

March 3, 2020 (Pre-Agenda)

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

The Burke County Board of Commissioners held a pre-agenda meeting on Tuesday, March 3, 2020 at 3:00 p.m. They met in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E in Morganton, N.C.

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

**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.**

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

**PRESENTATIONS**

**AS - PET OF THE MONTH**

Kaitlin Settlemyre, Animal Services Director, said Animal Services staff will present a dog and cat in need of their "forever" home at the regular meeting. In response to a question from Chairman Carswell, Ms. Settlemyre reported Animal Services staff took a dog to a recent Valdese Town Council meeting to further encourage adoptions.

<b>RESULT:</b>	<b>MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM</b>
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**BCRS - UPDATE ON BURKE COUNTY RESCUE SQUAD**

Chief Chris Brown was unable to attend the meeting and since the information on the Burke County Rescue Squad was in the agenda packet for review, this item was withdrawn from the agenda. The report indicated the Rescue Squad responded to 623 calls in 2019.

<b>RESULT:</b>	<b>REMOVED FROM THE AGENDA.</b>
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**FINANCE - PRESENTATION OF FY 18-19 AUDIT**

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Margaret Pierce, Deputy County Manager/Finance Director, introduced Phil Church and Rick Hammer with Lowdermilk & Church Co., LLP who presented the FY 18-19 audit and answered questions from the Board. The County received a clean unmodified opinion and the audit was approved by the Local Government Commission (LGC). Mr. Hammer then reviewed the following budgetary information:

BURKE COUNTY		
Financial Highlights		
Years Ended June 30, 2019 and 2018		
	2019	2018
<b>General Fund</b>		
Cash and investments	\$ 26,713,854	\$ 26,983,966
Total assets	32,910,721	31,716,316
Unassigned fund balance	16,987,127	15,224,971
Total revenue	79,492,889	75,091,220
Total expenditures	81,059,361	77,513,039
Other financing sources	3,966,953	3,421,271
Increase (decrease) in fund balance	2,400,481	999,451
Ad valorem taxes collected current year levy	45,988,431	45,618,601
Percent of taxes collected current year levy	98.20	98.58
Investment income	626,920	300,950
<b>Proprietary Funds</b>		
Cash and investments	\$ 2,434,620	\$ 2,147,795
Total assets	20,789,300	21,015,550
Net position	13,900,099	14,438,141
Operating revenue	6,914,316	6,663,581
Operating expenses	7,514,475	6,442,704
Nonoperating revenues (expenses)	160,257	142,455
Transfers in (out)	(98,141)	95,518
Change in net position	(538,043)	458,851
Accounts receivable	678,356	551,794
Investment income	32,178	23,146
<b>Other Governmental Funds</b>		
Cash and investments	\$ 15,218,648	\$ 13,630,996
Cash with fiscal agent	7,330,420	26,408,027
Total assets	26,191,074	42,662,463
Fund balance	24,173,419	38,258,067
Total revenue	14,811,099	16,057,885
Total expenditures	25,110,780	28,713,052
Other financing sources (uses)	(3,784,936)	16,493,212
Increase (decrease) in fund balance	(14,084,617)	3,838,043

#### Fund Balances Available

\* Local Government Commission minimum\_recommended general fund balance should be at least 8% (one month) of general fund expenditures at the end of the fiscal year.

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	<u>2019</u>	<u>2018</u>
Unassigned Fund Balance	\$16,987,127	\$15,224,971
Expenditures and other financing sources and uses	84,228,285	81,034,812
Unassigned Fund Balance Percentage	20.17%	18.79%
State average for Counties with a population grouping of 50,000 to 99,999	37.72%	35.86%

Chairman Carswell opened the floor for questions and comments from the Board. Vice Chairman Mulwee asked, for the benefit of the audience, what is the difference between unassigned fund balance and general fund balance. Mr. Hammer said unassigned fund balance are funds available for use because they are not obligated for other uses.

Ms. Pierce responded to a question from Commissioner Taylor concerning death benefits, which are paid by the local government retirement system. Commissioner Taylor asked the auditors to confirm that the budgeted figures/cost of construction for the Burke County Jail were correct, Mr. Hammer and Mr. Church answered in the affirmative as of June 30<sup>th</sup>. Mr. Church said everything went very well in working with management in preparing the audit and they appreciate the assistance. Mr. Church, Mr. Hammer and Ms. Pierce then responded to questions from Commissioner Abele concerning the amount of the jail budget/expenses. A short discussion regarding the cost of the jail ensued. Ms. Pierce requested moving this item to the consent agenda. Commissioner Abele objected; therefore, the item was left as a presentation item.

**RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020  
AT 6:00 PM**

## **SCHEDULED PUBLIC HEARINGS**

### **AAB - ORDINANCE AMENDING CHAPTER 6, ANIMALS, & PUBLIC HEARING - 6:00 P.M.**

Debbie Hawkins, Chair of the Animal Advisory Board (AAB), reported the proposed ordinance amends certain portions of Chapter 6, Animals, Burke Co. Code of Ordinances. The proposed amendments were unanimously approved by the Animal Advisory Board on February 26, 2020. Ms. Hawkins said the overarching goal of the animal ordinance is to protect the health safety and welfare of County residents and animals, regulate and control the conduct keeping in care of those animals, facilitate as many responsible lifetime adoptions as possible of abandoned pets, and encourage the reuniting of owners to their impounded animals. Ms. Hawkins then reviewed the proposed changes to the animal ordinance shown below. Ms. Hawkins said Burke County needs to move forward to focus on owner responsibility, owner retention, and the live release rate at the Animal Services Center (ASC).

