

January 21, 2020 (Regular)

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

The Burke County Board of Commissioners held a regular meeting on Tuesday, January 21, 2020 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
Reverend Dr. Wayne Arthur Johnson, Sr., Shiloh AME Church, delivered the invocation.

PLEDGE OF ALLEGIANCE
Under the leadership of Marla Patchel, Cub Scout Pack 184, First Baptist Church, led 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.

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 (Recessed - Budget) and June 18, 2019 (Regular) as written.

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

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PRESENTATIONS

AS - PET OF THE MONTH

Kaitlin Settlemyre, Animal Services Director, and Lindsay Stump, Animal Services Coordinator, presented Persimmon and Pibbles, a male cat and dog in need of their “forever” homes. In response to a statement from Chairman Carswell, Ms. Settlemyre said the adoption rate for dogs and cats has increased from approximately 20 percent to 60 percent. Chairman Carswell commended Animal Services staff for their hard work and said they are striving to get to a zero percent euthanization rate. Further, he said the Board has an upcoming special meeting to look at plans for a new Animal Services Center (ASC). Chairman Carswell encouraged anyone interested in volunteering at the ASC or wants to adopt a pet, to please contact Ms. Settlemyre. In closing he encouraged citizens to spay or neuter their animals.

RESULT: NO ACTION TAKEN.

BBBS - PROCLAMATION PROCLAIMING JANUARY 2020 AS NATIONAL MENTORING MONTH

Dorian Palmer, Big Brothers Big Sisters of Western North Carolina Chairman, presented a proclamation proclaiming January 2020 as National Mentoring Month and called upon all citizens, businesses, public and private agencies, as well as religious and educational institutions, to join the mentoring movement and be a part of Big Brothers Big Sisters of Burke County and WNC (Western North Carolina). Mr. Palmer said Big Brothers Big Sisters (BBBS) has been in Burke County since 1999, and in 2019 they served 40 young people between the ages of six (6) and 18. Further, from Morganton to Murphy, BBBS has served 3,016 children.

Motion: To adopt Proclamation No. 2020-01.

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

Proclamation No. 2020-01 reads as follows:

Burke County
 North Carolina

Proclamation Proclaiming January 2020 as National Mentoring Month

WHEREAS, the Big Brothers Big Sisters mentoring model is a proven, effective strategy that helps children and young adults by matching them with a caring, responsible adult role model who can provide guidance and direction, and build their confidence; and

WHEREAS, mentoring strengthens Burke County's economic and social well-being by helping young people fulfill their potential, encouraging healthy family relationships, and promoting more vibrant communities; and

WHEREAS, Big Brothers Big Sisters has been making an impact on the lives of young people in Burke County since 1999, serving a total of 927 children, serving 40 in 2019; and in Western North Carolina since 1982, serving 3,016 children in the 2018-19 calendar years; and

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WHEREAS, residents of Burke County are making a profound difference in the lives of our young people by serving as mentors; and

WHEREAS, many of Burke County's children are in need of a caring adult mentor in their lives, and closing this mentoring gap will take more investment, partnerships, and volunteers ready to make a difference in a child's life; and

WHEREAS, National Mentoring Month is an opportunity to raise public awareness of the importance of mentoring, recognize the dedicated individuals who serve as mentors, and encourage more citizens to help build a brighter future for Burke County's youth through mentoring; and

WHEREAS, in honor of the mentors, volunteers and staff, the month of January is recognized nationally as Mentoring Month.

NOW, THEREFORE BE IT PROCLAIMED that the Board of Commissioners of Burke County North Carolina; hereby declare January 2020 as National Mentoring Month and calls upon all citizens, businesses, public and private agencies, as well as religious and educational institutions, to join the mentoring movement and be a part of Big Brothers Big Sisters of Burke County and WNC (Western North Carolina).

Adopted this 21st day of January 2020.

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

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

Information from the agenda packet: 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 recognized and congratulated Detective Puckett for receiving this prestigious recognition. Detective Puckett thanked the Sheriff's Office for the opportunity to work for the citizens of Burke County.

From left to right: Detective Kirstie Puckett and Sheriff Whisenant

RESULT: NO ACTION TAKEN.

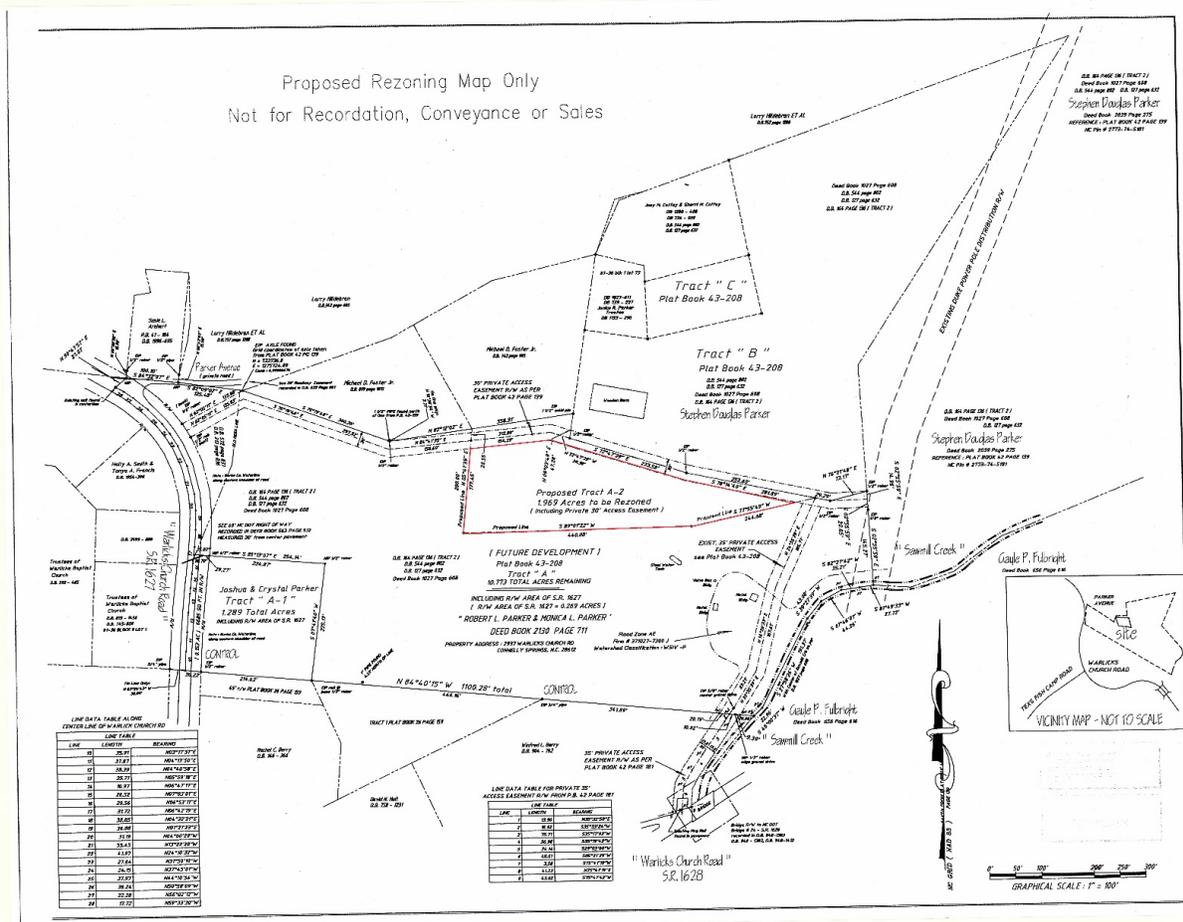
SCHEDULED PUBLIC HEARINGS

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COMM. DEV. - ZONING MAP AMENDMENT ZMA 2019-10 & PUBLIC HEARING - 6:00 P.M.

Scott Carpenter, Deputy County Manager/Planning Director, presented information regarding ZMA 2019-10 as follows:

REQUEST: Staff has received a rezoning application from Robert Parker to rezone approximately a two-acre portion of one (1) parcel of land totaling 11.35 acres. The request is to rezone that portion of property from its current zoning of Residential Three (R-3) to the General Business District (G-B). The property owner wishes to establish a furniture upholstery business at this location.



