment, economic stimulus, and habitat conservation. Examples of RTP-funded projects include trails, trail bridges, and trail facilities for uses including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Fiscal Year 2016: States will obligate about \$75-\$85 million for about 1,200 projects. RTP-funded projects provide accessibility improvements, access to health and fitness, active transportation for safe and livable communities, youth employment, economic stimulus, and habitat conservation. Examples of RTP-funded projects include trails, trail bridges, and trail facilities for uses including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Fiscal Year 2017: No Current Data Available

Regulations, Guidelines, and Literature (140):

23 CFR, Highways and 49 CFR, Transportation. There are no regulations specifically for the Recreational Trails Program. Program guidance was completed on April 1, 1999; and is posted at <http://www.fhwa.dot.gov/environment/rectrails/guidance.htm> along with program updates. Program guidance under MAP-21 is posted at <http://www.fhwa.dot.gov/map21/guidance/guidetap.cfm> with Questions and Answers at <http://www.fhwa.dot.gov/map21/qandas/qatap.cfm>. New guidance under the FAST Act will be posted at http://www.fhwa.dot.gov/environment/transportation_alternatives/.

Information Contacts (150)**Regional or Local Office (151):**

See Regional Agency Offices. State-level offices of the Federal Highway Administration (as listed in Appendix IV of the Catalog) or the State agency designated by the Governor to administer this program.

Headquarters Office (152):

Christopher B. Douwes 1200 New Jersey Ave S.E., Washington, District of Columbia 20590 Email: christopher.douwes@dot.gov
Phone: (202) 366-5013 Fax: (202) 366-3409

Website Address (153):

http://www.fhwa.dot.gov/environment/recreational_trails/

Related Programs (160):

20.205 Highway Planning and Construction

Examples of Funded Projects (170):

Fiscal Year 2015: States obligated \$72 million for about 1,100 projects. RTP-funded projects provide accessibility improvements, access to health and fitness, active transportation for safe and livable communities, youth employment, economic stimulus, and habitat conservation. Examples of RTP-funded projects include trails, trail bridges, and trail facilities for uses including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Fiscal Year 2016: States will obligate approximately \$75-\$85 million for about 1,200 projects. RTP-funded projects provide accessibility improvements, access to health and fitness, active transportation for safe and livable communities, youth employment, economic stimulus, and habitat conservation. Examples of RTP-funded projects include trails, trail bridges, and trail facilities for uses including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Fiscal Year 2017: Similar projects will be completed as noted in FY15, and 16.

Criteria for Selecting Proposals (180):

Each State (and the District of Columbia) solicits and selects projects for funding. To be eligible, projects must be selected on the basis of State priorities within the limit of the funds apportioned to each State.

Place Holder for **Secretary Award Letter**

Please reference the Secretary Award Letter under Attachments in the Grant Management System (GMS).

The remainder of this page is intentionally blank

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

Place Holder for **Application Form**

Please reference the Application form in the Grant Management System (GMS).

The remainder of this page is intentionally blank

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

Deliverables from Application

DIL	Item Type	Description	Accom. By	Unit(s)	Units of Meas.	Rate	RTP Funds	Match Funds	Total Amount
1	P001 New Trail/Greenway - Unpaved	New 5' Natural Surface Trail	Contracted	100	linear feet	4	\$400.00		\$400.00
2	P012 New Trail Facility	New 20' Bridge	Contracted	20	linear feet	1,150	\$16,000.00	\$7,000.00	\$23,000.00
3	P012 New Trail Facility	New 6' Clear Width Boardwalk	Contracted	120	linear feet	475	\$47,000.00	\$10,000.00	\$57,000.00
4	P012 New Trail Facility	New NC DOT Access	Contracted	1		4,600	\$4,600.00		\$4,600.00
Sub Total(s)							\$68,000.00	\$17,000.00	\$85,000.00

Attachment: Contract Boardwalk (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)



Lake James

Attachment: Project Specific Map (3020 : Accept Recreational Trails Program 2020 Grant Contract - OVNHT Boardwalk)

-  Existing Trail
-  Future Trail
-  New Boardwalk
-  New Bridge
-  New Trail

USGS Marion East Quad
Catawba River Basin

1 inch = 27 feet



Burke County RTP 2020 Project OVNHT Boardwalk Project Specific Map



This map is not survey accurate and is for planning purposes only

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

**Subject Title: CD - Resolution to Support 2021 Recreational Trails Program Grant Application
- OVNHT/FFST Canal Bridge**

Presented By: Shane Prisby

Summary of Information: The Community Development Department is applying for a 2021 Recreational Trails Program (RTP) grant. If awarded, this grant will fund a new section of trail connecting the existing sections of the Overmountain Victory National Historic Trail and Fonta Flora State Trail at Lake James State Park to other portions of the park across Canal Bridge on NC 126.

Budgetary Effect: There is no effect to the County budget. The grant match will come from the Duke Energy CRA Agreement and/or additional grant funding secured in the future.

County Manager's Recommendation: Approval is recommended.
Suggested Motion: To adopt Resolution No. 2020-07.

**Burke County
North Carolina**

**Resolution in Support of Application to the 2021 Recreational Trails Program
Overmountain Victory National Historic Trail - Canal Bridge**

WHEREAS the North Carolina State Trails Program administered by the North Carolina Division of Parks and Recreation is tasked with distributing funds from the 2021 Recreational Trails Program; and

WHEREAS the North Carolina Trails Committee invited Burke County to apply for funds for the Overmountain Victory National Historic Trail (OVNHT) and Fonta Flora State Trail (FFST), and more specifically the OVNHT/FFST - Canal Bridge project; and

WHEREAS in order to receive funds Burke County is required to provide a 25 percent match up to \$50,000 for a request of \$200,000, which is the maximum for the 2021 grant cycle; and

WHEREAS Burke County desires to continue advancing the OVNHT and FFST by connecting sections of Lake James State Park across Canal Bridge on NC 126; and

WHEREAS this match will be provided via monies from Duke Energy's obligation to part of the Overmountain Victory National Historic Trail through the Comprehensive Relicensing Agreement (CRA) with the Federal Energy Regulatory Commission and/or additional grant funding secured in the future.

NOW THEREFORE the Burke County Board of Commissioners resolves to support the application to the 2021 Recreational Trails Program and provide the 25 percent match via OVNHT CRA funding and/or additional grant funding secured in the future.

Adopted this 21st day of April 2020.

Johnnie W. Carswell, Chairman
Board of Commissioners

Attest:

Kay H. Draughn, CMC, NCMCC
Clerk to the Board

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020

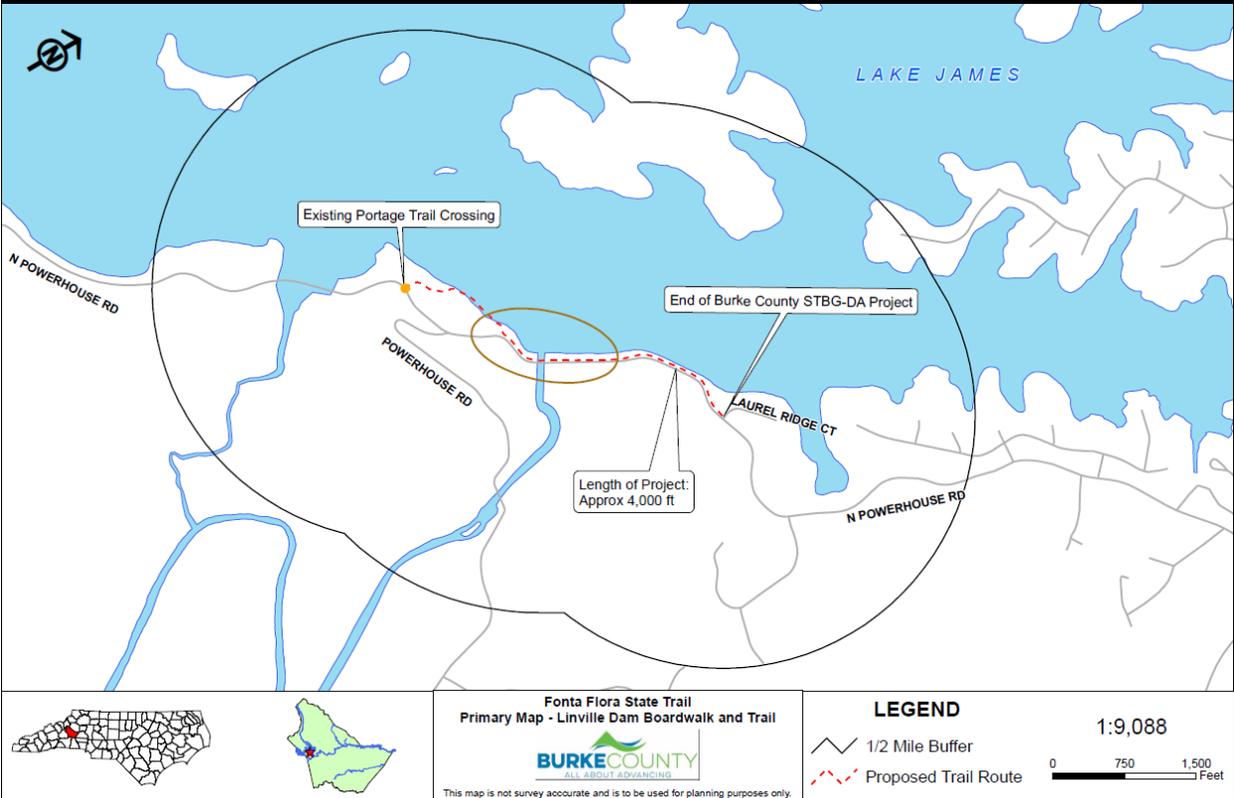


CONSENT AGENDA

Subject Title: Comm. Dev. - Accept STBG-DA Grant Agreement - Linville Dam

Presented By: Shane Prisby

Summary of Information: The Greater Hickory Metropolitan Planning Organization (GHMPO) issued a call for projects to agencies in its jurisdiction for Surface Transportation Block Grant - Direct Attributable Funding (STBG-DA). Burke County Community Development Department applied for and was awarded \$400,000 for the Fonta Flora State Trail - Linville Dam and Boardwalk and trail. This grant will be matched with \$100,000 of County funds approved by the Board of Commissioners as part of the FY 20 budget.



Budgetary Effect: The grant match was approved as part of the FY 20 budget.
County Manager's Recommendation: Approval is recommended.
Suggested Motion: To approve the STBG-DA grant (\$400,000) contract between

the North Carolina Department of Transportation and Burke County. Further, authorize the County Manager to execute the agreement on behalf of the Board, subject to review and/or revision by the County Attorney.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

BURKE COUNTY

DATE: 3/18/2020

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: EB-5934

AND

WBS Elements: PE 48175.1.1

ROW _____

BURKE COUNTY

CON _____

OTHER FUNDING:

FEDERAL-AID NUMBER: 1143025

CFDA #: 20.205

Total Funds [NCDOT Participation] \$400,000

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and Burke County, hereinafter referred to as the "County".

WITNESSETH:

WHEREAS, Fixing America's Surface Transportation (FAST) Act allows for the allocation of federal funds to be available for certain specified transportation activities; and,

WHEREAS, the County has requested federal funding for Linville Dam Boardwalk and Trail, hereinafter referred to as the Project, in Burke County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the County has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$400,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the County for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the County has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a Supplemental Agreement.

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The County shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the County and/or its contractors and agents. The Department will provide technical oversight to guide the County. The Department must approve any assignment or transfer of the responsibilities of the County set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The County shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;

- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the County, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

The County, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the County to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of Preliminary Design of a section of the Fonta Flora State Trail, which extends along North Powerhouse Road from Laurel Ridge Court across the Linville Dam to the existing Portage Trail. The multi-use trail will be a combination of paved surface along the road and a boardwalk section to cross the dam.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Design
- Environmental Documentation

as further set forth in this Agreement.

3. FUNDING

PROGRAMMING AND AUTHORIZATION OF FEDERAL FUNDS

The funding currently programmed for the project in the State Transportation Improvement Program (STIP) is BGDA. The funding source may be modified with the coordination and approval of the respective Metropolitan Planning Organization (MPO) and/or the Department prior to authorization of funds. The Department will authorize and reimburse federal funding based on the type of federal funding that is programmed in the STIP at the time of the authorization request. The Department will notify the County of the type of federal funds authorized by issuing a Technical Amendment – Funds Authorization letter. A modification in the source of funds will have no effect on project responsibilities outlined in this agreement.

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the County with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse (80%) of eligible expenses incurred by the Municipality up to a maximum amount of Four Hundred Thousand Dollars (\$400,000), as detailed below. The County shall provide the non-federal match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
BGDA	\$400,000	80%	\$100,000	20%
Total Estimated Cost		\$500,000		

Attachment: Burke County_EB-5934_9281 (3022 : Accept STBG-DA Grant Agreement - Linville Dam)

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the County under this Agreement. The Department will set aside ten percent (10%) of the total estimated cost, or \$50,000, to use towards the costs related to review and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering and inspection oversight, and other items as needed to ensure the County's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the County at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the County or by the Department, the County shall provide the non-federal match. The Department will bill the County for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

4. PERIOD OF PERFORMANCE

The County has three (3) years to complete all work outlined in the Agreement from the date of authorization of Federal Preliminary Engineering funds. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the County is unable to meet milestone dates included herein.

5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the County, in writing, once funds have been authorized and can be expended. The County shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

6. PROFESSIONAL AND ENGINEERING SERVICES

The County shall comply with the policies and procedures of this provision if the County is requesting reimbursement for the Preliminary Engineering contract or the Construction Contract Administration / Construction Engineering and Inspection contract.

PROCUREMENT POLICY

When procuring professional services, the County must adhere to Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legsregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

- The County shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department in the Work Codes advertised.
- A pre-negotiation audit will be conducted by the Department's External Audit Branch. The County shall not execute a consultant contract until the Department's review has been completed.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The County shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the County fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Design, Planning, Contract Administration and/or Construction Engineering and Inspection required for this project will be undertaken by the County, and the County requests reimbursement, then the County must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the County.

7. PLANNING / ENVIRONMENTAL DOCUMENTATION

The County shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The County shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The County shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the County shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The County shall bear all costs associated with penalties for violations and claims due to delays.
- The County shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statues/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the County, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

8. DESIGN

CONTENT OF PLAN PACKAGE

The County, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

9. RIGHT OF WAY / UTILITY AUTHORIZATION

If the costs of right of way acquisition or utility relocation are an eligible expense, the County shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the County receives written authorization from the Department to proceed.

10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

The County shall comply with the policies and procedures of this provision regardless of whether the County is requesting reimbursement for the Right of Way phase of the Project.

SPONSOR PROVIDES ROW

The County, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The County shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

APPRAISAL

The County shall submit the appraisal to the Department for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The County shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the County shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the Department's ROW, or follow other applicable approval process, for utilities within the County's ROW. The County shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The County shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The County shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

11. UTILITIES

The County, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to County beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

12. RIGHT OF WAY / UTILITY / RAILROAD CERTIFICATION

The County, upon acquisition of all right of way/property necessary for the Project, relocation of utilities, and coordination with the railroad shall provide the Department all required documentation (deeds/leases/easement/plans/agreements) to secure certification. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document; utilities in conflict with the project are relocated, or a plan for their relocation during construction has been approved; and coordination with the railroad (if applicable) has occurred and been documented.

13. CONTRACT PROPOSAL AND ENGINEER'S ESTIMATE

CONTRACT PROPOSAL

The County shall develop a contract proposal that will be advertised for bids. The proposal shall comply with NCDOT Specifications and Standard Drawings as applicable to the Project. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, but not be limited to: FHWA 1273, Buy America, Davis-Bacon Wage Rates, Non-discrimination, DBE Assurances, Contractor Certification regarding suspension and debarment, and other provisions as required by the Department.

ENGINEER'S ESTIMATE

The County shall develop an itemized engineer's estimate to show items referenced to the NCDOT Standard Specifications, if applicable, along with units and unit price. The engineer's estimate will be used as the basis for comparing bids received.

14. CONSTRUCTION AUTHORIZATION

The County shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The County shall not advertise for bids prior to receiving written construction authorization from the Department.

15. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the County may advertise the Project. The County shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference <https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The County shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the County fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the County shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated

bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the County prior to the contract being awarded by the County.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the County shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the County. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

16. CONSTRUCTION

The County, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The County shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The County, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with

Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The County shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINAGE

The County shall not retain any portion of a payment due the contractor.

SIGNAGE

The County shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The County shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the County or the County's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The County will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

17. CLOSE-OUT

Upon completion of the Project, the County shall be responsible for the following:

FINAL INSPECTION

The County shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the County. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The County shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The County will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

18. MAINTENANCE

The County, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Linville Dam Boardwalk and Trail, or as required by an executed encroachment agreement.

19. REIMBURSEMENT**SCOPE OF REIMBURSEMENT**

Activities eligible for funding reimbursement for this Project shall include:

- Design
- Environmental Documentation

REIMBURSEMENT GUIDANCE

The County shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the County shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm. Reimbursement to the County shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the County with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

- **WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the County prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the County costs that exceed the total funding per this Agreement and any Supplemental Agreements.

- **UNSUBSTANTIATED COSTS**

The County agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$400,000 available to the County under this Agreement. The Department will bill the County for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the agreed upon just compensation for the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the County or its Project partners. Reimbursement rates for equipment owned by the County or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

▪ PROCEDURE

The County may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the County certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the County is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

▪ INTERNAL APPROVALS

Reimbursement to the County shall be made upon approval of the invoice by the Department's Financial Management Division.

▪ TIMELY SUBMITTAL OF INVOICES

The County may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the County is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

▪ FINAL INVOICE

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

20. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The County is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

PROJECT RECORDS

The County and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the County shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

21. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the County to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The County agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the County certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

TITLE VI - CIVIL RIGHTS ACT OF 1964

The County shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

OTHER AGREEMENTS

The County is solely responsible for all agreements, contracts, and work orders entered into or issued by the County for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the County for this Project are not used in accordance with the terms of this Agreement, the Department will bill the County.

TERMINATION OF PROJECT

If the County decides to terminate the Project without the concurrence of the Department, the County shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," Subpart F – Audit Requirements, and the Federal Single Audit Act Amendments of 1996, the County shall arrange for an annual independent financial and compliance audit of its fiscal operations. The County shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the County's fiscal year ends.

REIMBURSEMENT BY COUNTY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the County to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

AUTHORIZATION TO EXECUTE

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

FACSIMILE SIGNATURES

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional,

engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

22. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the County.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the County by authority duly given.

L.S. ATTEST: _____ BURKE COUNTY
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Burke County

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____(Date)

Attachment: Burke County_EB-5934_9281 (3022 : Accept STBG-DA Grant Agreement - Linville Dam)

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

Subject Title: Health Dept. - Acceptance of COVID-19 Crisis Response Funds

Presented By: Rebecca McLeod

Summary of Information: The Division of Public Health (DPH), Public Health Preparedness & Response (PHP&R) Branch, is making funds available to all local health departments through the “*CDC-RFATP18-1802, Cooperative Agreement for Emergency Response: Public Health Crisis Response, COVID19 Crisis Response Cooperative Agreement - Components A and B Supplemental Funding*” to carry out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities. This is one-time non-recurring state funds. There are specific deliverables which are provided for your review. The Board of Health approved the allocation on April 1, 2020.

Budgetary Effect: No County money involved. The budget will increase by \$92,783.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: To accept the \$92,783 of state one-time funds into the Health Department budget for execution of deliverables for COVID-19 Crisis Response.

Division of Public Health Agreement Addendum FY 19-20

Burke County Health Department
Local Health Department Legal Name

Epidemiology / PH Preparedness & Response
DPH Section / Branch Name

619 COVID-19 Crisis Response
Activity Number and Description

Wayne Mixon, (919) 546-1831
wayne.mixon@dhhs.nc.gov
DPH Program Contact
(name, phone number, and email)

01/20/2020 – 05/31/2020
Service Period

DPH Program Signature **Date**
(only required for a negotiable agreement addendum)

02/01/2020 – 06/30/2020
Payment Period

- Original Agreement Addendum**
- Agreement Addendum Revision #** _____

I. Background:

On March 6, 2020, the President of the United States signed into law the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123) (Coronavirus Supplemental). This Act provides funding to prevent, prepare for, and respond to Coronavirus Disease 2019 (COVID-19).

To support governmental public health emergency response to COVID-19, the Centers for Disease Control and Prevention (CDC) has activated CDC-RFA-TP18-1802 Cooperative Agreement for Emergency Response: Public Health Crisis Response (www.cdc.gov/phpr/readiness/funding-crisis.htm). CDC is awarding funding, totaling \$569,822,380, under Components A and B to eligible jurisdictions that are on the approved but unfunded (ABU) list for CDC-RFA-TP18-1802 to provide resources to prevent, prepare for, and respond to COVID-19. This funding is intended for state, local, territorial, and tribal health departments to carry out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities. These funds are in addition to funds CDC previously awarded to select jurisdictions for COVID-19 response activities.

The Division of Public Health (DPH), Public Health Preparedness & Response (PHP&R) Branch, is making an allocation of these funds available to all local health departments through the “CDC-RFA-TP18-1802, Cooperative Agreement for Emergency Response: Public Health Crisis Response, COVID-19 Crisis Response Cooperative Agreement – Components A and B Supplemental Funding” to carry out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities.

Health Director Signature _____ (use blue ink) _____ Date _____

Local Health Department to complete: (If follow-up information is needed by DPH)	LHD program contact name: _____
	Phone number with area code: _____
	Email address: _____

Signature on this page signifies you have read and accepted all pages of this document.

Attachment: 619 FY20 Burke AA (3033 : Health Department Acceptance of COVID-19 Crisis Response Funds)

II. Purpose:

This Activity is for the Local Health Department to work to prevent, prepare for, and respond to Coronavirus Disease 2019 (COVID-19) by carrying out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities.

III. Scope of Work and Deliverables:

All of the activities the Local Health Department performs under this Agreement Addenda shall be informed by the NC DHHS COVID-19 Guidance for Health Care Providers and Local Health Departments.¹ The Local Health Department (LHD) shall:

1. Implement and scale-up **laboratory testing and data collection to enable identification and tracking of COVID-19 cases** in the community with emphasis placed on priority populations as defined in NC DHHS guidance² to include health care workers, first responders, persons in high-risk congregate settings, and persons at a higher risk of severe illness, and immediate implementation of real-time reporting to PHP&R. This shall be accomplished by conducting one or more of the following activities:
 - a. Expand testing access in the community with a focus on persons who may expose vulnerable people.
 - b. Conducting surveillance to identify cases, report case data in a timely manner, identify contacts, characterize disease transmission, and track relevant epidemiologic characteristics including hospitalization and death.
 - c. Conducting surveillance to monitor virologic and disease activity in the community and healthcare settings, with emphasis on expanding contact tracing for high risk populations using traditional and non-traditional methods.
 - d. Implementing routine and enhanced surveillance to support the science base that informs public health interventions that mitigate the impact of COVID-19, including understanding of clinical characteristics; infection prevention and control practices; and other mitigation requirements.
 - e. Establishing or enhancing core epidemiological activities to support response such as risk assessment, case classification, analysis, visualization, and reporting.
 - f. Conduct surveillance to monitor disruption in the community caused by COVID-19 and related mitigation activities (e.g., school closures and cancellation of mass gatherings).
 - g. Conduct surveillance to monitor disruption in healthcare systems caused by COVID-19 (e.g., shortages of personal protective equipment).
2. Write a brief **COVID-19 community intervention implementation plan** and upload it by May 31, 2020 to the COVID-19/Agreement Addendum/County Submissions/CountyName folder at <https://nconnect.sharepoint.com/sites/phpr/SitePages/PCForums.aspx>. The naming convention for this plan shall be, "CountyName-Community Plan" (for example: Wake-Community Plan).

This plan shall describe how the LHD will achieve the response's three mitigation goals: 1) Slow transmission of disease, 2) Minimize morbidity and mortality, and 3) Preserve healthcare, workforce, and infrastructure functions and minimize social and economic impacts. The LHD shall use its

¹ <https://www.ncdhhs.gov/divisions/public-health/covid19/covid-19-guidance#all-guidance-for-health-care-providers-and-local-health-departments>

² <https://files.nc.gov/ncdhhs/documents/files/covid-19/COVID-19-Provider-Guidance-Final.pdf>

current Pan Flu Plan as a template and create a COVID-19 Community Intervention Implementation Plan that shall address how the LHD will accomplish the following tasks, with emphasis on addressing high-risk congregate settings such as long-term care facilities, homeless shelters, correctional facilities, and migrant farmworker camps:

- a. Minimize potential spread and reduce morbidity and mortality of COVID-19 in communities.
 - b. Plan and adapt for disruption caused by community spread and implement interventions to prevent further spread.
 - c. Ensure healthcare system response is an integrated part of community interventions.
 - d. Ensure integration of community mitigation interventions with health system preparedness and response plans and interventions.
3. Summarize the LHD's COVID-19 community intervention implementation plan into a **COVID-19 community intervention executive summary** and upload it by May 31, 2020 to the COVID-19/Agreement Addendum/County Submissions/CountyName folder at <https://nconnect.sharepoint.com/sites/phpr/SitePages/PCForums.aspx>. The naming convention for this executive summary shall be, "CountyName-Executive Summary" (For example: Wake-Executive Summary).

This executive summary shall describe a brief statement of the problems or proposals covered, background information, analysis and conclusions regarding how the LHD will meet the response's three mitigation goals: 1) Slow transmission of disease, 2) Minimize morbidity and mortality, and 3) Preserve healthcare, workforce, and infrastructure functions and minimize social and economic impacts.