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**Sec. 6-1. - Definitions.**

**Consult means to discuss with and reach a decision.**

**Standards of Care:**

**An owner, keeper or temporary owner of an animal is required to provide their animal(s) with humane care and treatment as follows:**

- Access to an adequate supply of fresh air,**
- Species-specific food,**
- Clean container of fresh water,**
- Daily exercise especially if using a tether to avoid any unwanted behaviors,**
- Shelter, as defined in this ordinance,**
- Access to shade from direct sunlight at all times, and that is large enough for each outdoor pet at one time, and**
- Veterinary care when needed to prevent suffering.**

**Sec. 6-2. - Authority and purpose; general duties of animal control.**

~~(b)(4) Be responsible for the seizure and arranging for the impoundment, in consultation with the animal services director, where deemed necessary, of any dog or other animal in the county involved in a violation of this chapter or any other county ordinance or state law.~~

**(b) (4) Animal Control Officers will collaborate with the Animal Services Director each workday to determine space availability. When space is limited, Animal Control officers can then place greater emphasis on owner education and owner retention with the primary goal being to not impound and euthanize healthy animals for space. Prior to the impoundment of strays / animals at large (reference Burke Co. Animal Ordinance Sec. 6-12) Animal Control Officers shall determine if the animal has a rabies tag, an identification tag or scan for a microchip. (G.S. 130A-192). If the animal has any of the above, the animal control officer will**

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- (a) contact the owner of the animal and return the animal to the owner,
- (b) educate the owner, or
- (c) educate the owner and issue a citation to the owner for a violation of this ordinance. (Burke County Animal Ordinance Sec. 6-131 (a) (1)).

If the animal has none of the above, the animal control officer shall conduct a neighborhood canvass to see if anyone recognizes the animal / knows the owner. If the owner is known or address obtained, the officer shall:

- (a) attempt to return the animal to that address,
- (b) educate the owner or
- (c) educate and issue a warning for a violation of this ordinance.

If the owner is not home, the animal control officer shall leave notice at the residence stating the kind and type of animal seized, the place where the animal is to be impounded, the hours it may be reclaimed, and the length of time it is to be held.

6-2 (e)

~~The county animal services center is a public shelter operated on a managed intake basis and must be in compliance with all state standards established for public shelters. County animal control will only respond to resident complaints when an animal is in severe distress or death is imminent. In circumstances of no severe distress or imminent death, the owner must sign a release in order for the county to take ownership of any animal. The county shall operate and maintain a county animal shelter (animal services center) for the purpose of impounding or caring for animals held under the authority of state law, this chapter or any other county or municipal ordinance. The county may contract for the operation of the animal services center as it deems appropriate.~~

6-2 (c) **The county animal services center is a public shelter operated on a managed intake basis and must be in compliance with all state standards established for public shelters. Owners who wish to surrender their animal must contact Animal Services and schedule an appointment.**

6-2 (d) **County animal control will only respond to citizen calls regarding:**

- i. a resident's report of suspected violation of the Standards of Care,
- ii. violation of the Animal Ordinance
- iii. a suspected case of animal cruelty,
- iv. when an animal is in severe distress or
- v. when the animal's death appears imminent.

6-2 (d)

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~~It shall be the duty of the county animal services employees and the animal control division to keep or cause to be kept accurate and detailed records of:~~

- ~~(1) Impoundment and disposition of all animals coming into the animal services center~~
- ~~(2) Bite cases, violations and complaints and investigation of same.~~
- ~~(3) All other records deemed necessary per G.S. 132-1.1(e).~~

**6-2 (e) It shall be the duty of the county animal control division to keep or cause to be kept and submit to Animal Services staff accurate, detailed records including but not limited to citations issued for violations of this ordinance prior to the impoundment of all animals coming into the animal services center.**

- (1) Bite cases, violations and complaints and investigation of same.**
- (2) All other records deemed necessary per G.S. 132-1.1(e).**

**6-2 (f) It shall be the duty of the county animal services employees to keep or cause to be kept accurate and detailed records of the status and disposition of all animals housed at the animal services center.**

6-2 (e) **(g)** Animal control officers.

### ARTICLE III. – IMPOUNDMENT

#### Sec. 6-71. - General regulation.

Any animal which appears to be lost, stray, unwanted, or which is found not wearing a valid rabies vaccination tag as required by state law or this chapter, and not under restraint in violation of this chapter, **may be seized** ~~impounded~~ by the animal control division **in a humane manner** ~~by any means necessary~~ **only after conducting a neighborhood canvass (Burke County Animal Ordinance Sec. 6-2(b)(4)). If no owner is located, the animal may be impounded** ~~and confined~~ in the county animal services center ~~in a humane manner~~. Impoundment of such animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this chapter. All impounded animals will be scanned for a microchip to aid in the notification of the legal owner. (Ord. No. 2017-08, § 6-15, 5-16-2017; Ord. No. 2019-11, 8-6-2019)

**(No changes to 6-72 through 6-76.)**

#### Sec. 6-77. - Rescue requirements and audits.

Approved rescue groups are allowed to pull animals from county animal services. Pursuant to G.S. 130A-192(a), all animals are required to be held for an initial impoundment period of 72 hours. However, in the event that an animal is surrendered to county animal services, the animal may be released immediately. Following the initial impoundment period, animals will be held in the animal services center and made available for rescue by an approved rescue group or the general public as long as the health and temperament of the animal determines that it is suitable for rescue/adoption. This determination will be made by the animal services director and the decision will be final.

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

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**(2) Random Quarterly** audits will be performed by the animal advisory board to ensure proper care and recordkeeping of all approved rescue groups/groups. During each audit, two approved rescues will be selected for audit review and required to provide all required documentation of applicable vaccinations, spay/neuter, and current location of a random selection of animals they have pulled from county animal services. **to evaluate the health and welfare of the animals as determined by the animal advisory board.**

If the audit shows an approved rescue group is not in compliance two times in two consecutive audits due to missing or incorrect documentation or refusal/failure to provide, a warning will be issued, and the rescue given ten working days to produce additional documentation. If the rescue fails to produce requested documents or additional information to refute the audit, the rescue's permission to pull animals from Animal Services will be suspended. Time of suspension will be no less than six months. Re-evaluation of the rescue will be conducted by the Animal Services Director. A second violation will warrant a 12-month suspension, and any additional violations will mean permanent revocation.

(3) Rescues must obtain and maintain nonprofit, tax-exempt status as a 501(c)3.

(4) In order to be considered for approval as an approved rescue group by county animal services, groups must submit the county animal services' rescue application, along with three letters of reference, one of which must be submitted by a state licensed veterinarian with preference given to rescues that can also provide references from other North Carolina-based animal shelters. County animal services will notify the applicant group of its decision to approve or deny the application. If the application is denied, county animal services will state any/all deficiencies that resulted in the decision to deny approval of the application.

