

January 2, 2019 (Pre-Agenda)

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

The Burke County Board of Commissioners held a pre-agenda meeting on Wednesday, January 2, 2019 at 3:00 p.m. The meeting was held 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
Jeffrey C. Brittain
Maynard M. Taylor

COMMISSIONERS 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.

APPROVAL OF THE AGENDA
Motion: To approve the agenda.

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

PRESENTATIONS

NCDOT - STI PRIORITIZATION AND PROGRAMMING PROCESS
Stephen Sparks, PE, Division 13 Corridor Development Engineer, stated his intent to present a short overview of NCDOT's STI (Strategic Transportation Investments) prioritization and programming process at the Board's regular meeting. As a member of the Transportation Advisory Committee, Commissioner Taylor offered to provide Mr. Sparks any information about Burke County that may be needed. He also responded to questions from the Board.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM
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BBBS - PROCLAMATION HONORING BIG BROTHERS BIG SISTERS FOR 20 YEARS OF SERVICE TO BURKE COUNTY

Dorian Palmer, with Big Brothers Big Sisters of Western North Carolina, was unable to attend the pre-agenda meeting to request a proclamation honoring Big Brothers Big Sisters for 20 years of service to the community.

January 2, 2019 (Pre-Agenda)

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

SCHEDULED PUBLIC HEARINGS

BDI - BUILDING REUSE GRANT FOR A CARING ALTERNATIVE AND PUBLIC HEARING - 6:00 PM

Alan Wood, President & CEO, presented information regarding the Building Reuse grant for A Caring Alternative as follows:

Burke Development Inc. requests the County support for A Caring Alternative, a local health care establishment located in Morganton, through a \$230,000 Building Reuse grant approved by the State in 2018. A Caring Alternative is in the former One North Square building and has improved the building to assist their growth. The Building Reuse Grant requires a 5 percent local match of \$11,500 and it is the County's practice to split the local match with the City. Therefore, the County and the City of Morganton will each provide \$5,750. The company will create 23 new jobs with the project. The jobs will meet or exceed the average county wage and will include healthcare benefits. Furthermore, the City of Morganton will contract with the WPCOG to administer the grant and the local match funds covers the grant administration fee. The County's portion of the local match, \$5,750, was not included in the FY 2018-19 budget. As such, an appropriation of General Fund, Fund Balance is necessary.

Further, Mr. Wood said the City of Morganton was the applicant for the \$230,000 Building Reuse Grant and the public hearing will be for the five (5) percent local match. He said the 23 new jobs will pay over \$40,000 per job and the amount of the County's local match is \$5,750, with the City of Morganton paying the other half. Mr. Wood apologized and said this item should have been brought to the Board in November, so this is a catch-up item.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2018-08 & PUBLIC HEARING - 6:00 P.M.

Pete Minter, Senior Planner, presented information regarding ZMA 2018-08 as follows:

REQUEST

Staff has received a rezoning application from Mr. and Mrs. Spolarich to rezone one (1) parcel of land totaling 1.34 acres. The Spolarich's request to rezone the property from its current zoning of Residential Two (R-2) to the Planned Residential Mixed Use (PRMU) zoning district. The parcel is also within the Scenic Overlay District. The Scenic Overlay zoning designation would not change. The Planned Residential Mixed-Use District permits various types of residential, and a limited number of commercial businesses. (See Table of Permitted and Permissible Uses.)

SITE ANALYSIS

January 2, 2019 (Pre-Agenda)

The parcel is described as follows: The 911 address of the parcel is 3268 NC 126 Morganton. The parcel has approximately 520 feet of frontage on NC 126, a principle arterial road. The parcel is further identified in county records as (PIN# 1764573876 and REID# 7596). As mentioned above, the parcel is 1.34 acres and is vegetated with a few standing trees. Most of the parcel is relatively level. The parcel is served by public water only (*City of Morganton*). Wastewater disposal would be handled by a private onsite septic system. The property is located within the Lake James Water Supply Watershed and is within the Lake James Fire District. The parcel is located within the Linville Township of Burke County.