4. **Identify and address additional response needs through one or more of the allowable activities** from the list of Domains and Categories below, with examples of such activities provided in Appendix 2 of the attached "CDC-RFA-TP18-1802, Cooperative Agreement for Emergency Response: Public health Crisis Response, COVID-19 Crisis Response Cooperative Agreement - Components A and B Supplemental Funding Interim Guidance" document dated March 15, 2020 ("CDC Interim Guidance document"):
- a. Domain 1: Incident Management for Early Crisis Response.
 - i. Emergency Operations and Coordination
 - ii. Responder Safety and Health
 - iii. Identification of Vulnerable Populations
 - b. Domain 2: Jurisdictional Recovery.
 - c. Domain 3: Information Management.
 - i. Information Sharing, with emphasis on infection control policies and proper use of personal protective equipment (PPE)
 - ii. Emergency Public Information and Warning and Risk Communication, with emphasis on expanding communications and public education campaigns including digital platforms and call lines
 - d. Domain 4: Countermeasures and Mitigation.
 - i. Nonpharmaceutical Interventions
 - ii. Quarantine and Isolation Support, with emphasis on isolation and quarantine of identified cases in high risk populations
 - iii. Distribution and Use of Medical Materiel

- e. Domain 5: Surge Management.
 - i. Surge Staffing
 - ii. Public Health Coordination with Healthcare Systems
 - iii. Infection Control
- f. Domain 6: Biosurveillance.
 - i. Public Health Surveillance and Real-time Reporting
 - ii. Public Health Laboratory Testing, Equipment, Supplies and Shipping
 - iii. Data Management

IV. **Performance Measures/Reporting Requirements:**

The Local Health Department shall:

1. Provide data as requested by PHP&R that supports reporting the performance measures and deliverables from the CDC-RFA-TP18-1802, Cooperative Agreement for Emergency Response: Public Health Crisis Response, COVID-19 Crisis Response Cooperative Agreement - Components A and B Supplemental Funding. The CDC will determine the essential data elements by April 15, 2020. Upon receiving this information from the CDC, PHP&R will communicate it to the LHDs via email with delivery/read verification.
2. Submit the following updates and reports to PHP&R:
 - a. Monthly updates to the COVID TP18-1802 Awardee Spend Plan (Excel spreadsheet).
 - i. These updates are to be uploaded in the COVID-19/Agreement Addendum/County Submissions/CountyName folder, located at <https://ncconnect.sharepoint.com/sites/phpr/SitePages/PCForums.aspx> at no later than thirty days after each month ends. The naming convention for these files shall be, "CountyName-MonthOfReport Spend Plan" (for example: Wake-April Spend Plan).
 - ii. This spreadsheet is available for download and it resides in the COVID-19/Agreement Addendum folder of the Preparedness Coordinator forum, located at: <https://ncconnect.sharepoint.com/sites/phpr/SitePages/PCForums.aspx>
 - b. Monthly Expenditure Monitoring Reports (EMRs) are due via email (phpr.sgm@dhhs.nc.gov) to the PHP&R Program Manager no later than thirty days after the month ends.
3. Provide all plans and documents for review by PHP&R staff when requested. Plans and other documents must be consistent with state and federal requirements and must be specific to your local public health area.

V. **Performance Monitoring and Quality Assurance:**

PHP&R will provide technical support to the Local Health Department to meet the required and allowable activities defined in the CDC Interim Guidance document. Templates and best practices will be provided as needed on an ongoing basis. PHP&R staff will maintain open communication with the Local Health Department and will therefore, receive and respond to all questions related to the COVID-19 Crisis Response Cooperative Agreement.

PHP&R's Subrecipient Grants Monitor or PHP&R Program Manager's designee will review reports and may schedule and conduct on-site visits with the Local Health Department to assess compliance with CDC grant and Agreement Addendum requirements, financials, and/or provide consultative assistance.

Inadequate performance on the part of the Local Health Department directly impacts the capacity of North Carolina's ability in overall preparedness. In the event that performance is deemed inadequate or non-compliant, PHP&R reserves the right to identify the county as "high risk," which may result in a reduction or suspension of funds.

While not necessarily an indicator of inadequate performance, a Local Health Department's inability to spend allocated funds will result in an assessment and potential recall of funds for re-allocation to other local health departments.

VI. **Funding Guidelines or Restrictions:**

1. Requirements for pass-through entities: In compliance with 2 CFR §200.331 – *Requirements for pass-through entities*, the Division provides Federal Award Reporting Supplements to the Local Health Department receiving federally funded Agreement Addenda.
 - a. Definition: A Supplement discloses the required elements of a single federal award. Supplements address elements of federal funding sources only; state funding elements will not be included in the Supplement. Agreement Addenda (AAs) funded by more than one federal award will receive a disclosure Supplement for each federal award.
 - b. Frequency: Supplements will be generated as the Division receives information for federal grants. Supplements will be issued to the Local Health Department throughout the state fiscal year. For federally funded AAs, Supplements will accompany the original AA. If AAs are revised and if the revision affects federal funds, the AA Revisions will include Supplements. Supplements can also be sent to the Local Health Department even if no change is needed to the AA. In those instances, the Supplements will be sent to provide newly received federal grant information for funds already allocated in the existing AA.
2. Unallowable costs:
 - a. Research
 - b. Clinical care except as provided above in connection with Domain 4 activities.
 - c. Publicity and propaganda (lobbying). Other than for normal and recognized executive-legislative relationships, no funds may be used for:
 - i. publicity or propaganda purposes, for the preparation, distribution, or use of any material designed to support or defeat the enactment of legislation before any legislative body
 - ii. the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before any legislative body

Detailed guidance on this prohibition and additional guidance on lobbying for CDC recipients can be found under Additional Requirement 12: https://www.cdc.gov/grants/documents/Anti-Lobbying_Restrictions_for_CDC_Grantees_July_2012.pdf
 - d. All unallowable costs cited in CDC-RFA-TP18-1802 remain in effect, unless specifically amended in the CDC Interim Guidance document, in accordance with 45 CFR Part 75 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards.
3. PHP&R will distribute funds to the Local Health Department in amounts based on a formula developed to maximize COVID-19 prevention and mitigation actions to protect the citizens of North Carolina. Funds will be distributed through the Controller's Office based on standard DPH procedures. It is anticipated that the level of funding provided through this Agreement Addendum

will not be enough to support all of the activities that a Local Health Department will undertake and that other resources may be necessary to meet the requirements.

4. Overlap in Projects, Budget Items, or Commitment of Effort
 - a. Funds cannot be used to supplant existing federal funds awarded by other federal sources.
 - b. Funds cannot be used to match funding on other federal awards.
5. PHP&R reserves the right to review any expenditure that is not in line with the purpose and scope of the funding source. After review of the expenditure PHP&R may reject the expenditure and then require the Local Health Department to further justify or to pay back the expense.

Supplement reason: In AA+BE or AA+BE Rev -OR- -

CFDA #: 93.354 Federal awd date: 3/16/20 Is award R&D? no FAIN: NU90TP922104 Total amount of fed awd: \$ 13,820,515

CFDA name: Public Health Emergency Response: Cooperative Agreement for Emergency Response: Public Health Crisis Response
 Fed award project description: North Carolina's Cooperative Agreement for Emergency Response: Public Health Crisis Response
 Fed awarding agency: DHHS, Centers for Disease Control and Prevention
 Federal award indirect cost rate: n/a %

Subrecipient	Subrecipient DUNS	Fed funds for This Supplement	Total of All Fed Funds for This Activity	Subrecipient	Subrecipient DUNS	Fed funds for This Supplement	Total of All Fed Funds for This Activity
Alamance	965194483	128,163	128,163	Jackson	019728518	70,554	70,554
Albemarle	130537822	125,566	125,566	Johnston	097599104	143,714	143,714
Alexander	030495105	67,966	67,966	Jones	095116935	54,783	54,783
Anson	847163029	61,862	61,862	Lee	067439703	78,555	78,555
Appalachian	780131541	95,074	95,074	Lenoir	042789748	76,669	76,669
Beaufort	091567776	72,269	72,269	Lincoln	086869336	89,753	89,753
Bladen	084171628	66,214	66,214	Macon	070626825	66,934	66,934
Brunswick	091571349	114,310	114,310	Madison	831052873	60,489	60,489
Buncombe	879203560	172,455	172,455	MTW	087204173	68,611	68,611
Burke	883321205	92,873	92,873	Mecklenburg	074498353	560,503	560,503
Cabarrus	143408289	148,104	148,104	Montgomery	025384603	62,956	62,956
Caldwell	948113402	89,069	89,069	Moore	050988146	96,620	96,620
Carteret	058735804	83,161	83,161	Nash	050425677	97,714	97,714
Caswell	077846053	61,107	61,107	New Hanover	040029563	158,938	158,938
Catawba	083677138	124,338	124,338	Northampton	097594477	59,671	59,671
Chatham	131356607	84,834	84,834	Onslow	172663270	143,221	143,221
Cherokee	130705072	63,732	63,732	Orange	139209659	118,283	118,283
Clay	145058231	55,468	55,468	Pamlico	097600456	56,266	56,266
Cleveland	879924850	96,503	96,503	Pender	100955413	79,161	79,161
Columbus	040040016	76,466	76,466	Person	091563718	68,860	68,860
Craven	091564294	98,592	98,592	Pitt	080889694	133,699	133,699
Cumberland	123914376	205,618	205,618	Polk	079067930	60,101	60,101
Dare	082358631	67,354	67,354	Randolph	027873132	117,585	117,585
Davidson	077839744	128,846	128,846	Richmond	070621339	71,201	71,201
Davie	076526651	70,158	70,158	Robeson	082367871	111,728	111,728
Duplin	095124798	78,037	78,037	Rockingham	077847143	93,034	93,034
Durham	088564075	195,954	195,954	Rowan	074494014	116,514	116,514
Edgecombe	093125375	74,731	74,731	RPM	782359004	0	0
Foothills	782359004	103,846	103,846	Sampson	825573975	80,061	80,061
Forsyth	105316439	226,512	226,512	Scotland	091564146	66,766	66,766
Franklin	084168632	81,902	81,902	Stanly	131060829	79,705	79,705
Gaston	071062186	153,665	153,665	Stokes	085442705	71,798	71,798
Graham	020952383	54,074	54,074	Surry	077821858	84,350	84,350
Granville-Vance	063347626	99,938	99,938	Swain	146437553	56,774	56,774
Greene	091564591	59,862	59,862	Toe River	113345201	74,267	74,267
Guilford	071563613	300,641	300,641	Transylvania	030494215	66,471	66,471
Halifax	014305957	74,181	74,181	Union	079051637	159,040	159,040
Harnett	091565986	112,466	112,466	Wake	019625961	551,988	551,988
Haywood	070620232	79,475	79,475	Warren	030239953	59,512	59,512
Henderson	085021470	104,813	104,813	Wayne	040036170	108,493	108,493
Hoke	091563643	75,326	75,326	Wilkes	067439950	82,793	82,793
Hyde	832526243	52,439	52,439	Wilson	075585695	88,439	88,439
Iredell	074504507	133,835	133,835	Yadkin	089910624	67,871	67,871

Attachment: 619 FY20 Burke AA (3033 : Health Department Acceptance of COVID-19 Crisis Response Funds)

DPH-Aid-To-Counties

For Fiscal Year: 19/20

Budgetary Estimate Number : 0

Activity 619	AA	1264 2680 CP	Proposed Total	New Total
Service Period		01/20-06/30		
Payment Period		02/20-07/31		
01 Alamance	* 1	128,163	128,163	128,163
D1 Albemarle	* 1	125,566	125,566	125,566
02 Alexander	* 1	67,966	67,966	67,966
04 Anson	* 1	61,862	61,862	61,862
D2 Appalachian	* 1	95,074	95,074	95,074
07 Beaufort	* 1	72,269	72,269	72,269
09 Bladen	* 1	66,214	66,214	66,214
10 Brunswick	* 1	114,310	114,310	114,310
11 Buncombe	* 1	172,455	172,455	172,455
12 Burke	* 1	92,873	92,873	92,873
13 Cabarrus	* 1	148,104	148,104	148,104
14 Caldwell	* 1	89,069	89,069	89,069
16 Carteret	* 1	83,161	83,161	83,161
17 Caswell	* 1	61,107	61,107	61,107
18 Catawba	* 1	124,338	124,338	124,338
19 Chatham	* 1	84,834	84,834	84,834
20 Cherokee	* 1	63,732	63,732	63,732
22 Clay	* 1	55,468	55,468	55,468
23 Cleveland	* 1	96,503	96,503	96,503
24 Columbus	* 1	76,466	76,466	76,466
25 Craven	* 1	98,592	98,592	98,592
26 Cumberland	* 1	205,618	205,618	205,618
28 Dare	* 1	67,354	67,354	67,354
29 Davidson	* 1	128,846	128,846	128,846
30 Davie	* 1	70,158	70,158	70,158
31 Duplin	* 1	78,037	78,037	78,037
32 Durham	* 1	195,954	195,954	195,954
33 Edgecombe	* 1	74,731	74,731	74,731
D7 Foothills	* 1	103,846	103,846	103,846
34 Forsyth	* 1	226,512	226,512	226,512
35 Franklin	* 1	81,902	81,902	81,902
36 Gaston	* 1	153,665	153,665	153,665
38 Graham	* 1	54,074	54,074	54,074
D3 Gran-Vance	* 1	99,938	99,938	99,938
40 Greene	* 1	59,862	59,862	59,862
41 Guilford	* 1	300,641	300,641	300,641
42 Halifax	* 1	74,181	74,181	74,181
43 Harnett	* 1	112,466	112,466	112,466
44 Haywood	* 1	79,475	79,475	79,475
45 Henderson	* 1	104,813	104,813	104,813
46 Hertford	* 1	0	0	0
47 Hoke	* 1	75,326	75,326	75,326
48 Hyde	* 1	52,439	52,439	52,439
49 Iredell	* 1	133,835	133,835	133,835
50 Jackson	* 1	70,554	70,554	70,554

Attachment: 619 FY20 Burke AA (3033 : Health Department Acceptance of COVID-19 Crisis Response Funds)

51 Johnston	* 1	143,714	143,714	143,714
52 Jones	* 1	54,783	54,783	54,783
53 Lee	* 1	78,555	78,555	78,555
54 Lenoir	* 1	76,669	76,669	76,669
55 Lincoln	* 1	89,753	89,753	89,753
56 Macon	* 1	66,934	66,934	66,934
57 Madison	* 1	60,489	60,489	60,489
D4 M-T-W	* 1	68,611	68,611	68,611
60 Mecklenburg	* 1	560,503	560,503	560,503
62 Montgomery	* 1	62,956	62,956	62,956
63 Moore	* 1	96,620	96,620	96,620
64 Nash	* 1	94,714	94,714	94,714
65 New Hanover	* 1	158,938	158,938	158,938
66 Northampton	* 1	59,671	59,671	59,671
67 Onslow	* 1	143,221	143,221	143,221
68 Orange	* 1	118,283	118,283	118,283
69 Pamlico	* 1	56,266	56,266	56,266
71 Pender	* 1	79,161	79,161	79,161
73 Person	* 1	68,860	68,860	68,860
74 Pitt	* 1	133,699	133,699	133,699
75 Polk	* 1	60,101	60,101	60,101
76 Randolph	* 1	117,585	117,585	117,585
77 Richmond	* 1	71,201	71,201	71,201
78 Robeson	* 1	111,728	111,728	111,728
79 Rockingham	* 1	93,034	93,034	93,034
80 Rowan	* 1	116,514	116,514	116,514
D5 R-P-M	* 1	0	0	0
82 Sampson	* 1	80,061	80,061	80,061
83 Scotland	* 1	66,766	66,766	66,766
84 Stanly	* 1	79,705	79,705	79,705
85 Stokes	* 1	71,798	71,798	71,798
86 Surry	* 1	84,350	84,350	84,350
87 Swain	* 1	56,774	56,774	56,774
D6 Toe River	* 1	74,267	74,267	74,267
88 Transylvania	* 1	66,471	66,471	66,471
90 Union	* 1	159,040	159,040	159,040
92 Wake	* 1	551,988	551,988	551,988
93 Warren	* 1	59,412	59,412	59,412
96 Wayne	* 1	108,493	108,493	108,493
97 Wilkes	* 1	82,793	82,793	82,793
98 Wilson	* 1	88,439	88,439	88,439
99 Yadkin	* 1	67,871	67,871	67,871
Totals		9,123,144	9,123,144	9,123,144

Sign and Date - DPH Program Administrator <i>Wign M... 4.6.2020</i>	Sign and Date - DPH Section Chief <i>JMK 4/6/20</i>
Sign and Date - DPH Contracts Officer <i>Shen... 4/6/2020</i>	Sign and Date - DPH Budget Officer <i>Pat... 04/06/2020</i>

Attachment: 619 FY20 Burke AA (3033 : Health Department Acceptance of COVID-19 Crisis Response Funds)

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

Subject Title: Tax Dept. - Tax Collection Report for March 2020

Presented By: Danny Isenhour

Summary of Information: The Board of Commissioners is presented with the Tax Collection Report for the period between July 1, 2019 and March 31, 2020. It reflects the status of collections by the Burke County Tax Collection's Staff. Included is the status comparing Collections to Levy and comparing Collections to Budget. Levy information is for Property Tax only and does not include the Vehicle Tax.

The information below is comparing Tax Collections to the Tax Levy. Tax Levy is the total taxable property value times the tax rate. The levy changes monthly with the addition of discoveries, other changes or corrections and when Public Utility values are added.

Category	Tax Levy	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$44,881,650.00	\$43,454,369.80	\$1,423,163.01	96.83%

The information below is comparing Tax Collections for Property Tax and Motor Vehicle Tax to the Annual Budget. This information is a supplement to the Annual Settlement Report.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Current Year Taxes	\$48,070,000.00	\$47,131,164.72	\$938,835.28	98.05%
Delinquent Taxes	\$650,000.00	\$674,057.84	NONE	103.70%
Late List Penalty	\$250,000.00	\$310,870.20	NONE	124.35%

These two items below make up the current year taxes above.

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$43,470,000.00	\$43,454,369.80	\$15,630.2	99.96%
Motor Vehicle Tax	\$4,600,000.00	\$3,676,794.92	\$923,205.08	79.93%

Budgetary Effect: None.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: To accept the Tax Collection Report for March 2020 as presented.

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CONSENT AGENDA

Subject Title: Tax Dept. - Release Refund Report for March 2020

Presented By: Danny Isenhour

Summary of Information: Releases in value and/or refunds of taxes typically occur when:

- Taxpayers submit information that creates a reduction in value.
- Situs is corrected between counties and/or municipalities.
- Valuation appeals reduce the value for real or personal property.
- The postmark reveals a payment was timely sent.

The Board of Commissioners is presented with the following list of releases and refunds for consideration. The Net Release is a result of the Report Amount minus the Rebilled Amount.

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$1,902.62	\$	\$1,902.62	\$

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$206.71

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

Budgetary Effect: None.

County Manager's Recommendation: Approval is recommended.

Suggested Motion: To approve the Tax Releases and Refunds for March 2020 as presented.

NCVTS PENDING REFUND REPORT OVER \$100

Payee Name	Primary Owner	Address 1	Address 3	Refund Type	Bill #	Refund Description	Tax Jurisd.	Levy Type	Change	Interest Change	Total Change
MCDOWELL COUNTY TAX OFFICE	HEMMER, JENNA SUE	60 E COURT ST	MARION, NC 28752	Adjustment >= \$100	0052091511	[AS0168] - Refund Generated due to adjustment on abstract # : 0052091511-2019-2019-0000 RMV	01	Tax	(\$102.58)	\$0.00	(\$102.58)
							57	Tax	(\$84.13)	\$0.00	(\$84.13)
							57	Vehicle Fee	(\$20.00)	\$0.00	(\$20.00)
										Refund	\$206.71
										Refund Total	\$206.71

TR-304 BILL RELEASE REPORT MARCH 2020

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
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TAX DISTRICT: BURKE COUNTY RELEASE REASON: Assessed In Error

0024009501-2015-2015-0000-00-REG	CARTER, HERBERT L III	7/1/2015	LINDA WILBUR	3/9/2020	67.76	67.76	0.00	0.00
0024009501-2016-2016-0000-00-REG	CARTER, HERBERT L III	7/1/2016	LINDA WILBUR	3/9/2020	67.76	67.76	0.00	0.00
0024009501-2017-2017-0000-00-REG	CARTER, HERBERT L III	7/1/2017	LINDA WILBUR	3/9/2020	69.26	69.26	0.00	0.00
0024009501-2018-2018-0000-00-REG	CARTER, HERBERT L III	7/1/2018	LINDA WILBUR	3/9/2020	69.26	69.26	0.00	0.00
0024009501-2019-2019-0000-00-REG	CARTER, HERBERT L III	7/1/2019	LINDA WILBUR	3/9/2020	155.47	155.47	0.00	0.00

Subtotal **429.51** **0.00**

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Business Closed

0000084711-2014-2014-0000-00-REG	STEPHENS CONSTRUCTION INC	7/1/2014	LINDA WILBUR	3/6/2020	151.81	151.81	0.00	0.00
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Subtotal **151.81** **0.00**

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Deceased

0000072156-2019-2019-0000-00-REG	NEWTON, DENNIS A	7/1/2019	RENEE AUSTIN	3/3/2020	7.57	7.57	0.00	0.00
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Subtotal **7.57** **0.00**

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Discovery Billing

0000080438-2013-2013-0000-00-REG	FRANCISCO, MARIO	7/1/2013	LINDA WILBUR	3/3/2020	91.03	91.03	0.00	0.00
0000114391-2009-2009-0000-00-REG	FRANCISCO, MARIO	7/2/2009	LINDA WILBUR	3/3/2020	73.21	73.21	0.00	0.00
0000118872-2010-2010-0000-00-REG	FRANCISCO, MARIO	7/1/2010	LINDA WILBUR	3/3/2020	75.96	75.96	0.00	0.00

Attachment: Copy of 9 TR-304 Bill Release Report Mar 2020 (3017 : Tax Release Refund Report)

TR-304 BILL RELEASE REPORT MARCH 2020

0000124466-2011-2011-0000-00-REG	FRANCISCO, MARIO	7/1/2011	LINDA WILBUR	3/3/2020	77.41	77.41	0.00	0.00
0000140914-2012-2012-0000-00-REG	FRANCISCO, MARIO	7/1/2012	LINDA WILBUR	3/3/2020	78.89	78.89	0.00	0.00

Subtotal **396.50** **0.00**

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Duplicate Billing

0024007873-2015-2015-0000-00-REG	CORNETTE, VICTOR ANTHONY	7/1/2015	LINDA WILBUR	3/27/2020	85.57	85.57	0.00	0.00
0024007873-2016-2016-0000-00-REG	CORNETTE, VICTOR ANTHONY	7/1/2016	LINDA WILBUR	3/27/2020	88.57	88.57	0.00	0.00
0024007873-2017-2017-0000-00-REG	CORNETTE, VICTOR ANTHONY	7/1/2017	LINDA WILBUR	3/27/2020	94.10	94.10	0.00	0.00
0024007873-2018-2018-0000-00-REG	CORNETTE, VICTOR ANTHONY	7/1/2018	LINDA WILBUR	3/27/2020	96.10	96.10	0.00	0.00
0024007873-2019-2019-0000-00-REG	CORNETTE, VICTOR ANTHONY	7/1/2019	LINDA WILBUR	3/27/2020	95.73	95.73	0.00	0.00
0024025992-2019-2019-0000-00-REG	VAUGHN, KENNETH	7/1/2019	BARBARA HARTLEY	3/13/2020	12.39	12.39	0.00	0.00

Subtotal **472.46** **0.00**

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Release LFUF

0000082782-2014-2014-0000-00-REG	SHOEMAKER, CASEY	7/1/2014	LINDA WILBUR	3/9/2020	96.24	60.60	35.64	0.00
0000082782-2015-2015-0000-00-REG	SHOEMAKER, CASEY	7/1/2015	LINDA WILBUR	3/9/2020	101.21	62.00	39.21	0.00
0000082782-2016-2016-0000-01-REG	SHOEMAKER, CASEY	7/1/2016	LINDA WILBUR	3/9/2020	104.21	65.00	39.21	0.00
0000082782-2017-2017-0000-00-REG	SHOEMAKER, CASEY	7/1/2017	LINDA WILBUR	3/9/2020	110.07	70.00	40.07	0.00
0000141089-2012-2012-0000-00-REG	SHOEMAKER, CASEY	7/1/2012	LINDA WILBUR	3/9/2020	89.39	60.95	28.44	0.00

Subtotal **318.55** **0.00**

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Sold/Traded

Attachment: Copy of 9 TR-304 Bill Release Report Mar 2020 (3017 : Tax Release Refund Report)

TR-304 BILL RELEASE REPORT MARCH 2020

0000078726-2015-2015-0000-00-REG	WALKER, TIMOTHY DANIEL	7/1/2015	RENEE AUSTIN	3/19/2020	21.54	21.54	0.00	0.00
0000078726-2016-2016-0000-00-REG	WALKER, TIMOTHY DANIEL	7/1/2016	RENEE AUSTIN	3/19/2020	21.54	21.54	0.00	0.00
0000078726-2017-2017-0000-00-REG	WALKER, TIMOTHY DANIEL	7/1/2017	RENEE AUSTIN	3/19/2020	19.84	19.84	0.00	0.00
0000078726-2018-2018-0000-00-REG	WALKER, TIMOTHY DANIEL	7/1/2018	RENEE AUSTIN	3/19/2020	17.85	17.85	0.00	0.00
0000078726-2019-2019-0000-00-REG	WALKER, TIMOTHY DANIEL	7/1/2019	RENEE AUSTIN	3/19/2020	16.09	16.09	0.00	0.00
0024026062-2019-2019-0000-00-REG	BRYANT, WILLIAM DAVID JR	7/1/2019	BARBARA HARTLEY	3/25/2020	24.77	24.77	0.00	0.00
0024033894-2019-2019-0000-00-REG	CARICO, SAMUEL	7/1/2019	CONNIE HOLDER	3/3/2020	4.59	4.59	0.00	0.00
Subtotal						126.22		0.00
Total						1,902.62		0.00
Net Release Amount							1,902.62	

Attachment: Copy of 9 TR-304 Bill Release Report Mar 2020 (3017 : Tax Release Refund Report)

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



REPORTS AND COMMENTS

Subject Title: BOC - Reports & Comments

Presented By: Johnnie W. Carswell

Summary of Information: Reports and comments from Commissioners and staff will be accepted at this time.

Budgetary Effect: NA

County Manager's Recommendation: NA

Suggested Motion: NA

**March 2020 Report****Intake:****Cats: 30****Dogs: 44**

Adopted (includes transferring to rescue)

Cats: 26

Dogs: 46

Return to Owner:

Cats: 0

Dogs: 8

Euthanized:

Cats: 17

Dogs: 8

Live Release Rate:**Cats: 60%****Dogs: 87%****Our goal is to achieve a 90% live release rate**

Board Members

Rev. Marshall Jolly, Chair
 Joseph A. Martinez, Vice Chair
 Jeffrey C. Brittain
 Lisa Dean
 Renee Rostan



Korey Fisher-Wellman
 Director

Burke County Department of Social Services

PO Drawer 549

Morganton, North Carolina 28680-0549

Phone (828) 764-9600 ~ Fax (828) 764-9790

MINUTES

BURKE COUNTY BOARD OF SOCIAL SERVICES

REGULAR BOARD MEETING

February 18, 2020

Board Present: Rev. Marshall Jolly, Chair
 Jeff Brittain
 Renee Rostan
 Lisa Dean

Staff Present: Amanda Grady, Eligibility Program Administrator
 Sharon Honeycutt, Clerk to the Board

CALL TO ORDER

Rev. Jolly called the meeting to order at 8:30 am.

INVOCATION

Rev. Jolly gave the invocation.