SITE ANALYSIS

The parcel is described as follows: The 911 address of the parcel is 2937 Warlicks Church Rd. Morganton, NC. The parcel is further identified in county records as (PIN# 2773632359 and REID# 26263). The parcel has two small frame sheds on the property according to property tax records. Otherwise, the land is vacant and wooded. The property has road frontage on Warlicks Church Road. (SR #1627), however, the two-acre area proposed to be rezoned is accessed via a thirty-foot (30') "private" access easement which connects to Warlicks Church Road. The property is located within the Icard Township of Burke County, the Lake Hickory WS-IV-PA Water Supply Watershed, and the

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Icard Fire District. The parcel has a very small portion of floodway located in the southeast corner of the property. This location is outside of the area proposed to be rezoned.

SURROUNDING AREA: Land uses in the surrounding area are a mixture of residential, commercial, and agricultural uses. The parcels that adjoin the subject property are all zoned Residential Three (R-3). Many of those adjoining parcels have dwellings on them. There are several parcels in close proximity to the subject parcel which are zoned General Business. There is a church and several commercial businesses and warehouses located in close proximity to the subject property. There are also two (2) parcels nearby which house poultry operations. Across Warlicks Church Road is Residential two (R-2) zoning which is mainly occupied by single-family detached dwellings. The table below indicates the existing land uses in the area.

Existing Zoning and Land Uses within the Surrounding Area		
	Current	Existing Land Uses
North	R-3	Residences, Vacant Land, Agricultural (Poultry)
South	R-3, G-B	Residences, Retail, Warehousing
East	R-3	Vacant, Scattered residences
West	R-2, G-B	Residences, Church, Commercial/Warehouse



Burke County, NC Zoning Administration
Aerial Land Use Map

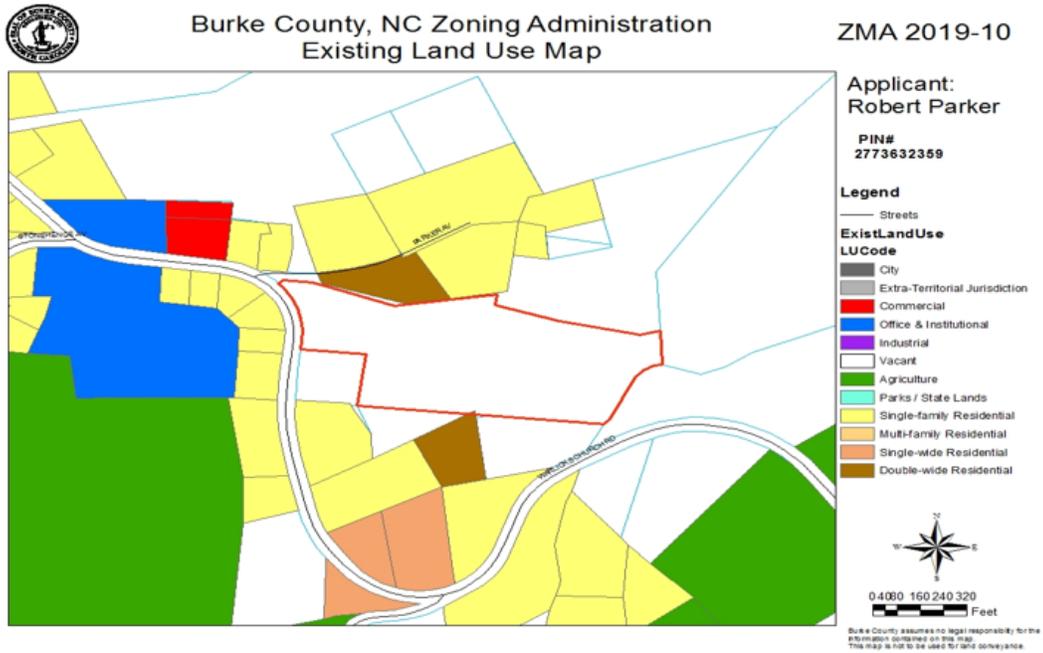
ZMA 2019-10

Applicant:
Robert Parker

PIN#
2773632359



The 2018 Aerial photo (Above) and Existing Land Use Map (Below) 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).



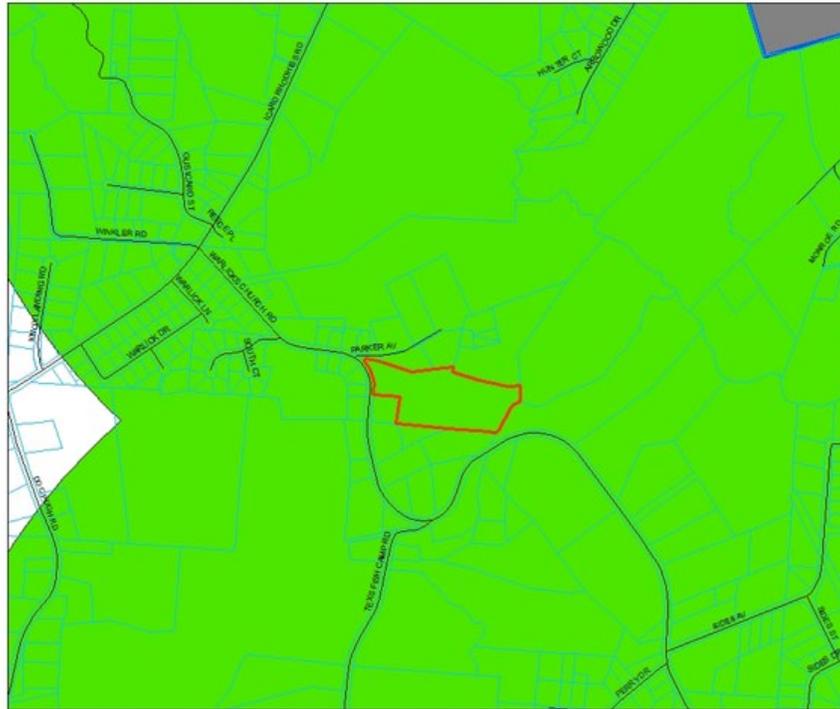
CONFORMITY WITH THE COMPREHENSIVE PLAN: The current land use plan for Burke County is the 2016-2030 Blueprint Burke Strategic Land Use Plan. Within that plan, this area of the county is designated as the "Secondary Growth Area". This area has many of the attributes of the Primary Growth Area (i.e. infrastructure, utilities, transportation corridors, mixed uses), or there is an expectation that those attributes will be available in the near future. Current residential densities in this area may be less than in the Primary Growth Area. Both residential and certain non-residential uses are recommended for this area where appropriate.

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Burke County, NC Zoning Administration
Future Land Use Map

ZMA 2019-10



Applicant:
Robert Parker

PIN#
2773632359

- Legend
- Streets
 - parcel polygons
 - Lakes & Rivers
 - ⊗ Industrial Focus Areas
 - ⊗ ED Focus Areas
 - Lake James Special Planning Area
 - ⊗ South Mountain Special Planning Area
 - ⊗ Pisgah Special Planning Area
 - Rural/Agricultural/Home Business Area
 - Primary Growth Area
 - Secondary Growth Area



011820 440 660 880
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 BURKE COUNTY ZONING ORDINANCE: The “current” zoning district for this parcel is the Residential Three (R-3) District. The R-3 Residential District is a less restrictive medium density residential district that allows a broader range of residential uses including single and multi-section mobile homes and a greater variety of compatible non-residential uses in areas that may be less suburban in nature. Public water is available to this area through Icard Water Corp. There is no public sewer available. All waste-water disposal would be through onsite septic systems. Certain home occupations which are incidental and secondary to the residential use are permitted within these districts.

PROPOSED ZONING DISTRICT: The proposed zoning district is the General Business District. The G-B General Business District is established to provide suitable locations for those commercial activities which serve the general public, including those which function rather independently of each other.