SURROUNDING AREA

The surrounding area is a mixture of commercial businesses, residential homes, and vacant land. The parcel has 500 feet of frontage along NC 126 and is located 200 feet from the intersection of NC 126 and North Powerhouse Rd. This intersection is a commercial hub to this area. To the north of the property is an 83-acre undeveloped parcel which is proposed as future development within the Hawksbill Subdivision. To the east are several commercial businesses, the Lake James Volunteer Fire Dept., a convenience store, and a restaurant. To the south is vacant land and several dwellings. To the west is several more occupied dwellings, an abandoned home, and large undeveloped tracts of land. (Please see attached photos for a visual representation of the area).

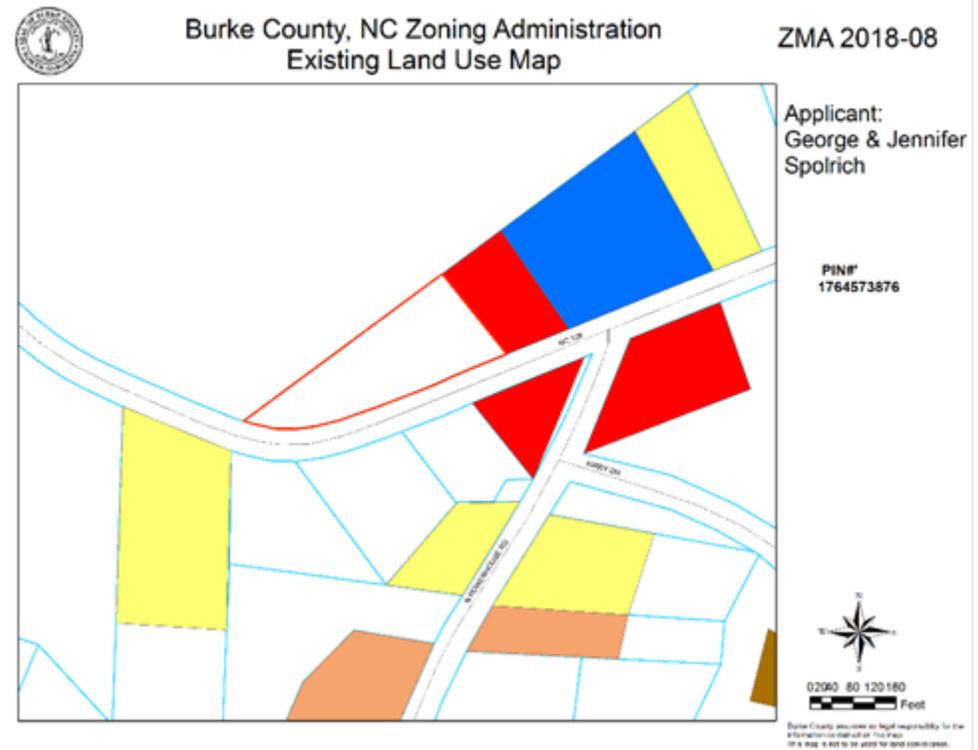
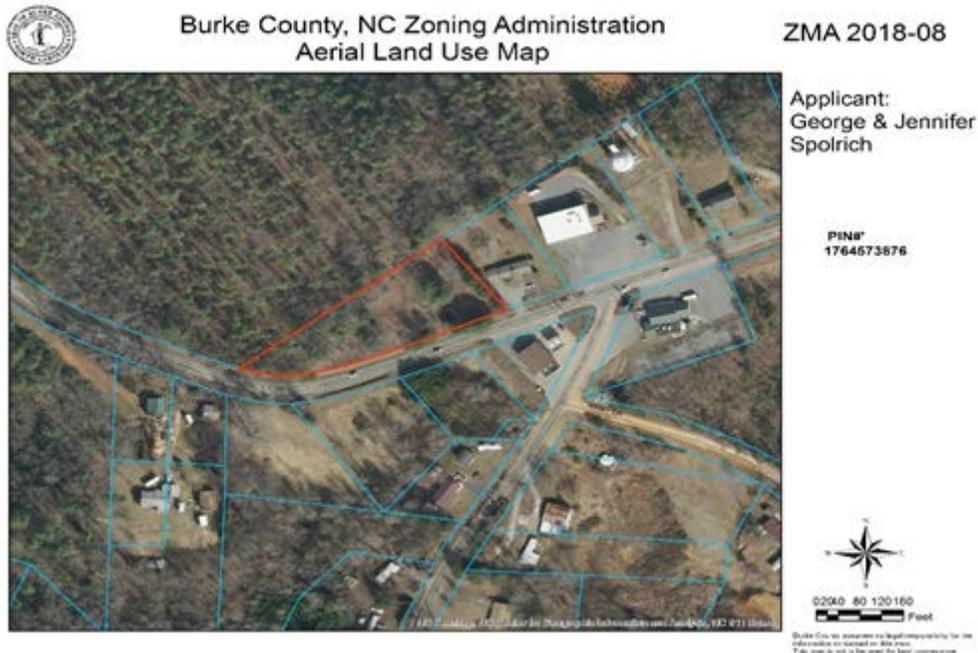
The table below indicates the existing land uses in the area.