(5) All adoptable animals are available on a first-come, first-serve basis. Priority will be given to adoptions by individuals over transfer to approved rescue groups or foster.

(6) To ensure that all information is recorded accurately and efficiently, county animal services will require that all interaction with approved rescue groups must be completed

via email at [animalservices@burkenc.org](mailto:animalservices@burkenc.org). All phone calls and in-person contact will be referred to the email address.

**(7) In addition to auditing approved rescues, the animal advisory board will perform random audits on records from Burke County Animal Control and Burke County Animal Services.**

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## ARTICLE V. - REMEDIES

### Sec. 6-131. - General enforcement, order, or other relief.

- (a) Civil penalties. Any person, firm or corporation violating any of the provision of this chapter shall be subject to the imposition by citation of a civil penalty for each such violation which shall be paid in full within ten days of the service of the citation by a representative of the county animal control division or any law enforcement officer in accordance with G.S. 153A-123. If the offender does not pay the penalty within ten days, the county may recover said penalty plus court costs in a civil action in the nature of debt. Failure to correct the violation within the ten-day period will result in an additional penalty of \$50.00 per violation per day until the violation is corrected. All civil fees are subject to associated legal fees in the collection of delinquent fees.
- (1) Unless otherwise stated in this chapter, any person firm, etc., violating any provision of this chapter shall be subject to the following penalties with a time frame of one year on the last citation.
- a. ~~First offense, \$50.00 penalty.~~
  - b. ~~Second offense, \$100.00 penalty.~~
  - c. ~~Third offense, \$200.00 penalty.~~
  - d. ~~All offenses after third, \$200.00 penalty per incident.~~
  - e. ~~All offenses after third, \$200.00 penalty per incident.~~

- a. **First offense, warning.**
- b. **Second offense, \$50.00 penalty.**
- c. **Third offense, \$100.00 penalty.**
- d. **Fourth offense, \$200.00 penalty.**
- e. **All offenses after third, \$200.00 penalty per incident.**

Chairman Carswell opened the floor for questions and comments from the Board. Vice Chairman Mulwee asked by switching from quarterly to random audits, how do they ensure audits are done in a reasonable amount of time. Ms. Hawkins said moving to random audits will give the AAB more flexibility to conduct more audits. Vice Chairman Mulwee asked how many approved rescue groups are in operation. Ms. Hawkins said 14. Commissioner Brittain asked if the word "random" could be changed to a "not less than" phrase to ensure that no rescue groups go un-audited. Discussion ensued regarding the practicality of neighborhood canvases; Ms. Hawkins noted it is a best practice that other counties use as well as being in State Statutes. J.R. Simpson, II, County Attorney, cautioned that the proposed ordinance may be violating the Constitution if employees can educate and fine a violator or educate and issue a warning without any standards to guide their decision. He said those situations need to be clarified in order to prevent complaints of unequal enforcement under the law. Attorney Simpson also expressed concern over allowing the AAB the authority to audit County employees and noted he is unaware of any other advisory board having that ability. Chairman Carswell requested that Ms. Hawkins work with County Attorney Simpson to make sure there are no issues with the proposed ordinance. He then asked for this item to be removed from the agenda until the issues can be rectified.

<b>RESULT: REMOVED FROM THE AGENDA.</b>
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## CONSENT AGENDA

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**FM - REQUEST FOR APPROVAL OF A LEASE PURCHASE AGREEMENT BETWEEN HOME TRUST BANK AND ICARD TOWNSHIP FIRE RESCUE, INC.**

Mike Willis, Fire Marshal/Emergency Management Director, and Todd Eckard, Chairman of the Icard Township Fire Rescue, Inc. Board, presented information regarding the request for approval of a lease purchase agreement with Home Trust Bank as follows:

Icard Township Fire & Rescue, Inc. is entering into a Lease Purchase Agreement with Home Trust Bank for a new 2020 Pierce Pumper and related equipment. The Fire Department held a public meeting on January 26, 2020 at their station located at 100 First Avenue NE, Hildebran. The Board of Directors of the fire department believes the department is fiscally responsible and financially able to buy the fire apparatus and respectfully request the Burke County Board of Commissioners endorse the verification documents from Home Trust Bank pertaining to the loan agreement. The endorsement would not in any way constitute a financial obligation to the County of Burke.

Mr. Eckard said they intend to replace a 30-year-old truck and are seeking approval for a five (5) year, low interest loan with an annual payment of approximately \$87,200. He said their Board approved the request unanimously on January 27, 2020 and they will use \$200,000 - \$300,000 as a down payment.

Chairman Carswell opened the floor for questions and comments from the Board. Mr. Eckard responded to a number of questions about the fire truck from Commissioner Taylor.

<p><b>RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM</b></p>
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**FM - REQUEST FOR APPROVAL OF A LEASE PURCHASE AGREEMENT BETWEEN HOME TRUST BANK AND OAK HILL FIRE & RESCUE PROTECTION ASSOCIATION, INC.**

Mike Willis, Fire Marshal/Emergency Management Director, and Jimmy Winters, Oak Hill Fire & Rescue Protection Association, Inc. Chief Winters presented information regarding the request for approval of a lease purchase agreement with Home Trust Bank as follows:

Oak Hill Fire and Rescue Protection Association, Inc. is entering into a Lease Purchase Agreement with Home Trust Bank for a new Firovac 3800-gallon Hawk model tanker fire apparatus. The Fire Department held a public meeting on February 4, 2020 at their station located at 2400 NC Hwy 181, Morganton. The Board of Directors of the Oak Hill Fire and Rescue Protection Association, Inc. believes the department is fiscally responsible and financially able to buy the fire apparatus and respectfully request the Burke County Board of Commissioners endorse the verification documents from Home Trust Bank pertaining to the loan agreement. The endorsement would not in any way constitute a financial obligation to the County of Burke.

Chief Winters said the Fire Department is seeking to replace a 40-year-old tanker. He said they have already purchased the cab and chassis which are being built and now they want to finance \$208,000 for five (5) years.