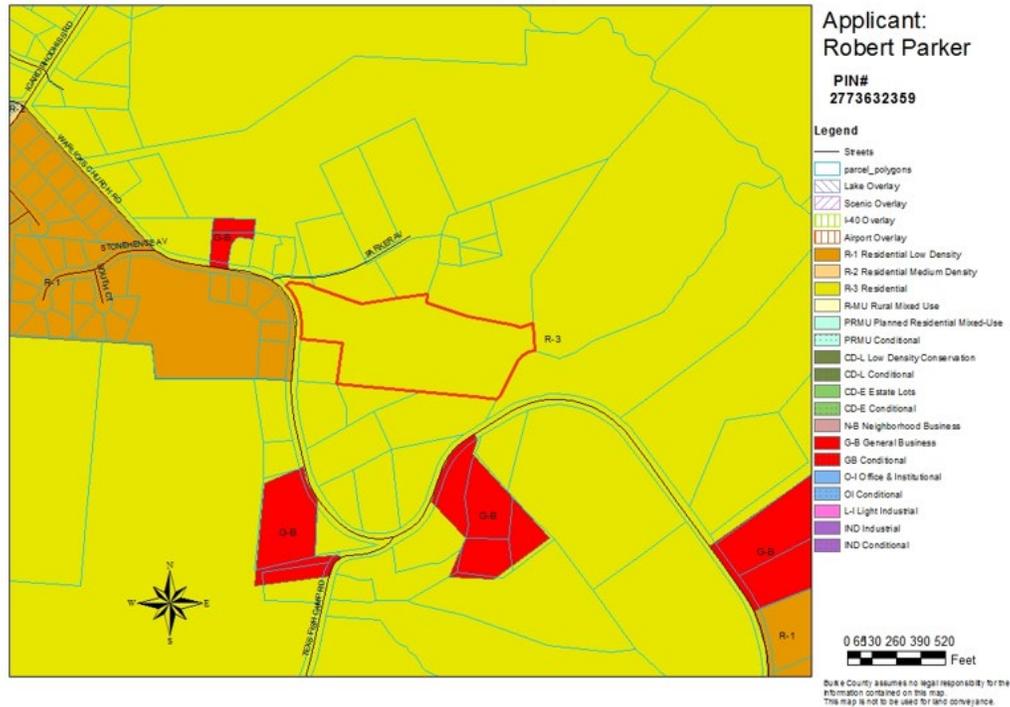
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Burke County, NC Zoning Administration
Current Zoning Map

ZMA 2019-10



STAFF COMMENTS: This is essentially a residential community for the most part. The proposed zoning change to a non-residential zoning district can be considered due to the close proximity to existing General Business zoning. In staff's opinion, this would not be considered a "spot" zoning. The location of the proposed zoning has both pros and cons. The proposed location of the non-residential zoning somewhat insulates it from the existing residential uses. However, access to the proposed location is via a private thirty-foot easement. This access road is currently not in place. The county does not have specific requirements for commercial access, therefore, if the rezoning is approved, there is no ordinance standard that would require them to construct the access road to a certain standard. Because this is a rezoning to a general zoning district, the county cannot put a condition on the rezoning which would require the property owner to construct the road to a specific standard. Unless the portion of property proposed to be rezoned adjoins the state road, there could be issues with accessing this area for commercial development. This may not affect the owner's proposed commercial development, however, could affect any future development.

Staff's comments are based on the facts of the case.

- The parcels adjacent to the subject parcel are all zoned Residential.
- The proposed zoning district can be considered because there is "General Business" zoning in close proximity to the subject parcel.
- The applicant has provided a description of the proposed business however, if the rezoning is approved, *all* uses within the General Business district would be permissible. (See Section 920 Table of Permitted and Permissible Uses).

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- The existing access may not be appropriate for all the allowed uses within the Table of Uses. The Board cannot put a condition on the rezoning that the road must be brought up to a certain standard.
- The access to the proposed area to be rezoned could be problematic for a commercial district if extensive road construction is not undertaken. The Board cannot require the applicant to undertake this extensive road construction.

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?
- Is the rezoning request compatible with the character of the surrounding area and suitable with the property for certain uses?

PLANNING BOARD COMMENTS: The Burke County Planning Board met on December 5, 2019 to hear this rezoning request. The four (4) member Board heard from staff as the facts of the case were presented. The Board then heard from the applicant. The Board then opened the meeting up for Public Comments. There was no one present at the meeting to speak. The Board noted the written comments that were provided by a citizen. The Board then asked questions of staff and the applicant before deliberating the rezoning request. A motion was made to "Approve" the rezoning request. The motion failed to be approved by a vote of two (2) for and two (2) votes against the motion. The Board did not make any further motions. Because the vote was two (2) for and two (2) against, and no other motion was made, the recommendation is being forwarded to the Board of Commissioners for consideration without a majority consensus. The objecting members reasoning was that they did not feel that the majority of allowed uses within the General Business District would be suitable and appropriate for this area.

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

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Mr. Carpenter further reported planning staff encouraged the applicant to rezone the property to the General Business Conditional District so the types of uses would be set in advance and there would be certain conditions due to the residential nature of the area.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor noted that citizens who contacted him regarding this request are concerned that the applicant may build a commercial chicken house on the property, which is not allowed due to state regulations. Commissioner Taylor cautioned against potentially penalizing the applicant because his brother owns chicken houses and indicated his preference for both sides to come together and reach a consensus.

At 6:24 p.m., Chairman Carswell opened the public hearing. The Public Hearing Notice was published in THE NEWS HERALD on January 9, 2020 and January 16, 2020, in addition, it was posted to the County's website (www.burkenc.org) on January 9, 2020. Several citizens signed up to address the Board.

Robert Parker, the applicant, reiterated Commissioner Taylor's comments that there will be no chicken houses on the property and noted his business is custom upholstery, not manufacturing, so there will be no large trucks in the area. Mr. Parker said he intends to build a house in front of the proposed building. He said he believes a lot of confusion is caused by the fact that his brother owns chicken houses which he is not involved in and is separate from the property in question.

Shelia Foster, 8608 Parker Avenue, said she has lived in her home for 32 years and said the applicant wants to build his business right at her back door. She noted the applicant did not communicate with her regarding his plans for the property and only found out about it when

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she received a letter in the mail. She said her husband has health issues and does not want any odors coming into her home.

Note: Ms. Foster submitted a petition against the rezoning with approximately 59 signatures. Copies of the petition were provided to the Board and is on file with the Clerk to the Board.

Gale Fulbright, 3178 Warlick's Church Road, said she lives next door to the applicant's brother who owns chicken houses which has negatively impacted the value of property she inherited from her parents. Ms. Fulbright spoke of the difficulty of selling her land due to the chicken houses. She said adding another business to the residential area would only serve to lower property values.

With there being no one else to address the Board, Chairman Carswell closed the public hearing.

Mr. Parker responded to a question from Commissioner Abele. He noted that his business is upholstery and as such, does not require any spray rooms so there will be no odors coming from the building.

Commissioner Brittain made the motion to refer this item back to the Planning and Zoning Board for reconsideration. He said after the Board's discussion at the pre-agenda meeting and from the information received this evening, if this property was rezoned as general business, it would leave a lot of unknowns regarding future uses. Commissioner Brittain said if Mr. Parker was interested, a conditional zoning may be more satisfactory for all parties involved.

Motion: To refer ZMA 2019-10 back to the Planning and Zoning Board for reconsideration.

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

Note: The applicant later withdrew his rezoning request.

INFORMAL PUBLIC COMMENTS

At 6:32 p.m., Chairman Carswell opened the floor for informal public comments. There were four (4) citizens who signed up to address the Board.