Existing Zoning and Land Uses within the Surrounding Area		
	Current Zoning	Existing Land Uses
North	PRMU-CD	Wooded Vacant Land
South	General Business/R-2	Vacant Land / Residences
East	NB / G-B	Commercial Businesses / Fire Dept./ Conv. Store
West	PRMU-CD / R-3 / R-1	Residences / Vacant Land

The Existing Land Use Map and the 2014 aerial photo 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.

This space is intentionally left blank.

January 2, 2019 (Pre-Agenda)



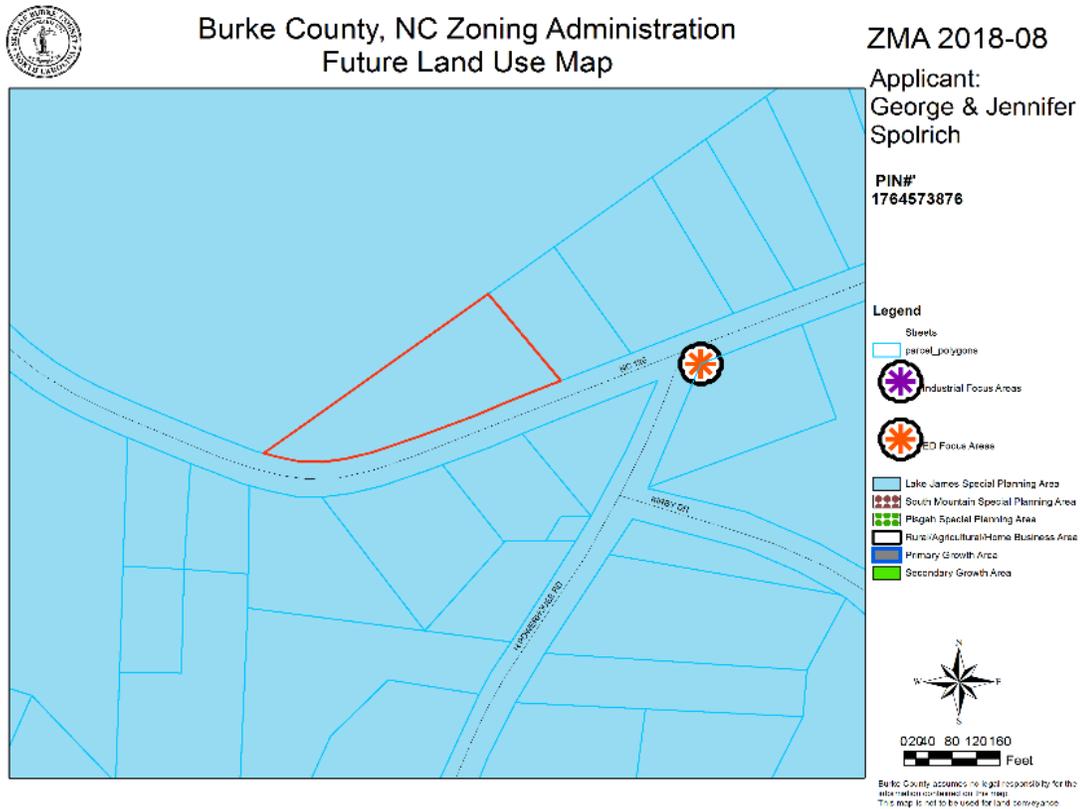
CONFORMITY WITH THE COMPREHENSIVE PLAN

The current land use plan for Burke County is the 2016-2030 Blueprint Burke Strategic Land Use Plan. The parcel lies at the eastern fringe of the "Lake James Special Planning Area". This area has certain natural and environmental resources which make it a center for multiple outdoor recreational uses, as well as major residential subdivisions. Both residential and commercial development are also essential to this planning area.

January 2, 2019 (Pre-Agenda)

The Future Land Use Map indicates this area as an “Economic Development Focus Area” / Node. Economic Development Nodes are small areas where commercial development is already located, and additional development of similar uses is encouraged. However, development in this area should be carefully thought out and well planned in order to protect this area’s important resources.

CONFORMITY WITH THE BURKE COUNTY ZONING ORDINANCE



The current zoning district for this parcel is Residential Two (R-2). The Zoning Ordinance defines the R-2 District as a district composed of high to medium density single-family site-built homes, modular homes, and Class A manufactured homes (double-wide with vinyl-sided/shingled roof). This district is likely to have access to public water and/or sewer utilities or those services are likely to be provided in the future. The characteristics of the district and the uses allowed there are primarily residential in nature.

The proposed Planned Residential Mixed-Use District was created to allow a mix of housing types and non-residential uses to exist in harmony. Allowable commercial uses may be proposed on smaller parcels in the district that are independent of residential developments. The resulting development should be well-planned, aesthetically pleasing, and complimentary to the area.