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Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor said there are two (2) banks noted on the contract forms, discussion ensued, and Chairman Carswell asked Chief Winters to make sure the forms are in order.

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM**

**BOC - PROCLAMATION DECLARING YOUTH IN GOVERNMENT DAY**

Chairman Carswell said the month of April is designated as National County Government Month throughout the United States. For the past 20 years, as part of Burke County's participation in this annual event, students from the area high schools have been invited to spend a day with County staff touring County government facilities. Burke Middle College, Hallyburton Academy, and the Burke County Home School Educator Group were also invited to participate. Extension Director, Spring Williams-Byrd, has agreed to facilitate this event. The Board is asked to select a date for Youth in Government Day. Taking the school academic calendar and Ms. Byrd's availability into account, April 30<sup>th</sup> is the proposed date, which was accepted by the Board.

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM**

**CLERK - APPOINTMENT & REMOVALS TO RECREATION COMMISSION**

Clerk Draughn reported the creation of a new seat (Seat No. 13) on the Recreation Commission is requested due to the opening of the Mt. View Elementary School. An application from Jessica Whisnant was received and the 3-year term would end March 31, 2023. With regard to the remainder of the Commission's seats, a number of challenges exists.

Seat No. 1 - Forest Hill

Brad Clark's removal is requested due to attendance issues. His unexpired term ends March 31, 2021 and there are no applications on file for this seat.

Seat No. 2 - Glen Alpine

Seat No. 2 is vacant. The term ends March 31, 2022. There are no applications on file.

Seat No. 3 - Drexel

Seat No. 3 is vacant, but an application is expected to be received from Lisa Butler. The term ends March 31, 2022.

Seat No. 4 - Valdese / Rutherford College

Seat No. 4 is occupied by Doug Knight. He is willing to serve another term but has not submitted an application. His term ends March 31, 2020.

Seat No. 5 - George Hildebrand

Seat No. 5 is vacant. The term ends March 31, 2021. There are no applications on file.

Seat No. 6 - Hildebran / Icard

Seat No. 6 was occupied by Tim Limbo. However, he has moved and a replacement is needed. The term for this seat ends March 31, 2020. There are no applications on file.

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Seat No. 7-- W.A. Young

Seat No. 7 is occupied by Jason Black. His term has not expired; therefore, no action is requested for this seat.

Seat No. 8 - Ray Childers

Seat No. 8 is occupied by Justin Weidner. His removal is requested for attendance issues and the term for this seat ends March 31, 2020. There are no application on file at this time.

Seat No. 9 - Mull

Seat No. 9 was occupied by Tamela Agnor until she resigned. The term for this seat ends March 31, 2021 and there are no applications on file.

Seat No. 10 - Oak Hill

Seat No. 10 is occupied by Mo Beam. His term ends March 31, 2022; therefore, no action on this seat is requested.

Seat No. 11 - Salem

Seat No. 11 is occupied by Brandon Clontz. He is willing to serve another term according to Recreation staff, but an application has not been received. His term ends March 31, 2020.

Seat No. 12 - Commissioner

Seat No. 12 is occupied by Commissioner Mulwee. No action on this seat is requested.

The Clerk continually recruits for these vacancies and the News Herald has recently published two (2) notices in the Community Calendar section of the newspaper to solicit applications.

Chairman Carswell opened the floor for questions and comments from the Board. Discussion ensued on ways to increase participation on the Recreation Commission.

<b>RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM</b>
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#### **CLERK - BOARD OF HEALTH REMOVAL**

Clerk Draughn reported the removal of Michelle Freeman (Seat No. 5, Optometrist or private citizen) is requested. Ms. Freeman was unable to attend four (4) consecutive meetings due to her employment and she resigned in December. There are no applications on file at this time.

<b>RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM</b>
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#### **CLERK - NCDOT SECONDARY ROADS RESOLUTION**

Clerk Draughn reported NCDOT Engineering Technician, Morgan Long, requested an updated resolution reflecting the current membership of the Board for a resolution concerning the addition of secondary roads to the State Maintenance System. A draft resolution and the 2017 resolution are provided for the Board's consideration and reference in the agenda packet.

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**A RESOLUTION FROM THE BURKE COUNTY BOARD OF COMMISSIONERS TO THE NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION TO REQUEST THE ADDITION OF ROADS TO THE STATE MAINTAINED SECONDARY ROAD SYSTEM**

**WHEREAS**, petitions are from time to time filed with the Burke County Board of Commissioners for addition of roads to the North Carolina Department of Transportation State Maintenance System; and

**WHEREAS**, the Board of Commissioners does not investigate these petitioned roads for addition; and

**WHEREAS**, the Board of Commissioners relies on the North Carolina State Department of Transportation to investigate these petitioned roads and to determine if they meet the established standards and criteria for addition to the State Maintenance System.

**NOW, THEREFORE BE IT RESOLVED**, that the Burke County Board of Commissioners reaffirms its resolutions adopted on September 7, 2004, April 28, 2015 and March 21, 2017 requesting the Division of Highways to process all road additions without the further approval of the Board of Commissioners. Further, the Board reaffirms its request to receive notification of each addition to the State Maintenance System.

<p><b>RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020                          AT 6:00 PM</b></p>
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**CM - SHERIFF'S VEHICLE LEASE WITH TOWN OF HILDEBRAN**

County Manager Steen presented information regarding the Sheriff's Vehicle Lease with the Town of Hildebran as follows:

In the past the Town of Hildebran and the County, by and through the Sheriff, executed a lease agreement for a motor vehicle to be used as a Sheriff's vehicle for the provision of law enforcement services by the Community Policing Deputy in the Town. Hildebran wants to continue the leasing arrangement and has purchased a new 2020 AWD Police Interceptor. In the 2008 lease agreement, which was extended to June 30, 2014, the lease fee was \$1, and the County provided the license tags, gasoline, maintenance and insurance on the vehicle. The County Attorney was asked to review and update the lease agreement as needed for the pre-agenda meeting.