David Caviness, 1872 Rader Circle, said he is the administrator of the Burke County Second Amendment Sanctuary and he and his group are here this evening to support making Burke County a Second Amendment sanctuary. He said 11 other counties have successfully passed Second Amendment sanctuary legislation and many more are in process. Mr. Caviness then read the following statement:

Good evening, my name is David Caviness. I am the administrator for the Burke Co 2A Facebook group and the author of the change.org petition that you should have in front of you. Tonight, I came with many good citizens of Burke County, North Carolina wanting our county to be declared a 2A sanctuary county. We should not have to ask this of our board of commissioners nor of our sheriff;

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however, in light of recent government behavior and actions around this great country, it is high time that Burke County takes its place and makes a stand. Every commissioner on this board including the sheriff, who is present with us this evening took an oath to defend the Constitution of the United States. Tonight, we the good citizens of Burke County have come for a reaffirmation of your support of the constitution and all of our rights but tonight specifically want a 2A declaration by you, the Commissioners and our sheriff as 2A sanctuary county in the state of North Carolina.

I would like to draw your attention to the petition before you, on that petition you will see a few dozen names that appear from Ohio, Tennessee, an Indiana etc, under Normal circumstances we would've drew a single black line through those names and not counted them, But for reasons of transparency and clarity those people have ties to this community and mostly represent family members that live here that do not have access or use the internet or to the petition which is posted online. Today at 4 pm the count was 2,701, I believe in the letter that accompanied this petition you were provided a link to that particular petition so at any time any of the members of the board can watch those numbers climb as word continues to get around. Our Facebook group is a private page by invite only or you may ask to join and as the administrators is up to me to accept or not accept them into the group. As of this evening we only have 6,282 online members, we have held off until tonight's meeting to see what the commissioners do. I can tell you that once we get our boots on the ground for this campaign and start reaching out to the over 90,000 Burke County residents and 54,000 registered voters that those numbers are going to change dramatically. We are asking the board of commissioners to join with the citizens of Burke county to protect not only Second Amendment rights but all rights that we are afforded under the constitution of the United States. Thank you.

Note: A letter and 54-page petition requesting Burke County become a second amendment sanctuary was received by the County Manager's office on January 21, 2020 from Alice Halstead of Connelly Springs. Copies of the letter and petition were provided to the Board.

Robert Miller, 2942 NC 181, said he is here to support making Burke County a Second Amendment sanctuary and noted that Burke County has a long history of supporting America. He said this does not need to be done because it is just a gun issue, but because in recent months there has been a gutting of the Constitution of the United States in a manner that is disrespectful to veterans. He requested that the Board, at their next meeting, formally make Burke County a Second Amendment sanctuary.

Jeff Barrett, 806 Vine Arden Road, said he is a local educator, a Marine and Army veteran and served in Iraq. He said 38 years ago he took an oath to protect and defend the Constitution of the United States and that oath still stands today. Mr. Barrett said he will no longer sit on the sidelines and watch local, state, and national politicians take away citizens gun rights. He asked the Board to please support this movement and noted while it may be symbolic, it shows the state and federal government that enough is enough.

Ron Stronk, 4081 Scott Trail, said the rights given to citizens in the Constitution are birth rights and can neither be given or taken away by man. He said for the past 25 years, the Republic has

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been taken over by forces of darkness and noted that an unarmed republic will not stand for long. Mr. Stronk said yesterday he attended a pro-Second Amendment rally in Richmond, Virginia and it was incredible and said Virginia is an "open carry" state. He said the rights of citizens are slowly being legislated away and for the past 25 years they have been battling a domestic enemy. Mr. Stronk spoke about the pro-Second Amendment rally in Virginia and said there was no violence at the rally. He asked the Board to please protect the birth rights of citizens.

Chairman Carswell thanked everyone for coming to the meeting and thanked them for their courtesy. On behalf of himself and Commissioner Abele, who are both veterans, he saluted the veterans in attendance. With there being no one else to address the Board, Chairman Carswell closed the informal public comments portion of the meeting.

CONSENT AGENDA

As requested by the Chairman, County Manager Steen reviewed the items on the consent agenda.

BLUE RIDGE COMMUNITY ACTION - COMMUNITY SERVICE BLOCK GRANT FOR FY 20-21

Blue Ridge Community Action intends to apply for funding provided by The North Carolina Department of Health and Human Services, Office of Economic Opportunity. The Office of Economic Opportunity helps low-income individuals and families achieve self-sufficiency. They work to improve the social and economic well-being of individuals, families, and communities across North Carolina. Local agencies help individuals find jobs, locate housing, obtain shelter, have food, obtain access to health care, and take care of children. The application deadline is February 2020.

	July 1, 2020 - June 30, 2021
Funding level:	\$490,821 (\$185,778 for Burke, \$169,615 for Caldwell and \$135,428 for Rutherford County)
Funding source:	North Carolina Department of Health and Human Services Division of Social Services/Economic and Family Services
Service area:	Burke, Caldwell and Rutherford Counties
Families to be served:	185
Long Range Goal:	To reduce barriers that adversely affect living conditions of low-income families by providing information, referral and access to needed human services by 6/30/21.

One Year Objective:

1. To conduct intake, assessment, eligibility and referral for 300 low-income families regarding local human services assistance programs and providing assistance in applying for services.
2. To assure 150 low-income families receive identified human service by 6/30/21. (60 in Burke, 60 in Caldwell and 30 in Rutherford County)
3. To provide to 40 families comprehensive case management service to assist them to move above the poverty level. (20- Burke, 10 - Caldwell, 20 - Rutherford)
4. Move 5 families out of poverty by 6/30/21.

Information and Referral Activities:

1. Provide outreach and intake through door-to-door canvassing, intra-agency referrals, agency referrals, walk-ins and through the family support center.
2. Assess family needs and make appropriate referrals for needed services.

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3. Provide follow up activities to assure services are received.
4. Coordinate a cross referral system for services for the poor.
5. Families will receive information on how to make better choices in their lives by attending scheduled workshops and presentations at the family support center. This includes understanding why choices are made, the procedures that lead to change, financial awareness and planning, and achieving and maintaining good health.

Self-Sufficiency Outcomes

- . Provide outreach and recruitment through door-to-door canvassing, inter-agency referrals, walk-ins and through the BRCA family support center.
- . Secure documents for eligibility determination and record-keeping.
- . Complete a family assessment to identify family strengths and resources needed.
- . Make appropriate referrals for needed services.
- . Monitor family plans for progress and/or adjustments.
- . Provide direct assistance to families as needed.
- . Assure 10 families receive employment.

BRCA Community Services Block Grant employs 1 Community Service Worker II and 1 Case Manager that are responsible for the following:

1. Providing support and services as a response to the poor.
2. Serving as liaisons between clients and available service providers.
3. Reaching out into the community to determine what services are available to low-income families; what needed services are lacking in the community; how available services are obtained; and what sources can be utilized to obtain services which are not immediately within the community/county.
4. Providing case management services.
5. Providing a centralized intake and application process.
6. Maintaining centralized agency filing system.
7. Coordinate and or conduct training sessions as needed.

Note: The Board received a copy of the partial grant application by email on December 20, 2019.

Motion: To formally acknowledge receipt of Blue Ridge Community Action's Community Service Block Grant application for FY 20-21.

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 - REAPPOINTMENT TO LIBRARY BOARD OF TRUSTEES

The term of appointment for Jennie Cook (Seat No. 8, Hildebran - City) on the Library Board of Trustees ended December 31, 2019. Ms. Cook is willing to serve another 3-year term. An application was received from Browning Rochefort for vacant Seat No. 1 (Morganton - City) to complete an unexpired term ending December 31, 2021.

Motion: To reappoint Jennie Cook to the Library Board of Trustees (Seat No. 8, Hildebran City) for a 3-year term ending December 31, 2022.

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To appoint Browning Rochefort to the Library Board of Trustees (Seat No. 1, Morganton City) for the remainder of an unexpired term ending December 31, 2021.

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. - FONTA FLORA TRAIL - ACCEPT EASEMENT - LAKE JAMES CAMPING RESORT

The Burke County Community Development has been working with the owners of Lake James Camping Resort on an easement for the Fonta Flora State Trail and Overmountain Victory National Historic Trail. The easement is approximate 1.28 acres and is being given to the County at no cost.

Motion: To accept the trail easement from Lake James Camping Resort, 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

DSS - APPOINTMENT/REAPPOINTMENT TO CHILD PROTECTION CHILD FATALITY TEAM

Julie Causby, Seat No. 5, at-large, on the Child Protection Child Fatality Team resigned in September due to a conflict with her employer. An application was received from April Pope, a DSS Supervisor and member of the LEPC (Local Emergency Planning Committee). The term is for three (3) years.

Motion: To remove Julie Causby's name from the CPCF Team roster and thank her for her service to the community.

To appoint April Pope to the CPCF Team (Seat No. 5, at-large) for the remainder of a 3-year term ending April 30, 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

HEALTH DEPT. - PRESENTATION OF 2019 COMMUNITY HEALTH NEEDS ASSESSMENT

At the pre-agenda meeting, Lisa Moore presented the 2019 Community Health Needs Assessment for the Health Department. As required by state and national accreditation, every three years a Community Health Needs Assessment has to be compiled and presented to stakeholders and the community at large. This assessment is a collaborative process through which community members gain insight into health concerns and resources within Burke County.

Motion: To accept the 2019 Community Health Needs Assessment 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

HEALTH DEPT. - PRESENTATION ON PROGRESS OF BURKE COUNTY RECOVERY COURT

At the pre-agenda meeting, Lisa Moore presented a progress report for Burke County Recovery Court and included the collaborative efforts with Law Enforcement Assisted Diversion (L.E.A.D.) and In-Jail services for Burke County. The presentation included participant data, social determinants of health assessment, information on individuals assisted through population health at Catawba Valley Behavioral Health (CVBH), and the progress moving forward.

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

FM - APPOINTMENTS TO THE LOCAL EMERGENCY PLANNING COMMITTEE

Burke County is required to organize and maintain the Local Emergency Planning Committee (LEPC) as a requirement of the federal law known as Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA requires facilities with more than the threshold planning quantities of hazardous materials to report to the LEPC, Fire Departments, and the State Emergency Response Commission. This reporting is done through Tier II reporting on a program called E-Plan. E-Plan can be viewed by the LEPC, Fire Departments, and Emergency Services personnel. The LEPC is formed to work on the planned response and general safety measures in dealing with hazardous materials at fixed facilities and transportation routes. This committee is designed to work hand-in-hand with emergency response agencies, business and industry organizations and the general public.

The LEPC is required to have a certain cross section of representation with fifteen (15) members serving according to the by-laws. Five (5) seats are up for reappointment and membership changes are requested for Seats 3, 6 and 9, removal of Charlie Watts, Matt Gupton and Mike Long respectively who have requested to be removed. Further, the addition of a new at-large seat (No. 16), is requested and an application from Steve Jenkins, SAFT America was received. The term is for three (3) years.

Note: Pending approval of Seat No. 16, the bylaws will be updated at the LEPC's February

Motion: To remove Charlie Watts, Matt Gupton and Mike Long and thank them for their service to the community. To reappoint Mike Willis (Seat No. 4) and Josh Mashburn (Seat No. 12) to the LEPC for 3-year terms ending January 31, 2023. To appoint Israel Gibson (Morganton Fire) to Seat No. 3, Brooke Jarlson (Burke Environmental Health) to Seat No. 6, April Pope (Citizen/Shelter Response Team Member) to Seat No. 9 and Steve Jenkins (SAFT America) to new Seat No. 16 on the LEPC for 3-year term ending January 31, 2023. To approve exceptions to Sec. 2-88 (a), membership requirements (residency) of the Code of Ordinances as needed.

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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

FM - NC VIPER AND BURKE CO. EMERGENCY MANAGEMENT AGREEMENT

This agreement will serve as a mutual benefit to and enhance the partnership between NC VIPER and Burke County Emergency Management. Burke County currently shares communication equipment locations with NC VIPER. The space they are requesting to utilize is minimal and will not have a negative impact on our facilities capabilities. There will be no additional costs to Burke County as a result of this agreement. The space will assist them with securing maintenance equipment that is used to maintain VIPER sites. NC VIPER has always been very supportive to Burke County's communication issues and timely to respond to issues when they arise. The term is for 10 years.

Motion: To approve the agreement between the North Carolina Department of Public Safety, State Highway Patrol, VIPER and Burke County Emergency Management, subject to review and/or revision by the County Attorney.

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

SHERIFF'S OFFICE – APPROVAL OF AUTHORIZED SIGNERS FOR INMATE TRUST BANK ACCOUNT

The Account Signature Card for the Inmate Trust Account needs to be updated in accordance with NCGS 159-25 (7)(b) to reflect personnel changes at the Burke County Sheriff's Office. Sue Hensley has been hired as the Administrative Technician for the Jail and needs to be added as an authorized signer to the account. Captain Greg Huntley and Brian Nieft will remain as authorized signers since their respective duties of overseeing the jail and the Sheriff's Office finances have not changed. Captain Jeff Robinson needs to be removed as an authorized signatory since his duties no longer include supervision of the Burke County Jail.

Motion: To approve the Account Signature Card for the Inmate Trust Account with the following authorized signers: Margaret Pierce, Bryan Steen, Greg Huntley, Brian Nieft, and Sue Hensley in accordance with NCGS 159-25 (7)(b).

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

SHERIFF - INMATE FOOD SERVICES CONTRACT PRICE REVISION

After the approval of Aramark Correctional Services, LLC as the provider for inmate food services at the Burke County Jail at the November 19, 2019 County Commissioners meeting, the Sheriff's office began to meet with Aramark to finalize a contract and begin planning for opening the jail. During discussions about the planned menu, it was determined that the menu Aramark had submitted with their proposal to win the contract was based on providing inmates with bulk juice. The Sheriff's Office asked about making a change to the menu to switch from using bulk juice to individual juice to make meal service more efficient and less time consuming

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for staff. Aramark informed the Sheriff's Office that making the change would not be an issue, however the change would result in a price change per meal.

	<u>Proposed Menu</u>	<u>Revised Menu</u>
<u>Breakfast</u>	"Bulk" Orange Juice	"Individual Carton" of Orange Juice
<u>Lunch</u>	"Bulk" Punch Fruit Drink	"Individual Packet" of Punch Fruit Drink
<u>Dinner</u>	"Bulk" Sweetened Iced Tea	"Individual Packet" of Punch Fruit Drink

Budgetary Effect: Changing from bulk juice per meal to individual juice will result in a \$.058 price increase per meal, the price per meal will increase from \$1.925 to \$1.983.

County Manager's Recommendation: Approval was granted by the County Manager and ratification of the price increase is requested. As you may recall, the contract was approved in November and begins 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.

Motion: To ratify the approval of the price increase per meal of \$.058 to \$1.983 per meal for inmate food services (individual cartons and packets) at the Burke County Jail with Aramark Correctional Services, 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

TAX DEPT. - TAX COLLECTION REPORT FOR DECEMBER 2019

The Board of Commissioners is presented with the Tax Collection Report for the period between July 1, 2019 and December 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	\$44,815,217.00	\$36,025,772.60	\$8,861,075.25	80.26%

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	\$38,380,202.90	\$9,689,797.10	79.84%
Delinquent Taxes	\$650,000.00	\$448,023.92	\$201,976.08	68.93%
Late List Penalty	\$250,000.00	\$167,128.61	\$82,871.39	66.85%

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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	\$36,025,772.60	\$7,444,227.40	82.88%
Motor Vehicle Tax	\$4,600,000.00	\$2,354,430.30	\$2,245,569.70	51.18%

Motion: To accept the Tax Collection Report for December 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 DECEMBER 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)	\$3,202.35	\$172.64	\$3,029.71	\$37.64

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$0.00

*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 December 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:

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TR-304 BILL RELEASE REPORT DECEMBER 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								
0000073466-2018-2018-0000-00-REG	DAVIS, HARVEY RAY	7/1/2018	LINDA WILBUR	12/9/2019	44.49	44.49	0.00	0.00
0000081695-2019-2019-0000-00-REG	SORRELLS, NELDA	7/1/2019	LINDA WILBUR	12/27/2019	103.87	103.87	0.00	0.00
0000105373-2005-2005-0011-00-REG	MAXWELL, JACK	7/1/2005	LINDA WILBUR	12/17/2019	38.23	38.23	0.00	37.71
0000107189-2006-2006-0000-00-REG	MAXWELL, JACK	7/2/2006	LINDA WILBUR	12/17/2019	34.42	34.42	0.00	33.95
0000109092-2007-2007-0000-00-REG	MAXWELL, JACK	6/30/2007	LINDA WILBUR	12/17/2019	27.27	27.27	0.00	26.94
0000114395-2009-2009-0000-00-REG	MAXWELL, JACK	7/2/2009	LINDA WILBUR	12/17/2019	22.09	22.09	0.00	21.82
0000118879-2010-2010-0000-00-REG	MAXWELL, JACK	7/1/2010	LINDA WILBUR	12/17/2019	19.86	19.86	0.00	19.62
0000124476-2011-2011-0000-00-REG	MAXWELL, JACK	7/1/2011	LINDA WILBUR	12/17/2019	17.37	17.37	0.00	17.16
0000140945-2012-2012-0000-00-REG	MAXWELL, JACK	7/1/2012	LINDA WILBUR	12/17/2019	15.63	15.63	0.00	15.44
Subtotal					323.23			172.64
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Amended Listing								
0000073466-2013-2013-0000-00-REG	DAVIS, HARVEY RAY	7/1/2013	LINDA WILBUR	12/30/2019	109.06	109.06	0.00	0.00
0000073466-2014-2014-0000-00-REG	DAVIS, HARVEY RAY	7/1/2014	LINDA WILBUR	12/30/2019	108.48	108.48	0.00	0.00
0000073466-2015-2015-0000-00-REG	DAVIS, HARVEY RAY	7/1/2015	LINDA WILBUR	12/30/2019	109.88	109.88	0.00	0.00
0000073466-2016-2016-0000-00-REG	DAVIS, HARVEY RAY	7/1/2016	LINDA WILBUR	12/30/2019	112.88	112.88	0.00	0.00
0000073466-2017-2017-0000-00-REG	DAVIS, HARVEY RAY	7/1/2017	LINDA WILBUR	12/30/2019	118.94	118.94	0.00	0.00
0000073466-2018-2018-0000-00-REG	DAVIS, HARVEY RAY	7/1/2018	LINDA WILBUR	12/9/2019	120.94	76.45	44.49	0.00
Subtotal					833.49			0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Billing Correction								
0000085674-2013-2013-0011-00-REG	HODGE, CHRISTINE ADAMS	10/1/2013	CONNIE HOLDER	12/27/2019	8.37	8.37	0.00	0.00
Subtotal					8.37			0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Duplicate Billing								
0000074656-2019-2019-0000-00-REG	RADER, BRIAN MCDOWELL	7/1/2019	LINDA WILBUR	12/16/2019	12.62	12.62	0.00	0.00
0024009952-2015-2015-0000-00-REG	RANDLE, KIM	8/12/2015	LINDA WILBUR	12/19/2019	84.15	7.65	76.50	0.00
0024009952-2015-2015-0000-00-REG	RANDLE, KIM	8/12/2015	LINDA WILBUR	12/19/2019	76.50	76.50	0.00	0.00
0024009952-2016-2016-0000-00-REG	RANDLE, KIM	7/1/2016	LINDA WILBUR	12/19/2019	75.74	75.74	0.00	0.00
0024009952-2017-2017-0000-00-REG	RANDLE, KIM	7/1/2017	LINDA WILBUR	12/19/2019	69.68	6.33	63.35	0.00
0024009952-2017-2017-0000-00-REG	RANDLE, KIM	7/1/2017	LINDA WILBUR	12/19/2019	63.35	63.35	0.00	0.00
0024043400-2019-2019-0000-00-REG	GATES, DERRICK JUSTIN	12/5/2019	LINDA WILBUR	12/30/2019	17.36	17.36	0.00	0.00
0024044607-2019-2019-0000-00-REG	SUTHERLAND, JOHN OTIS JR	12/5/2019	CONNIE HOLDER	12/18/2019	5.56	5.56	0.00	0.00
Subtotal					265.11			0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Not in Burke County								
0000080151-2019-2019-0000-00-REG	WILLIAMS, ANDY	7/1/2019	BARBARA HARTLEY	12/11/2019	43.16	43.16	0.00	0.00

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Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0000084003-2013-2013-0000-00-REG	HARTLEY, KIRK DOUGLAS	7/1/2013	CONNIE HOLDER	12/2/2019	5.45	5.45	0.00	0.00
0000084003-2014-2014-0000-00-REG	HARTLEY, KIRK DOUGLAS	7/1/2014	CONNIE HOLDER	12/2/2019	5.39	5.39	0.00	0.00
0000084003-2015-2015-0000-00-REG	HARTLEY, KIRK DOUGLAS	7/1/2015	CONNIE HOLDER	12/2/2019	4.86	4.86	0.00	0.00
0000084003-2016-2016-0000-00-REG	HARTLEY, KIRK DOUGLAS	7/1/2016	CONNIE HOLDER	12/2/2019	4.86	4.86	0.00	0.00
0000084003-2017-2017-0000-00-REG	HARTLEY, KIRK DOUGLAS	7/1/2017	CONNIE HOLDER	12/2/2019	4.48	4.48	0.00	0.00
0000084003-2018-2018-0000-00-REG	HARTLEY, KIRK DOUGLAS	7/1/2018	CONNIE HOLDER	12/2/2019	4.59	4.59	0.00	0.00
0000118827-2010-2010-0000-00-REG	JOKE, GEORGE	7/1/2010	LINDA WILBUR	12/5/2019	8.58	8.58	0.00	0.00
0000141189-2012-2012-0000-00-REG	JAMES, FLOYD MACKEY	7/1/2012	LINDA WILBUR	12/5/2019	9.52	9.52	0.00	0.00
0024041851-2019-2019-0000-00-REG	LINDSEY, ASHLEY HOOTS	12/5/2019	CONNIE HOLDER	12/11/2019	88.22	88.22	0.00	0.00
0024042059-2019-2019-0000-00-REG	ROARK, GUST ALBERT	12/5/2019	LINDA WILBUR	12/16/2019	82.47	82.47	0.00	0.00
0024042098-2019-2019-0000-00-REG	ROARK, ARIEL YODER	12/5/2019	LINDA WILBUR	12/16/2019	40.95	40.95	0.00	0.00
0024042751-2019-2019-0000-00-REG	ROGERS, BETH GILJAMES	12/5/2019	BARBARA HARTLEY	12/11/2019	818.22	818.22	0.00	0.00
Subtotal					1,120.75		0.00	

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Release LFUF

0000009383-2019-2019-0000-00-REG	WILBUR, BURTON F	7/1/2019	AMANDA CONLEY	12/9/2019	278.03	72.00	206.03	0.00
Subtotal					72.00		0.00	

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

0000086276-2019-2019-0000-00-REG	BRACKETT, DANETTE WILLIS	7/1/2019	BARBARA HARTLEY	12/18/2019	33.33	33.33	0.00	0.00
0000088783-2018-2018-0000-00-REG	MAYLE, BRYAN A	7/1/2018	CONNIE HOLDER	12/18/2019	26.26	26.26	0.00	0.00
0024010235-2018-2018-0000-00-REG	WHISNANT, DANIEL L	7/1/2018	RENEE AUSTIN	12/18/2019	14.38	14.38	0.00	0.00
0024041930-2019-2019-0000-00-REG	STEPHENS, SAMUEL EMORY	12/5/2019	CONNIE HOLDER	12/11/2019	18.99	18.99	0.00	0.00
Subtotal					92.96		0.00	

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Value Change

0000039470-2019-2019-0000-00-REG	MOSTELLER, DAVID M	7/1/2019	AMANDA CONLEY	12/20/2019	796.55	290.68	505.87	0.00
0000044218-2019-2019-0000-00-REG	MCDONALD, REBECCA P	7/1/2019	AMANDA CONLEY	12/23/2019	276.46	195.76	80.70	0.00
Subtotal					486.44		172.64	
Total					3,202.35		172.64	
Net Release Amount					3,029.71			

ITEMS FOR DECISION

BOC - REFUSAL OF REAL PROPERTY AT EAST BURKE MIDDLE SCHOOL FOR FIRE & RESCUE SUBSTATION

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Chairman Carswell said as indicated in the resolution and accompanying exhibit in the agenda packet, before real property located at the East Burke Middle School can be leased to Icard Fire & Rescue Inc. for a substation to provide fire protection, the County must officially refuse the property.

(NCGS 115C-518 Extract: The board of education shall offer the property to the board of commissioners at a fair market price or at a price negotiated between the two boards. If the board of commissioners does not choose to obtain the property as offered, the board of education may dispose of such property according to the procedure as herein provided.)

The County does not have a need for the property and believes that situating a fire and rescue substation on the property would be in the public's best interest.

Chairman Carswell invited Brand Lingerfelt, Icard Fire & Rescue Inc. (Fire Department) Chief, to the podium to answer any potential questions from the Board, then he opened the floor for questions and comments from the Board.

Commissioner Taylor expressed his displeasure with this agenda item, stated they are putting the cart before the horse and said he asked at the pre-agenda meeting for more specifics regarding the cost and size of the proposed substation. Commissioner Taylor also questioned what is the appraised value of the land, was the land property marketed, what is the Fire Department going to do with their property on Mt. Harmony Church Road, and what efforts, if any, did Burke County Public Schools make to market the property. Chief Lingerfelt responded that the Fire Department is primarily interested in the location of the property because of its close proximity to Interstate 40, four (4) schools, a large rest home, and is located within a growing area of their fire district. Chief Lingerfelt said he is unsure of the fair market value of the property and noted the Fire Department would not be able to afford it. He said this property will be beneficial to the citizens especially to those on the outskirts of their fire district, and probably reduce their homeowner's insurance by 50 percent. Commissioner Taylor said making a decision based on partial information is one of the most difficult things someone will ever have to do and unless every avenue is researched, no one will know what the wisest choice is. In response to a question from Commissioner Taylor, Chief Lingerfelt said he believes their current property could be put on the market for approximately \$20,000 if they receive the property from the Board of Education. Commissioner Taylor said he has received a few comments from citizens stating they don't think putting a substation on the proposed property is a good idea because the area already has a lot of traffic, discussion ensued regarding traffic and the cost of the substation. Chief Lingerfelt responded to additional questions from Commissioner Taylor and noted the Fire Department is not asking for money or increasing its tax rate. Commissioner Taylor further questioned the need for an additional substation when there are already other stations in the surrounding area and stated that building it was abusive to the taxpayers.

Vice Chairman Mulwee said he trusts the Fire Department's board of directors to make the right decisions regarding the substation and property. He said the Board is not endorsing anything and all that is before the Board is to decide if the County wants the property or not. Anything that happens between the Board of Education and the Fire Department is between the two parties, not the Board of Commissioners, Vice Chairman Mulwee said.

Motion: To formally decline the Board of Education's offer of 1.88 acres of real

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property located at the intersection of Miller Bridge Road and Old NC Hwy 10 as presented.

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

SHERIFF'S OFFICE - REQUEST FOR PART-TIME DETENTION OFFICER POSITIONS

Sheriff Whisenant presented information regarding the request for part-time detention officer positions as follows:

The Sheriff's Office is requesting to be allowed to use part-time detention officer positions to help fill staffing vacancies at the Burke County Jail while we continue to try to recruit full-time detention officers. 15 part-time detention officer positions were created in July of 2016, position numbers 1840-1854, but those positions were not funded for the current 2019-2020 budget year.

Budgetary Effect: Funding for the part-time positions will be provided by the salaries of the unfilled full-time detention officer positions in the existing budget.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor asked how much money is available for these positions. Margaret Pierce, Deputy County Manager/Finance Director said the funds are fluid because the longer the positions go unfilled, the amount available keeps changing. Because the positions that were approved have gone thus far unfilled, Ms. Pierce said, the Sheriff's Office has money available for the part-time positions. Ms. Pierce responded to additional questions from Commissioner Taylor. In response to a question from Commissioner Taylor, Sheriff Whisenant said he would like to fill these positions tomorrow if he could and noted that sheriffs from across the state are having difficulty filling positions. Commissioner Taylor expressed support for the request and asked to have a short conversation with the Finance Director about the cost of the positions and how many could be hired with the lapse salaries.

Motion: To authorize the Sheriff's Office to hire part-time Detention Officers utilizing existing positions numbers 1840-1854 as needed until all full-time detention officer positions are filled.

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

CLERK - REAPPOINTMENT TO TOURISM DEVELOPMENT AUTHORITY

Clerk Draughn reported the Tourism Development Authority is a 9-member board created by special legislation in 2007 and the membership was modified by the following resolution adopted in 2009. Appointments or reappointments to Tourism Development Authority are needed and the term is for two (2) years, staggered terms.

Seat No. 1, represents the hotel/motel industry (collectors of occupancy tax) and was occupied by Polly Leadbetter who also served as the TDA Chair. (The Commissioners designated Ms. Leadbetter as "chair" of the TDA on August 14, 2014 by a vote of 4-0, Abele absent.)

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Applications on file (listed in alphabetical order): Ginny Erwin, Mitch Kerce, Polly Leadbetter, Rebecca Randolph and Samantha Reid. Note: If Ms. Leadbetter is not appointed/reappointed, a new Chair/Chairman will need to be appointed by the Commissioners.

Seat No. 2, represents the City of Morganton and has been occupied for many years by Sharon Jablonski. Applications were received from Ms. Jablonski and Rob Winkler. The City requests the reappointment of Ms. Jablonski or Mr. Winkler.

Seat No. 3, represents the Town of Valdese and was occupied for many years by Morrissa Angi. An application was received from Gretchen Costner who is the Executive Director of the Waldensian Heritage Museum in Valdese. On Friday, Jan. 17th, Ms. Costner emailed to clarify that she applied for a "travel/tourism" seat, not the "Valdese" seat. Mayor Black also emailed on the 17th and recommended Ms. Morrissa Angi be reappointed to the TDA as the Valdese representative.

Seat No. 4, represents the hotel/motel industry (collectors of occupancy tax) was occupied by Teresa Sellman (Inn at Glen Alpine). Ms. Sellman resigned on Dec. 11, 2019/January 3, 2020. Her unexpired term ends 12-31-2020. Applications on file (listed in alphabetical order): Ginny Erwin, Mitch Kerce, Polly Leadbetter, Rebecca Randolph and Samantha Reid.

Seat No. 5, represents travel/tourism at-large and was occupied by Dana Whisnant. Applications on file (listed in alphabetical order): Wayne Abele, Gretchen Costner, Isaac Crouch, Diane Reihl, Mike Watts and Dana Whisnant.

Seat No. 6, represents travel/tourism at-large and was formerly occupied by Jarrod Bailey. Applications on file (listed in alphabetical order): Wayne Abele, Gretchen Costner, Isaac Crouch, Diane Reihl, Mike Watts and Dana Whisnant.

Seat No. 7, represents travel/tourism at-large and was occupied by Wayne Abele (Abele's Restaurant). Applications on file (listed in alphabetical order): Wayne Abele, Gretchen Costner, Isaac Crouch, Diane Reihl, Mike Watts and Dana Whisnant.

Seat No. 8, represents the hotel/motel industry (collectors of occupancy tax) and was occupied by Angel Crawley/Comfort Inn. Applications on file (listed in alphabetical order): Ginny Erwin, Mitch Kerce, Polly Leadbetter, Rebecca Randolph and Samantha Reid.

Seat No. 9, The appointment of a Commissioner to the TDA was handled in December in a separate agenda item. Vice Chairman Mulwee serves as the Commissioner representative.

Ex officio: Per the authorizing legislation, the only ex officio member is the County Finance Director, Margaret Pierce.

In response to a question from Chairman Carswell, Clerk Draughn said the per the authorizing legislation there is only one (1) ex officio seat which is held by the County finance director.