PLANNING BOARD RECOMMENDATION

January 2, 2019 (Pre-Agenda)

The Planning Board met on December 5, 2018 to hear the rezoning request. There was no one present from the public to speak at the meeting. After the public comment portion of the meeting was closed, the Board asked several questions of staff. Following the question and answer session, the Board Chairman asked for a motion on the proposed rezoning. Richard Evey made a motion to: "Approve ZMA 2018-08 - A request to rezone one (1) parcel of land consisting of 1.34 acres from the Residential Two (R-2) Zoning District to the Planned Residential Mixed Use (PRMU) Zoning District, based on conformity with the 2016-2030 Burke County Future Land Use Plan and the Burke County Zoning Ordinance". His motion was seconded by Bobby Costner. A full vote of the Board was unanimous 4/0.

STAFF COMMENTS

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

STATEMENT OF CONSISTENCY

When a local government adopts development regulations, there must be a rational basis for determining what those regulations should be. Zoning regulates where various land uses can be located and at what density and intensity of use. To make rational and informed choices in adopting and later amending these regulations, there should be careful consideration of many factors, including what infrastructure is needed to support development, how the land uses relate to one another, what the community's goals, objectives, and vision for the future are, and so forth.

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.

January 2, 2019 (Pre-Agenda)

The statutory requirement for consideration of plan consistency is not a legislative suggestion. A statement on plan consistency must be explicitly approved by the board at the time a zoning amendment decision is made. The statement must be more than a one-sentence conclusion. It must both describe plan consistency or inconsistency and it must explain the rationale of the decision. The statement is to take the form of one of the three options noted above.

Further, Mr. Minter said the reason the applicants, the Spolarich's, are requesting to rezone their property is to make it more marketable.