County Manager Steen said a few minor changes were needed in the contract. J.R. Simpson, II, County Attorney, said the changes to the agreement were to clean up some of the language from the original 2008 agreement, and to specify that the vehicle can only be used for law enforcement purposes. In response to a question from Commissioner Taylor, Logan Shook, the new Hildebran Town Manager, said the County has the option to purchase the old vehicle from the Town, but he has not heard anything from the Sheriff's Office yet. The Board welcomed Mr. Shook to Burke County.

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<b>RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM</b>
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**CM - THE NEST - A PUBLIC / PRIVATE PARTNERSHIP FOR A WEDDING & CONFERENCE VENUE AT FONTA FLORA COUNTY PARK**

County Manager Steen presented information regarding the Nest venue as follows:

On January 15, 2020, the Board received information on a public / private venture called "The Nest" which is a proposed wedding venue and conference center at Lake James / Fonta Flora County Park. After hearing the presentation, the County Commissioners were not ready to move forward with the project as it was proposed, and additional information was requested, including solid cost estimates. After the meeting and local media coverage, the Commissioners received numerous emails from citizens expressing concern and opposition to the proposed project.

On behalf of the County Commissioners, the County Manager wishes to express his sincere appreciation to the developers George Milner, Isaac Hoff and Planning Director Scott Carpenter for their hard work in developing such a unique concept and for bringing it to the Board for their consideration. However, there is no need for further discussion or action on "The Nest" proposal at this time. The County will continue to explore development options for low-impact environmentally friendly projects that will enhance the Fonta Flora County Park at Lake James as they may arise in the future.

County Manager Steen said if, in the future, the developers wish to present plans for cabins or yurts, that is something the Board may want to consider. However, at this point in time, the County is not ready to commit to a large project that may require significant funding and no further action is requested for this project.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor said he never received answers to all his questions regarding this project and noted he does not want to see the County walk away from a four (4) million dollar deal if the project could be rearranged to meet the proper codes and other needed adjustments.

Vice Chairman Mulwee said putting this project to the side is the most prudent decision at this time and moving forward he would like to ensure that the County keeps in contact with their community partners if this project or any other project of this nature is pursued.

<b>RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM</b>
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**CM - RESOLUTION GRANTING CO. MGR. AUTHORIZATION TO REDUCE OR WAIVE AS FEES**

County Manager Steen presented information regarding the resolution granting the County Manager authorization to reduce or waive Animal Services fees as follows:

This is a request to adopt a resolution which will grant authority to the County

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Manager to reduce or waive fees at the Animal Services Center (ASC). This resolution would allow the County Manager, upon consultation with the Animal Services Director, the authority to waive fees during periods of high animal capacity, especially with puppy and kitten season approaching in spring, during special adoption events, to help prevent the spread of illness, and any other reason deemed reasonably necessary by the County Manager and Animal Services Director.

The Animal Advisory Board (AAB) met on January 29, 2020. During this meeting, the AAB voted unanimously to support this recommendation: The County Manager should be given the authority to reduce or waive adoption fees for extenuating circumstances and for special events.

County Manager Steen said due to kitten and puppy season approaching Animal Services staff is concerned about the possibility of overcrowding. He said this resolution is like a pressure release valve and could help get more animals adopted instead of euthanizing them.

**RESOLUTION OF THE BURKE COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING THE COUNTY MANAGER TO WAIVE ANIMAL SERVICES FEES**

**WHEREAS**, the laws of the State of North Carolina, and in particular North Carolina General Statute §153A-102, authorize the Burke County Board of County Commissioners to fix fees and commissions charged by county officers and employees for performing services or duties permitted or required by law; and

**WHEREAS**, the Board of Commissioners adopted a rate/fee schedule for the Burke County Animal Services Department ("Animal Services"); and

**WHEREAS**, it is necessary to waive certain Animal Services fees in specific situations to ensure the efficient and safe operation of the Burke County animal shelter and to protect the health and well-being of the shelter animals; and

**WHEREAS**, North Carolina General Statute §153A-12 authorizes the Board of Commissioners to delegate responsibility for any function or activity to others as it sees fit, unless specifically precluded by statute, by ordinance or resolution; and

**WHEREAS**, the Board of Commissioners is authorized to delegate the authority to waive Animal Services fees and desires to delegate such authority to the County Manager.

**NOW, THEREFORE**, be it resolved by the Burke County Board of Commissioners as follows:

The County Manager, upon consultation with the Animal Services Director, may waive one or more of the fees listed in the then current Animal Services rate/fee schedule when the Burke County animal shelter is at or near capacity, for "clear the shelter" and other adoption events, to prevent the spread of illness and/or disease to healthy animals at the shelter, or for any other reason deemed reasonably necessary by the County Manager and the Animal Services Director.

A waiver of Animal Services fees shall be temporary and shall cease when the shelter is at or below 50 percent capacity, when the event prompting the waiver has ended, or when illness or disease no longer poses a threat to the health of the shelter animals.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner

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Taylor said he agrees with the concept but is concerned that some adopters may feel cheated if they have to pay full price when others did not, and said he likes the market demand approach. Commissioner Brittain asked if the Animal Services Center (ASC) is ever at or below 50 percent capacity, in reference to the last line in the resolution. Kaitlin Settlemyre, Animal Services Director, said because of the small size of the current ASC, they are rarely at or below 50 percent capacity, discussion ensued regarding the wording of that section. J.R. Simpson, II, County Attorney, said there may be Constitutional (NC) issues with the resolution that he needs to investigate. Chairman Carswell requested Ms. Settlemyre work with Attorney Simpson and provided a revised resolution to the Board within a week.

**RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020  
                    AT 6:00 PM**

**CM - RESOLUTION SUPPORTING ESTABLISHMENT OF ANIMAL SERVICES FOUNDATION**

County Manager Steen presented information regarding the resolution supporting the establishment of an Animal Services Foundation:

The resolution supports the creation of a nonprofit / foundation to benefit the Animal Services Center. The nonprofit's primary mission would be to raise monies for the new Animal Services Center and to apply for grants that benefit the Center, the pets housed there and initiatives that will increase adoptions.

County Manager Steen said with the potential of a new Animal Services Center (ASC) and the cost associated with it and the financial needs of the current ASC; an Animal Services Foundation (ASF) could help alleviate some of the burden and cost from taxpayers. He said there are people with very large hearts who would be willing to donate money for Animal Services.