APPROVAL OF AGENDA

The agenda was unanimously approved with a motion from Ms. Rostan.

APPROVAL OF MINUTES

The minutes from the January 21, 2020 meeting were unanimously approved with a motion from Mr. Brittain.

PUBLIC COMMENTS

None

OLD OR NEW BUSINESS

Mr. Fisher-Wellman said this year's Board Retreat will be held at the Community House on May 19, 2020 at 8:30 in the morning.

Mr. Fisher-Wellman said that the department has begun to take inventory of the equipment and furnishings to try to get a handle on what we have and to try to clear out some of the older stuff.

Mr. Fisher-Wellman said Ms. Honeycutt has been keeping a record of the temperatures in the offices with a radar gun. He said Ms. Honeycutt's, the attorney's, and his office usually run around 80° to 85° and Ms. Grady's office runs around 60°. Mr. Fisher-Wellman said he talked with General Services they are trying to work on the issues. Another consequence is staff have heaters to stay warm and the heaters flip the breakers. He said it is difficult to work under these conditions. Ms. Honeycutt will ask the Heath Department and the School if they are having the same issues. Mr. Fisher-Wellman mentioned other building concerns.

Rev. Jolly said his sabbatical will begin on April 13th and will end on July 13th and will not attend the April, May, and June meetings. He said he was willing to step aside as chair. Mr. Martinez is willing to step in as chair or remain as vice chair and conduct meetings in Rev. Jolly's absence. The board agreed that Rev. Jolly would remain as chair with a motion from Ms. Rostan and a second from Ms. Dean.

ECONOMIC SERVICES PROGRAM AND CHILD SUPPORT UPDATES

Ms. Grady said she sent the Performance Measures to the Board. She said green on the spreadsheet means the goals are being met. She said they are working on SA which is part of LTC. There are 2 vacancies in that department. FNS is maintaining their goals and have restructured to find ways to make intake faster. It is a stable team with no vacancies. There is a Management Evaluation on February 24th. They will interview workers, directors, and administrators to make sure the agency knows the program and what the expectations are from the USDA. She said that program does very well. There is one worker on that team that is on FMLA and expected back at the end of the month.

Ms. Grady said in Energy all the money in LIEPE and CIP have mostly been used and will not receive any more funding. She said to receive a reallocation the balance must be under \$100 and the agency had \$119. There were 2 temps in that programs, one has been sent home and she is looking to hire the other one for Family and Children Medicaid.

Ms. Grady said Daycare has been given additional funds and the agency is able to lift the waiting list completely. Now clients will be served as they come in. That department does not have any vacancies.

Ms. Grady said Program Integrity which is the fraud department is doing very well bringing in incentive money. The worker had 12 claims and is doing a very good job.

Ms. Grady said Medicaid has most of the vacancies. All new positions from the budget are posted. She said there was one vacancy in intake, and one is leaving. There are 5 in the review team with 2 conditional offers. The interview procedure has changed. Eligibility positions must take a math and computer test. In the past applicants did everything at one time, now the department is doing group testing. If the candidate did not do well enough on the tests, that would be the stopping point for that person. The process is moving faster. Ms. Grady said there were two vacancies in LTC and one has a conditional offer. She said she hoped to fill these positions quickly.

Ms. Grady said there are 5 major audits in Medicaid. Currently the department is in the Reda audit. Auditors have pulled 20 cases and 3 have come back so far and have been correct. Ms. Grady said staff did a very good job.

Ms. Grady said Child Support is still a work in progress and didn't expect them to meet their numbers. She hopes to see the numbers start to climb up. She mentioned that weekly meetings were still being held to go over progress. Ms. Rostan said she was impressed with the Stats. Rev. Jolly complimented Ms. Grady on revamping the interview process.

ADULT AND CHILDREN SERVICES UPDATE

Since Ms. Craig was absent, Mr. Fisher-Wellman delivered her update. He discussed the Performance Measures. Some measures were met part of the time and some were not met part of the time. He mentioned that there was a lot that can not be controlled. Mr. Fisher-Wellman said Jennifer Miller, the child welfare consultant, will be coming February 19th to discuss the root and cause in these areas. He said it was a work in progress. Rev. Jolly said even North Carolina as a state isn't meeting that standard. Mr. Brittain asked what could be done to send the right messages to whoever makes the standards. Mr. Fisher-Wellman said it was a national standard. The three counties in Catawba's district have started talking about the court process and court issues. The court system is over half of the reason cases, especially TPR's, get backed up. Mr. Fisher-Wellman said more court time would speed up the process. Mr. Brittain said he has heard more grumbling about this item. He mentioned foster parents are investing in a child but there are continuing court delays and goes on for years. Mr. Fisher-Wellman said the department is mandated for reunification and parents have rights. He said there is a high level of substance abuse and treatment does not fit into that timeframe.

Mr. Fisher-Wellman said Ms. Craig wanted to know how the Board would like this information. She did all of last year because some data is 2 to 3 months behind. Rev. Jolly said information quarterly would be helpful.

Mr. Fisher-Wellman said there were 230 children in foster care and 87 wards in adult protective services. There are no vacancies in APS. There are 2 open foster care positions that have been filled. One person will start tomorrow, and one starts next week. There will be an intake position open on Thursday. There are 2 SW IA&T positions open. Mr. Fisher-Wellman said there are more job opportunities than available workers.

Mr. Fisher-Wellman said if anyone in the state fails the IV-E audit than the whole State fails. The Child Welfare rep. will be coming tomorrow to talk about training for the staff.

DEPARTMENT UPDATES

Mr. Fisher-Wellman said two attorneys have been hired. One will start on March 1st and will be in CPS and one will start on March 16th in APS. In the past the department had to contract out TPR cases and the addition of the attorneys will make a difference.

Ms. Grady said child support will still need to get information from Northwoods into their system. They are still at the courthouse and in the process of getting into their own building. Veritas is doing trainings and have hired all their staff. Letters have been sent to clients and if they do not respond those cases will be closed. That will also help their numbers. The State is saying that the County is still responsible for the numbers. She said our child support staff was taken out the county's system and then reloaded in as Veritas employees. The report goes to the State and then trickles down to Ms. Grady. Communication is still being worked out between the County and Veritas. Ms. Grady would prefer that the representative from the State meet with the manager at Veritas and her so everyone can be on board with the numbers.

Mr. Fisher-Wellman went over his work plan. He continues to get out and meet community leaders and the department's partners. He said the management team consisting of Ms. Grady, Ms. Craig, Ms. Terrel and himself, have been meeting every other week. That meeting helps to make sure everyone is on the same page. Mr. Fisher-Wellman said managers have begun working on the budget.

Mr. Fisher-Wellman said he has a plan for retention interviews, 6-month interviews, and exit interviews. He is also doing monthly reports to give employees a voice and be proactive to issues. He and Ms. Craig will be attending a social work job fair in March.

Ms., Grady said working at home is going great. There are some IT issues with net extender which gets workers into the system. They are working to put them into another security type program to log in. Net extender can kick someone off in the middle of their work. Overall, it has gone well. There are less distractions and numbers are better. A total of 10 staff have been sent home to work. Ms. Grady said she would like to send 4 more workers home which would give more room for additional staff. Mr. Fisher-Wellman said that the department was looking at some child welfare workers to work at home. Child Welfare has just enough office space. Ms. Grady said just enough office space includes staff being doubled or tripled up in offices.

ADJOURNMENT

The meeting adjourned at 9:14 with a motion from Ms. Dean.

Submitted by: Sharon Honeycutt, Clerk to the Board

Approved by: _____
Rev. Marshall Jolly, Chair

Date

Attachment: DSS Feb 2020 Minutes_0001 (3036 : BOC Reports & Comments)

PROJECT TYPE	PERMITS ISSUED
20% COMMERCIAL REMODEL/SHELL	14
NEW CHURCH	1
NEW SINGLE FAMILY ATTACHED	21
NEW SINGLE WIDE MOBILE HOME	8
NEW DOUBLE WIDE MOBILE HOME	2
NEW RESIDENTIAL POOL	2
RESIDENTIAL BUILDING ONLY	30
RESIDENTIAL ELECTRICAL ONLY	26
RESIDENTIAL MECHANICAL ONLY	24
RESIDENTIAL PLUMBING ONLY	7
RESIDENTIAL ALL TRADES MINIMUM	7
RESIDENTIAL ZONING PERMIT	65
COMMERCIAL ZONING PERMIT	11
MINOR SHORELINE PERMIT	11
MAJOR SHORELINE PERMIT	1
MINOR SUBDIVISION REVIEW	6
EXEMPT SUBDIVISION REVIEW	4
CONDITIONAL USE PERMIT APP	1
STREET SIGN ISSUANCE	1
TOTAL PERMITS ISSUED FOR MARCH 2020	242

Attachment: ALL PERMITS SUMMARY 0320_ (3036 : BOC Reports & Comments)



BURKE DEVELOPMENT INC
A PRIVATE/PUBLIC CORPORATION

BOARD OF DIRECTORS
January 17, 2020
BDI Office
MORGANTON, NORTH CAROLINA

MEMBERS PRESENT**MEMBERS ABSENT**

Seth Eckard	Chris Hawkins	Derek Cline	Larry Putnam	Jim Toner
Jeff Brittain	Chip Black	Kenneth Geathers		Kathy Bailey
Bryan Beam	Michael Helmick	Lamar Smitherman		Bryan Steen
Sherri Bradshaw	Terry Childers	Sally Sandy		

Also present were Alan Wood, Hope Hopkins, Peggy Byrd and Sara Chester (WIB).

Call to Order

Chairman Eckard called the meeting to order at 8:04 a.m.

Approval of the November 15, 2019 Minutes

Chairman Eckard asked for any corrections or deletions to the November 15, 2019 minutes. With no corrections needed, Sally Sandy made a motion to approve the November minutes as presented. Chip Black seconded the motion with the Board voting unanimously to approve.

Approval of the November and December 2019 Financial Reports

Secretary/Treasurer Sherri Bradshaw presented the November and December 2019 financial reports to the Board. The November checking summary consisted of normal activity for operations. The November 2019 Operational Fund reflects 42% of the fiscal year with expenditures at 36% and revenues at 44% while December 2019 reflects 50% of the fiscal year with expenditures at 40% and revenues at 52%. The Burke Business Park Summary reflects normal activity for the Morganton Federal account. The Bank of America account had one deposit in the amount of \$600.00. This was reimbursement from the bush hog expenditures. Chip Black made a motion to approve the November and December 2018 financial reports as presented. Bryan Beam seconded the motion with the Board voting unanimously to approve.

Appointment of Finance Committee: Alan Wood asked for volunteers from the Board to serve on the Finance Committee to review the BDI 2020-2021 proposed budget. Board members appointed to the committee include: Lamar Smitherman, Chip Black, Sherri Bradshaw and Sally Sandy. A committee meeting will be scheduled for February.

Discussion of New Officers: Alan Wood stated it was time to consider nominations of new officers. Per our by-laws, Alan asked for consideration of succession to new positions by the current officers. Nominations will be heard at the February Board meeting.

WIB Updates: Sara Chester reported the recent focus had been on WIB presentations. Tea Yang, the WIB Program Coordinator, spoke with 1200 people regarding WIB in November. The survey process with the sixth through twelfth grade students was completed with positive results in the perception of manufacturing. There was a small dip (1%) in student interest in career and technical education but in the perception of availability of jobs and pay/benefits in manufacturing there was a 6% to 12% increase. The third year of WIB was launched with a

Steering Committee meeting where they brainstormed the two biggest challenges which are involvement of manufacturers and communication with parents. Lunch and learns are planned in the spring with the City and County. They will continue to seek involvement from manufacturers where there has been a struggle due to heavy schedules. They will continue to research other options.

Staff Updates:

- **BBP Water Tank:** Alan Wood reported that the decision was made to go with 55 lbs. per square inch. The maximum buildout will be 800k to 1M square feet. It will be a 55k gallon tank located near the houses on the corner of Sundown Road. Benjie Thomas should have the final design completed within 30-45 days. Plans are to have the tank built and ready to paint by next spring. We will begin to research signage on the tank.
- **BRE Updates:**
 - Hope Hopkins reported there have been 5 new project submissions with an increase in the number received from Electricities. We continue to receive projects from EDPNC as well.
 - The new Buildings and Sites website has gone live and is now linked to our webpage. There are many data points which offer a great resource for statistical information. Hope is reviewing the information for accuracy pertaining to our sites and buildings.
 - A BMEC meeting was held at Meridian. The construction is complete and the new addition is open and producing product. A representative from NC State gave a presentation on their Rural Works and Engineering programs.
 - Recent events Hope has attended include the NCEDA luncheon, a Norfolk Southern event and an industry visit with 3S Vortex where they reported their car wash soap operations are running and currently have 3 lines up.
- **Marketing:** Alan Wood reported on the following marketing events:
 - Taylor Dellinger, Senior Data Analyst/GIS Manager, for Western Piedmont Council of Governments will be presenting updates at our February Board meeting.
 - Hope Hopkins will be attending the Fancy Foods show in San Francisco January 17th through 23rd with Electricities. They currently have five appointments scheduled with consultants for Sunday and additional appointments set for the following days.
 - Alan Wood will be attending the Shot Show in Las Vegas January 21st through 26th as a guest of ZRO Delta. He will extend his stay to attend the Furniture Market while in Vegas.
 - Alan attended an event held by the Business Development team from Norfolk Southern in December. Business developers from the entire east coast were in attendance including two from our local area.
 - The Outdoor Manufacturing Council Event will be held February 3rd in Asheville. This is part of the state's outdoor recruiting initiative. EDPNC has hired a full-time person to concentrate solely on outdoor manufacturing recruitment.
 - Alan will be attending an event in Louisville, KY February 25th and 26th to visit an accelerator incubator location to get ideas for a local development.
- **Housing Updates:**
 - There is currently a strong focus on the construction program at the community college. Randy Burns has been placed as full-time lead over this program and he brings many good ideas for development of training within that program.

- Alan visited a non-profit organization out of Greenville, SC that has a great model for the low-mod income (80-120% of median income). This non-profit owns 625 houses they are renting at the low-mod level, around \$400 to \$500 per month. This is accomplished by utilizing bank financing on the first 50% which rental income covers. They have raised money through the non-profit which covers 30% and the remaining 20% comes from folks that are part of their charitable giving. Alan feels this model would work well in our neglected neighborhoods and the non-profit company has also indicated if we were to develop an area for a sub-division, they may have an interest in assisting with development and part ownership.
- Plans for the BDI Annual meeting will include invitations to the Thrive'22 partners. Plans are for a breakfast meeting from 8:00am to 10:00am to give an overview of accomplishments over the past twelve months.

Introduction New Board Member: Alan Wood introduced our newest Board member, Derek Cline, who is a newly elected member of the Hildebran Town Council.

Adjournment

With no further business, Terry Childers made a motion to enter closed session to discuss matters relating to the location or expansion of industry or personnel matters [article 33C, Section 143-318.11]. Sally Sandy seconded the motion with the Board voting unanimously to approve. Chip Black made a motion to exit closed session. Lamar Smitherman seconded the motion with the Board voting unanimously to approve. The meeting adjourned at 8:59 a.m.

Respectfully submitted,

Peggy Byrd

February 28, 2020

**BURKE COUNTY BOARD OF HEALTH
REGULAR MEETING**

The Burke County Board of Health met in regular session on Wednesday, February 28th, 2020, at 5:00 p.m. The meeting was held in Conference Room No. H-69 of the Human Resource Center, located at 700 East Parker Road in Morganton, North Carolina. Members present were:

PRESENT:

Susan Bingham-Vice Chair
Johnny Carswell
Carol Ervin Largent
Adriana Morris
Connie Stines
Dr. Thomas Wallrichs

ABSENT:

Melinda Zimmerman
Sam King, Jr
Dr. Nicholas Thomas
Dr. Anthony Frank, Jr

ALSO, PRESENT:

Rebecca McLeod, Health Director
Missy Estep, Administrative Assistant III
Valerie Kelly, Director of Nursing

CALL TO ORDER

Susan Bingham called the meeting to order at 5:00 pm.

APPROVAL OF AGENDA

Johnny Carswell made the motion to approve the agenda, Carol Ervin Largent seconded the motion with no additions or corrections it stands approved.

APPROVAL OF THE MINUTES FROM December 11th, 2019

Johnny Carswell made the motion to approve the minutes from the December 11th, meeting. Adriana Morris seconded the motion with no additions or corrections.

PUBLIC COMMENTS

There was no one present to address the Board.

February 28, 2020

ELECTION OF OFFICERS

Susan Bingham asked for nominations for Chair and Vice-Chair. Susan Bingham, as outgoing Vice-Chair was nominated for Chairman of the Board by Carol Ervin Largent and seconded by Connie Stines. Susan asked if anyone else would be interested in being Chair, with no response she agreed. The nomination was closed. Susan Bingham opened the floor for nominations of Vice-Chair. Carol Ervin Largent said she would be Vice-Chair for the Board. Nomination for Vice-Chair was closed. All Board members present voted to approve both persons for the respective nominations. Susan Bingham, Chair, continued with the rest of the meeting.

RESULT: APPROVED (UNANIMOUS)

AYES: Susan Bingham, Johnny Carswell, Carol Ervin Largent, Adriana Morris, Connie Stines, and Dr. Thomas Wallrichs

ABSENT: Melinda Zimmerman, Sam King, Dr. Nicholas Thomas, and Dr. Anthony Frank Jr.

NEW BUSINESS

There was no new business.

PRESENTATIONS

There were no presentations.

BOARD DISCUSSION ITEMS

There were no discussion items.

BOARD DECISION ITEMS

APPROVAL OF HEALTH DIRECTOR'S EVALUATION AND JOB DESCRIPTION FY20

Carol Ervin Largent reported on the annual performance review for Rebecca that her and Melinda Zimmerman completed. She reported that Rebecca "achieves expectations" and "exceeds expectations" on all her performance factors. Carol said they didn't have any recommendations for Rebecca, but she said the Board should continue to support her on in services and other trainings that would be beneficial for her in her role as Health Director. Carol said Rebecca has done an excellent job ensuring that all documentation requirements to maintain accreditation and certification status were completed throughout the year. Carol said that Rebecca also collaborates effectively and professionally with outside agencies. Rebecca can speak confidently on a broad array of topics pertaining to community health. She respectfully and humbly serves the needs of the community and of the employees of the Health Department. Rebecca has also done an excellent job of communicating information to the Board. Carol said that the Board appreciates Rebecca for her hard work. Rebecca informed the Board that her Job Description did not change except to transfer to an updated form and format. After a brief discussion a motion was made coming out of the committee to approve Rebecca's FY20 Performance Evaluation and Job Description.

February 28, 2020

Motion from Committee: To approve the Health Director's Annual Performance Evaluation and Job Description for FY20

RESULT: APPROVED (UNANIMOUS)

MOVER:

SECONDER:

AYES: Susan Bingham, Johnny Carswell, Carol Ervin Largent, Adriana Morris, Connie Stines,
Dr. Thomas Wallrichs

ABSENT: Melinda Zimmerman, Sam King, Dr. Nicholas Thomas, and Dr. Anthony Frank Jr.

FY21 Budget Presentation and Board Health of Health Approval

Rebecca presented the proposed budget for FY20/21. Each Board member received a copy of the budget prior to the meeting by email. Rebecca informed the Board that our budget for FY20/21 is \$3,567,147. The budget was broken down by programs. Our FY 19/20 approved budget was \$3,373,491 this shows an increase of \$111,177 in the overall budget from last year. Our individual program budgets have both increases and decreases for this upcoming year. In the FY20/21 budget, we are asking for a full time RN position and a part time interpreter position that will work 16 hours a week during clinic time. A vehicle for Environmental Health has been asked for also. Rebecca explained each program in detail and answered any questions from the Board members. Rebecca did explain to the Board that we have Agreement Addendas with the State and we must meet the deliverables which means keeping the money separated by programs. We have 18 programs that we meet deliverables for.

Motion: To approve the proposed FY21 budget to be submitted to the County for approval by the Board of Commissioners.

RESULT: APPROVED (UNANIMOUS)

MOVER: Carol Ervin Largent

SECONDER: Connie Stines

AYES: Carol Ervin Largent, Susan Bingham, Adrienne Morris, Connie Stines, Thomas Wallrichs

Abstain: Johnnie Carswell

ABSENT: Melinda Zimmerman, Sam King, Jr, Dr. Nicholas Thomas, and Dr. Anthony Frank, Jr.

HEALTH DIRECTOR'S COMMENTS

Rebecca McLeod, Health Director, reported on the following issues:

- Still working on National and State Accreditation.
- Lisa Moore is still working as administrator on the grants with the Department of Justice.
- Working with School Nurses on changes with Immunizations for 12th graders.
- Acceptable lead level recommendations for the State has changed. They have been lowered and Environmental Health in their school inspections assess the buildings for risk. Most Burke County school buildings are old and at greater risk for potential lead hazards. Environmental Health has been inspecting the schools with the regional lead consultant and several lead investigations have been ongoing. At that point, parents of students ages 6 (six) and younger are sent a notice letter and invites

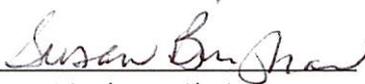
February 28, 2020

parents to have their children tested if they feel that is necessary. Burke County Public Schools proactively takes measures, including repainting services, to keep the children safe from lead.

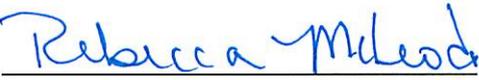
- Covid-19 Updates- Rebecca informed the Board that everyone needs to prepare. As of today, North Carolina has no cases. The risk of transmission is low. Some counties in NC are monitoring patients. The Health Department is keeping up with weekly calls and sending out data to all the providers in Burke County. A handout was provided to all Board members with phone numbers and websites for information about COVID-19.

ADJOURN

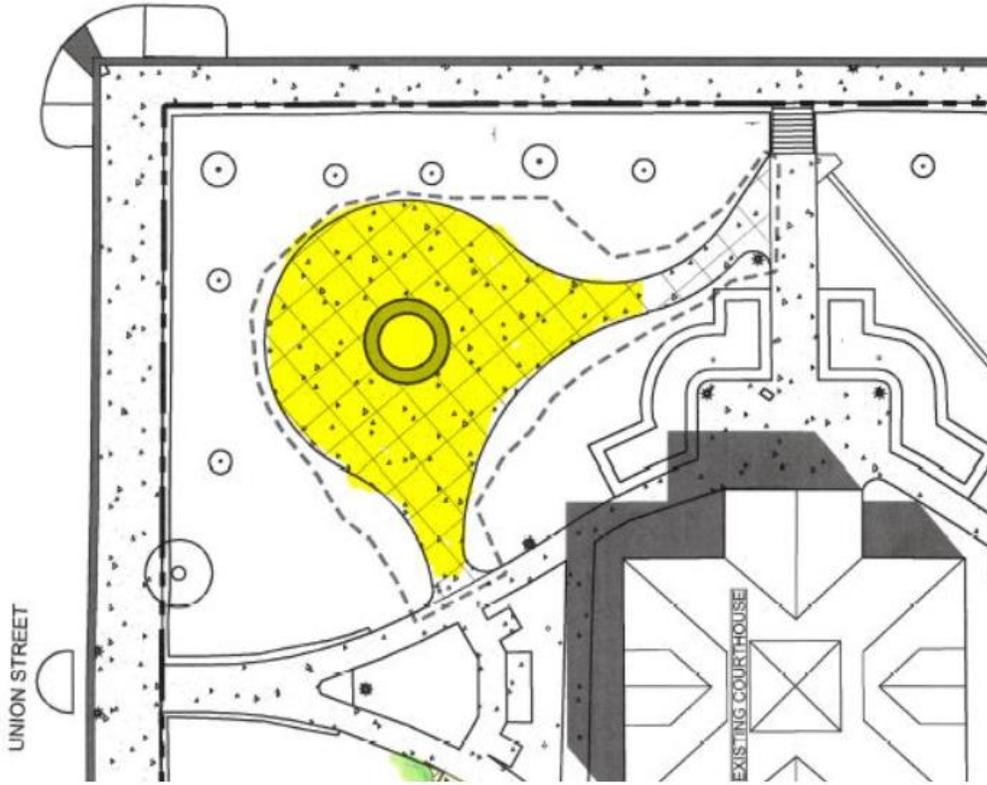
With no further business to come before the Board, Chairman Susan Bingham, adjourned the meeting at 5:45 pm. Approved this the 26th day of February 2020.