Chairman Carswell opened the floor for comments or questions from the Board. Commissioner Taylor asked why there are two (2) contradictory statements of consistency in the agenda packet. Mr. Minter said a statement of consistency is required when the Board chooses to adopt or deny the item and he included both as not to seem biased. Discussed ensued. Commissioner Brittain asked if it is Community Development staff's recommendation to approve the rezoning request. Mr. Minter said yes. James Reid Simpson, II, County Attorney explained the way North Carolina law is set, if the Board approves or denies the rezoning request, a statement of consistency is required, and Mr. Minter included both statements for the Board's consideration. Vice Chairman Mulwee commented on how applicants usually tell Community Development the end-goal of most rezoning requests. Mr. Minter said the applicant initially bought the property to build a home, but now they no longer wish to do so, and are rezoning the property to make it more marketable. Mr. Minter also responded to additional questions from the Board concerning the rezoning request and the zoning designation of surrounding parcels.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

CONSENT AGENDA

BLUE RIDGE COMMUNITY ACTION - COMMUNITY SERVICE BLOCK GRANT FOR FY 19-20

Mary Wright with Blue Ridge Community Action (BRCA) presented information regarding BRCA's community services block grant for FY 19-20 as follows:

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 15, 2019.

July 1, 2019 - June 30, 2020

Funding level:	\$456,973 (\$170,213 for Burke, \$152,280 for Caldwell and \$134,480 for Rutherford County)
Funding source:	North Carolina Department of Health and Human Services

January 2, 2019 (Pre-Agenda)

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, referrals and access to needed human services by 6/30/20.

One Year Objective:

1. To conduct intake, assessment, eligibility and referral for 200 low-income families about local human services assistance programs and provide assistance in applying for services.
2. To assure 145 low-income families receive identified human service by 6/30/20. (65 in Burke, 60 Caldwell and 22 in Rutherford County)
3. To provide to 40 families comprehensive case management service to assist them to move above the poverty level. (10 - Burke, 8 - Caldwell, 22 - Rutherford)
4. Move 5 families out of poverty by 6/30/2020.

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.
3. Provide follow up activities to ensure 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 recordkeeping.
- 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.

BRCA Community Services Block Grant employs 1 Community Service Worker II and 1 Case Manager and 2 part time CS Program Assistants 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

January 2, 2019 (Pre-Agenda)

- 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 grant application by email on Dec. 21, 2018.

Ms. Wright further reported BRCA will receive more funding this year because of how the State allocates funding based on the poverty level, State analysis and Census data. With the increase in funds they will hire two (2) additional part-time employees and increase the number of families they serve. BRCA will decrease the number of case management families from 50 to 40 to ensure greater direct services and use the additional funds for child care, emergency assistance, grants, deposits, etc. Last year, their goal was to move five (5) families out of poverty, and BRCA ended up moving nine (9) families out of poverty. She reported State regulations require the Board to acknowledge they received a copy of the grant application and she also responded to a question from Commissioner Taylor.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

CLERK - APPOINTMENT TO THE BOARD OF HEALTH

Kay Draughn, Clerk to the Board, reported in accordance with NCGS 130A-35, the Health Director requests the appointment of Michelle Freeman to the Board of Health to fill vacant Seat No. 5 (optometrist) until an optometrist can be obtained or an at-large seat becomes available. Ms. Freeman is a member of the general public and is very interested in serving. The term is for three (3) years.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

CLERK - REAPPOINTMENT TO Foothills Regional Airport Authority

Kay Draughn, Clerk to the Board, reported the Burke County Board of Commissioners appoints two (2) members to the Foothills Regional Airport Authority, an 8-member board that oversees the operation of the Foothills Regional Airport. The term for Dennis Pearson ends January 31, 2019. Mr. Pearson is willing to serve another 2-year term.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

CO. MGR. - RESOLUTION AUTHORIZING LEASE AMENDMENT OF REAL PROPERTY - AMMONS DRIVE, SUITE 1

County Manager Steen reported the Federal Government wishes to continue leasing office space at 130 Ammons Drive, Suite 1 (USDA Service Center) until July 31, 2020 for an annual rent of \$37,276.25 representing \$13.75 per square foot (2,711 net usable square feet) as set forth in the related resolution in the agenda packet. The required 30-day notice was posted on the County's website and published in the News Herald on December 6, 2018 in accordance with NCGS 160A-272. Mr. Steen also responded to questions from the Board.