Chairman Carswell opened the floor for questions and comments from the Board and noted that the Animal Advisory Board (AAB) has unanimously voted to recommend the Board approve the resolution.

Resolution Supporting the Establishment of a Nonprofit Foundation  
for the Burke County Animal Services Center

Whereas, from the early 1970s until 2019, the Sheriff's Office has been responsible for animal control enforcement and operation of the animal shelter in Burke County; and

Whereas, in 2019 because of extremely high euthanasia rates and public concern, the Burke County Board of Commissioners commissioned a staff report on realignment strategies and best management practices for operation of the animal shelter, which resulted in an extensive, comprehensive report which included 39 recommendations for change and-improvement; and

Whereas, one such recommendation was the establishment of a nonprofit foundation to support the needs of the animal shelter; and

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Whereas, also as recommended by the staff report, the County Commissioners moved the operation of the animal shelter from the Sheriff's Office to the County Manager's Office and created the Animal Services Department; with Animal Control enforcement remaining under the Sheriff's authority; and

Whereas, as part of the 2019 transition, the Animal Services Department now works with an aging animal shelter that is severely undersized to meet current public demand and to utilize best animal housing practices, and best adoption standards and practices; and

Whereas, through a competitive process, the County hired PNP Design Group / Shelter Planners of America to complete a facility needs assessment and estimate future animal and human population trends; and

Whereas, the consultant completed the study and recommended the County construct a new 13,914 sq. ft. animal adoption facility with a projected cost of between \$4.8 million to almost \$6 million; and

Whereas, the County Commissioners officially received and accepted the facility needs assessment at a special meeting held on January 30, 2020; and

Whereas, while the County Commissioners strongly support the construction of a new animal services facility in the next few years, the County has numerous other buildings in need of immediate repairs, and many other fiduciary responsibilities; and

Whereas, the topic of a nonprofit foundation dedicated to raising funds to build a new Animal Services Center was raised at the Commissioners retreat in February, 2020; and the Commissioners present reacted favorably to the creation of a nonprofit foundation; and

Whereas, the purpose of the nonprofit foundation would be to raise funds for the construction of a new Animal Services Center in Burke County, to apply for grants to benefit the Center and the animals it cares for, and to otherwise work for and financially support Animal Services in Burke County.

NOW THEREFORE, BE IT RESOLVED BY the Burke County Board of Commissioners that it:

1. Expresses its support for the construction of a new Animal Services Center in the future,
2. Expresses its support for the creation of a nonprofit foundation to benefit the Animal Services Center,
3. Requests staff cooperation with and encouragement of any group of persons interested in forming such a nonprofit foundation, and
4. Expresses appreciation to all the Burke County citizens who have worked tirelessly to improve local animal welfare and continue to do so.

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**RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020  
AT 6:00 PM**

**FM - APPOINTMENT TO THE LOCAL EMERGENCY PLANNING COMMITTEE**

Mike Willis, Fire Marshal/Emergency Management Director, presented information regarding the appointment to the Local Emergency Planning Committee (LEPC) as follows:

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 according to the by-laws. One (1) seat is open for appointment, Seat number 7 representing the hospital, due to the retirement of Paul Phillips. Ronnie D. Rector has taken the Director of Security/Emergency Management position at CHS Blue Ridge and is willing to fulfill the unexpired term held by Paul Phillips ending January 31, 2022.

**RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020  
AT 6:00 PM**

**FM - ADOPTION OF REVISED LEPC BYLAWS**

Mike Willis, Fire Marshal/Emergency Management Director, presented information regarding the adoption of the revised LEPC bylaws as follows:

The Burke County Local Emergency Planning Committee (LEPC) by-laws were recently updated and are submitted to the Burke County Board of Commissioners for review and approval in accordance with Chapter 2, Article 4, Section 2-87 of the Burke County Code of Ordinances.

Mr. Willis said the bylaws have been changed to enable the LEPC to expand or contract membership based on the needs of the County.

**RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020  
AT 6:00 PM**

**HEALTH - HARBOUR LEAD GRANT CONTRACT APPROVAL**

Lisa Moore, Health Education Supervisor, presented information regarding the HARBOUR LEAD grant contract approval as follows:

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In the fall, the County was awarded a \$600,000 grant for the HARBOUR-LEAD program. Contracts from the service providers, Burke Recovery - \$336,747, The Cognitive Connection - \$119,920, Burke United Christian Ministries - \$73,215 and Catawba Valley Behavioral Health - \$48,801, were submitted for services that will be provided for voluntary clients participating in the program during the life of the three (3)-year Department of Justice HARBOUR-LEAD Grant.

After the grant was awarded, the BJA requested a revised budget be submitted. That has occurred but a final line item budget has not been received as of this meeting. To keep the project moving, staff requests the contracts be approved and authority granted to the County Manager to revise the amounts (if needed) when the final budget is received. Funding is provided through the \$600,000 Department of Justice grant from October 1, 2019 through September 30, 2022.

Chairman Carswell opened the floor for questions and comments from the Board. Ms. Moore responded to a question from Commissioner Taylor.

**RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020  
                         AT 6:00 PM**

#### **TAX DEPT. - TAX COLLECTION REPORT FOR FEBRUARY 2020**

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

Category	Tax Levy	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$44,881,650.00	\$42,963,860.08	\$1,913,787.58	95.74%

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	\$46,179,009.82	\$1,890,990.18	96.07%
Delinquent Taxes	\$650,000.00	\$598,063.88	\$51,936.12	92.01%
Late List Penalty	\$250,000.00	\$273,621.99	NONE	109.45%

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	\$42,963,860.08	\$506,139.92	98.84%
Motor Vehicle Tax	\$4,600,000.00	\$3,215,149.74	\$1,384,850.26	69.89%

**RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020  
                         AT 6:00 PM**

#### **TAX DEPT. - RELEASE REFUND REPORT FOR FEBRUARY 2020**

March 3, 2020 (Pre-Agenda)

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

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$7,145.06	\$419.33	\$6,725.73	\$64.78

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.