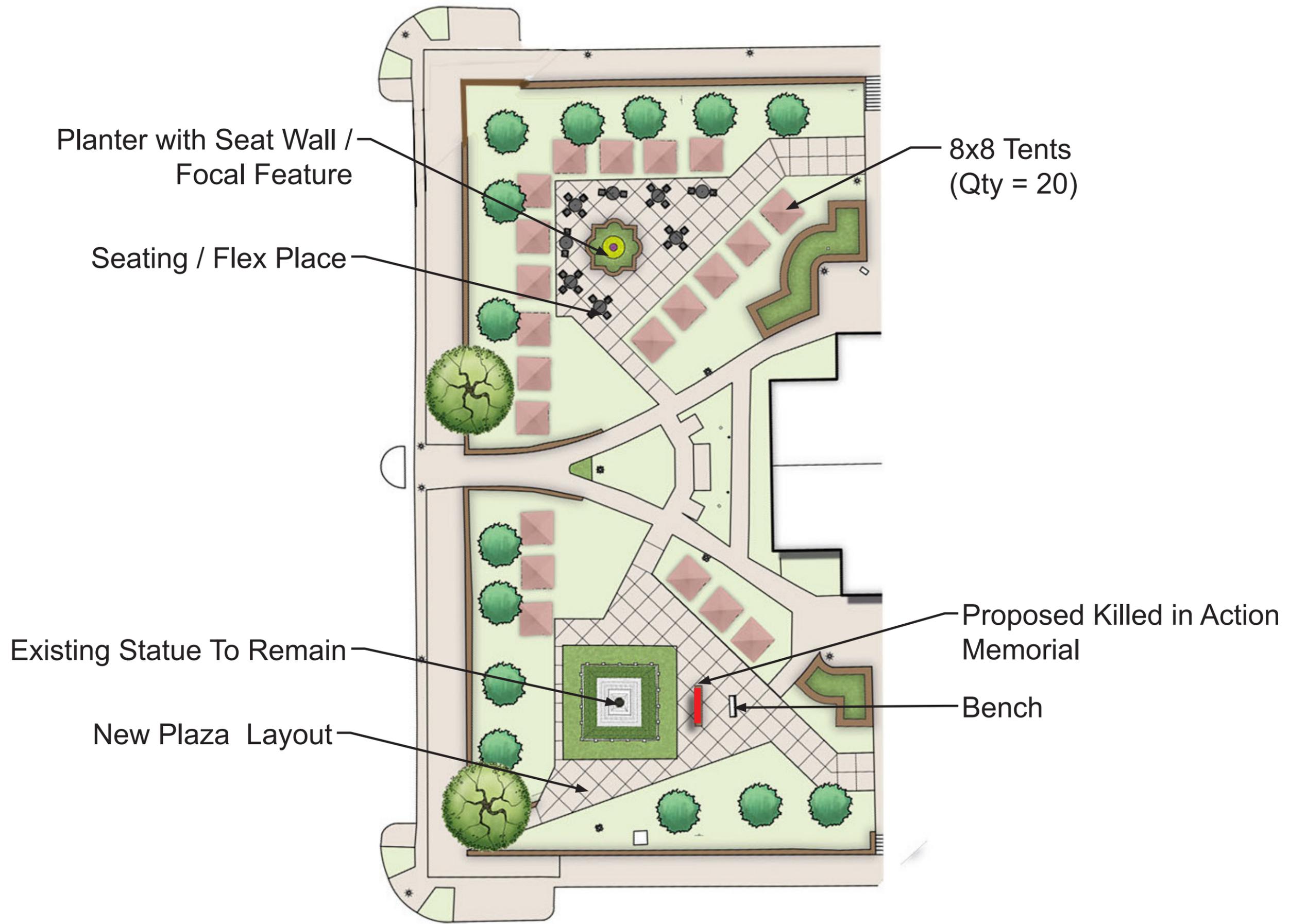

Susan Bingham, Chairman
Burke County Board of Health

Attest:


Rebecca McLeod, Health Director
Burke County Health Department

Proposed Seating Area





Attachment: Updated Hardscape at KIA Memorial (3036 : BOC Reports & Comments)

Courthouse Square

Morganton, NC



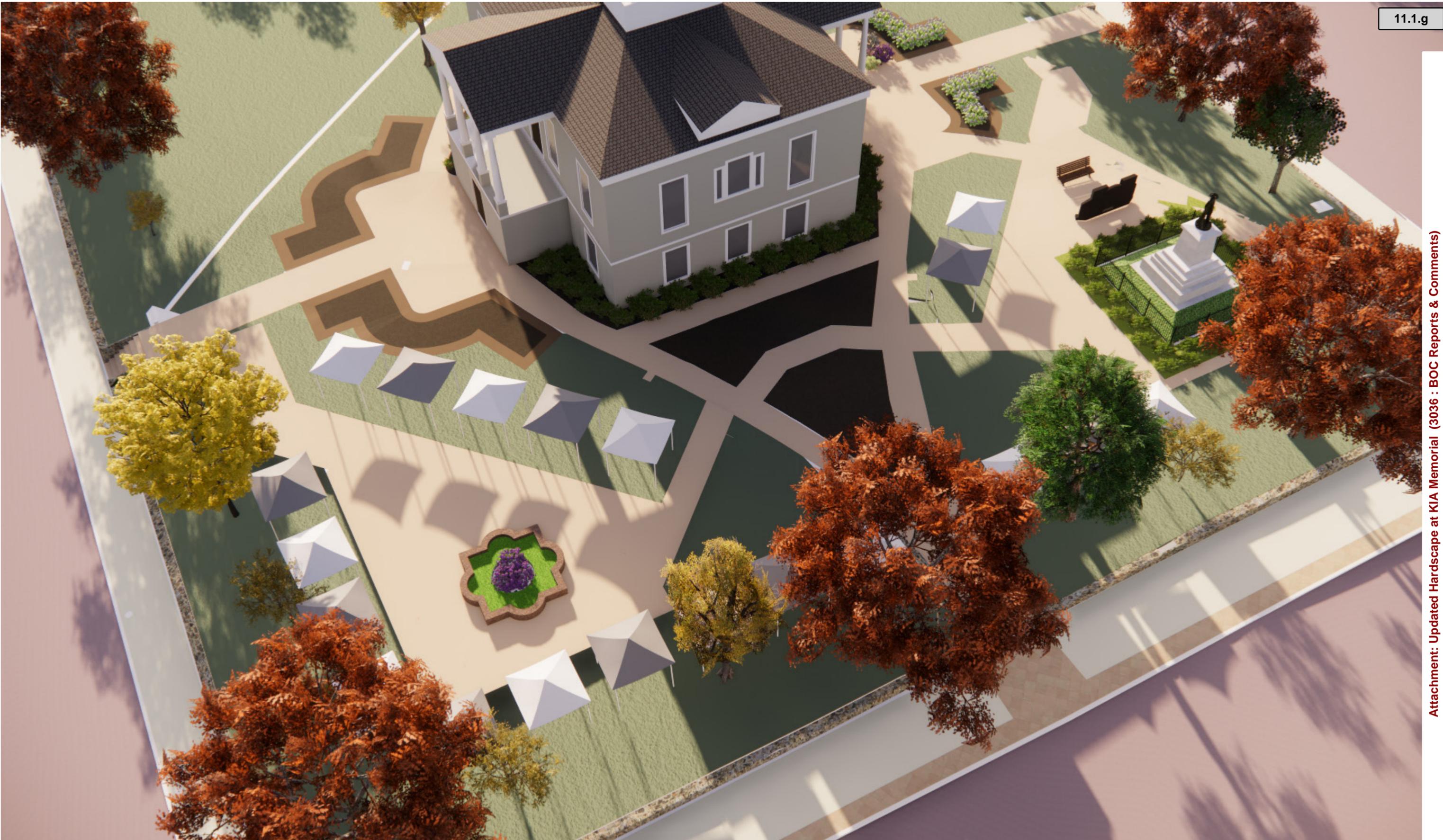


Attachment: Updated Hardscape at KIA Memorial (3036 : BOC Reports & Comments)

Courthouse Square

Morganton, NC



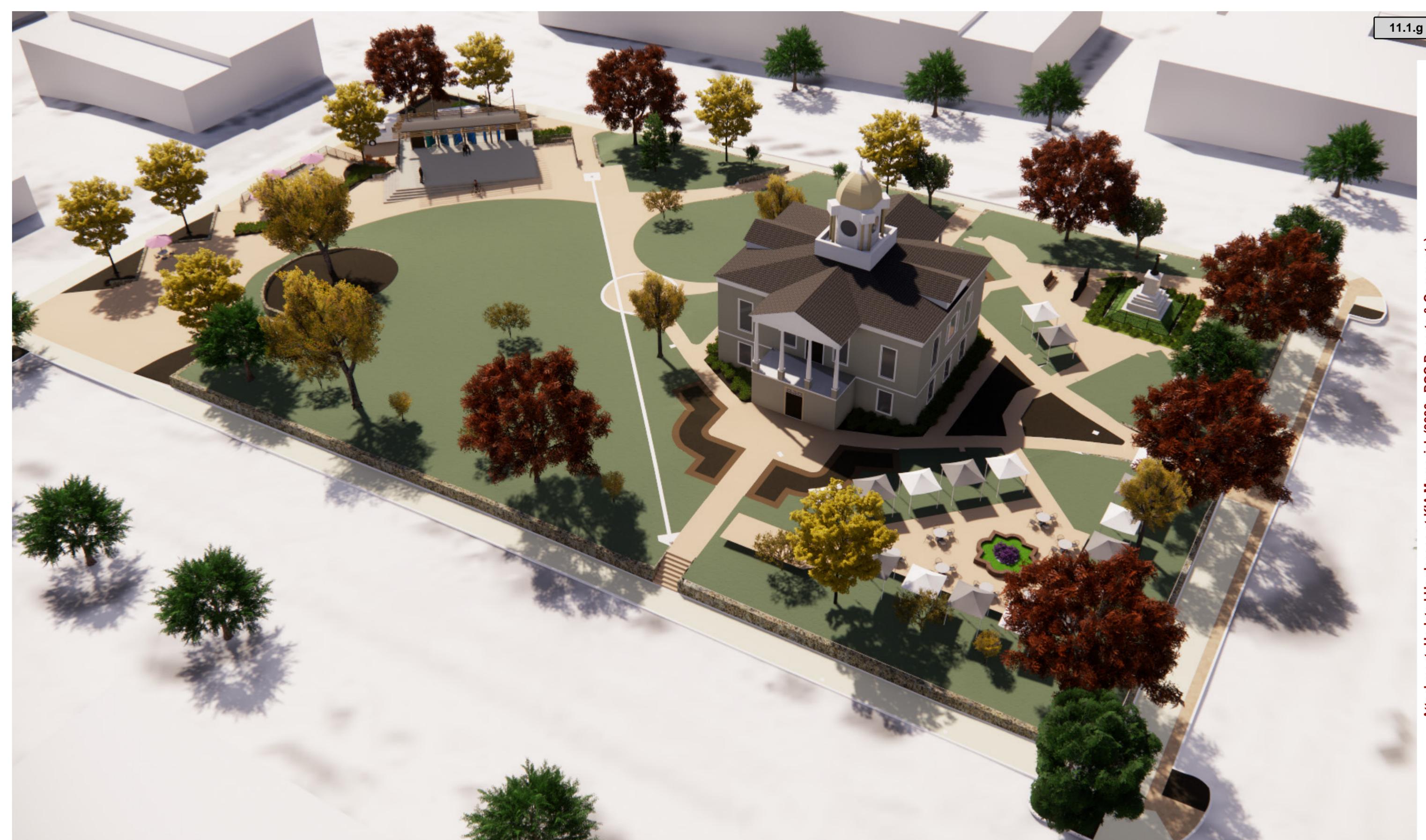


Attachment: Updated Hardscape at KIA Memorial (3036 : BOC Reports & Comments)

Courthouse Square

Morganton, NC



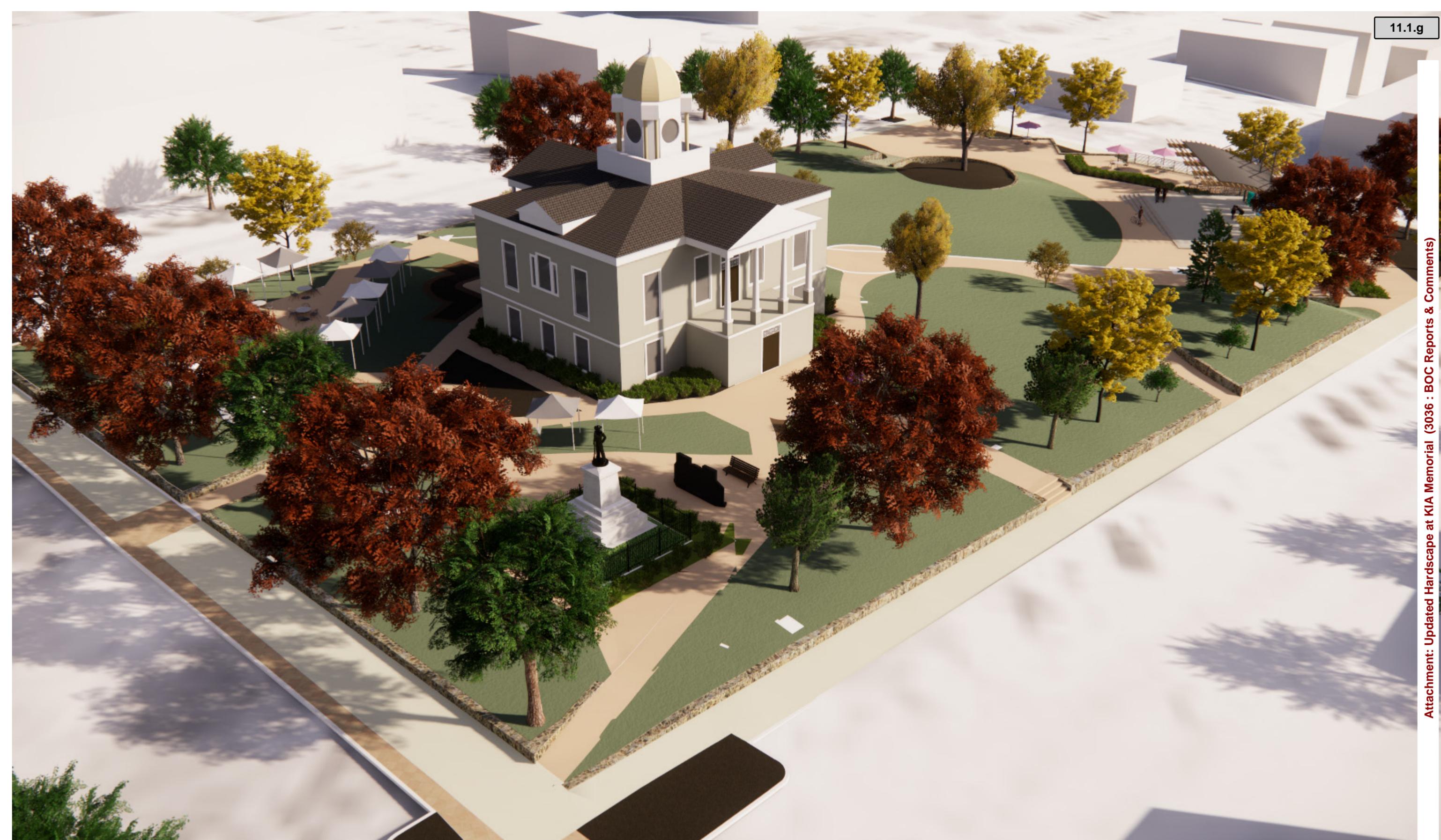


Attachment: Updated Hardscape at KIA Memorial (3036 : BOC Reports & Comments)

Courthouse Square

Morganton, NC





Courthouse Square

Morganton, NC



stimmel LANDSCAPE ARCHITECTURE CIVIL ENGINEERING LAND PLANNING WINSTON-SALEM, NC 27101 CHARLOTTE, NC 28202 www.stimmelpa.com 704.414.2992	DATE: 02/03/20 TO: City of Morganton FROM: Stimmel Associates, PA Kimberly Barb, PLA Pete Fala, AIA
OPINION OF PROBABLE COSTS	
PROJECT:	BASIS FOR ESTIMATE:
Courthouse Square - Design Development	___ CODE A (No design completed) <input checked="" type="checkbox"/> CODE B (Preliminary Design) ___ CODE C (Final Design) ___ OTHER (Specify)
DESCRIPTION: Opinion of Probable Costs Site Work, Grading, Utility, Multi-purpose Stage, Amenity & Landscape Work	ESTIMATOR: KMB PF CHEC'D BY:
This is an opinion of probable costs and opinion of Stimmel Associates, P.A. and does not represent actual cost for labor, equipment, material, or the contractor's method of pricing. Stimmel Associates, P.A. makes no warranty, expressed or implied as to the accuracy of such opinion as compared to bid or actual cost.	

Courthouse Square

NOTE: This estimate does not include any costs Ex. Building Removal, Rock Excavation or Permitting.

Possibly Paid by
City of Morganton

ITEM Demolition/Site Prep/ Grading/ EC & New Utility Items	Quantity	Unit	Unit Price	Total Price	
1.0 Mobilization - General Conditions for GC	1	LS	\$150,000.00	\$150,000.00	
1.1 Construction Stake out, tie to CAD drawing files	1	LS	\$3,500.00	\$3,500.00	
1.2 Remove & Stockpile Ex. Features as Needed (2 Lights, Signs, Fencing, Pavers)	1	LS	\$7,500.00	\$7,500.00	
2.0 Clearing & Selective Tree Removal (1/2 Acre +/-)	1	AC	\$8,000.00	\$8,000.00	
3.0 Erosion Control Measures including Silt Fence, Temp. Sediment Traps, Inlet Protection)	1	AC	\$7,500.00	\$7,500.00	
4.0 Construction Fencing & Safety Measures	1	LS	\$10,000.00	\$10,000.00	
5.0 Extend new DIP 6" Water Line to new Fire Hydrant at Meeting & Sterling	60	LF	\$100.00	\$6,000.00	
5.1 New 12" x 6" Tapping Sleeve & Valve at Meeting & Green	1	EA	\$10,000.00	\$10,000.00	
5.2 New Fire Hydrant	1	EA	\$7,500.00	\$7,500.00	
5.3 New 2" Water Tap & RPZ for Bathrooms, Hose Bibs, etc.	1	LS	\$15,000.00	\$15,000.00	
5.4 New 1" Irrigation Meter & RPZ	1	LS	\$5,000.00	\$5,000.00	
5.5 New 4" Sanitary Sewer Tap & 4" PVC Service (80 LF)	1	LS	\$5,000.00	\$5,000.00	
5.6 Extend New PVC 2" Water Line from new Fire Hydrant to new meter	165	LF	\$30.00	\$4,950.00	
5.7 Upgrade Ex. Irrigation to 2" Meter & RPZ	1	LS	\$10,000.00	\$10,000.00	Sub-total Water & SS
5.8 3/4" Water Vendor Connections	6	EA	\$1,500.00	\$9,000.00	\$72,450.00
6.0 New Catch Basins and Storm Drain Pipe	1	LS	\$25,000.00	\$25,000.00	
7.0 Seeding, Erosion Repairs, Slope Stabilization with New Grading	1	LS	\$7,500.00	\$7,500.00	
8.0 Remove Ex. Asphalt at SW Parking Lot at Meeting Street	715	SY	\$7.00	\$5,005.00	
8.1 Remove Ex. Concrete Paving at Sidewalks, Drive Aprons, Steps (south side)	1,567	SF	\$2.00	\$3,134.00	
8.2 Remove Ex. Concrete Paving at Internal Sidewalks and Steps (north side)	5,300	SF	\$2.00	\$10,600.00	
8.2 Remove Section & Stockpile materials from Ex. Stone Perimeter Walls	140	LF	\$50.00	\$7,000.00	
9.0 Grading for New Amenities, Excavate Pit at Multi-purpose Structure Haul on-site	1,450	CY	\$14.00	\$20,300.00	
9.1 Import Fill for terraces and landings	500	CY	\$28.00	\$14,000.00	
9.2 Fine Grading & Soil Amendments for Amenities, Berms, Plant Beds & Lawn Areas	1	LS	\$20,000.00	\$20,000.00	
10.0 New Legrand Outdoor Ground Boxes for events	30	EA	\$1,000.00	\$30,000.00	
10.1 New Conduit for Site Lighting (wiring @ #6awg, trenching, backfill)	725	LF	\$15.00	\$10,875.00	Sub-total Electrical
10.2 New Conduit & Infrastructure for Electrical, IT, Security and Safety Updates	1	LS	\$165,000.00	\$165,000.00	\$205,875.00
SUB TOTAL				\$577,364.00	\$278,325.00
20% Contingency				\$115,472.80	\$55,665.00
Site Prep Sub-Total				\$692,836.80	\$333,990.00

ITEM New Paving, Amenities, Shelters, Furnishings	Quantity	Units	Unit Price	Total Price	
1.0 Clean, Repair Existing Stone Walls	1	LS	\$20,000.00	\$20,000.00	
1.1 New Stone Walls (CMU Block w/Natural Stone to match Ex.)	4,325	FF	\$26.00	\$112,450.00	
1.2 Riverstone Gravel along Drainageways, Plant Bed Edges	25	CY	\$110.00	\$2,750.00	
2.0 Heavy Duty Concrete Paving (Rear Drive, Loading Zones)	685	SY	\$36.00	\$24,660.00	
2.1 New Integral Colored Concrete Walks and Plazas	9,505	SF	\$5.50	\$52,277.50	
2.2 Replace Ex. Concrete Walks around Courthouse (same layout)	5,300	SF	\$4.50	\$23,850.00	
2.3 Replace Ex. Streetscape Concrete Walks around Square 6-7' wide	8,795	SF	\$4.50	\$39,577.50	
2.4 Re-Install Ex. 8" Pavers as 16" Band (typ.) all around perimeter at back of curb	2,005	SF	\$4.00	\$8,020.00	
2.5 Match paver and HC ramps at all 4 corners like along Union Street	550	SF	\$4.50	\$2,475.00	

Attachment: 2020.02.03 Courthouse Square Updated DD Cost Estimate (3036 : BOC Reports & Comments)

3.0	Stage Steps along the front/sides and work with Grade	275	LF	\$45.00	\$12,375.00
3.1	Site Steps and Landings	265	LF	\$65.00	\$17,225.00
4.0	Stainless Handrails w/ Internal Lighting Below (at Stairs)	85	LF	\$175.00	\$14,875.00
4.1	48" ht. Guardrailing around Stage, Back Porch around South Terrace	210	LF	\$75.00	\$15,750.00
5.0	Removalbe Bollards	9	EA	\$450.00	\$4,050.00
6.0	Replace Existing Sternberg Lighting at Courthouse with New 12' LED Fixtures	13	EA	\$3,250.00	\$42,250.00
6.1	New Sternberg LED Site Lighting on 12' ht. Poles (Princeton or matching Streetscape)	8	EA	\$3,250.00	\$26,000.00
6.2	LED Accent Lighting at Art, Landscape, Features	1	LS	\$7,500.00	\$7,500.00
7.0	Multipurpose Building w/Stage, Restrooms, Greenroom, Electrical Room	1	LS	\$765,750.00	\$765,750.00
8.0	GrassPave at Drive up to Courthouse	375	SF	\$12.00	\$4,500.00
9.0	Highlight Meridian Line with Spicalty Pavers & Accents	250	SF	\$15.00	\$3,750.00
10.0	New Benches, Tables, Chairs & Rockers	1	LS	\$30,000.00	\$30,000.00
10.1	New Trash Receptacles	4	EA	\$825.00	\$3,300.00
11.0	Hose Bibs & Water Fountains	1	LS	\$9,000.00	\$9,000.00

SUB TOTAL				\$1,242,385.00
20% Contingency				\$248,477.00
New Amenity Sub-Total				\$1,490,862.00

ITEM Public Art by Miki Iwasaki

	Quantity	Units	Unit Price	Phase 1 Price	
1.0	Site A - The Tower (front plaza)	1	LS	\$30,000.00	\$0.00
2.0	Site B - The Path	1	LS	\$20,000.00	\$0.00
3.0	Site C - The Cylinders	1	LS	\$18,000.00	\$0.00
4.0	Site D - The Screen (stage backdrop)	1	LS	\$40,000.00	\$40,000.00
5.0	Delivery/Installation	1	LS	\$12,500.00	\$12,500.00
6.0	Matching Funds w/ NC Arts Council (pay % of costs)	1	LS	-\$20,000.00	-\$20,000.00

NC Arts Council pays \$20,000.00

SUB TOTAL				\$32,500.00
10% Contingency				\$3,250.00
Public Art Sub-Total				\$35,750.00

ITEM New Landscape Improvements

	Quantity	Units	Unit Price	Total Price	
1.0	Canopy Trees (Maples, Oaks, Elms)	5	EA	\$400.00	\$2,000.00
2.0	Evergreen Trees (American Hollies)	3	CY	\$350.00	\$1,050.00
3.0	Native Flowering Trees (Redbuds, Dogwoods)	5	EA	\$275.00	\$1,375.00
4.0	Shrubs & Perennials (low maintenance)	200	EA	\$25.00	\$5,000.00
4.0	Seed Lawn Areas with Meadow Mix and Fescue	1	LS	\$7,500.00	\$7,500.00
5.0	Soil Amendments & Mulch	1	LS	\$4,500.00	\$4,500.00
6.0	New Irrigation System (Meter covered w/utilities)	1	LS	\$10,000.00	\$10,000.00

SUB TOTAL				\$31,425.00
10% Contingency				\$3,142.50
Landscape Sub-Total				\$34,567.50
TOTAL				\$2,254,016.30

ITEM Soft Costs

	Quantity	Units	Unit Price	Total Price	
1.0	Geo-Tech, Civil, Structural/MEP, Architectural, Landscape Architectural	1	LS	\$145,000.00	\$145,000.00
2.0	Construction Testing - 3rd Party (ECS, Ltd. Terracon or S&ME)	1	LS	\$25,000.00	\$25,000.00

Soft Cost Sub-Total 7.5%				\$170,000.00
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GRAND TOTAL				\$2,424,016.30
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Attachment: 2020.02.03 Courthouse Square Updated DD Cost Estimate (3036 : BOC Reports & Comments)

North Carolina Forest Service 2019 Commissioners Report



Attachment: 2020 Burke County Comm Report Cover 2019 year (3036 : BOC Reports & Comments)



Prepared By:
Chris Moss
Burke County Ranger





Introduction

North Carolina's forest land is one of the greatest influences on the state, providing economic value and adding immeasurably to the quality of life for its citizens. The N.C. Forest Service's primary purpose is to ensure adequate and quality forest resources for the state to meet present and future needs. The forest products industry is the largest manufacturing business sector in the state, contributing approximately \$24 billion annually to the state's economy and providing around 180,000 jobs for North Carolinians.

Burke County has approximately 237,680 acres of woodland accounting for 70% of the county's land. This includes 58,000 acres public lands (USFS and state owned) to whom we provide mutual aid on wildland fires only. The remainder is 173,669 acres of private land that the NC Forest Service is responsible for protecting against Fire, forest pests, and protecting water quality. The NC Forest Service is also charged with providing land and forest management advice and services to private landowners. As of last report in 2016, Burke county landowners received \$2.2 million in timber revenue. Forestry activities from logging to industry has contributed \$435.6

Attachment: 2020 (2019 year) Burke County Comm Report year (3036 : BOC Reports & Comments)

million to the county's economy and supporting more than 2,484 Jobs with a payroll of \$108.1 million. (https://www.ncforestservice.gov/forest_health/about_our_forests.htm)

N.C. Forest Service Personnel

In Burke County, the N.C. Forest Service organization is composed of two full time rangers and an assigned service forester.

- **County Ranger** Chris Moss has been with the N.C. Forest Service for 17 years. Mr. Moss served 10.5 years as Burke Assistant County Ranger then becoming County Ranger in November 2013. He has brought with him an Associates Degree in Forest Management.
- **Asst. County Ranger** Larry Lane began the role of assistant June of 2014. He brings more than 22 years experience with the N.C. Forest Service including 2 years as Burke County Smokechaser. Larry is a lifetime resident of Burke County.
- **Service Forester** Robert Ross (stationed at Lenoir) assigned to the county and helps with the forest management activities within the county with no additional charge to the county. Mr. Ross brings with him a bachelor's degree in forest management as well as many years of experience with both the N.C. Forest Service and from private forestry industry. Mr. Ross has been working in Burke since 2016.

Many other N.C. Forest Service employees also work in the county throughout the year. These employees assist the counties throughout the state. They are dispatched from the district, region, and state offices to assist in carrying out the various forestry programs as well as maintaining N.C. Forest Service property and equipment. The main program areas are Forest Fire Control, Forest Law Enforcement, Forest Pest Control, Forest Management, and Forest Information and Education.

Wildland Fire Control

The N.C. Forest Service is charged with the control of all wildland fires in the county.

The average fire occurrence in Burke County ranges between 44 – 90 fires per year. Burke has seen years where fires reached nearly 200 fires within a year. This includes 171 fires during the 2006 calendar year and 137 fires in 2007. During the 2016 Fire season 191 calls was investigated, of which 75 were reportable fires.