January 2, 2019 (Pre-Agenda)

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

TAX DEPT. - TAX COLLECTION REPORT FOR DECEMBER 2018

Danny Isenhour, Tax Administrator, presented the Tax Collection Report for December 2018 as follows:

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Current Year Taxes	\$44,850,000.00	\$35,873,649.73	\$8,976,350.27	79.99%
Delinquent Taxes	\$710,000.00	\$344,692.01	\$365,307.99	48.55%
Late List Penalty	\$300,000.00	\$129,666.79	\$170,333.21	43.22%

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

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$40,374,965.00	\$33,634,757.34	\$6,740,207.66	83.31%
Motor Vehicle Tax	\$4,475,035.00	\$2,238,892.39	\$2,236,142.61	50.03%

Commissioner Taylor commended Mr. Isenhour and his staff for the work they did to allow citizens to pay their taxes online.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

TAX DEPT. - RELEASE REFUND REPORT FOR DECEMBER 2018

Danny Isenhour, Tax Administrator, presented the Release Refund Report for December 2018 as follows:

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$2,308.72	\$1,443.83	\$864.89	\$0.00

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$133.62

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

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

ITEMS FOR DECISION

January 2, 2019 (Pre-Agenda)

G.S. - AWARD OF BID FOR NC 18 SOUTH & RHONEY ROAD CDBG WATERLINE PROJECT

Sherry Long, Assistant Executive Director/Community Development Director, and David Poore, West Consultants Design Engineer, presented information regarding the bid award for NC 18 South and Rhoney Road CDBG project as follows:

Burke County proposes to construct the NC 18 South and Rhoney Road Waterline Project utilizing CDBG funds. A bid invitation was published on Nov. 11, 2018. Formal bids were received on December 19, 2018 at which time they were publicly open and read. Six (6) sealed bids were received by qualified contractors and the bid tabulation is included. Piedmont Utility Group, Inc. of Mooresboro, NC is the successful low bidder with a total bid of \$1,843,844.38 including the alternate bid item which is the Music Mtn. altitude value and vault.

Budgetary Effect:

The itemized budget:	
\$1,810,000	Water construction and engineering
\$190,000	Administration
\$2,000,000	
Contracts:	
\$170,000	WPCOG for administration
\$12,000	West Consultants for PER
\$178,280	West Consultants for engineering
\$21,000	West Consultants for construction observation
\$381,280	
\$2,000,000	Available funds
-\$381,280	Contracts
\$1,618,720	
\$1,798,580.19	Low bidder (Piedmont Utility Group, Inc.)
\$45,264.19	Altitude Valve & Vault
\$1,843,844.38	
\$225,124.38	Additional Funding Needed

The State has been contacted to see if additional funding is available. However, key personnel were off for the holidays. David Poore with West Consultants and WPCOG representatives are present to respond to questions, if needed. If additional grant funds cannot be obtained, an appropriation of \$225,124.38 of General Fund, Fund Balance is necessary to award the bid. Funding is not available in the Water & Sewer Fund. Note: There are no contingency funds available for rock, etc.

Bid Tabulation

Contractor	Total Bid Amount	Alternate
Piedmont Utility Group, Inc.	\$1,843,844.38	\$45,264.19
Buckeye Bridge, LLC	\$2,252,272.50	\$44,519.00

January 2, 2019 (Pre-Agenda)

M&M Construction of Banner Elk, Inc.	\$2,458,701.30	\$38,500.00
Hickory Sands Co., Inc.	\$2,511,589.00	\$49,500.00
Two Brothers Utilities, LLC	\$2,795,815.00	\$60,000.00
Central Builders, Inc.	\$2,915,900.00	\$75,000.00

Ms. Long reported she has contacted the Appalachian Regional Commission for funding, and they denied the request. She also contacted NCDEQ, who provided the original \$2 million for the project, but they are considering another project for funding and will let her know later of their decision. She said the bids are good for 90 days and the second lowest bidder was around \$400,000 over the lowest bidder. She said it is important to lock-in the bids, so the price does not increase further. David Poore, with West Consultants, said the current low bidder, Piedmont Utility Group, Inc., has the resources and personnel to complete this project and they have excellent references.