<b>RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM</b>
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#### **TAX DEPT. -TAX COLLECTION REQUEST TO CHANGE MINIMUM TAX BILL TO \$5.00**

Danny Isenhour, Tax Administrator, presented information regarding the tax collection request to change the minimum tax bill to \$5.00 as follows:

On September 3<sup>rd</sup>, 2002 the Burke County Board of Commissioners adopted a "*Resolution Authorizing the Tax Collector to make Adjustments for Underpayments or Overpayments and to Set a Minimum Billing Amount*". This resolution had two parts. The first part authorized the Burke County Tax Collector to treat "small underpayments" of \$1.00 or less as payment in full. It also authorized that "small overpayments" of \$1.00 or less not to be refunded. This was in accordance with North Carolina General Statute 105-357(c).

The second part of this resolution authorized the Burke County Tax Collector not to bill taxpayers for amounts for \$1.00 or less. This was within the range (up to \$5.00) allowed by North Carolina General Statute 105-321(f).

No change is being requested for the first part of the current resolution; it is compliant with North Carolina General Statute.

The requested change is from the second part, increase the minimal tax bill from \$1.00 to \$5.00, the maximum amount allowed by North Carolina General Statute 105-321(f). This is due to the increased cost of printing, insertion, mailing (postage), staff time to prepare and collect bills, and other cost such as bank processing. This cost is around \$4.50 per bill and that amount increases dramatically when the bill goes delinquent. Due to the research required to collect delinquent property tax is extremely time consuming and may or may not result in the bill getting paid.

Here is a poll of some neighboring counties that responded:

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County	Minimum Bill	Notes
Burke	\$1.00	
Caldwell	\$5.00	
Henderson	\$5.00	
Lincoln	\$1.00	Requesting Increase
McDowell	\$3.00	
Rutherford	\$1.00	Requesting Increase

Also, the quantity of these small bills has increased since implementing GAP Billing on motor vehicles. GAP is the period between when the tagged motor vehicle registration expired and when it was renewed. In most cases less than one month. North Carolina General Statute 105-330.3(2) requires taxing jurisdictions to bill the vehicles for this unregistered period as personal property.

Here are some stats for all 2019 bills between \$1.00 and \$5.00.

TABLE A

# Bills Between \$1.00-\$5.00	4,321
Taxes Generated	\$11,289.57
Taxes Collected	\$6,022.26
% Collected	53.34%
Delinquent Taxes	\$5,267.31

TABLE B

Taxes Generated @ 100% Collection	\$11,289.75
Cost 4321 Bills @ \$4.50	\$19,444.50
Taxes Minus Cost	-\$8,154.93

TABLE C

Taxes Collected @ 53.34% Collection	\$6,022.26
Cost 4321 Bills @\$4.50	\$19,444.50
Collections minus Cost	-\$13,422.24

Chairman Carswell opened the floor for questions and comments from the Board. Mr. Isenhour responded to a question from Commissioner Taylor.

**RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020 AT 6:00 PM**

### **TAX - APPROVAL OF AGREEMENT WITH DATAMAX FOR ENFORCED COLLECTION**

Danny Isenhour, Tax Administrator, reported the way tagged vehicles were taxed changed mid-year in 2013. Prior to 2013, the Tax Office sent vehicle tax (personal property) bills three (3) months after the renewal, known as the "RMV System", to the tax being included on the vehicle registration notice, known as "VTS" or "Tag and Tax". The old RMV system had a collection rate of around 80-86%, which left a lot of delinquent unpaid taxes. To collect these delinquent taxes, the Tax Office contracted with DataMax in 2012. (Under the VTS Tag & Tax system, the vehicle

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tax collection rate is very high.) DataMax is a collection agency that calls and send letters to delinquent taxpayers (personal property) for debt collection. If payment is not made in a timely manner, then DataMax reports the debt to the credit reporting agencies and files the debt on the Debt Setoff Program. DataMax is paid on a contingency basis for what is collected. For accounts under seven (7) years old the amount is 25% and the amount is 50% for accounts over seven (7) to ten (10) years old. DataMax offers delinquent taxpayers the option to either pay them or pay at the Tax Office. Currently, there are 10,279 personal property bills on file with DataMax and they have submitted debts to the Debt Setoff Program for 3,047 taxpayers. So far for 2019/2020, DataMax has helped staff collect \$59,799 in taxes at a cost of \$16,180.37. The Tax Administrator requests the Board to continue this enforced collection procedure and authorize the County Manager to execute the contract on behalf of the Board. Note: Delinquent real property tax is not submitted to DataMax for collection.

Chairman Carswell opened the floor for questions and comments from the Board. In response to a question from Chairman Carswell, Mr. Isenhour said the new VTS system, which is handled by the State, was started in 2013 and he noted there are a few old bills still in the system. Chairman Carswell asked how much the old bills are worth. Margaret Pierce, Deputy County Manager/Finance Director, said approximately \$35,000 a year. Commissioner Brittain asked has DataMax been effective in collecting taxes. Mr. Isenhour said yes and noted in 2019 they collected almost \$60,000 with a cost of \$16,180.37, discussion ensued.

**RESULT:      MOVED WITHOUT OBJECTION TO THE NEXT MEETING: MARCH 17, 2020  
AT 6:00 PM**

## **ITEMS FOR DECISION**

### **SHERIFF'S OFFICE - REASSIGNMENT OF ANIMAL ENFORCEMENT DUTIES**

Sheriff Whisenant presented information regarding the reassignment of Animal Enforcement duties as follows:

The Sheriff's Office (SO) believes the citizens of Burke County would best be served if Animal Enforcement were to be transitioned from under the direction of the SO's to a civilian department under the authority of the County Manager. The SO recommends:

1. Transfer the current Lieutenant (Lt.) Animal Law Enforcement position to a Burke County Jail sworn-lieutenant's position. Having a sworn Lt. would provide the Burke County Jail with the ability to have a Lt. on duty spread over more days, evenings, and nights. The sworn jail Lt. would serve warrants, assist in both local and state transports (currently our state transport Deputy is working up to 7 days a week), assist with local transports and security of arrestees who are transferred to the local hospital for medical/psychological reasons or to Raleigh for forensic evaluations, assist with training, and perform other related jail duties requiring a sworn officer.
2. With the remaining three Animal Control law enforcement deputies, the SO requests to retain two of those deputies. These deputies would be available to accompany the newly created non-sworn animal enforcement civilian officers within dangerous situations where their personal safety may be at risk. These

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deputies would be available to assist with the investigation and prosecution of N.C. felony animal violations when requested by judicial officials or the district attorney's office. When not accompanying the civilian enforcement officers, the deputies would serve warrants, subpoenas, juvenile petitions, and perform other related sheriff office's duties. These deputies would be solely under the supervision and authority of the Burke County Sheriff's Office and have no duty to investigate or enforce Burke County Animal Ordinances or misdemeanor N.C. Animal Statutes.