Motions:

To appoint Rebecca Randolph to Seat No. 1, Hotel/Motel Collectors of Occupancy Taxes, for the remainder of a 2-year term ending December 31, 2021.

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To appoint Rob Winkler to Seat No. 2, Morganton, for the remainder of a 2-year term ending December 31, 2021.

To reappoint Morrissa Angi to Seat 3, Valdese, for the remainder of a 2-year term ending December 31, 2021.

To remove Teresa Sellman and appoint Samantha Reid to Seat No. 4, Hotel/Motel Collectors of Occupancy Tax, to complete the remainder of a term ending December 31, 2020.

To reappoint Dana Whisnant to Seat No. 5, Travel/Tourism At-large, for the remainder of a 2-year term ending December 31, 2021.

To appoint Diane Reihl to Seat No. 6, Travel/Tourism At-large, for the remainder of a 2-year term ending December 31, 2020.

To appoint Mike Watts to Seat 7, Travel/Tourism At-large, for the remainder of a 2-year term ending December 31, 2021.

To appoint Mitch Kerce to Seat No. 8, Hotel/Motel Collectors of Occupancy Tax, for the remainder of a 2-year term ending December 31, 2020.

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

Vice Chairman Mulwee thanked long standing TDA members Sharon Jablonski, Wayne Abele, Teresa Sellman, and Polly Ledbetter for their service to the TDA Board.

Motion: To appoint Vice Chairman Mulwee as Chair of the Tourism Development Authority.

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

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January 21, 2020 (Regular)

The 2009 resolution clarifying the appointments and membership of the TDA reads as follows:

**A RESOLUTION CLARIFYING THE APPOINTMENT AND
MEMBERSHIP OF THE BURKE COUNTY TOURISM
DEVELOPMENT AUTHORITY**

WHEREAS, on October 16th, 2007, the Burke County Board of Commissioners adopted a Resolution creating the Burke County Tourism Development Authority, AND

WHEREAS, that Resolution provided for the Appointment and Membership of the Authority, AND

WHEREAS, the Burke County Board of Commissioners desires to clarify that Resolution as it relates to the appointment and membership of the Authority;

NOW THEREFORE BE IT RESOLVED, The Burke County Tourism Development Authority shall consist of nine (9) members. One-third must be individuals who are affiliated with businesses that collect occupancy tax in the County, and at least one-half must be individuals that are currently active in the promotion of Travel and Tourism in the County. Of the total membership, one (1) member must represent the City of Morganton, one (1) member must represent the Town of Valdese, and one (1) member must be a County Commissioner, AND

BE IT FURTHER RESOLVED, THAT, the appointment of Authority members shall be made by the Board of County Commissioners in such a manner as to create a system of staggered terms whereby either four (4) members terms or five (5) members terms will expire in any given year. All Terms shall expire on December 31st.

In order to establish such a staggered schedule, the Board of Commissioners shall appoint four (4) individuals to terms expiring December 31, 2010 and five (5) individuals to terms expiring December 31, 2011. Subsequent appointments shall be for two (2) year periods, except for the County Commissioner member whose term shall always be one (1) year. All other provisions of the October 16, 2007 resolution remain unchanged and continue in full force and effect.

Duly adopted this 20th day of October, 2009

Signed *Ruth Ann Suttle*
Ruth Ann Suttle, Chair of the Burke County Commissioners

Attest: *Doris S. Smith*
Doris S. Smith, Clerk to the Board



BOC - REPORTS & COMMENTS

Chairman Carswell opened the floor for reports and comments from Commissioners and staff.

Clerk Draughn promoted adoption events that the Animal Services Center is hosting for Valentine's Day.

Vice Chairman Mulwee reported Western Piedmont Community College has been searching for a new president for the past six (6) months. He then provided an update of the search process and noted they received 79 applications.

Commissioner Taylor said his reports are in the agenda packet for review. He said he attended or participated in the following events: Christmas lunch for Burke County employees and the annual Martin Luther King, Jr. Day banquet.

January 21, 2020 (Regular)

Chairman Carswell reported the County has taken full possession of the Burke-Catawba District Confinement Facility and said one of the proposed uses they are investigating is for a long-term mental health or substance abuse care facility. He said he and County Manager Steen met with representatives from Partners Behavioral Health Management to develop a plan for a regional facility. He said the reason he is bringing this up is because it ties into the ongoing opioid litigation that the County is involved in. Chairman Carswell further reported there are settlements that are trying to be made by several state attorneys general, including North Carolina's, that were not part of the original litigation. He said the North Carolina Association of County Commissioners (NCACC) invited attorneys from the State Attorney General's Office and attorneys involved with the litigation to Raleigh for a meeting. Chairman Carswell said he asked the County Attorney to attend the meeting and to report his findings.

Attorney Simpson reported he met with the multidistrict litigation (MDL) attorneys and a team assembled by the State Attorney General. He said the proposed nationwide settlement for the top three (3) pharmaceutical companies would pay about \$22 billion over 18 years, with \$7 billion being nationwide in the first three (3) years. He reported the funds must be used to confront the opioid crisis or to repay the entities involved in the settlement for what they have spent in the past on the opioid epidemic. Attorney Simpson said in addition to \$22 billion, Teva Pharmaceuticals, which produces the drug suboxone, will be providing a nationwide supply of suboxone for a 10-year period to help treat opioid addiction. In addition to the cash funding and medication, Attorney Simpson said, there would be strict new rules for manufactures so they cannot over sell to an area, and any red flags must be reported, and as a group, they must report any instances of overexposure of opioids. Attorney Simpson said this is a proposed settlement and what has not been proposed yet, is what would happen to the funds that the Attorney General as well as every county and municipality would receive. He said at the meeting they were told that the settlement would not take effect unless enough states and counties nationally participate and North Carolina would not get a fair share of the funds unless everyone works together. Attorney Simpson noted that 76 counties joined the opioid litigation and the remaining 24 counties either did not join the litigation or missed the deadline to do so. He is unsure how the 24 counties would be treated differently than the 76. He said one figure that he heard was that counties and states would each receive 15 percent of any settlement and the remaining 70 percent would go into an abatement fund with representation work completed between the counties and states. Attorney Simpson said Burke County's attorney, Mike Fuller, was in attendance and he reported that the number one case for trial against the three (3) largest companies went all the way to jury selection and on the morning of the selection, the companies settled for \$260 million to two (2) Ohio counties, which were the bellwether cases. He said the MDL court has now authorized five (5) new bellwether suits to go to trial. Attorney Simpson then reviewed other cases going to trial. According to Mr. Fuller, Attorney Simpson said, control of the money should go to the counties and not to the attorneys general because these are local problems. He said at this point there are no detailed proposals that the County can respond to. Attorney Simpson said they were told more information would come within a few weeks. Chairman Carswell said he is not happy about this situation and said counties are being forced to collaborate with the attorneys general and there is no distribution schedule. Chairman Carswell asked the Board to send any questions they may have to Attorney Simpson as soon as possible. He said part of the settlement money was going to be used, along with grants and other sources of funding, to establish a long-term care facility.

County Manager Steen reported a potential ribbon cutting date for the sally port may be March

January 21, 2020 (Regular)

12th at 10:30 a.m. He also thanked the Board for the cards and thoughts from when his mother passed away.

Chairman Carswell wished Vice Chairman Mulwee and Ms. Pierce a happy birthday. He reminded everyone to please spay / neuter their pets, pick up a piece of trash, and like the County on Facebook.

RESULT: NO ACTION TAKEN.

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.
- Burke Senior Center Advisory Council
- Recreation Commission

RESULT: NO ACTION TAKEN.

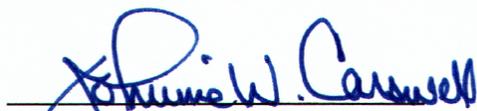
CLOSED SESSION

RESULT: NOT NEEDED. NOT HELD.

RECESS

Chairman Carswell recessed the meeting at 7:40 p.m. until January 30, 2020 at 2:00 p.m.

Approved this 16th day of June 2020.


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

Attest:


 Kay Honeycutt Draughn, CMC, NCMCC
 Clerk to the Board