Chairman Carswell opened the floor for comments or questions from the Board. Commissioner Taylor said the project is 19 percent over budget and asked if the project could be re-bid. Mr. Poore explained that in order to re-bid, something in the project must change and there is nothing in this project that can be changed. Commissioner Taylor said if the project was re-bid, other firms could potentially participate that were not able to the first time. Due to the recent natural disaster that occurred in the eastern portion of the State, Ms. Long said many firms have plenty of work to do and the cost of labor and materials is rising. Further, if the project is re-bid, then the price could be much higher than the current low-bidder. Mr. Poore further explained that the original funding application was submitted in September of 2016 when firms were not as busy and prices for labor and materials were much lower. In addition, NCDOT added guardrails on two (2) sections of Highway 18 which required them to go through two (2) creeks and utilize two (2) horizontal road bores. This change increased the price of the project by around \$88,924 which was not in the original estimate. In response to another question from Commissioner Taylor about rebidding, County Manager Steen responded the bids are locked-in and the WPCOG is asking grant providers for additional funds. Some unanticipated incidents have occurred that changed the cost of the project. Due to increases in material prices and labor, the best option is to proceed with the project as is and see if the WPCOG can secure additional grant funding. If not, then appropriate additional funds to cover the cost of the project. Commissioner Taylor asked how long the project will be delayed if it is re-bid. Ms. Long said it will be at least two (2) months.

Chairman Carswell said when he sat on the State Water Infrastructure Authority (SWIA) in 2016, \$2 million was appropriated for this project and was approved unanimously. He said now, with all the resources going towards the eastern portion of the State, there will probably not be many firms rebidding on the project. He asked when will the SWIA meet to consider giving additional funds for this project. Ms. Long stated the SWIA is considering another project for funding and she is hopeful they will allocate additional funding for this project. Chairman Carswell asked if the Board appropriated additional funds would the County be reimbursed if the SWIA later gave more funds for the project. Ms. Long responded in the affirmative.

Vice Chairman Mulwee expressed concern that any new bids received would most likely be higher than the current low-bid for the project. Commissioner Taylor reiterated his opinion that all available options should be explored, as stewards of taxpayer monies. Discussion continued. Issues addressed included: compliance with bidding regulations, removing miniscule items from the construction budget (ex.: grass seeding) and using force labor, the impact on contractor

January 2, 2019 (Pre-Agenda)

warranties, etc.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

BOE - NEW JOB DESCRIPTION & SALARY FOR ELECTION SPECIALIST II POSITION

Anthony Iovino, BOE Chairman, and L.H. Kirksey, BOE Secretary, presented information regarding the new job description and salary for the Election Specialist II position as follows:

The BOE Chair & Secretary will present a request to increase the salary of the Election Specialist II position by \$3,700 (mid-point of the salary grade). Further, the job description for this position would be modified to include more in-depth knowledge/qualifications in the information technology (IT) field to satisfy mandates from the State Board of Elections and their IT department. Currently, this position is vacant, and applications are being accepted (Grade 16, starting salary - \$28,232, open until filled). The employee that held this position resigned on Dec. 14. (No change to the pay range of Grade 16 or the job title is requested.)

Mr. Kirksey said there are the same number of employees today in the Elections Dept. as there were 13 years ago when the BOE Director was hired. Further, the State has greatly increased the number of duties of the BOE Director and mandates for the department. Burke County is one of four (4) counties in the State to have no recorded incidents of voting irregularities. Mr. Kirksey said for the past three (3) years they have requested a new position in order to have a backup for the vacant Election Specialist II position. He commended the previous Election Specialist II employee and the Burke County IT Department for their work on the previous election and noted that the position is much more technical than it was in the past and no current employee can fulfill the duties of the position. He said the requested starting salary for this position is \$37,500, the mid-point of the salary grade. Mr. Kirksey said if this request is approved, they will need approximately \$3,700 for the position until the end of FY 18-19.