3. The newly created non-sworn animal enforcement civilian officers' duties would include all investigations and enforcement of Burke County Animal Ordinances and misdemeanor N.C. Animal Statutes. Their duties would include setting and monitoring of animal traps, seizing and transporting animals, providing 24/7 on-call service for emergency animal seizures where animals safety and well-being are at risk, and all other animal law enforcement related duties. These officers would be under the supervision and authority of the County Manager and not the Burke County Sheriff's Office.

**Budgetary Effect:** The Sheriff's Office (SO) will work with County Finance during the planning of the FY20-21 budget to identify the potential costs. Of the four (4) current SO Animal Control Officer positions, the SO we would be requesting three (3) of those four (4) positions be absorbed into the already existing SO budget as described above. The funding for the fourth Animal Control Officer could be used to help fund the new civilian animal enforcement department.

Sheriff Whisenant also said the animal advocates are a passionate and dedicated group of people and the Sheriff's Office sees this as a mutual benefit for all parties because Sheriff's Office can focus on protecting citizens, and the animal advocates can continue to help animals.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Brittain said he is in favor of Animal Control coming under the authority of the County Manager, but noted he thinks the other requests for this item should be considered during the annual budget process. A short discussion ensued on jail staffing requests for the upcoming budget cycle. Commissioner Taylor asked how many counties have animal control services provided by the sheriff's office and commented on the impact a badge has on situations. Sheriff Whisenant said he believes there are more counties in which animal control is not controlled by the sheriff, discussion ensued. Sheriff Whisenant said, regarding Animal Control complaints, citizens often do not know that a deputy was in the area for a welfare check and they will leave hangers on doorknobs if no one is currently at the residence. Sheriff Whisenant said he wants the civilian Animal Control personnel to be supported by the Sheriff's Office and they will be there if the civilian officer feels intimidated or there is a dangerous situation. He further noted that unless there is a dedicated Sheriff's Deputy to work with Animal Control, other calls such as homicides will require their attention first, then they would respond to number two (2) priorities and then they would respond to Animal Control calls/issues. Discussion ensued about the impact animal volunteerism has in Burke County.

Vice Chairman Mulwee suggested moving this item to one of the annual budget meetings due to the complexity of the situation, the time frame and because the Board needs more budgetary information. Sheriff Whisenant said the Sheriff's Office had to hire 37 employees within six (6) months and this situation would only require hiring up to three (3) employees within five (5)

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months, discussion ensued. Vice Chairman Mulwee pointed out that this is a whole new undertaking for county administration, and he does not want to make a snap decision. Commissioner Brittain commented on the need for a collaborative approach to make this work and it should not be voted on until the details are worked out. Chairman Carswell said he agrees with the concept, but more information is needed to make sure Burke County has an airtight plan and that he wants the transfer process to be a collaborative effort. Sheriff Whisenant said if the Sheriff's Office is going to be asked to continue enforcing the animal ordinance, they would like to be involved with the discussion on any proposed changes and he objected to some of the language in the draft ordinance. The Board agreed to remove this item until further research can be completed.

<b>RESULT: REMOVED FROM THE AGENDA.</b>
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## **REPORTS – NONE.**

## **OTHER DISCUSSION ITEMS**

### **JAIL COST**

Commissioner Abele requested information on the true cost of the new jail including equipment furniture, etc. and noted a few different prices have been stated. Chairman Carswell said he wants that information as well, it will be provided and noted there is a difference between the construction cost and the operational cost of the jail. Commissioner Abele responded that he's only interested in the construction and furniture/fixtures amount and noted that he believes the operational costs will be astronomical. Discussion continued during which Commissioner Taylor presented documents referencing jail costs, one of which was a portion of meeting minutes from 2015 and the other document contained jail figures that were provided by the Finance Director. In response to Commissioner Abele's inquiry, Margaret Pierce, Deputy County Manager/Finance Director, advised that the budget number of +/- \$24 million, included furniture and equipment. Commissioner Taylor said he resents the lies told about him in the newspaper and on the radio, which are causing himself and Commissioner Abele to receive an influx of calls from citizens. He further said all the Commissioners have usually voted in favor of economic development items that bring jobs to Burke County and noted there are not three (3) commissioners on the Board, there are five (5).

### **UPCOMING EVENTS**

Chairman Carswell reminded everyone of the following events:

- March 24<sup>th</sup> – special meeting to tour the courthouse at 9:00 a.m.
- March 24<sup>th</sup> – Sally port ribbon-cutting ceremony at 10:30 a.m.
- March 31<sup>st</sup> – The North Carolina Association of County Commissioners District Meeting will be held at the Foothills Higher Education Center from 5:00 p.m. – 8:00 p.m.

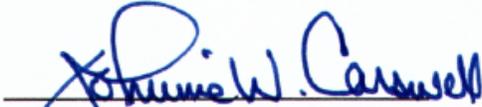
### **ADJOURN**

**Motion: To adjourn at 5:05 p.m.**

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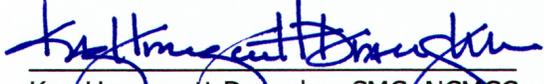
<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Maynard M. Taylor, Commissioner
<b>AYES:</b>	Johnnie W. Carswell, Scott Mulwee, Wayne F. Abele, Sr., Jeffrey C. Brittain and Maynard M. Taylor

Approved the 18<sup>th</sup> day of August 2020.



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

Attest:



Kay Honeycutt Draughn, CMC, NCMCC  
Clerk to the Board