During the 2019 calendar year 29 fires burned 32 acres. Investigations have determined the majority of the fires to be escaped debris burns. Others causes were use of machinery, powerlines, and other miscellaneous causes. 2019 fires threatened 24 structures with a combined value exceeding \$3,400,000. Of the structures 15 were residences and one was a radio/ cellphone tower.

Thanks to Burke County's excellent fire departments as well as the N.C. Forest Service, all residences were saved with no mentionable damages to structures and only minimal damage to other property, manly timber. Many Additional calls were investigated but found to be false alarms or non-escaped legal burns.

To combat these fires, the N.C. Forest Service has available, observation planes, single engine air-attack airplanes, helicopters with water buckets, bulldozers, BRIDGE inmate crews, as well as other equipment and resources.

The volunteer fire departments are to be commended for their excellent cooperation and quick response to these fires. We work very closely with these fire departments and provide wildland fire control training each year including involvement with the Burke County Fire & Rescue College. We have also worked together to form 4 wildland firefighting strike teams, which receive additional wildland fire control training each year. These teams are composed of fire department members who are interested in wildland fire control. They are capable of fighting fire in the more difficult situations where hazardous terrain will be encountered. Under the supervision of the N.C. Forest Service, they are also capable of performing back firing and burnout operations.

Most fire departments in Burke County have shown great interest in becoming better prepared for involvement in wildland fire control. Recognizing this interest, the NC Forest Service administers the "VOLUNTEER FIRE ASSISTANCE AWARD PROGRAM". This assistance program administered by the N.C. Forest Service (NCFS) is designed to provide financial assistance to fire departments in North Carolina serving a population of less than 10,000 people for purchasing wildland personal protective equipment (PPE), fire shelters, hand tools and water handling items designed for use while suppressing wildland fires.

Urban Interface



(Nature Conservancy crew at Pine Mountain esstates Fire Wise demonstration)

One of the more difficult situations we face now as well in the future will be controlling fires in the ever-expanding wildland urban interface. The wildland urban interface (WUI) is the area where structures and other human development meet or intermingle with undeveloped wildland, forest or vegetative fuels. North Carolina has more WUI acres than any other state in the country and our growth increases this acreage every year. The interface creates great challenges for fire managers as nearly every fire or its associated smoke may impact homes, roads, farms or other development. Close cooperation between the fire departments and the NC Forest Service will be critical.

We continually update extensive pre-attack plans for areas such as South Mountain Resort, Gingercake Acres, Mineral Springs Mountain, High Peak Mountain, Burkemont Mountain etc. The WUI situation presents many difficult fire control challenges and we will need all the assistance we can receive from the fire departments and other emergency service agencies. In 2018 two communities in Burke met requirements and were adopted into

the *Firewise* program. These two communities were Pine Mountain and Upper Creek.

Forest Management



All forests, whether planted or of natural origin, should be managed with the advice and assistance of a professional forester. Providing this assistance to landowners in Burke County is one of the primary responsibilities of the N.C. Forest Service. Forests are examined, and findings are reported to the owner along with recommendations for proper management. Landowners are furnished with maps and a forest management plan for their land.

During 2019, 50 Burke County landowners received management plans and/or assistance from the Burke Rangers Office involving the management of 1,845 acres of land.

When it is advisable to harvest timber, the landowner is assisted in deciding the best way to sell and harvest the timber as well as the best method of reforestation. We also provide a list of timber buyers along with addresses and telephone numbers.

Other related services we provide include site preparation for tree planting and management of natural regeneration. Both hardwood and pine seedlings are planted for forestation purposes.

During the 2019 planting season 350 acres of forest regeneration were completed. This includes 226 acres of new forest planted by hand.

We also determine acreage figures and complete a seedling survival count after the first growing season.

To encourage reforestation, several cost sharing programs are available to landowners. The N.C. Forest Service administers the Forest Development Program (FDP). This program pays a percentage of the cost for site preparation and planting.

Forest Practice Guidelines & Forestry Best Management Practices



We are responsible for seeing that proper harvesting and logging techniques are performed when removing timber. We inspect timber-harvesting operations to see that the Forest Practice Guidelines (FPG's) and Best Management Practices (BMP'S) are being employed to prevent sediment and pollutants from entering streams. We determine whether or not an operation is in compliance with the N.C. Sediment and Pollution Control Act, which is the state's main instrument for protecting our water quality.

For the 2019 calendar year 21 inspections were conducted involving 1,297 acres.

Law Enforcement



We are responsible for enforcing the state's forest protection laws. The objective of these laws is to protect timber and property from the destructive effects of wildland fires. We investigate wildfires to determine the cause as well as the reason behind the cause. The appropriate action is then taken as required by policy and procedure. This includes the arrest of arsonists and the issuing of warning tickets and citations for misdemeanors.

We are also responsible for enforcing the state's burning permit laws for the burning of natural vegetation.

Our permit agents issue approximately 1500 - 2000 burning permits in Burke County each year with at least 1500 more issued thru the online permit service.

Twelve burn permit agents are scattered throughout the county.

Forest Pest Control



(Bagworm)

We continue to monitor several forest insects and disease problems, the most notable of which is the southern pine beetle, gypsy moth, and hemlock wooly adelgid. Aerial flights and landowner contacts are ongoing. Fire control problems comparable to the additional fuel loading from Hurricane Hugo can be expected. We also respond to numerous requests from homeowners concerning problems with their yard trees.

Forest Information and Education



This program includes providing information to the general public. Many brochures and pamphlets are available at the local N.C. Forest Service office. We also provide information and education to the schools, boy and girl scouts, 4-H future Farmers of America chapters, and other community

organizations. Fire prevention is actively pursued with prevention programs being given to the elementary schools in the county.

In 2019

- 7 school presentations
- 2 Landowners meetings
- 2 Parades
- 6 festivals/ events
- 1 FireWise Demonstration

The two Landowner meetings was for the *ForestHer* Program and *Forest Landowner's Summit*. The *ForestHer* program is aimed at promoting and supporting women landowners. The program encourages and instructs for the use of good stewardship practices across many aspects of forest ecology. Subjects include basic forestry practices, wildlife management, water quality, logging and much more. See the below web address for more *ForestHer* program information.

<https://www.eventbrite.com/o/foresther-nc-engaging-women-in-woodland-stewardship-23224096606>

The *Forest Landowner's Summit* is a means to educate and discuss with landowners many forestry related topics including taxes, practices, planning and cost-share assistance programs and to introduce landowners to various agencies and private contractors.

Other Responses



The N.C. Forest Service is also committed to disaster relief for Burke County. This includes, but is not limited to, search and rescue, the opening of roads for emergency traffic due to ice and snow damage, floods, hurricanes, and tornadoes.

Summary

In the 2019 year the Burke Rangers Office has strived to uphold and pursue all avenues of the total Forestry Program in Burke County thru sound forest management, public education, aggressive wildland fire/ forest protection, and other emergency responses.

I hope this report has given you an updated view of the N.C. Forest Service and some of the latest accomplishments in Burke County. If you have any questions or comments, please feel free to let me know. We appreciate your support of the N.C. Forest Service and your interest in the protection of the forests of Burke County.

Sincerely,

Chris Moss
Burke County Ranger
1141 Old NC 18
Morganton NC 28655
Phone: Office: (828) 438-6269
Cell: (828) 764-3214
Email: chris.moss@ncagr.gov

Burke County Public Library

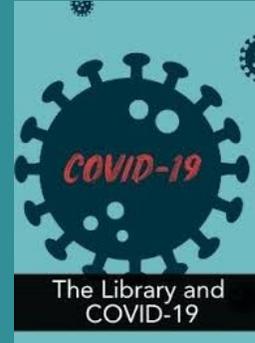
bcpls.org

April 2020



Libraries and COVID-19

As of Monday, March 30, at 5 pm all locations of the Burke County Public Library were closed in response to the governor's stay-at-home order. While libraries are closed, minimal staff are on site to answer phones, renew materials, accept deliveries, perform administrative tasks, check the book box, quarantine (3 days) and sanitize returned items, and help patrons with library cards and online resources such as ebooks and NC Live.



Libraries across the state have responded to having to close by offering as many services as possible online to continue to provide some help to users while everyone is at home. These range from online storytimes to offering public wifi from library parking lots. Some libraries are offering reference and reader's advisory services via FaceTime, Zoom, email, or by phone.

Over the past few weeks, nearly 100 people have newly signed up to use our ebooks through Overdrive. Additionally, the Burke County Public Library authorized our ebook vendor, Overdrive, to open access to our ebook collection to all Burke County Public School students. This allows those students without a Burke County Public Library card to access thousands of ebooks, audiobooks, and videos resources from home. Over 3,200 items from our ebook collection have checked out since the libraries closed to the public.

Prior to closing on March 30, the library was still open for limited services including the Books2Go curbside pickup program and computer/internet access for students not having internet access at home but needing to complete school assignments.

When the stay-at-home order is lifted we will continue to offer limited computer/internet access and curbside pickup if we are not able to fully reopen to the public. The curbside service has been very popular with nearly 300 users in one week.

Living Well by the Numbers

Monthly statistics for
all Burke County Public
Library locations.

Item	March FY 18/19	March FY 19/20	Change
Circulation	14,406	13,830	-4.00%
Library Cards – New and Renewed	454	376	-17.2%
Library Visits	NA	NA	NA
Programs – Number Held	NA	NA	NA
Programs – Number Attending	NA	NA	NA
Computer Sessions	2,783	1,575	-43.4%
Ebooks Checked Out	2,610	2,936	+12.5%
Items Added to the Collection	671	610	-9.09%
Items Removed from the Collection	659	2,391	+263%
Items in the Collection	139,806	140,982	+0.84%

**All Burke County Public Libraries
closed through April 30. Book Boxes are open.**



Packet Pg. 354



Books2Go @ your library

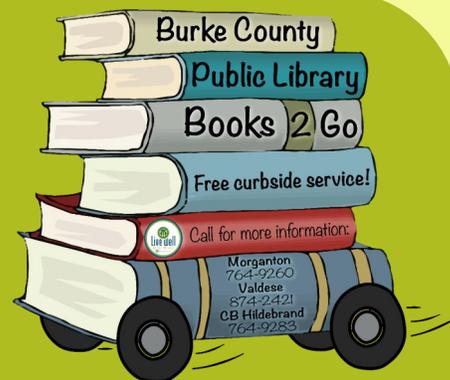
Prior to the governor's stay-at-home order the Burke County Public Library was closed to the public. Staff, however, were still coming to work to offer services to the public over the phone and through the library's curbside book delivery service, Books2Go.

During the one week the libraries were able to offer the curbside service more than 1,700 items were circulated at the Morganton, Valdese, and C.B. Hildebrand Public Libraries to almost 300 patrons.

Patrons could request items via the online catalog or call in and give staff a list of what they wanted. Staff would pull the books and contact the patron about a time to come by and pick up their books.

Items checked out were bagged and glove-wearing staff would hand the bags to the patrons waiting in their cars in the parking lot or put the bagged items on a cart and let the patron step out and get the items.

At the Morganton Public Library special dino delivery was offered by staff member, Lizzie Whisnant, donned in a T-Rex suit. The suit provided some levity for patrons and perhaps a modicum of protection. Check out a video of dino delivery on the library's Facebook page — <https://www.facebook.com/bcpls/videos/232188824635670/>.



More resources are available online at bcpls.org!

Your Virtual Library

While the restrictions imposed by COVID-19 virus have greatly limited what libraries can offer through traditional means, don't forget all that can be found at your local virtual public library. Two of the most popular virtual library resources are ebooks and digital storytimes.



With a library card and PIN, patrons can have access to thousands of ebooks via Overdrive and the Libby app from the E-iNC and NC Kids digital libraries. Here's a link to help get you started — <http://bcpls.org/ebooks.php>. You can also call the library between 8am and 5pm for assistance with ebooks, the Libby app, and getting a library card.

Since the library closed to the public for the COVID-19 virus, nearly 700 Burke County Public Library cardholders have used Overdrive for ebooks, checked out over 2,000 items, and have another 1,000 items on hold.

The library also offers a variety of digital storytimes through its Facebook page. Some of the storytimes are done by your library staff. A favorite is Senior Library

Program Specialist, Chesley Bailey, reading "A New Friend for Sparkle" to special library patron Levi the Library Goat. You can join the library's special storytime group with stories read by library staff on the library's Facebook page. Check out these links to a couple of those stories — <https://youtu.be/UwjuKdDXL0> and <https://youtu.be/O7Bacjic7cc>.



All Burke County Public Libraries closed through April 30. Book boxes are open.



FOR IMMEDIATE RELEASE

DATE: APRIL 8, 2020

CONTACT: Taylor Dellinger, Data Analyst
Western Piedmont Council of Governments
828-322-9191



Spring 2020 Economic Indicators Newsletter Highlights Residential Real Estate Trends and Computer/Broadband Access

April 8, 2020 –The latest issue of the Economic Indicators Newsletter (EIN) was released today by the Western Piedmont Council of Governments. In print since 1998, this quarterly publication focuses on economic trends and issues affecting the Hickory Metro Region. The current issue addresses Hickory Metropolitan Statistical Area (MSA) unemployment rates, Hickory Metro bank deposits, Hickory MSA Multi-Listing Service (MLS) real estate sales data and Hickory MSA internet access.

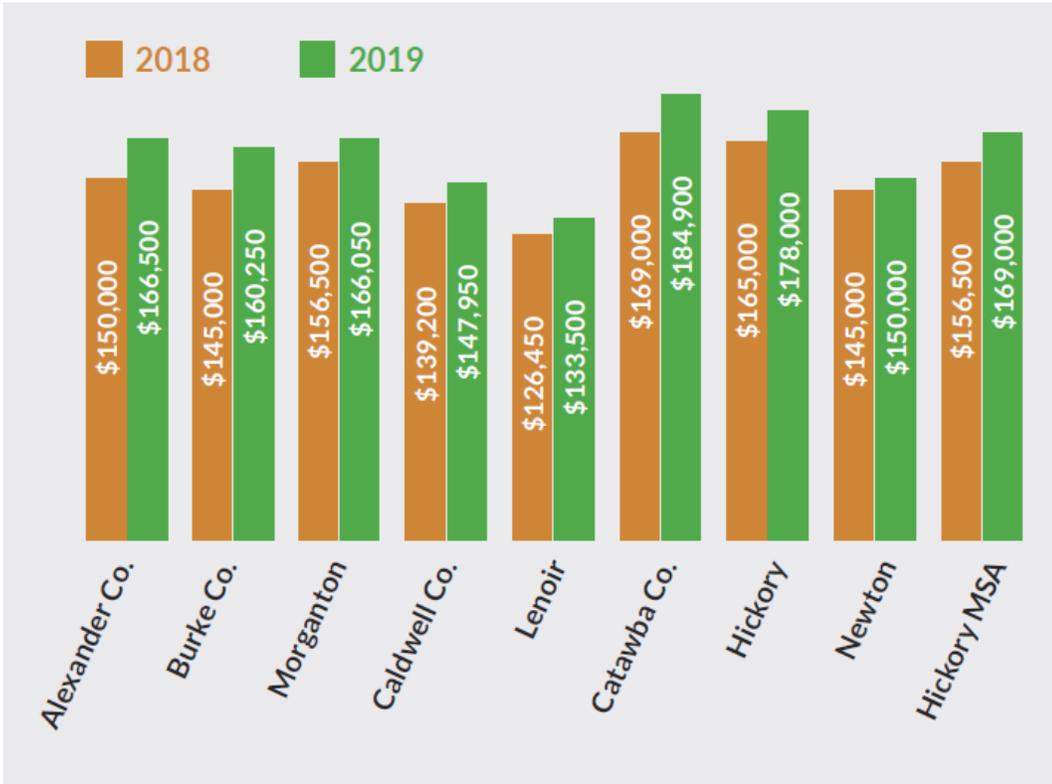
Here are a few key highlights of the EIN:

- The Hickory MSA's unemployment rate fell from 3.5% in December 2018 to 3.2% in December 2019.
- Between December 2018 and December 2019, the estimated number of employed persons increased from 168,274 to 169,337, while the civilian labor force grew from 174,462 to 174,931.
- Federal Deposit Insurance Corporation (FDIC) summary of deposits data reveals that since June 2015, Hickory MSA bank deposits have grown by \$760 million to \$4.89 billion.
- Multiple Listing Service results reveal that the Hickory MSA had 4,593 new residential listings and 3,842 closed sales in 2018.
- Results for the Hickory MSA indicate that there were 149 more new listings and 462 more closed sales in 2018 than in 2017. The number of closed sales grew by 13.8% between 2018 and 2019, while the number of new listings increased by only 3.4%.
- In 2019, the median sales price in the Hickory MSA was \$169,000 and the average sales price was \$210,206.
- The Hickory MSA's median sales price increased 8% between 2018 and 2019, while the average sales price grew 6.3%. For the first time, the average sales price in the region exceeded \$200,000 in 2019.
- In 2019, a house was only on the market 52 days before it was purchased. By comparison, in 2018 it took 57 days on the market until the sale of the house.
- As of December 2019, the Hickory MSA had only 758 homes for sale and a 2.3 months supply of housing inventory.
- Results from the 2018 American Community Survey reveal that 88.7% of Hickory MSA households had access to a computer compared to 75% in 2013.
- About 68.7% of Hickory MSA households in 2018 had a desktop or laptop, while 79% owned a smartphone and 55.5% owned a tablet.
- About 80.1% of households in the Hickory MSA used a computer with a broadband internet subscription. The Hickory MSA was one of 11 metro areas in North Carolina in which more than 80% of households have a broadband internet subscription.

The EIN is produced quarterly and is a publication of the Western Piedmont Workforce Development Board. The EIN is now available digitally. To join the EIN subscription list, please click [here](#). For questions concerning the EIN, please contact Taylor Dellinger, Data Analyst at 828-485-4233 or by email taylor.dellinger@wpcog.org.

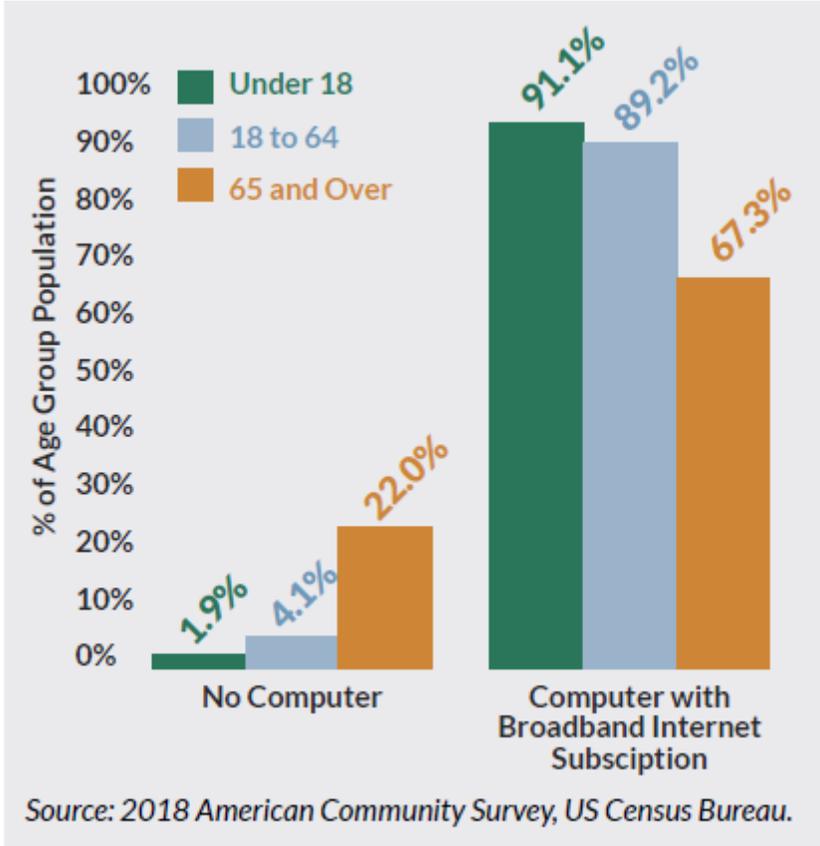
Western Piedmont Council of Governments
1880 Second Ave NW
Hickory, NC 28601

Figure.
Hickory MSA Median Sales Price, 2018-2019



Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.

Figure.
Hickory MSA Computer Access
by Age Group, 2018



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Table 1.

MSA Unemployment Rate, December 2019

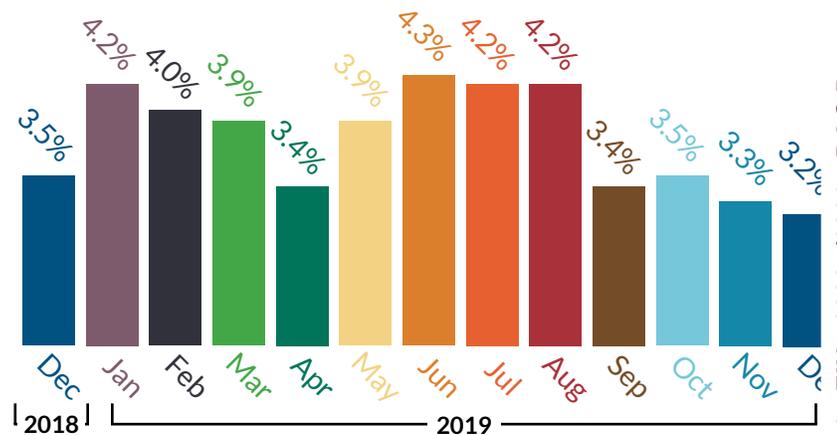
Asheville	2.7%
Durham-Chapel Hill	2.9%
Raleigh	2.9%
Charlotte-Concord-Gastonia	3.1%
Wilmington	3.0%
Hickory-Lenoir-Morganton	3.2%
Burlington	3.2%
Winston-Salem	3.2%
New Bern	3.4%
Goldsboro	3.5%
Greensboro-High Point	3.5%
Greenville	3.6%
Jacksonville	4.0%
Rocky Mount	4.3%
Fayetteville	4.4%

Source: NC Labor and Economic Analysis Division, 2020.

Civilian Labor Force

The Hickory MSA's unemployment rate rose from 3.5% in December 2018 to 4.3% in June 2019 before falling to 3.2% in December 2019 (Figure 1). Between December 2018 and December 2019, the estimated number of employed persons increased from 168,274 to 169,337 (1,063), while the civilian labor force grew from 174,462 to 174,931 (469). The Hickory MSA's December 2019 unemployment rate was the same as the Burlington and Winston-Salem MSAs (Table 1). December 2019 unemployment rate by county were Alexander 2.8%, Burke 3.3%, Caldwell 3.4% and Catawba 3.1%.

Figure 1. MSA Unemployment, Dec. 2018 - Dec. 2019

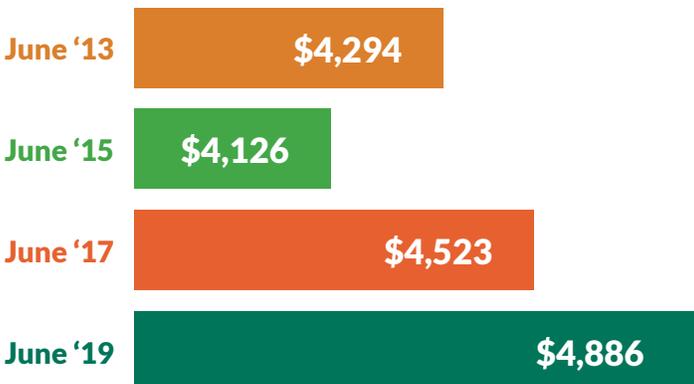


Source: NC Labor and Economic Analysis Division, 2020.

Bank Deposits

Between June 2013 and June 2015, Hickory-Lenoir-Morganton MSA bank deposits fell from \$4.294 billion to \$4.126 billion (Figure 2). Federal Deposit Insurance Corporation (FDIC) summary of deposits data reveals that since June 2015 Hickory Metro bank deposits have increased by \$760 million to \$4.886 billion. The Hickory MSA was one of 14 metro areas in North Carolina to have more bank deposits in June 2019 than in June 2017 (the Charlotte MSA had fewer bank deposits in June 2019 than June 2017).

Figure 2. MSA Bank Deposits (\$ Millions), June 2013 - 2019



Source: Federal Deposit Insurance Corporation (FDIC), 2020.

Two of the four Hickory MSA counties had more bank deposits in June 2019 than in June 2017 (Table 2). Catawba County's bank deposits increased from \$2.460 billion in June 2015 to \$3.03 billion in June 2019. Catawba County's bank deposits in June 2019 were the 10th highest among North Carolina counties.

Table 2. Bank Deposits (\$ Millions)

Source: Federal Deposit Insurance Corporation (FDIC), 2020.

County	June '15	June '17	June '19	NC Rank '19
Alexander	\$311	\$335	\$318	73rd
Burke	\$668	\$706	\$780	42nd
Caldwell	\$687	\$763	\$758	43rd
Catawba	\$2,460	\$2,719	\$3,036	10th

EIN Spotlight | Hickory MSA Multiple Listing Service (MLS) Real Estate Sales Data, 2018-2019

Local market updates for the Catawba Valley Multiple Listing Service or MLS (a research tool provided by Canopy Incorporated) provide insight into the residential real estate market in the Hickory MSA. For the analysis, residential sales are defined by MLS as a single-family, condominiums and townhomes that list with the Catawba Valley MLS (residential real estate transactions not using MLS are not included in the analysis). Included in the local market update are the number of new listings, pending and closed sales, median and average sales price (does not account for sale concessions and/or down payment assistance), days on the market until sale, total inventory of homes for sale and months of supply of inventory.

Table 3 reveals 2018 and 2019 totals of the number of new residential real estate listings and closed sales in Alexander, Burke, Caldwell and Catawba Counties, as well as for Morganton, Lenoir, Hickory, and Newton. The Hickory MSA tallied 4,593 new residential listings and 3,842 closed sales in 2019. There were 149 more new listings and 467 more closed sales in 2019 than in 2018. Table 3 results show 13.8% growth in Hickory MSA closed sales despite a much smaller percentage increase (3.4%) in Hickory new listings between 2018 and 2019.

Table 3. Hickory MSA MLS New Listings and Closed Sales, 2018-2019 (Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.)

Industry	New Listings				Closed Sales			
	2018	2019	Change	% Change	2018	2019	Change	% Change
Alexander County	392	327	-65	-16.6%	290	280	-10	-3.4%
Burke County	757	1,003	246	32.5%	528	801	273	51.7%
Morganton	406	623	217	53.4%	280	498	218	77.9%
Caldwell County	903	928	25	2.8%	704	764	60	8.5%
Lenoir	507	501	-6	-1.2%	385	403	18	4.7%
Catawba County	2,392	2,335	-57	-2.4%	1,853	1,997	144	7.8%
Hickory	1,255	1,227	-28	-2.2%	1,030	1,034	4	0.4%
Newton	377	334	-43	-11.4%	273	306	33	12.1%
Hickory MSA	4,444	4,593	149	3.4%	3,375	3,842	467	13.8%

New residential listings in Catawba County fell 2.4% from 2,392 in 2018 to 2,335 in 2019. About 30 fewer new listings occurred in the City of Hickory in 2019 compared to 2018, while 43 fewer listings happened in Newton in 2019 than in 2018 (Figure 3, page 3). More than half of 2019 new listings in Catawba County were in Hickory while another 14.3% were in Newton. The number of new listings in Alexander County declined from 392 in 2018 to only 327 in 2019.

A decrease in new listings did not lead to a drop in closed home sales in Catawba County. Catawba had 1,997 closed home sales in 2019, or 144 more than in 2018 (Figure 4, page 3). The number of closed sales in Hickory was nearly unchanged between 2018 and 2019. Newton had 33 more closed sales in 2019 than in 2018. Alexander County had 280 closed sales in 2019 (10 less than 2018).

Burke and Caldwell Counties had different trends with respect to changes in the number of residential listings and closed sales compared to Alexander and Catawba Counties. While Alexander and Catawba had fewer new home listings in 2019 than in 2018, Burke and Caldwell had more new listings last year than in 2018. The number of new listings in Burke County grew 32.5% from 757 in 2018 to 1,003 in 2019. Morganton experienced a 53.4% gain in the number of new listings in 2019 (623) compared to 2018 (406). Over 60% of all new listings in Burke County in 2019 were in Morganton. Caldwell County had a slight increase in the number of new listings (+25 or 2.8%) in 2019. In Lenoir, six fewer homes were listed in 2019 than in 2018. About 54% of all new listings in Caldwell County during 2019 were in Lenoir.

The number of closed home sales in Burke County grew more than 50% in 2019 to 801 units. The number of closed sales in

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Figure 3. Hickory MSA MLS Change in the Number of Residential Listings, 2018-2019

(Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.)

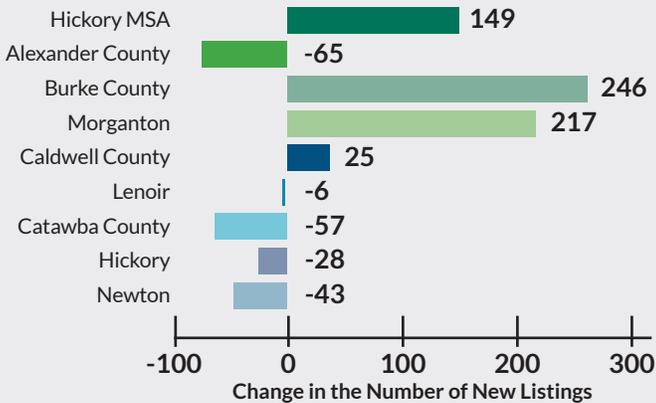
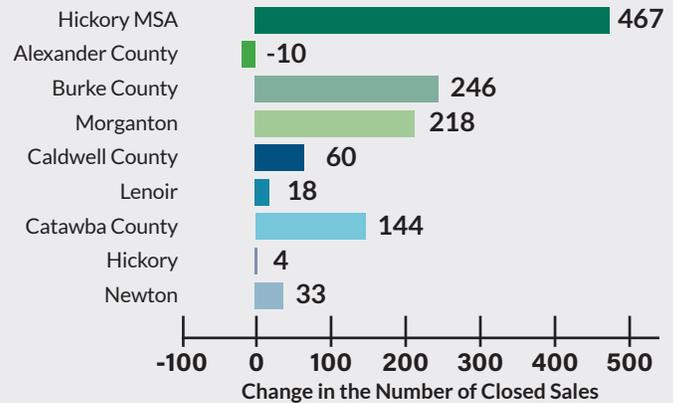


Figure 4. Hickory MSA MLS Change in the Number of Closed Residential Sales, 2018-2019

(Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.)



Morganton, meanwhile, increased from 280 in 2018 to 498 in 2019. Caldwell County experienced a small increase (60) in the number of closed sales in 2019 compared to 2018. Between 2018 and 2019, the number of closed home sales in Lenoir increase 4.7% to 403 units. More than half of closed sales in Caldwell County during 2019 occurred in Lenoir.

Median/Average Sales Price and Percentage of Original List Price Received

Data in Table 4 shows the 2018 and 2019 median and average sales price in the Hickory MSA, each of the four Hickory MS, Counties, and in Morganton, Lenoir, Hickory and Newton. Median sales price for a location means that half of homes sell for higher than the median price, while half of homes sell for less than the median price. Average sales price, which is typically higher than the median sales price, is the mean of all sales prices in a given area. In 2019, the median sales price in the Hickory MSA equal \$169,000, and the average sales price was \$210,206, or \$41,206 more than median price. These results show the influence a few higher-cost home sales have on the average sales price.

The 2019 median sales price in the Hickory MSA was \$12,500 (8.0%) higher than in 2018. The Hickory MSA average sales price was \$12,388 (6.3%) more in 2019 compared to 2018. The median and average sales price percentage increases from 2018 to 2019 were much greater than the rate of inflation between July 2018 and July 2019 (1.8%). The price increases seen in Table 4 are not surprising considering that a lack of available inventory (new listings) in the housing market tends to drive up prices. The 2019 median and average sales prices in the Hickory MSA, however, are much lower than the Charlotte MSA (\$255,000 median sales price, \$303,722 average sales price) or the Asheville MSA (\$260,000 median sales price, \$307,284 average sales price).

Table 4. Hickory MSA MLS Median and Average Sales Price, 2018-2019 (Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.)

Location	Median Sales Price				Average Sales Price			
	2018	2019	Change	% Change	2018	2019	Change	% Change
Alexander County	\$150,000	\$166,500	\$16,500	11.0%	\$188,801	\$204,597	\$15,796	8.4%
Burke County	\$145,000	\$160,250	\$15,250	10.5%	\$179,944	\$188,698	\$8,754	4.9%
Morganton	\$156,500	\$166,050	\$9,550	6.1%	\$202,280	\$196,892	-\$5,388	-2.7%
Caldwell County	\$139,200	\$147,950	\$8,750	6.3%	\$158,786	\$170,315	\$11,529	7.3%
Lenoir	\$126,450	\$133,500	\$7,050	5.6%	\$142,205	\$150,436	\$8,231	5.8%
Catawba County	\$169,000	\$184,900	\$15,900	9.4%	\$219,100	\$243,833	\$24,733	11.3%
Hickory	\$165,000	\$178,000	\$13,000	7.9%	\$198,438	\$211,713	\$13,275	6.7%
Newton	\$145,000	\$150,000	\$5,000	3.4%	\$170,391	\$178,722	\$8,331	4.9%
Hickory MSA	\$156,500	\$169,000	\$12,500	8.0%	\$197,818	\$210,206	\$12,388	6.3%

Data seen in Table 4 reveals that changes in median and average sales prices varied widely within the Hickory MSA. In Alexander County, for example, the median sales price in 2019 (\$166,500) was \$16,500 more (or 11% higher) than 2018. In fact, Alexander

County had the largest gain in median sales price of any Hickory MSA location. The average sales price in Alexander County increased 8.4% between 2018 and 2019 to \$204,597. In contrast, from 2018 to 2019 the median sales price in Newton grew by only \$5,000 to \$150,000 (Figure 5). Burke County nearly had the largest increase in median sales price in the region (\$15,250) between 2018 (\$145,000) and 2019 (\$160,250). Burke County's average sales price, however, increased by only 4.9% in 2019 to \$188,698. Morganton's average sales price actually dropped from \$202,280 to less than \$200,000 in 2019. Morganton's median sales price did grow 6.1% in 2019 to \$166,050.

The median Caldwell County sales price rose 6.3% between 2018 and 2019 to \$147,950. The average sales price in 2019 (\$170,315) was \$11,529 more than in 2018. The 2019 median sales price in Lenoir (\$133,500) was the lowest of the Hickory MSA locations in which data was available in 2019. The average sales price in Lenoir rose 5.8% between 2018 and 2019 to \$150,436.

Catawba County median and average sales price were the highest among Hickory MSA locations (that have available data) due to sales in the Hickory and Lake Norman areas. Catawba County's median home sales price increased by \$15,900 (9.4%) from 2018 to 2019. Catawba County's mean sales price grew 11.3% from \$219,100 in 2018 to \$243,833 in 2019. Significant median and average sales price gains also occurred in Hickory during 2019. Hickory's median sales price was 7.9% (\$13,000) more in 2019 than in 2018, while the average sales price rose 6.7% to \$211,713. Newton's median sales price increased from \$145,000 in 2018 to \$150,000 in 2019. Newton's average sales price exceeded \$178,000 in 2019.

Figure 5. Hickory MSA Median Sales Price, 2018-2019

Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.

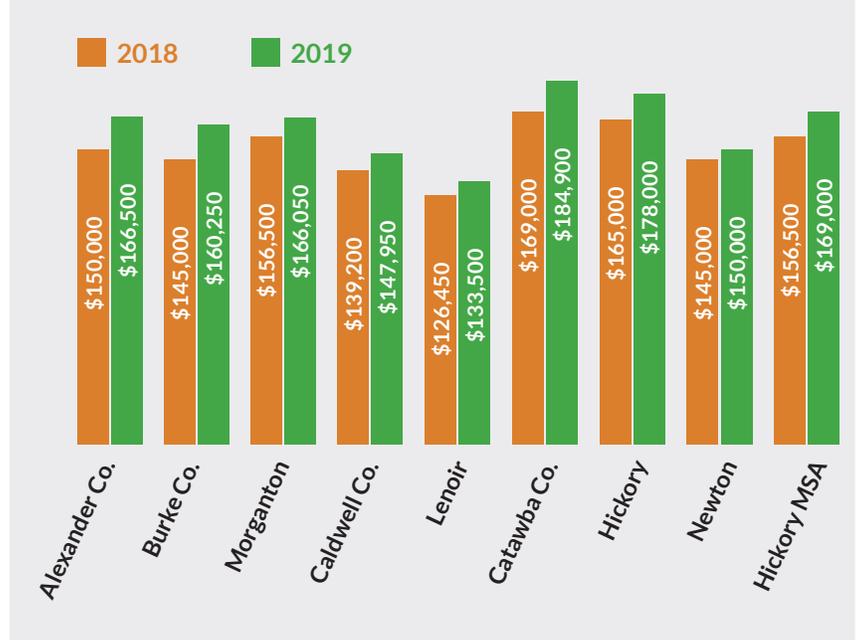


Figure 6. Hickory MSA MLS Percentage of Original Asking Price Received*, 2019

Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.
 *Does not account for sale concessions and/or down payment

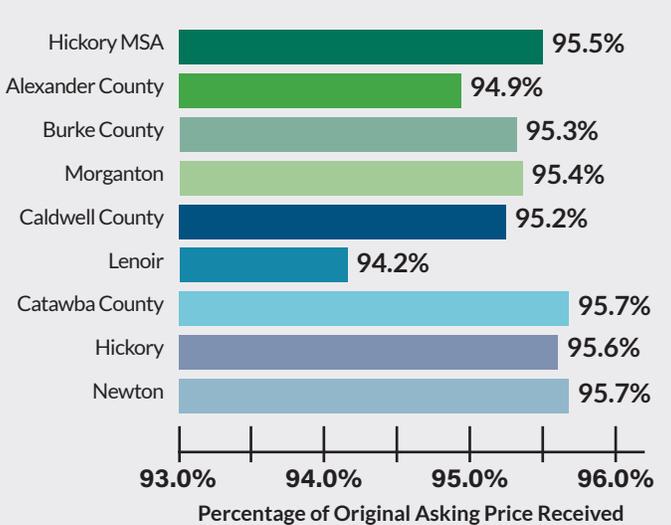


Figure 6 shows the percentage of original list price received (does not account for sale concessions and/or down payment assistance) for several locations in the Hickory MSA. The higher the percentage of original price received, the more likely that it is a home seller's market in that the seller is collecting closer to the original asking price for the house. In 2019, homeowners in the Hickory MSA, on average, were able to collect 95.5% of the original price for their homes. In the Charlotte MSA homeowners received 96.7% of the original list price, while homeowners in the Asheville MSA got 93.7%. All locations in the Hickory MSA received at least 94.2% of the original listing price in 2019. In Burke, Caldwell (less Lenoir), and Catawba Counties homeowners received more than 95% of the asking price.

All Hickory MSA locations had a higher percentage of original asking price received in 2019 than in 2018 (Table 5, page 5). The largest increase was in Burke County and Morganton, which experienced a 1.4 percentage point gain with respect to the original asking price received over the past year. The percentage of original asking price received grew by 0.6 points in Alexander and Caldwell Counties between 2018 and 2019. Hickory had the smallest growth (0.2%) in the percentage of original asking price received over the past year, although homeowners did receive 95.6% of the asking price.

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Days on Market until Sale and Available Inventory of Homes for Sale

An examination of days on market that a housing unit is available before it sells reveals the extreme tightness of the Hickory MSA housing market. In 2019, a Hickory MSA house was only on the market an average of just 52 days (less than two months) before it was purchased (Table 6). In 2018, it took an average of 57 days on the market until the sale of the house (Figure 7).

The biggest reduction in the number of days on market until sold between 2018 and 2019 occurred in Caldwell County. During 2018, it took over 59 days for a house to go from on the market to sold. In 2019, it took only 47 days, or 12 fewer days than in 2018 for a house to go from on the market to sold. In Lenoir, it took 11 fewer days for a house to change status from on the market to purchased in 2019 compared to 2018.

In all Hickory MSA locations, it took two months or less for a house to go from on the market to sold in 2019. All Hickory MSA locations, except Burke County, saw in a reduction in the number of days a house was on the market until sold in 2019 compared to 2018. The number of days on market until sold in the Hickory MSA ranged from 46 in Hickory to 60 Alexander County.

Table 7 on page 6 displays the inventory of homes for sale in the Hickory MSA, as well as months of supply of housing inventory (defined as the number of active listings on the market in the previous month divided by the total number of sales in the previous month). In December 2019, the Hickory MSA had just 758 homes for sale, or 278 fewer homes than in December 2018 (Figure 8 on page 6). In December 2019, the Hickory MSA had only 2.3 months supply of inventory or more than a month less than in December 2018. In a more normal real estate market, there is about 6 months of housing inventory. This means the region is currently a home seller's market as opposed to a home buyer's market.

Table 5. Change in Hickory MSA Percentage of Original Asking Price Received*, 2018-2019

Location	2018	2019	Change
Alexander County	94.3%	94.9%	0.6%
Burke County	93.9%	95.3%	1.4%
Morganton	94.0%	95.4%	1.4%
Caldwell County	94.6%	95.2%	0.6%
Lenoir	93.9%	94.2%	0.3%
Catawba County	95.4%	95.7%	0.3%
Hickory	95.4%	95.6%	0.2%
Newton	95.2%	95.7%	0.5%
Hickory MSA	94.9%	95.5%	0.6%

Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.
*Does not account for sale concessions and/or down payment assistance.

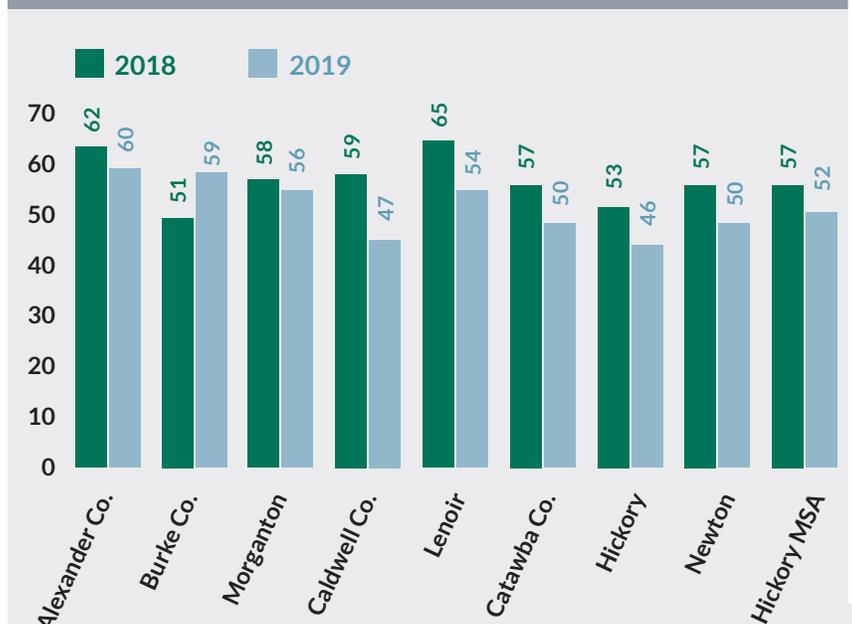
Table 6. Change in the number of Days on Market until Sale by Hickory MSA location, 2018-2019

Location	Days on Market Until Sale			
	2018	2019	Chg.	% Chg.
Alexander Co.	62	60	-2	-3.2%
Burke Co.	51	59	8	15.7%
Morganton	58	56	-2	-3.4%
Caldwell Co.	59	47	-12	-20.3%
Lenoir	65	54	-11	-16.9%
Catawba Co.	57	50	-7	-12.3%
Hickory	53	46	-7	-13.2%
Newton	57	50	-7	-12.3%
Hickory MSA	57	52	-5	-8.8%

Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.

Figure 7. Hickory MSA Days on Market until Sale, 2018-2019

Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.



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Table 7. Hickory MSA MLS Inventory of Homes for Sale and Months Supply of Inventory, Dec. 2018 to Dec. 2019

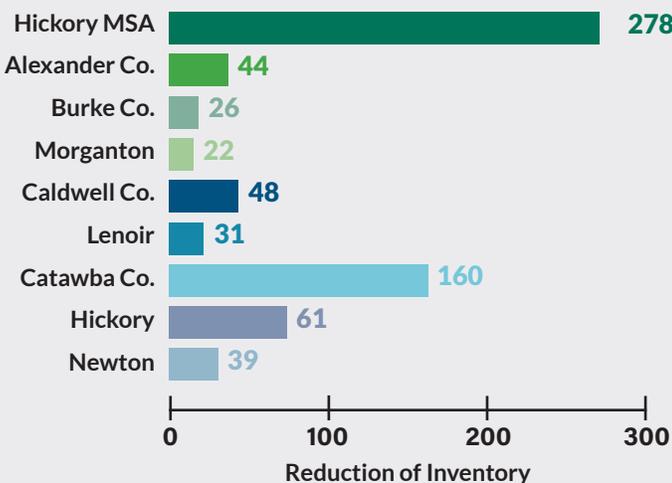
Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.

Industry	Inventory of Homes for Sale				Months Supply of Inventory			
	2018	2019	Change	% Change	2018	2019	Change	% Change
Alexander County	102	58	-44	-43.1%	4.4	2.3	-2.1	-47.7%
Burke County	209	183	-26	-12.4%	4.5	2.6	-1.9	-42.2%
Morganton	127	105	-22	-17.3%	5.1	2.3	-2.8	-54.9%
Caldwell County	204	156	-48	-23.5%	3.5	2.4	-1.1	-31.4%
Lenoir	132	101	-31	-23.5%	4.1	2.9	-1.2	-29.3%
Catawba County	521	361	-160	-30.7%	3.4	2.2	-1.2	-35.3%
Hickory	225	164	-61	-27.1%	2.7	1.9	-0.8	-29.6%
Newton	90	51	-39	-43.3%	3.9	2.0	-1.9	-48.7%
Hickory MSA	1,036	758	-278	-26.8%	3.7	2.3	-1.4	-37.8%

The inventory of homes for sale in Alexander County and Newton dropped by more than 40% between December 2018 and December 2019. Catawba County had the largest loss of inventory, in terms of number of units, among Hickory MSA locations. The number of homes for sale in Catawba County (total inventory) decreased from 521 houses in December 2018 to 361 in December 2019. Hickory had 61 fewer homes for sale in December 2019 than in December 2018. Caldwell County had 156 homes for sale in December 2019 compared to over 200 homes in December 2018, while Lenoir barely had 100 homes for sale in December 2019. Burke County and Morganton had the smallest drops in housing inventory (26 and 22 homes, respectively) between December 2018 and 2019.

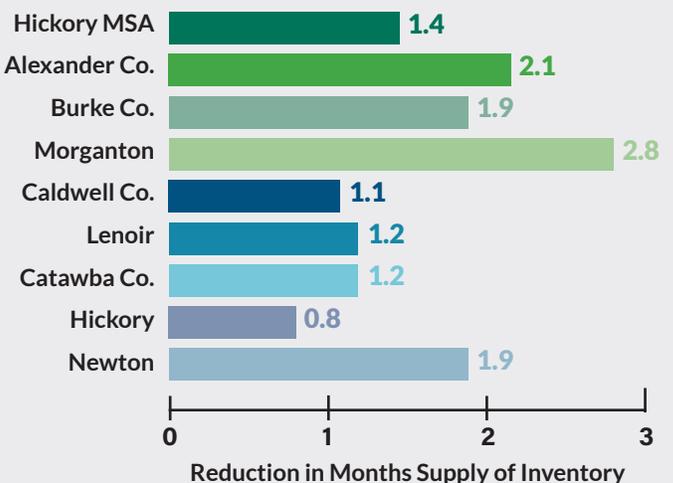
All Hickory MSA locations had less than three months supply of housing inventory as of December 2019. Hickory had the fewest months of inventory in December 2019 (1.9), followed by Newton with 2.0 months and Catawba County with 2.2 months. Lenoir had the most months supply of housing inventory (2.9) as of December 2019. All locations also had fewer months of supply of housing inventory in December 2019 than in December 2018 (Figure 9). The largest reduction was in Morganton, which has 2.8 fewer months of housing inventory in December 2019 than in December 2018. The months supply of housing inventory was also reduced by more than two months in Alexander County.

Figure 8. Reduction of Inventory of Homes for Sale, December 2018-December 2019



Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020.

Figure 9. Reduction in Months Supply of Inventory, December 2018-December 2019



Source: Canopy Multiple Listing Services, Inc. (Canopy MLS), 2020

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Summary

The Hickory MSA had 4,593 new housing listings and 3,842 closed sales in 2019. These totals were higher than in 2018. All Hickory MSA locations, except Alexander County, had more closed home sales in 2019 than in 2018. The Hickory MSA's median sale price increased 8.0% in 2019 to \$169,000. All Hickory MSA locations (which had available data) experienced an increase in median sale price in 2019 compared to 2018. Catawba County had the highest median sales price in 2019 (\$184,900), while Lenoir had the lowest median sales price (\$133,500).

The Hickory MSA average sales price exceeded \$200,000 for the first time in 2019. All locations, except Morganton, saw increase in average sales price during 2019. The highest average sales price was in Catawba County (\$243,833), followed by Hickory (\$211,713) and Alexander County (\$204,597). As of December 2019, the Hickory MSA had only 758 houses for sale on the region's Multiple Listing Service. During 2019, it took on average less than 60 days to sell a home once it was on the market. A sign of a very tight housing market, the Hickory MSA had an average of only 2.3 months supply of housing inventory in December 2019. Hickory had only 1.9 months supply of housing inventory in December 2019, while Newton had 2.0 months supply of housing inventory.

Hickory MSA Computer and Internet Use

Household computer and internet access are measures of economic vitality in a region. Since 2013, the American Community Survey (ACS) has asked households questions concerning computer and internet access. The results of the survey are not available for states and metropolitan statistical areas. This EIN article will examine the characteristics of computer and internet use in the Hickory MSA. Comparisons will also be made between the Hickory MSA and other metro areas in North Carolina, as well as between 2013 and 2018 ACS results for the region.

Table 8 shows the types of computers in Hickory MSA Households, based on results from the 2013 and 2018 American Community Survey. As of 2018, seven out of eight households in the Hickory MSA had a computer. The number of households with a computer in the Hickory MSA has increased by 25.4% (or 26,094) since 2013. In 2013, more than 34,000 households in the Hickory MSA did not have a computer. By 2018, less than 16,500 households in the Hickory MSA did not have computer access.

Table 8. Hickory MSA Households by Type of Computer, 2013-2018

Category	2013 Households	2013 % of Households	2018 Households	2018 % of Households	2013-2018 Change	2013-2018 % Change
Total Households	136,858	100.0	145,158	100.0	8,300	6.1
With a computer	102,607	75.0	128,701	88.7	26,094	25.4
Desktop or laptop	94,588	69.0	99,771	68.7	5,183	5.5
Desktop or laptop alone	31,291	22.9	8,656	6.0	-22,635	-72.3
Handheld computer	70,819	51.7	--	--	--	--
Handheld computer alone	7,957	5.8	--	--	--	--
Smartphone	--	--	114,693	79.0	--	--
Smartphone alone	--	--	18,391	12.7	--	--
Tablet or other portable wireless computer	--	--	80,500	55.5	--	--
Tablet or other portable wireless computer alone	--	--	2,014	1.4	--	--
Other computer	3,695	2.7	1,972	1.4	-1,723	-46.6
Other computer alone	62	0.0	0	0.0	-62	-100.0
No Computer	34,251	25.0	16,457	11.3	-17,794	-52.0

Source: 2013 and 2018 American Community Survey, US Census Bureau.

About 68% of Hickory MSA households in 2018 had a laptop or desktop, while 79.0% had smartphones and 55.5% had a tablet (2013 data on smartphones and tablets is not available). In 2018, about 80% of Hickory MSA households had multiple computer types, including desktops, laptops, smartphones and tablets. Results from the 2013 ACS showed that slightly less than half of all Hickory MSA households had multiple computer types.

Hickory MSA internet subscription types by household for 2013 and 2018 are revealed in Table 9. Over 80% of households in the Hickory MSA had a computer with one or more types of broadband internet subscriptions (cellular data, cable, fiber optic, DSL or satellite) in 2018 compared to 84,108 with broadband internet subscription in 2013. Of the 116,335 households with broadband internet subscriptions, 17,992 households had a cellular data plan only (102,445 households in the Hickory MSA had a cellular data plan and at least one other broadband plan) and 10,974 had a satellite internet subscription. Over 91,000 households in the region had cable, fiber optic, or DSL. About 25% fewer households in the Hickory Metro had a computer with no internet subscription in 2018 than in 2013.

Table 9. Hickory MSA Households by Internet Subscription, 2013-2018

Type of Internet Subscription	2013 Households	2013 % of Households	2018 Households	2018 % of Households	Change 2013-2018	% Change 2013-2018
Has a Computer with Dial-Up Internet Subscription Only	2,620	1.9	519	0.4	-2,101	-80.2
Has a Computer with Broadband of any Type*	84,108	61.5	116,335	80.1	32,227	38.3
Has a Computer with No Internet Subscription	15,879	11.6	11,847	8.2	-4,032	-25.4
No Computer	34,251	25.0	16,457	11.3	-17,794	-52.0
Total Households	136,858	100.0	145,158	100.0	8,300	6.1

*Includes cellular data, cable, fiber optic, DSL or satellite. Source: 2013 and 2018 American Community Survey, US Census Bureau.

Computer Access by Age Groups, Ethnic Groups and Educational Attainment

The 2018 ACS tabulated responses for the Hickory MSA concerning computer and internet access for three age groups: 1) under 18 years, 2) 18 to 64 years and 3) 65 and over. The results of the analysis are shown in Figure 10 and Table 10. Only 1.9% of persons under 18 had no computer access in their household, while 22.0% of persons over 65 had no computer access. In 2013, 10.9% of children under 18 and 40.2% of adults age 65 and over had no computer access. In 2018, 14,012 (6.5%) persons 18 to 64 years old had a computer with no internet subscription compared to 28,002 (12.7%) of people age 18 to 64 in 2013.

A similar percentage of persons under 18 (91.1%) and 18 to 64 (89.2%) in 2018 had access to a computer with a broadband internet subscription. More than two-thirds of seniors age 65 and over had a computer with broadband internet subscription in their household as of 2018. These results represent a significant change from 2013, when only 51.4% of persons age 65 and over had a computer with broadband internet connection.

Figure 10. Hickory MSA Computer Access by Age Group, 2018

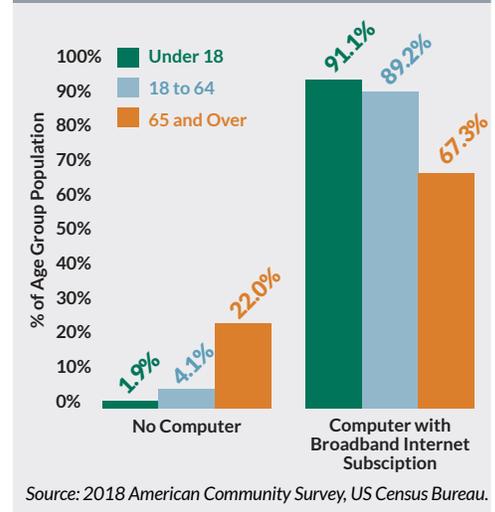


Table 10. Hickory MSA Population by Type of Internet Subscription and Age Group, 2018

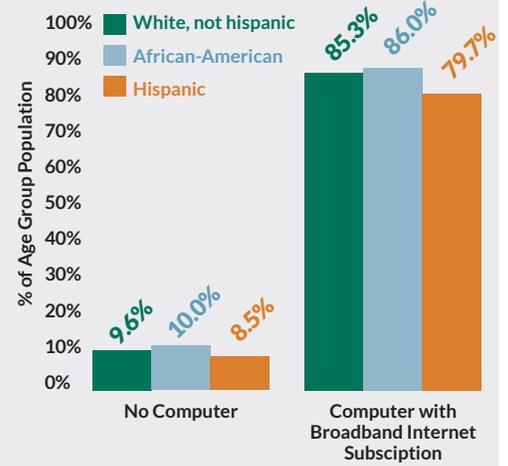
Type of Internet Subscription	Under 18		18 to 64		65 and Over	
	Population	% of Population	Population	% of Population	Population	% of Population
Has a Computer with Dial-Up Internet Subscription Only	84	0.1	366	0.2	505	0.7
Has a Computer with Broadband Internet Subscription	69,888	91.1	192,888	89.2	45,660	67.3
Has a Computer with No Internet Subscription	5,293	6.9	14,012	6.5	6,784	10.0
No Computer	1,443	1.9	8,965	4.1	14,895	22.0
Total Population	76,708	100.00	216,231	100.0	67,844	100.0

Source: 2018 American Community Survey, US Census Bureau.

Computer and internet access data for the Hickory MSA are also available in the 2018 American Community Survey for African-Americans, Hispanics and White, not Hispanics (Hickory MSA 2018 ACS data for American Indians, Asian-Americans and Mixed Race was not available). For White, not Hispanic Hickory MSA residents, 85.3% had at least one computer with broadband internet subscription, while less than 10% had no computer access (Figure 11). A similar percentage of African-Americans (10.0%) and Hispanics (8.5%) did not have computer access at their house (Table 11). ACS results for African-Americans indicate that in 2018 86.0% had a computer with a broadband internet subscription while about 80% of Hispanics had a computer with a broadband internet subscription. A higher percentage of Hispanics in 2018 had a computer with no internet subscription (11.8%) than White, not Hispanics (5.0%) or African Americans (4.0%).

Another way to analyze ACS results is to examine computer access and internet subscription service by educational attainment levels. Persons 25 years and older answering the computer/internet access questions were divided into three educational attainment groups: 1) less than high school, 2) high school graduate, some college or associate degree or 3) bachelor's degree or higher. Data results seen in Figure 12 clearly show a relationship between computer access and educational attainment levels. In 2018, over 22% (or more one in five) of persons

Figure 11. Hickory MSA Computer Access by Ethnic Group, 2018



Source: 2018 American Community Survey, US Census Bureau.

Table 11. Hickory MSA Population by Type of Internet Subscription and Ethnic Group, 2018

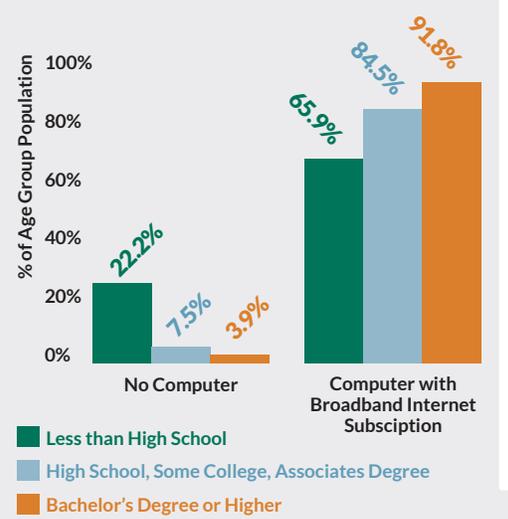
Type of Internet Subscription	White, not Hispanic		African-American		Hispanic	
	Population	% of Population	Population	% of Population	Population	% of Population
Has a Computer with Dial-Up Internet Subscription Only	272	0.1	0	0.0	0	0.0
Has a Computer with Broadband Internet Subscription	249,207	85.3	17,129	86.0	21,688	79.7
Has a Computer with No Internet Subscription	14,599	5.0	800	4.0	3,219	11.8
No Computer	28,079	9.6	1,991	10.0	2,296	8.5
Total Population	292,157	100.0	19,920	100.0	27,203	100.0

Source: 2018 American Community Survey, US Census Bureau.

age 25 and older with less than high school education attainment level did not have a computer in their household. In comparison, only 3.9% of Hickory MSA residents age 25 and older with a bachelor's degree or higher and 7.5% of persons 25 and older with an educational attainment level of high school graduate, some college, or associate degree did not have a computer.

Over 90% of Hickory MSA residents age 25 and older with a bachelor's degree or higher in 2018 had a computer with broadband internet subscription (Table 12, page 10). This result is significantly higher than the percentage of people age 25 and older with an educational attainment level of less than high school (65.9%) and 7.3% higher than the high school graduate, some college or associate degree group. People age 25 and older with less than high school educational attainment had the highest percentage of having a computer but no internet subscription (11.5%) followed by the high school graduate, some college or associate's degree group, (7.7%) and the bachelor's degree or higher group (4.0%).

Figure 12. Hickory MSA Computer Access by Educational Attainment, 2018
Source: 2018 American Community Survey, US Census Bureau



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Table 12. Hickory MSA Households by Internet Subscription and Educational Attainment (Persons 25 Years and Older), 2018 (Source: 2018 American Community Survey, US Census Bureau.)

Type of Internet Subscription	Less than High School		High School Graduate, Some College or Associate's Degree		Bachelor's Degree or Higher	
	Population	% of Population	Population	% of Population	Population	% of Population
Has a Computer with Dial-Up Internet Subscription Only	154	0.4	572	0.3	126	0.3
Has a Computer with Broadband Internet Subscription	26,861	65.9	139,838	84.5	47,494	91.8
Has a Computer with No Internet Subscription	4,686	11.5	12,729	7.7	2,079	4.0
No Computer	9,042	22.2	12,398	7.5	2,029	3.9
Total Population	40,743	100.0	165,537	100.0	51,728	100.0

Comparisons with Other North Carolina MSAs

Among the North Carolina Metros, the Hickory MSA was one of seven MSAs with more than 10% of households without a computer (Table 13). The Hickory MSA also had a higher percentage of households without computers than the State (9.0%) or National (8.2%) average. This result is not surprising since the Hickory MSA has a higher percentage of persons over 65 and persons over 25 with an educational attainment level of less than a high school diploma than most other MSAs in North Carolina. It should be noted that the percentage of Hickory MSA households without computers was much higher in 2013 (25.0%) than in 2018 (11.3%)

Table 13. Household Computer Access and Type of Internet Subscription for NC MSAs, 2018

Source: 2018 American Community Survey, US Census Bureau.

North Carolina MSA	Households	% of Households with a Computer	% With a Computer with Dial-Up Internet	% With a Computer with Broadband Internet	% With a Computer with no Internet	% of Households with No Computer
Asheville	191,889	88.1%	0.2%	81.4%	18.4%	11.9%
Burlington	64,700	88.7%	0.2%	79.7%	20.1%	11.3%
Charlotte	960,297	93.8%	0.2%	88.6%	11.2%	6.2%
Durham	225,699	93.7%	0.2%	87.3%	12.5%	6.3%
Fayetteville	176,760	91.5%	0.2%	87.0%	12.8%	8.5%
Goldensboro	49,019	87.2%	0.1%	81.8%	18.1%	12.8%
Greensboro	302,101	88.6%	0.2%	79.8%	20.0%	11.4%
Greenville	69,288	89.8%	0.0%	83.0%	17.0%	10.2%
Hickory	145,158	88.7%	0.4%	80.1%	19.5%	11.3%
Jacksonville	66,834	96.3%	0.2%	92.1%	7.7%	3.7%
New Bern	49,527	91.6%	0.9%	83.2%	15.9%	8.4%
Raleigh	504,854	95.8%	0.1%	90.0%	9.9%	4.2%
Rocky Mount	58,844	85.6%	0.3%	78.2%	21.5%	14.4%
Wilmington	120,886	94.1%	0.3%	87.6%	12.1%	5.9%
Winston-Salem	270,772	90.2%	0.3%	79.7%	20.0%	9.8%
North Carolina	4,011,462	91.0%	0.2%	83.5%	16.3%	9.0%
United States	121,520,180	91.8%	0.3%	85.0%	14.7%	8.2%

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In 2018, the Rocky Mount MSA had the highest percentage of households without a computer (14.4%), followed by the Asheville MSA (11.9%) and the Goldsboro MSA (11.4%) (Figure 13, page 11). In contrast, less than 5% of households in the Jacksonville and Raleigh MSA did not have computers.

ACS results for 2018 show that just over 80% of Hickory MSA households had access to a computer with a broadband internet subscription. In 2013, just over 60% of households had a broadband internet subscription. Estimates for all of North Carolina show that 83.5% of households have a computer with a broadband internet subscription. This result is nearly 3.5 percentage points higher than the Hickory MSA. Estimates for the United States indicate that 85.0% of households nationwide have a broadband internet subscription.

Broadband internet connection is becoming more common across North Carolina MSAs. The Hickory MSA was one of 11 metro areas in North Carolina in which more than 80% of households had a broadband internet subscription (Figure 14). The Jacksonville MSA had the highest percentage of households with a broadband subscription (92.1%) followed by the Raleigh MSA (90.0%). The Rocky Mount MSA had the lowest percentage of households with an internet subscription (78.2%).

Summary

Results from the 2018 American Community Survey reveal that 88.7% of Hickory MSA households had access to a computer compared to 75% in 2013. About 68.7% of Hickory MSA households in 2018 had a desktop or laptop, while 79% owned a smartphone and 55.5% owned a tablet. ACS survey results indicate that older adults, minority groups and persons with an educational attainment level less than high school were more likely not to have computer access, although access has improved greatly since 2013. The Hickory MSA was one of seven metro areas in North Carolina in which more than 10% of households did not have a computer.

About 80.1% of households in the Hickory MSA used a computer with a broadband internet subscription. The Hickory MSA was one of 11 metro areas in North Carolina in which more than 80% of households have a broadband internet subscription. Nearly 20% of households in the Hickory MSA that owned a computer in 2018 had no internet subscription.

Figure 13. NC MSA Percentage of Households without a Computer, 2018

Source: 2018 American Community Survey, US Census Bureau.

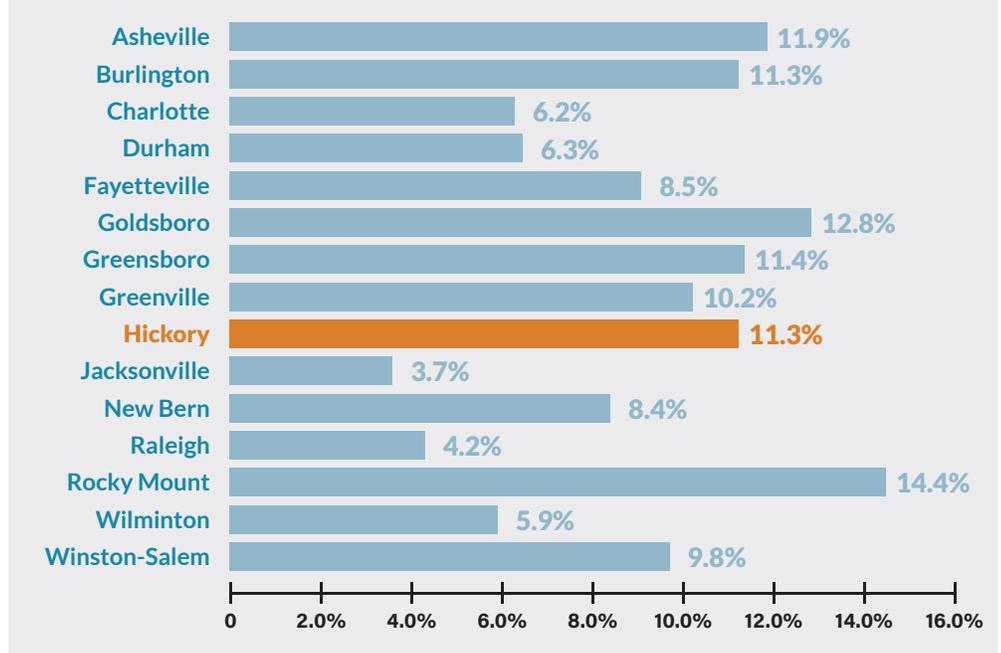
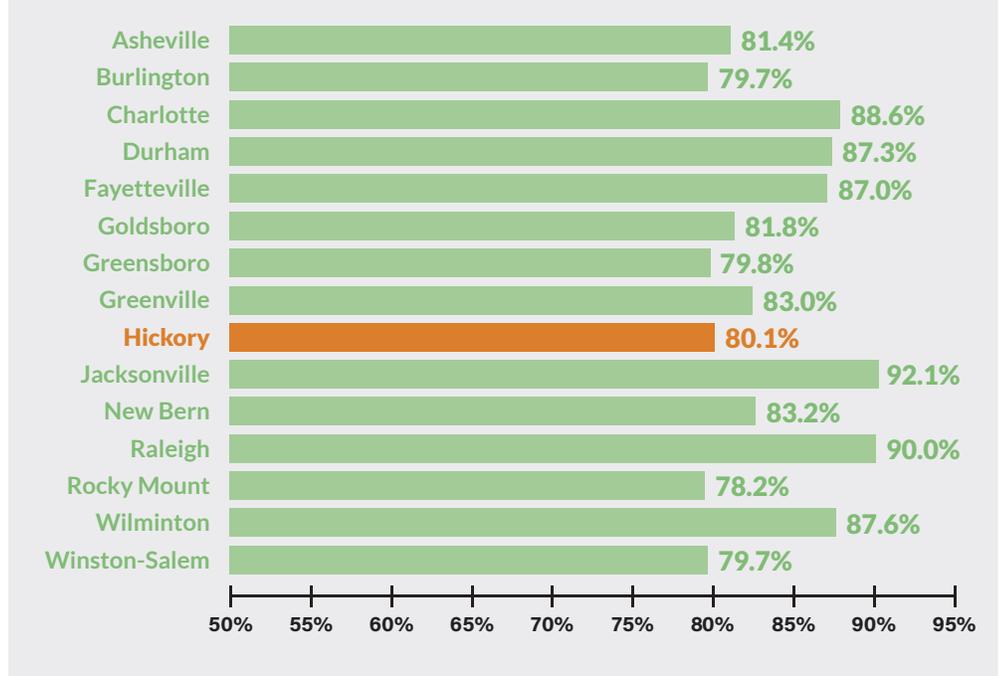


Figure 14. NC MSA Percentage of Households with Broadband Internet Subscription Service, 2018

(Source: 2018 American Community Survey, US Census Bureau.)



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Economic Indicators Newsletter

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Future EIN Topics

- Hickory-Lenoir-Morganton MSA Retail Sales
- Hickory-Lenoir-Morganton MSA Population Projections
- Hickory-Lenoir-Morganton MSA Migration Patterns

EIN Sustainer



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Burke Rescue Squadron, Inc

Finance Report

2019

Beginning balance Jan 2019 \$47469.31

Deposits \$90235,57

Expenditures

- AT&T phone \$3566.56
- AT&T internet \$1188.00
- Bank Charges \$295.00
- Brotherhood/Ben \$2833.00
- Building repairs \$6822.70
- Christmas \$3566.36
- Compass Cable \$1134,50
- Duke Energy \$3271,87
- Equipment \$11921.89
- Emergency reporting \$2226.00
- Fema reimb \$1160.00
- Food \$1016.70
- Fuel \$4862.62
- Fire ext service \$187.20
- FireDept 1913.83
- Insurance \$23874.00
- LGFCU(Truck Payments) \$7655.32
- Medical \$708.02
- Office supplies \$149.89
- Piedmont Gas \$1149.33
- Rent \$500.00
- Tires \$3299.56
- Training \$849.82
- Truck Repair \$3747.48
- USDA(Truck payments) \$16098.00
- USPO BOX 7stamps \$269.21
- Utilities \$402,00
- Chief Credit card \$ 456.58
- (food, supplies, meds, equipment misc)

Total Expenditures \$105156.44

- Balance Carryover2020 33703.76

Attachment: Burke Rescue Squadron treasurers repor2019 (3036 : BOC Reports & Comments)

SAAR funds: \$4,876.97 deposited, \$2500 deposited \$5285.51 dispersed
Balance \$2091.46

Burke Rescue Squadron, Inc

Finance Report

2018

Beginning balance Jan 2018 \$9951.22

Deposits \$131983.14

Expenditures

- Accounting \$1900.00
- AT&T phone \$1326.78
- AT&T internet \$3389.19
- Brotherhood/Ben \$2080.00
- Building repairs \$584.46
- Compass Cable \$1180,32
- Duke Energy \$2139.95
- Equipment \$16845.21
- Emergency repair \$1768.00
- Food \$873.33
- Fuel \$5600.47
- Fundraising \$85,40
- Inspections \$308,20
- Insurance \$15288.00
- LGFCU(Truck Payments) \$7655.32
- Memorial \$300.00
- Piedmont Gas \$793.25
- Rent \$400.00
- Shirts \$2504.81
- Tires \$1589.02
- Training \$2801.00
- Truck Repair \$4919.86
- USDA(Truck payments) \$16098.00
- USPO BOX \$140.00
- Utilities \$402.32
- Chief Credit card \$ 43392.16
- (food, supplies, meds, equipment misc)
- Total Expenditures \$91072.89
- Balance Carryover2019 \$47,469.31

Attachment: Burke Rescue Squadron treasurers repor2018 (3036 : BOC Reports & Comments)

SAAR funds: \$4,876.97 deposited, \$2500 deposited \$5285.51 dispersed
Balance \$2091.46

February 26, 2020

**BURKE COUNTY ANIMAL ADVISORY BOARD
REGULAR MEETING**

The Burke County Animal Advisory Board met in regular session on Wednesday, February 26, 2020, at 5:00 p.m. The meeting was held in the Burke County Board of Commissioners' Chambers, located at 110 N. Green Street in Morganton, North Carolina. Members present were:

PRESENT:	Debbie Hawkins Gwen Stephens Amy Burnette Megan Bradley Dr. Linda Schilkowsky
ABSENT:	Jeff Robinson Allen Keller
ALSO PRESENT:	Kaitlin Settlemyre, Animal Services Director
ALSO ABSENT:	Rebecca McLeod, Health Director (Resource for AAB)

CALL TO ORDER

Debbie Hawkins called the meeting to order at 6:03pm.

APPROVAL OF AGENDA

Motion: To approve the agenda for Wednesday, February 26, 2020 as presented.

RESULT: APPROVED (UNANIMOUS)

MOVER: Amy Burnette

SECONDER: Gwen Stephens

AYES: Debbie Hawkins, Dr. Linda Schilkowsky, Megan Bradley

ABSENT: Allen Keller and Jeff Robinson

APPROVAL OF AGENDA

Motion: To approve the addition of the resolution concerning the establishment of a non-profit 501c3

RESULT: APPROVED (UNANIMOUS)

MOVER: Amy Burnette

SECONDER: Gwen Stephens

AYES: Debbie Hawkins, Dr. Linda Schilkowsky, Megan Bradley

ABSENT: Allen Keller and Jeff Robinson

APPROVAL OF MINUTES

Motion: To approve the minutes of January 29, 2020 as presented.

RESULT: APPROVED (UNANIMOUS)

MOVER: Gwen Stephens

SECONDER: Dr. Linda Schilkowsky

AYES: Debbie Hawkins, Amy Burnette, Megan Bradley

ABSENT: Allen Keller and Jeff Robinson

Attachment: AAB - Minutes 2.26.2020 (3036 : BOC Reports & Comments)

February 26, 2020

PUBLIC COMMENTS - NONE

ACTION ITEMS

APPOINTMENT OF SECRETARY

Motion: To approve the election of Megan Bradley to Secretary, as tabled on Wednesday, January 29, 2020

RESULT: APPROVED (UNANIMOUS)
MOVER: Amy Burnette
SECONDER: Dr. Linda Schilkowsky
AYES: Debbie Hawkins, Gwen Stephens, Megan Bradley
ABSENT: Allen Keller and Jeff Robinson

RESOLUTION

Motion: To endorse the resolutions for the establishment of a nonprofit foundation for the Burke County Animal Services Center

RESULT: APPROVED (UNANIMOUS)
MOVER: Amy Burnette
SECONDER: Gwen Stephens
AYES: Debbie Hawkins, Dr. Linda Schilkowsky, Megan Bradley
ABSENT: Allen Keller and Jeff Robinson

Kay Draughn, Clerk to the Board of Commissioners, voiced ideas to garner interest in persons to accomplish the establishment of a non-profit for BCAS including utilizing social media and word of mouth.

ORDINANCE REVISIONS

AUDITING

Motion: To approve the section in the ordinance regarding the rescue requirements of audits to reflect the additions to provide all requested documentation to evaluate the health and welfare of the animal for rescue groups and the addition of performing random auditing of Burke County Animal Services and Burke County Animal Control.

RESULT: APPROVED (UNANIMOUS)
MOVER: Amy Burnette
SECONDER: Megan Bradley
AYES: Debbie Hawkins, Dr. Linda Schilkowsky, Gwen Stephens
ABSENT: Allen Keller and Jeff Robinson

DEFINITIONS AND STANDARDS OF CARE

Motion: To approve the suggested revisions of the section(s) in the ordinance regarding Definitions, Standards of Care, and Citations.

February 26, 2020

RESULT: APPROVED (UNANIMOUS)**MOVER: Amy Burnette****SECONDER: Gwen Stephens****AYES: Debbie Hawkins, Dr. Linda Schilkowsky, Megan Bradley****ABSENT: Allen Keller and Jeff Robinson****REMEDIES****Motion: To approve the revisions to Article 5, Sec. 6-131 A.1****RESULT: APPROVED (UNANIMOUS)****MOVER: Amy Burnette****SECONDER: Megan Bradley****AYES: Debbie Hawkins, Dr. Linda Schilkowsky, Gwen Stephens****ABSENT: Allen Keller and Jeff Robinson**

Remedies, Article 5, Sec. 6-131 A.1, First offense would be a warning, Second would be a \$50.00 citation, Third would be a \$100.00 citation, Fourth would be a \$200.00 citation and all consecutive offenses would be a \$200.00 citation.

UPDATE: PUBLIC SERVICE ANNOUNCEMENT SUB-GROUP

Jeff Robinson was not present to give an update for handouts/posters at the Sheriff's Office

Gwen Stephens reported on the progress of the public service announcement (PSA) sub-group. She said that Kaitlin Settlemyre, Shelter Director has the PSAs back from Kay. Kaitlin is forwarding the PSAs to Bryan Steen, County Manager for approval. Gwen said that a contact list has been given to Kaitlin to proceed with PSAs being dispersed. Kaitlin must initiate contact but can delegate to a volunteer after initial contact. Kaitlin reached out to Tyler Shatley to assist with PSAs but has not received a response. Gwen said that Kaitlin can type up the PSAs and ask for radio stations to read them. PSA will stand as a "Did you know?" format and will be looking at education/definition material. Gwen said there will be multiple phases to the PSA project.

Gwen said that there needs to be separation between Burke County Animal Services, Burke County Animal Control, and Burke County Friends for Animals. She voiced concern that several citizens in the county believe that Burke County Friends for Animals is a county managed entity and that there should be some way to clarify that it is not affiliated with county government and management. Debbie Hawkins said she would email Bryan in regard to the clarification and what authority he and the county have.

UPDATE: COMMUNITY CAT PILOT GROUP

Kaitlin said that the meeting for February had to be postponed and the next meeting is scheduled for February 4, 2020 at 10:00am at Burke County Animal Services Center.

ANIMAL SERVICES UPDATE

- Best Friends Animal Society Shelter Assessment: Will provide a lengthy report within 2-4 weeks. Key points noted were the need for more shelter staff (recommendation for 7 staff), launching an awareness campaign throughout the county, and the need to build on the foster and volunteer programs. BFAS were scheduled to do an assessment of Animal Control as well but were unable due to Animal Control not responding to correspondence.

February 26, 2020

- Panleukopenia Outbreak: Cats quarantined for 7 days to prevent spread of disease. Shelter has also been disinfected.

AGENDA ITEMS FOR NEXT MEETING

- Dangerous Animals Committee
- Public Service Announcement Update
- Commissioner's Meeting Update

ADJOURNED AT 6:22P.M.

There was no further business to come before the Board.

Motion: To adjourn.

RESULT:	APPROVED
MOVER:	Amy Burnette
SECONDER:	Megan Bradley
AYES:	Debbie Hawkins, Dr. Linda Schilkowsky, Gwen Stephens
ABSENT:	Allen Keller and Jeff Robinson

The next meeting will be Wednesday, March 25, 2020 at 5:00 p.m.

Approved this 14th day of February 2020.



Debbie Hawkins
Chairperson, Animal Advisory Board



Western Piedmont Regional Transit Authority
MINUTES OF REGULAR BOARD MEETING
Western Piedmont Regional Transit Authority (WPRTA) Board of Directors
Thursday, February 20, 2020 at 10:00 a.m.
Location: Greenway Conference Room,
1515 4th St. SW, Conover, NC 28613

Members Present: Rick French (Chair), Donald Duncan, Sean Hovis, John Marshall, Karen Harrington

Others Present: Camille Sterling, Jeff Blalock, Patti Foster, Brian Horton, Aaron Kohrs, Freda Powell, Amanda Safrit, Terry Taylor

1. **Call to Order** – Mr. French called the meeting to order at 10:02 AM and welcomed all present.
2. **Finance**
 - a. **Financial Report-** Mr. Blalock gave a brief overview of the WPRTA Operating Income/Expense Report for January. Total cash, as of February 17, 2020, is \$1,754,879.05. No board action was required.
 - b. **Budget Presentation-** Mr. Blalock provided an overview of the proposed budget for next fiscal year (FY 2021). Mr. French called for a motion to call for a public hearing at the next board meeting on March 19, 2020. Upon a motion by Mr. Duncan and second by Mr. Hovis, the Board unanimously approved to call for a Public Hearing for the FY 2021 Budget on March 19, 2020.
3. **Authority Update-** Mr. Kohrs shared a recent Foothills Magazine article and announced the upcoming Transit 101 seminar the evening of March 3, at Patrick Beaver Library. Ms. Sterling noted the retirement of NC Transportation Secretary Jim Trogdon and the appointment of Eric Boyette by Governor Cooper, as well as the departure of Johanna Cockburn from managing the Integrated Mobility Division at NCDOT. Ms. Powell noted that ten current vacancies at Greenway may soon become only three, if pending applicants were hired. Ms. Harrington asked if any new employment trends were evident, to which Ms. Sterling replied online postings were now much more effective. Ms. Sterling also praised the improving culture of operators transporting people. No action was required by the board.
4. **Consent Agenda-** Mr. French called for a motion to approve the January 16, 2020, Board Minutes. Upon a motion by Mr. Duncan and a second by Mr. Hovis, the Board unanimously approved the Minutes.
5. **Discussion of Items removed for the Consent Agenda-** No public comment
6. **Public Comment-** None
7. **Other Business-** None
8. **Adjournment** – The next board meeting will be Thursday, March 19, 2020 at 10:00 am. Mr. Hovis moved to adjourn the meeting, with a second by Mr. Marshall. The motion to adjourn was

approved unanimously by the board, and they adjourned at 10:27 AM.

Respectfully Submitted,

Brian Horton, Clerk

Rick French, Chairman

Attachment: Item_4_Greenway Minutes 02.20.2020 (3036 : BOC Reports & Comments)

Burke County Juvenile Crime Prevention Council
Minutes: MARCH 11, 2020
Collett Street Recreation Center, Morganton, NC

ATTENDANCE:

Council members attending: Ronn Abernathy, Hillary Biggerstaff, Nicki Carpenter, Brandon Collins, Tara Conrad, Willow Conrad, Jennifer Forney, Doug Hartjes, Doug Knight, Rebecca McLeod, Brooke Mills, Steven Moody, Dorian Palmer, Clifton Smith, Mike Swan, Maynard Taylor and Steve Whisenant.

Council members excused: Nicki Carpenter, Joseph Martinez and Jasper Hemphill.

Programs attending: Jolita Jackson – Children’s Hope Alliance; Patti Ferree and Chris White – Conflict Resolution Center; Kim Castano and Autumn Stone – Kids at Work; Chris Renfro, Ken Benfield, Scotty Powell – Project Challenge; and Renee Lewis – Repay, Inc.

Partners attending: Heather Atkins, James Best, David Hughey, and Christina Carpenter - Department of Juvenile Justice.

Guests attending: Korey Fisher-Wellman, DSS and Katie Varnadoe.

Staff attending: Megan Webster, and A.J. Coutu.

Call to Order: Rebecca McLeod, Council Chair, called the meeting to order at 8:10 A.M. A quorum (16 of 21) was present.

- I. **Approval of the Agenda:** Ms. McLeod mentioned that Patti Ferree was asking for a budget revision item to be added to the agenda. Maynard Taylor made the motion to approve the agenda with the addition of the budget revision item. Tara Conrad seconded the motion which passed unanimously.
- II. **Approval of the Minutes:** Ms. McLeod asked if there were any changes to the February, 2020 minutes which were sent to the Council previously. Jennifer Forney made the motion to approve the minutes as recorded. Sheriff Whisenant seconded the motion which passed unanimously.
- III. **Rebecca McLeod**, Governance Chair; Jasper Hemphill, Vice Chair.
 - A. Ms. McLeod mentioned that the Council still needs one student under 18 year of age in its membership as well as a non-profit program representative.
 - B. A copy of the 2019/2020 Executive Summary of the annual plan was handed out and Ms. McLeod asked that Council members give any feedback for changes to A.J. Coutu prior to April 1st. Ms. McLeod identified the highlighted sections which would necessarily be changed after Council vote on funding and the areas for consideration. Discussion ensued concerning the summary without recommendations for changes.
- IV. **Outreach Committee:** Jennifer Forney, Chair; David Bridges, Vice Chair.
Ms. Forney mentioned to the group that the Outreach Committee was scheduled for after the Council meeting. However, two of the members were not able to attend. Tara Conrad recommended that the meeting be postponed. It was decided that the meeting would occur after the April Council meeting.
- V. **Finance:** Joseph Martinez, Chair; Doug Knight, Vice-Chair
 - A. Doug Knight reported on the monthly expenditures for the Administration budget, which was in line for the current period based on the original budget. Rebecca McLeod explained that the county finance personnel asked that the computer replacement be purchased prior to the revision of the budget approved previously. She enumerated the different ways this would be beneficial for JCPC, including IT support, lower price and exclusion from taxes that would have to be paid otherwise. The computer quoted will be \$1,328.21.

- B. Mr. Knight presented a motion from the Finance Committee recommending funding for the 2020/2021 fiscal year. He briefly described the process the committee used and reminded the Council that the funding document had been sent to them previously by email. Hardcopies were also handed out of the document showing the requests made and the amounts recommended. The amounts were as follows: Burke Recovery - \$25,663; Burke JCPC Administration- \$14,500; Repay Just Girls - \$24,892; Conflict Resolution Center - \$55,915; Kids at Work - \$43,598; Project Challenge - \$67,241; Repay Psychological Services - \$11,589; Repay SAIS - \$43,676, totaling \$287,074. Dr. Moody seconded the Finance Committee's motion to approve the amounts as presented. The motion passed unanimously with the following abstentions due to stated conflicts of interest: Sheriff Whisenant, Rebecca McLeod, Brooke Mills and Tara Conrad.
- C. Mr. Knight turned the floor over to Patti Ferree for the Conflict Resolution Center's request for a budget revision. The revision was brought to the council because even though there was no change in the bottom line or the services, the revision did alter staff pay. Dr. Moody made the motion to allow the revision as presented, which was seconded by Brandon Collins and passed unanimously.

- VI. Juvenile Justice Update – Ronn Abernathy gave a concise report on the number and level of youth being served by the juvenile court counselors. He also described the reasons the numbers expected initially by DJJ were slow in appearing and mentioned that two additional staff were to be added to his staff for the Raise the Age influx.
- VII. Report from the State: Megan Webster supplied a monthly update summarizing the clients served and terminated by the funded programs. Ms. Webster also mentioned the conference coming up on April 27th through 29th in Hickory, and the registration deadline has been pushed to April 20th. Two attendees per program are allowed. Limited scholarships will be available. She mentioned that Third Quarter Accounting will be due on March 26th. Ms. Webster also asked that any program showing funds to be reverted please alert A.J. Coutu and Rebecca McLeod so that other local programs could take advantage of the released funds. A discussion ensued concerning the "state of emergency" declared by the Governor. Which may impact the conference, and asked that the programs give consideration to how they would handle any possible quarantine within their office and staff. Rebecca McLeod added to the information from the vantage of the health department and explained various aspects of the current situation also giving helpful web sites.
- VIII. Announcements: Patti Ferree asked for permission to send program applications to A.J. Coutu for dissemination to the rest of the council. The applications would be for adult volunteers for the Conflict Resolution Center's Restorative Justice Program. Discussion indicated that this sort of information distribution had been done regularly and was proper.
- Kim Castano announced that the Kids at Work program has hired additional bookkeeping help. She also apologized for past slowness in response time from the program.
- IX. Adjourn: at 9:10 A.M. Tara Conrad made a motion to adjourn, seconded by Steve Moody and passed by acclamation.

Respectfully Submitted by
A.J. Coutu

Burke County Tourism Development Authority
110 East Meeting Street
Morganton, NC 28655



Date: April 13, 2020

From: Burke County Tourism Development Authority

Operational Update #3

The Burke County Tourism Development Authority has implemented several plans to mitigate the impact of the COVID-19 virus and the impact on our ability to operate.

- Advertising and marketing campaigns have been paused except digital marketing and social media marketing which has zero or very low cost. Our messaging is directed at the local market and describes which hospitality businesses are in operation and at what level.
- Tourism Staff are working with travel writers and publishers who are continuing to cover Burke County stories in the coming months. Staff have provided photos and other information for upcoming stories.
- The TDA is sharing information for hospitality and tourism workers in Burke County of which more than 2,000 may be unemployed due to restaurant closures and diminished hours. Hotels in Burke have also reduced staff to the bare minimums.
- All TDA non-essential spending has been cut to preserve our Fund Balance for operational costs and **Recovery Marketing** once this crisis is over.
- Staff- We continue to work shifts in the Burke Visitor Center and remotely whenever possible. Staff health and safety are of the utmost importance.
- The Burke Visitor Center is **Closed to Visitors**. We are answering phone calls and directing inquiries to the appropriate resources.

We will communicate weekly through this Operational Update unless an urgency occurs. Please feel free to contact me by email if you have any questions
director@discoverburkecounty.com

Sincerely,

Ed Phillips
C.E.O.

Burke County Tourism Development Authority

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



VACANCY ANNOUNCEMENTS

Subject Title: Clerk - Boards and Committees Vacancy Report

Presented By: Kay Draughn

Summary of Information: County Appointment Opportunities

Adult Care & Nursing Home Community Advisory Committee

Several vacancies exist. Initial terms of appointment are for one (1) year. Training is required and provided by the Western Piedmont Council of Governments through the Aging Support Program. Contact Christina Franklin, the Regional Ombudsman, at 828.485.4213 for more information.

Council on Aging

Several vacancies exist for at-large positions. Terms of appointment are for three (3) years. For more information, please contact Karen Robinson at 828.381.2187.

Juvenile Crime Prevention Council

Applications are being accepted for a United Way/nonprofit seat and one (1) at-large seat. The terms of appointment are for two (2) years. Contact A. J. Coutu at 828.403.1427 for more information.

City of Morganton - Board of Adjustment (ETJ)

Two (2) vacancies exists on Morganton's Board of Adjustment. Applicants must reside in the extraterritorial jurisdiction (ETJ) of the City of Morganton. Terms are for three (3) years. For more information, please contact the City of Morganton at 828.438.5260.

City of Morganton - Planning Board (ETJ)

Two (2) vacancies exists on Morganton's Planning Board. Applicants must reside in the extraterritorial jurisdiction (ETJ) of the City of Morganton. Terms are for three (3) years. For more information, please contact the City of Morganton at 828.438.5260.

Voluntary Agriculture Board

One (1) vacancy exists. The term is four (4) years. Contact Lea Ann Branch at 828-439-9727, Ext. 3 for more information.

Burke Co. Board of Adjustment & Planning Board

Applications are being accepted for the Burke Co. Board of Adjustment and Planning Board. Contact the Community Department at 828.764.9030 for more information.

Western Piedmont Regional Transit Authority - Transportation Advisory Board

One (1) vacancy exists for an at-large seat. Unless otherwise noted, the TAB Board Meetings are held at the Greenway Public Transportation offices located at 1515 4th Street S.W., Conover N.C. 28613. For more information or to fill out an application regarding the Transportation Advisory Board contact Camille Sterling at 828-465-7642.

Partners Behavioral Health Mgmt.

Advocates are needed for the Consumer and Family Advocacy Committee, Consumer and Family Advocacy Committee (Rep. Family Member of Consumer) and the Human Rights Committee. For more information, contact Shirley Moore at 704-884-2646 for the CFAC and Kim Maquire at 704-884-2504 for the HRC.

Burke Senior Center Advisory Council

Two (2) vacancies exists. The term is for three (3) years. Contact Roxanne Powell at 764-9392 for more information.

Recreation Commission

Applications are being accepted for several seats on the Commission. The term is for three (3) years. Contact Treg McGee at 764-9092 for more information.

Budgetary Effect: NA

County Manager's Recommendation: NA

Suggested Motion: No action required.



BURKE COUNTY APPOINTMENT APPLICATION BOARDS AND COMMITTEES

Name: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: Home: _____ Business: _____

Cell: _____ Email: _____

Occupation: _____

Retired from: _____

How did you hear about this opportunity? _____

Are you currently serving on a county board or committee? Yes No

If so, please identify the board or committee: _____

Community interest and activities:

Do you reside in the extraterritorial area of a municipality? Yes No

List in order of preference the board and/or committee(s) on which you would like to serve.

1. _____
2. _____
3. _____

Most board or committee seats have no special requirement other than being a citizen of Burke County. Do you have special criteria that you would like to be considered for this appointment?

Describe why you are interested in serving on a board or committee. What goals and objectives do you have?

Are you willing to attend board or committee meetings on a regular basis? ___ Yes ___ No

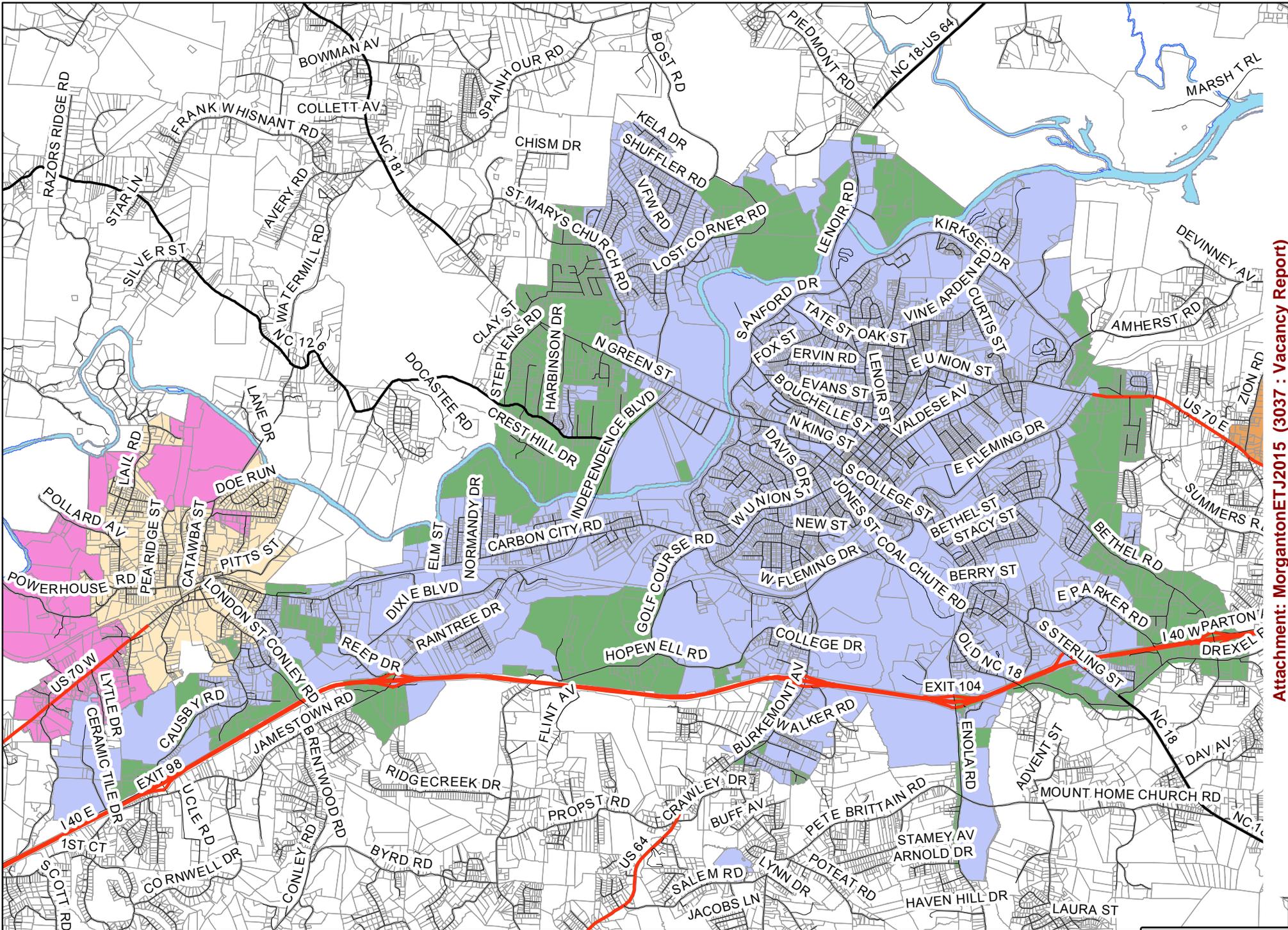
Please disclose any business or personal relationships that may be considered a conflict of interest, if selected to serve on a board or committee:

Remarks: _____
(OPTIONAL)

Signature: _____
(ORIGINAL SIGNATURE REQUIRED)
(SIGNING INDICATES AGREEMENT TO ABIDE BY THE BURKE COUNTY CODE OF ETHICS.)

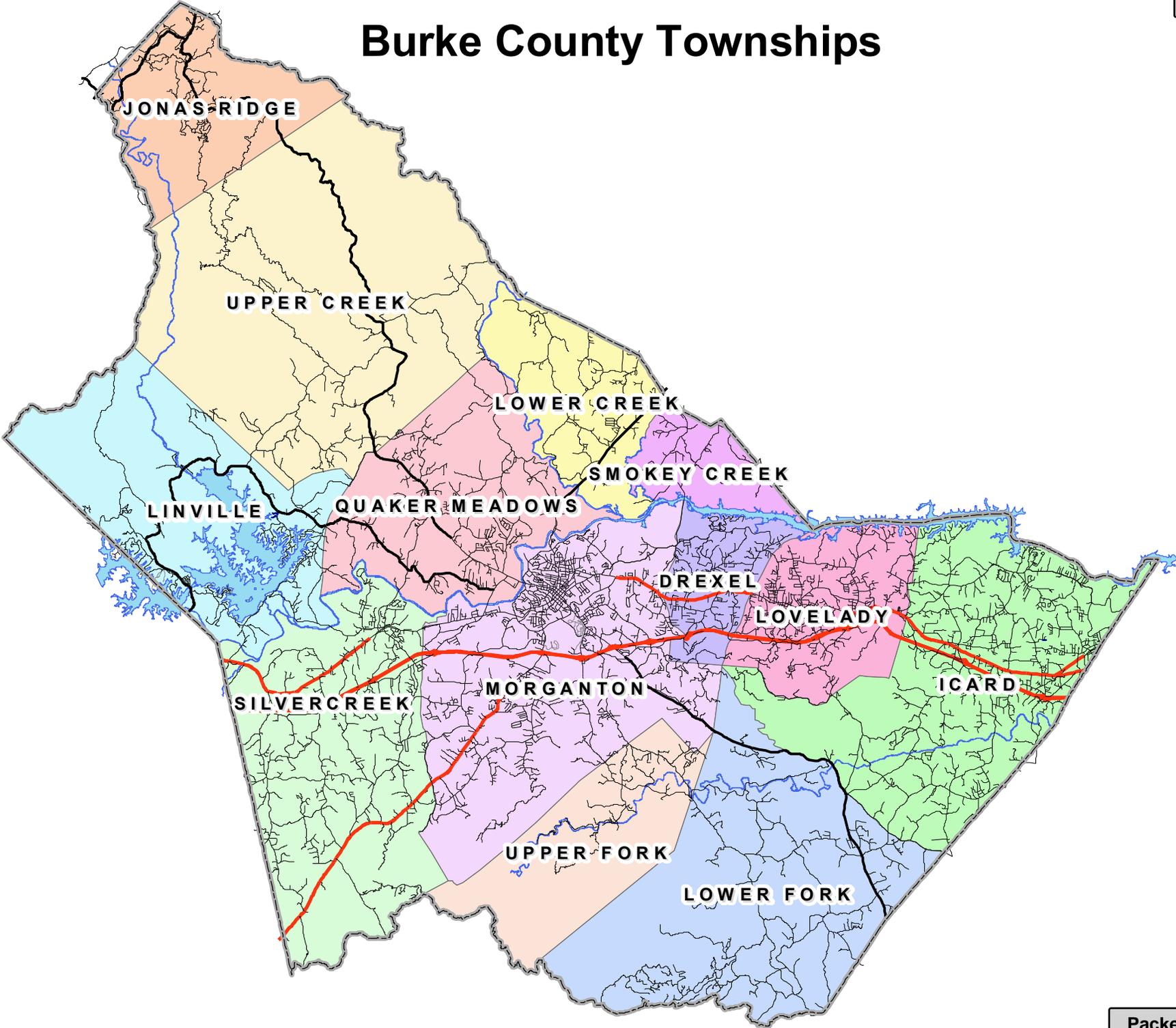
Return to: Burke County
 Attn: Clerk to the Board
 P.O. Box 219
 Morganton NC 28680
 Email: kay.draughn@burkenc.org
 Phone: 828-764-9354 Fax: 828-764-9352

Attachment: 2018 Application to Serve on Boards and Committees V4 (3037 : Vacancy Report)



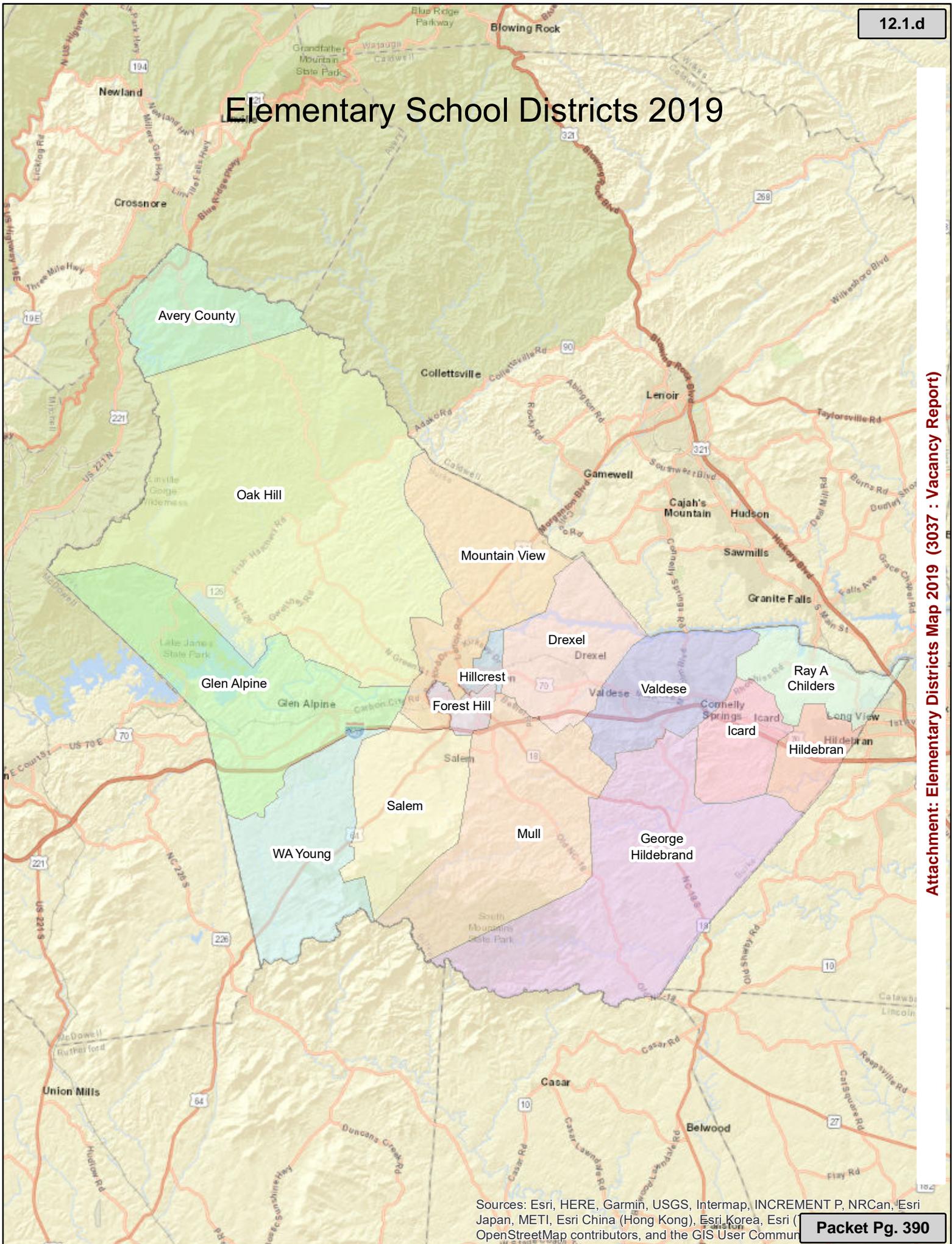
Attachment: MorgantonETJ2015 (3037 : Vacancy Report)

Burke County Townships



Attachment: 2013 Township Map (3037 : Vacancy Report)

Elementary School Districts 2019



Attachment: Elementary Districts Map 2019 (3037 : Vacancy Report)

Burke County, North Carolina
Agenda Abstract
Meeting Date: April 21, 2020



CLOSED SESSION

Subject Title: BOC - Closed Session to Discuss Threatened or Pending Litigation, to Preserve the Attorney-Client Privilege, to Discuss Economic Development Matters and to Discuss Personnel Matters (If needed.)

Presented By: Johnnie W. Carswell

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

Budgetary Effect: NA

County Manager's Recommendation: NA

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

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
 - (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
 - (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
 - (10) To view a recording released pursuant to G.S. 132-1.4A.
- (b) Repealed by Session Laws 1991, c. 694, s. 4.
 - (c) Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.
 - (d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)