Chairman Carswell opened the floor for comments or questions from the Board. Debbie Mace, BOE Director, who was also in attendance, responded to a question from Commissioner Taylor concerning the amount of lapse salaries available from last year, if any. Commissioner Taylor expressed his concern and displeasure over the County Manager's recommendation, "Approval is recommended, subject to the Chairman's and Vice Chairman's approval of the qualifications of the prospective candidate," and how the Chairman and Vice Chairman are involved in the hiring process when the County has a Human Resources Dept. and the BOE has their own Board.

County Manager Steen explained anytime there is a new hire that goes above the County Manager's authority to offer over 10 percent above of the starting salary, it has to come to the Board for approval. The BOE is asking for additional funds above the entry level for the position and the motion, if it passes, will approve the additional funds subject to the approval of the applicant's qualifications by the Chairman and Vice Chairman, which is fairly consistent with new hires above the County Manager's authority. Mr. Kirksey explained they got the \$37,500 salary by adding 10 percent to the base IT position starting salary. County Manager Steen said the BOE has the right to hire who they choose, but they are asking the Board for the additional funds, which is why the Board will review chosen applicants. Ms. Mace expressed support for

January 2, 2019 (Pre-Agenda)

the Chair and Vice Chair reviewing their chosen applicant and said she understands that the Board is trying to look out for the County's best interest. Mr. Iovino welcomed the Chair & Vice Chair's input and acknowledged that the final decision is the BOE's. Commissioner Taylor re-read the suggested motion and said this is not a budget issue, but a personnel issue. Mr. Iovino reiterated that this is a highly technical position and the previous holder of the position would not qualify because of the increased technical requirements related to cyber security, etc. Commissioner Taylor requested that the item be removed from the agenda because it is very unusual, opens the Board to harassment issues and goes beyond the regular duty of the Commission. He said if the BOE and the Human Resources Director cannot handle this, then maybe the County needs a new Human Resources Director. Chairman Carswell said a presentation was given to the NCACC (N.C. Association of County Commissioners) regarding the hiring of highly technical positions for the State Board of Elections Dept. to combat cybersecurity issues and how boards sometime have to go outside of their normal hiring practices and work with local boards as a team during the process, which was the intent for this item. Ms. Mace agreed and said the new hire will go to the State BOE to receive training and will work with County IT staff to ensure there are safe elections. She reiterated her support for the Chair & Vice Chair reviewing the applicant, with the final decision left up to the BOE. Chairman Carswell said it is not the intent of the Board to have the final decision regarding this position. Mr. Kirksey thanked the Board and County Manager Steen for sending the IT Department to help the BOE during the last election. Commissioner Taylor reiterated his objection to having the Board involved with the hiring of this position and said he will consult with a few attorneys before the regular meeting. Chairman Carswell asked James Reid Simpson, II, County Attorney, if the Board was violating the law. Attorney Simpson said no, the Board is being asked to increase the salary of a position and they can put whatever requirements they want on the process. In closing, Chairman Carswell acknowledged Commissioner Taylor's objection, but stated the item will remain on the agenda.

RESULT: MOVED TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

BOC - ADOPTION OF SUGGESTED RULES OF PROCEDURE FOR 2019

Chairman Carswell reported it is the Board's practice to review, amend as needed and adopt its Rules of Procedures on an annual basis. Commissioner Taylor said he has already made many comments and suggestions and he will not vote on it in its present form and would prefer it to be corrected.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: 1/15/2019 AT 6:00 PM

OTHER DISCUSSION ITEMS

Chairman Carswell reminded the Board that budget presentations will occur on February 22, 2019 at 8:30 a.m. in the Board room.

ADJOURN

Motion: To adjourn at 4:14 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.

January 2, 2019 (Pre-Agenda)

Approved this 19th day of February 2019.

Attest: