

March 17, 2020 (Regular)

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

The Burke County Board of Commissioners held a regular meeting on Tuesday, March 17, 2020 at 6:00 p.m. They met in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E in Morganton, N.C.

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
Scott Cook, Deputy Finance Director
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

STAFF ABSENT: Margaret Pierce, Deputy County Manager/Finance Director
(On vacation.)

CALL TO ORDER

Chairman Carswell called the meeting to order at 6:03 p.m. and briefly commented on the setup of the meeting room, all seats were spaced six (6) feet apart, to comply with public health recommendations to reduce the spread of the Novel Coronavirus (COVID-19).

INVOCATION & PLEDGE OF ALLEGIANCE

To reduce the spread of the Coronavirus (COVID-19) during the global pandemic, ceremonial items were conducted by the County Commissioners. Commissioner Brittain delivered the invocation and Vice Chairman Mulwee led the Pledge of Allegiance to the American Flag.

APPROVAL OF AGENDA

Motion: To approve the agenda.

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

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes from the August 20, 2019 (regular) and September 3, 2019 (pre-agenda) meetings as written.

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

March 17, 2020 (Regular)

PRESENTATIONS

AS - PET OF THE MONTH

Animal Services staff presented a video, in lieu of an in-person presentation, of a dog, Doc, and a cat, Lexus, in need of their "forever" homes. Chairman Carswell encouraged citizens to visit the Animal Service Center (ASC) and adopt Doc and/or Lexus. Chairman

RESULT:	NO ACTION TAKEN.
----------------	-------------------------

FINANCE - PRESENTATION OF FY 18-19 AUDIT

Scott Cook, Deputy Finance Director, introduced Phil Church and Rick Hammer, with Lowdermilk Church & Co. LLP, who presented highlights of the audit for FY 18-19 and responded to questions from the Board.

Mr. Church said they gave a clean unmodified opinion on the County's financial statements and a clean unmodified opinion on the compliance reports which encompasses the use of State and federal funds and noted this is a A-133 audit. Mr. Church noted the Local Government Commission (LGC) approved the audit.

Rick Hammer, presented the following budgetary information:

BURKE COUNTY		
Financial Highlights		
Years Ended June 30, 2019 and 2018		
	2019	2018
General Fund		
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
Proprietary Funds		
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
Other Governmental Funds		

March 17, 2020 (Regular)

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.

	2019	2018
Unassigned Fund Balance	<u>\$16,987,127</u>	<u>\$15,224,971</u>
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. Commissioner Taylor asked why there was such a large gap between what was originally budgeted for donations compared to what was received. Mr. Hammer said he would have to look back at his figures to give a specific answer. Commissioner Taylor noted, under the School One Cent Sales Tax Fund section of the audit, the County is back to its pre-recession levels of funding which should be taken into consideration during the upcoming budget year. Mr. Hammer and Mr. Church responded to additional questions from Commissioner Taylor concerning the audit. Commissioner Taylor distributed budgetary information that he compiled concerning the cost of

"THE NEW JAIL" AND BUDGET IMPACT

Item	Total Cost	Cost Per	Add'l Staff	2019-20/partial Yr.		Option #1 Payment for 20 years		Option # 2 payment for 20 years	
				Debt & Staff	Debt Avg. & Staff	20 year pay out	Debt Avg. & Staff	20 year pay out	
Amount Financed	20,000,000.00			1,827,850.00	\$ 1,436,919.00	\$ 28,738,380.00	\$ 1,436,919.00	28,738,380.00	
Additional Staff		49,608.02	38	1,366,894.00	\$ 1,885,104.76	\$ 37,702,095.20			
Additional Staff		49,608.02	43				\$ 2,133,144.86	42,662,897.20	
Sally Port	1,298,000.00			1,298,000.00		1,298,000.00		1,298,000.00	
Transport Vehicles	216,530.00			216,530.00		\$ 216,530.00		216,530.00	
Paid /General Fund	2,322,517.00					2,322,517.00		2,322,517.00	
Original Issue Premium	1,774,257.00					1,774,257.00		1,774,257.00	
Sub Total Cost	25,611,304.00								
Interest	8,728,970.83								
TOTAL COST	34,340,274.83			4,709,274.00	\$ 3,322,023.76	\$ 72,051,779.20	\$ 3,570,063.86	77,012,581.20	

NOTE: I DID NOT CHANGE ANY OF THE NUMBERS BELOW. OBVIOUSLY, THEY WOULD INCREASE WITH THESE HIGHER NUMBERS...

Interesting Facts:

- At a 20 year cost of \$71,719,421.00 totals \$280,153.98 per jail cell for debt payment & added staff.
 - We gained 68 jail cells. The "20 year" cost per cell gained is \$1,054,697.00
 - If we go with 43 additional staff employees (Sheriffs' Request) the "20 year" cost is \$300,444.00 per jail cell.
 - If we just count only the 68 gained cells the cost of construction and added staff is \$1,101,818. per cell.
 - If you divide the entire 256 cells by construction pay-out only (\$30,728,971.00), it's \$120,035.00 per jail cell.
 - Each tax cents represents \$700,000.00. If you divide yearly payment of 4,709,274.00 by \$700,000.00, it takes 6.73 tax cents to make the yearly payment for both debt cost and additional staff.
- Translated, it will take over 6.73 cents of the 69.5 tax cents to support the new jail.
After this year it will take 6.61 tax cents to support the new Jail. Obviously, the debt and interest will decline as the \$22,000,000.00 debt is paid. Or, we could have lowered the tax rate a minimum of six (6) cents!
- It is obvious that the 7% revenue increase proposed in the budget will go to support the new Jail. The citizens will carry this burden for 20 long years.

P.S. The Sheriff stated that the design of the new jail will take more officers than the old one. However, for months we went through the daily process of documenting the number of prisoners transported to other jails and paying \$350K to \$500K per year for rented jail cells. If you do the simple math you will see that only ten (10) of these new officers will cost MORE than the rented jail cells cost. And we get the savings of insurance, retirement, etc. etc. As we can see, possibly it was the "Best Buy For The Buck" item in the budget!

the new jail, discussion ensued regarding the cost of the sally port project and the jail, and Commissioner Taylor requested that Finance staff and the auditors review his handout to see if his figures are correct. Commissioner Taylor noted that Burke County's revenues are up by \$23 million. Mr. Church said those figures are in the audit for statistical/informational purposes only. Commissioner Taylor

also noted that while revenues are up, so are expenses, by over \$45 million.

March 17, 2020 (Regular)

Motion: To accept the report as presented.

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

SCHEDULED PUBLIC HEARINGS – NONE.

INFORMAL PUBLIC COMMENTS

At 6:36 p.m. Chairman Carswell opened the floor for informal public comments. To reduce the spread of the COVID-19 virus, citizens were given the option to speak in person following social distancing guidelines or submit written statements to be read aloud by the Clerk.

Gwen Hood, 4077 Plantation Dr., Morganton, said she is a member of the Burke County Animal Welfare Alliance and said her comments are directed to the ongoing issues at Burke County Animal Control. She said there are ongoing incidents of incompetency, negligence, and cruelty. Ms. Hood noted the recent example of a puppy, Sophie, who was almost 10 months old and 15 lbs., who was lethally tranquilized with a dart gun by a Burke County Animal Control Officer in an attempt to subdue the loose dog. Ms. Hood said the American Humane manual advises that an animal 25 lbs. or less should not be darted with a tranquilizer gun. She noted that some counties, such as Catawba, will not allow animals to be tranquilized due to the danger it can pose to an animal. Ms. Hood said Sophie was not aggressive, according to a number of witnesses, and two (2) veterinarians and the officer's own report showed that Sophie was overdosed with 7.5 times the amount of tranquilizer a dog her size should have been given. Ms. Hood said the initial report by Animal Control does not mention that the animal was tranquilized or that the officer tried to find the animal, only that he was unable to catch the dog. Ms. Hood said this event leads her to question how many other animals have been overdosed and left to die by Animal Control. She said the report noted the officer was on the scene for one (1) hour and 12 minutes which is not enough time to follow proper protocol. Ms. Hood said while timid, Sophie was taking treats from people and staying still long enough to have her picture taken, as well as wearing a collar. Ms. Hood said Sophie suffered and died because of an Animal Control Officer's decision and noted that this is not the first time in recent months that an animal tranquilized by Animal Control has died. She said it is also concerning that the Sheriff's Department investigates itself and noted there needs to be accountability. Until Animal Control can come under the authority of the County Manager the use of tranquilizers should stop and more humane trapping methods implemented, Ms. Hood said.

Terry Dellinger, 5481 Vanhorn Road, Connelly Springs, said she was the owner of Sophie. Ms. Dellinger said the officer who responded to Sophie did not spend adequate time trying to catch her before she was darted. She noted Sophie was darted with far too much tranquilizer for her size and said she has sent Sophie's body off for a necropsy and toxicology report because she opened the investigation into Animal Control. However, Ms. Dellinger said, she is unsure what is going to come of the investigation because the Sheriff's Department investigates themselves. She said she never wants this to happen to another animal and it is devastating to her that Animal Control could do that to her puppy who was just lost and scared.

Clerk Draughn read the following statement from Gwendolyn Salvaggio Stephens:

March 17, 2020 (Regular)

"My name is Gwendolyn Salvaggio Stephens and I live at 211 Hilltop Street in Rutherford College, NC. Currently, I serve on the Burke County Animal Advisory Board as vice-chair, and I serve on the Burke County Dangerous Animal Appeals Board. In addition, I am an animal owner and lover of animals. I would like to take a moment to share my thoughts regarding a situation that occurred on March 3, 2020 concerning Burke County Animal Control, Burke County citizen Terry Dellinger and her pet dog Sophie. I am a part of a group in this county that helps to write and revise animal ordinances; therefore, it is my responsibility to know and understand both county and state ordinances. It is my understanding that this small Mountain Feist named Sophie weighed 15.9 pounds according to her owner, and it is also my understanding that this little Mountain Feist wandered off her property and was lost. She was spotted at the George Hildebrand School and someone called Animal Control to pick up the dog. It is my understanding that a trap was taken and only less than hour was spent trying to trap Sophie. Instead, she became afraid of Animal Control's antics to get her in the trap and bared her teeth. It is also my understanding that Sophie, being afraid, ran, and Animal Control Officer Foster darted Sophie. Several animal professionals have told me that small dogs such as Sophie, quite often do not survive darting because of the small body weight. I fully understand the procedure and need for darting, but not on a dog of this size. Sophie ran after being darted which most dogs do because of the adrenaline that rushes after the darting action and medication given to her. The dog was left in the cold and rain for over six hours until a good Samaritan saw her lying in a ditch. The problem I see with this is that if the officer felt she was a danger to others and felt the need to dart her, then why didn't he take more time in trying to find her and take her back to Burke County Animal Services to be evaluated and treated by a vet for the poison running through her system. Is it not conceivable that she could have awakened and still been a dangerous dog in that area where she was originally a threat? Or did the officer, in fact, think that the dose he gave her was lethal? Was this an intentional overdose or was this poor judgement on Officer Foster's behalf. I also understand there was an investigation by the Burke County Sheriff's Dept., but how can an entity such as this investigate itself since Animal Control is part of the Burke County Sheriff's Dept.? This isn't acceptable. This is the 2nd dog this year, that we know about, to die because of darting, so I have to question the dosages being calculated."

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

CONSENT AGENDA

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

BOC - PROCLAMATION DECLARING YOUTH IN GOVERNMENT DAY

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

March 17, 2020 (Regular)

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 30th is the proposed date.

Motion: To designate April 30, 2020 or another selected date as Youth in Government Day in Burke County and adopt Proclamation No. 2020-02.

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

Proclamation No. 2020-02 reads as follows:

PROCLAMATION DECLARING APRIL 30, 2020
AS "YOUTH IN GOVERNMENT DAY"

WHEREAS, the young people of today are the City, County, State, and Federal Government leaders of tomorrow; and,

WHEREAS, the month of April is designated as National County Government Month throughout the United States; and,

WHEREAS, Student Government Associations from Draughn High School, East Burke High School, Freedom High School, and Patton High School were asked to sponsor a group of students in observance of National County Government Month; and,

WHEREAS, students from the Burke Middle College, Hallyburton Academy and the Burke County Home School Educator Group were invited to participate in this national event; and,

WHEREAS, the students will spend the day with County government officials. They will begin the day with an orientation, receive a tour of County facilities and operations and conclude with a luncheon with the County Commissioners; and,

WHEREAS, the Board of County Commissioners heartily endorses the project, commends the leaders, and thanks the students for their participation.

NOW, THEREFORE, the Burke County Board of Commissioners does hereby proclaim April as County Government Month in Burke County and designates April 30th, 2020 as "YOUTH IN GOVERNMENT DAY IN BURKE COUNTY".

Adopted this 17th day of March 2020.

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

Attest:

/s/: Kay Honeycutt Draughn

March 17, 2020 (Regular)

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

Note: The YIGD activities were later cancelled due to COVID-19.

CLERK - NCDOT SECONDARY ROADS RESOLUTION

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.

Motion: To adopt Resolution No. 2020-03.

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

Resolution No. 2020-03 reads as follows:

BURKE COUNTY
NORTH CAROLINA

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.

Adopted this 17th day of March 2020.

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

ATTEST:

March 17, 2020 (Regular)

/s/ Kay Honeycutt Draughn

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

CLERK - BOARD OF HEALTH REMOVAL & APPOINTMENT

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. After the pre-agenda meeting, an application was received from Isaac Crouch. The approval of his appointment is requested to fill this vacancy.

Motion: To remove Michelle Freeman from the Board of Health (Seat No. 5, Optometrist or Private Citizen) and thank her for her service to the community.

To appoint Isaac Crouch to the Board of Health (Seat No. 5, Optometrist or Private Citizen) to complete the remainder of a 3-year term ending December 31, 2021.

RESULT: APPROVED [UNANIMOUS]

MOVER: Wayne F. Abele, Sr., Commissioner

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

CLERK - APPOINTMENT & REMOVALS TO RECREATION COMMISSION

The creation of a new seat (Seat No. 13) on the Recreation Commission is requested due to the opening of 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 was received from Mendel Derreberry. 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 and his application is on file. 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.

Seat No. 7-- W.A. Young

March 17, 2020 (Regular)

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 application.

Motion: To remove Brad Clark (Seat No. 1), Tim Limbo (Seat No. 6), Justin Weidner (Seat No. 8) and Tamela Agnor (Seat No. 9) and thank them for their service to the community.

To reappoint Doug Knight (Seat No. 4) and Brandon Clontz (Seat No. 11) to 3-year terms ending March 31, 2023, subject to the receipt of appointment application for Mr. Clontz. (Note: Mr. Clontz's application was not received.)

To appoint Mendel Derreberry (Seat No. 3) to complete an unexpired term ending March 31, 2022.

To approve the addition of Seat No. 13 (Mtn. View) and appoint Jessica Whisnant to a 3-year term ending March 31, 2023.

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

CM - SHERIFF'S VEHICLE LEASE WITH TOWN OF HILDEBRAN

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.

March 17, 2020 (Regular)

Motion: To approve a lease agreement between Burke County and the Town of Hildebran for a motor vehicle for community policing law enforcement services in the Town of Hildebran. Further, authorize the County Manager to execute the lease on behalf of the Board, subject to review and/or revisions by the County Attorney.

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

CM - RESOLUTION GRANTING CO. MGR. AUTHORIZATION TO REDUCE OR WAIVE AS FEES

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

Motion: To adopt resolution No. 2020-04.

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

Resolution No. 2020-04 reads as follows:

Burke County
North Carolina

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

March 17, 2020 (Regular)

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 reduce or waive one or more of the fees listed in the current Animal Services rate/fee schedule when the Burke County animal shelter is at or near capacity, for "clear the shelter" and other local and national 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. For purposes of this resolution, the humane capacity at the shelter is 16 for dogs and the humane capacity is 30 for cats.

A reduction or waiver of Animal Services fees shall be temporary and shall cease 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.

Adopted this 17th day of March 2020.

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

ATTEST:

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

CM - RESOLUTION SUPPORTING ESTABLISHMENT OF ANIMAL SERVICES FOUNDATION

The following 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.

Motion: To adopt Resolution No. 2020-05.

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

March 17, 2020 (Regular)

Resolution No. 2020-05 reads as follows:

Burke County
North Carolina

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

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

March 17, 2020 (Regular)

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.

Adopted this 17th day of March 2020.

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

Attest:

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

CM - THE NEST - A PUBLIC / PRIVATE PARTNERSHIP FOR A WEDDING & CONFERENCE VENUE AT FONTA FLORA COUNTY PARK

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.

Motion: To express appreciation to George Milner, Isaac Hoff and Scott Carpenter, Deputy Co. Manager / Planning Director for their efforts in developing the concept / proposal for a wedding venue and conference center (The Nest) at Lake James, Fonta Flora County Park.

March 17, 2020 (Regular)

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

FM - ADOPTION OF REVISED LEPC BYLAWS

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.

Motion: To approve the by-laws for the Local Emergency Planning Committee.

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

FM - APPOINTMENT TO THE LOCAL EMERGENCY PLANNING COMMITTEE

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

The LEPC is required to have a certain cross section of representation 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

Motion: To remove Paul Phillips from the LEPC and thank him for his service. To appoint Ronnie D. Rector (CHS Blue Ridge) to Seat No. 7 (hospital) on the LEPC for the remainder of a 3-year term ending January 31, 2022.

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

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

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

March 17, 2020 (Regular)

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.

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

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

FM - REQUEST FOR APPROVAL OF A LEASE PURCHASE AGREEMENT BETWEEN HOME TRUST BANK AND OAK HILL FIRE & RESCUE PROTECTION ASSOCIATION, INC.

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 to endorse the verification documents from Home Trust Bank pertaining to the loan agreement. The endorsement would not in any way constitute a financial obligation to the County of Burke.

Motion: To support Oak Hill Fire and Rescue Protection Association, Inc.'s effort to upgrade its fire apparatus and endorse the verification documents for purchase and finance of a new fire apparatus through United Financial / Home Trust Bank.

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

HEALTH - HARBOUR LEAD GRANT CONTRACT APPROVAL

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 hasn't 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.

Note: The final contracts or budget were not available at the time of agenda distribution.

Motion: To approve the HARBOUR-LEAD grant program service contracts as follows: Burke Recovery - \$336,747, The Cognitive Connection - \$119,920, Burke United

March 17, 2020 (Regular)

Christian Ministries - \$73,215 and Catawba Valley Behavioral Health - \$48,801, subject to review and/or revision by the County Manager, County Attorney and receipt of a final Dept. of Justice grant budget. Further, authorize the County Manager to execute the agreements on behalf of the Board.

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

TAX DEPT. - TAX COLLECTION REPORT FOR FEBRUARY 2020

The Board of Commissioners is presented with the Tax Collection Report for the period between July 1, 2019 and February 29, 2020. It reflects the status of collections by the Burke County Tax Collection's Staff. Included is the status comparing Collections to Levy and comparing Collections to Budget. Levy information is for Property Tax only and does not include the Vehicle Tax.

The information below is comparing Tax Collections to the Tax Levy. Tax Levy is the total taxable property value times the tax rate. The levy changes monthly with the addition of discoveries, other changes or corrections and when Public Utility values are added.

Category	Tax Levy	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$44,881,650.00	\$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%

Motion: To accept the Tax Collection Report for February 2020 as presented.

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

TAX DEPT. - RELEASE REFUND REPORT FOR FEBRUARY 2020

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

- Taxpayers submit information that creates a reduction in value.

March 17, 2020 (Regular)

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

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

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$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.

Motion: To approve the Tax Releases and Refunds for February 2020 as presented.

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

The tax reports read as follows on the next page:

March 17, 2020 (Regular)

TR-304 BILL RELEASE REPORT FEBRUARY 2020

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
--------	---------------	-----------	--------------------	--------------	----------------------	--------------------	-------------------------------	---------------------------

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Assessed In Error

0024025013-2018-2018-0000-00-REG	CAUSBY, TRICIA MANUS	7/1/2018	LINDA WLBUR	2/27/2020	4.48	4.48	0.00	0.00
0024025013-2019-2019-0000-00-REG	CAUSBY, TRICIA MANUS	7/1/2019	LINDA WLBUR	2/27/2020	4.05	4.05	0.00	0.00
Subtotal						8.53		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Business Closed

0000124147-2011-2011-0000-00-REG	SHARPER IMAGE SALON/DAY SPA	7/1/2011	RENEE AUSTIN	2/27/2020	25.72	25.72	0.00	0.00
0024009532-2015-2015-0000-00-REG	INTENTION WORKS LLC	7/1/2015	RENEE AUSTIN	2/27/2020	62.80	62.80	0.00	0.00
0024009532-2016-2016-0000-00-REG	INTENTION WORKS LLC	7/1/2016	RENEE AUSTIN	2/27/2020	61.82	61.82	0.00	0.00
Subtotal						150.34		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Exempt Property

0000059763-2019-2019-0000-00-REG	BURKE COUNTY PUBLIC SCHOOL BOE	7/1/2019	AMANDA CONLEY	2/18/2020	695.00	695.00	0.00	0.00
0024022033-2018-2018-0000-01-REG	1780 PROPERTY OWNERS ASSOCIATION INC	7/1/2018	AMANDA CONLEY	2/18/2020	1,869.54	1,869.54	0.00	0.00
0024022033-2019-2019-0000-01-REG	1780 PROPERTY OWNERS ASSOCIATION INC	7/1/2019	AMANDA CONLEY	2/18/2020	2,364.86	2,364.86	0.00	0.00
Subtotal						4,929.40		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Mapping Correction PARCEL DOUBLE CHARGED

0000044045-2013-2013-0000-00-REG	DAVIS, FRANCES N	7/1/2013	AMANDA CONLEY	2/26/2020	21.76	21.76	0.00	0.00
0000044045-2014-2014-0000-00-REG	DAVIS, FRANCES N	7/1/2014	AMANDA CONLEY	2/26/2020	21.76	21.76	0.00	0.00

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0000044045-2015-2015-0000-00-REG	DAVIS, FRANCES N	7/1/2015	AMANDA CONLEY	2/26/2020	21.76	21.76	0.00	0.00
0000044045-2016-2016-0000-00-REG	DAVIS, FRANCES N	7/1/2016	AMANDA CONLEY	2/26/2020	21.76	21.76	0.00	0.00
0000044045-2017-2017-0000-00-REG	DAVIS, FRANCES N	7/1/2017	AMANDA CONLEY	2/26/2020	22.24	22.24	0.00	0.00
0000044045-2018-2018-0000-00-REG	DAVIS, FRANCES N	7/1/2018	AMANDA CONLEY	2/26/2020	44.48	44.48	0.00	0.00
0000044045-2019-2019-0000-00-REG	DAVIS, FRANCES N	7/1/2019	AMANDA CONLEY	2/26/2020	22.24	22.24	0.00	0.00
0000101797-2003-2003-0000-00-REG	DAVIS, FRANCES N	7/2/2003	AMANDA CONLEY	2/26/2020	3.98	3.98	0.00	0.00
0000103667-2004-2004-0000-00-REG	DAVIS, FRANCES N	7/1/2004	AMANDA CONLEY	2/26/2020	3.98	3.98	0.00	0.00
0000105598-2005-2005-0000-00-REG	DAVIS, FRANCES N	7/1/2005	AMANDA CONLEY	2/26/2020	3.98	3.98	0.00	0.00
0000107433-2006-2006-0000-00-REG	DAVIS, FRANCES N	7/2/2006	AMANDA CONLEY	2/26/2020	3.98	3.98	0.00	0.00
0000109383-2007-2007-0000-00-REG	DAVIS, FRANCES N	6/30/2007	AMANDA CONLEY	2/26/2020	5.35	5.35	0.00	0.00
0000112483-2008-2008-0000-00-REG	DAVIS, FRANCES N	7/1/2008	AMANDA CONLEY	2/26/2020	5.35	5.35	0.00	0.00
0000115524-2009-2009-0000-00-REG	DAVIS, FRANCES N	7/2/2009	AMANDA CONLEY	2/26/2020	5.35	5.35	0.00	0.00
0000120075-2010-2010-0000-00-REG	DAVIS, FRANCES N	7/1/2010	AMANDA CONLEY	2/26/2020	5.35	5.35	0.00	0.00
0000125956-2011-2011-0000-00-REG	DAVIS, FRANCES N	7/1/2011	AMANDA CONLEY	2/26/2020	5.35	5.35	0.00	0.00
0000144238-2012-2012-0000-00-REG	DAVIS, FRANCES N	7/1/2012	AMANDA CONLEY	2/26/2020	5.35	5.35	0.00	0.00
Subtotal						224.02		0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Release LFUF

March 17, 2020 (Regular)

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0000018252-2019-2019-0000-00-REG	SHEERAN, CHARLOTTE	7/1/2019	AMANDA CONLEY	2/19/2020	268.34	72.00	196.34	0.00
Subtotal						72.00		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Sold/Traded								
0024007730-2019-2019-0000-00-REG	BRADSHAW, TRUDY LIN	7/1/2019	RENEE AUSTIN	2/27/2020	61.50	61.50	0.00	0.00
0024010155-2018-2018-0000-00-REG	GROSE, MATTHEW S	7/1/2018	CONNIE HOLDER	2/28/2020	58.52	58.52	0.00	0.00
0024038714-2019-2018-0000-00-REG	HINEGARDNER, ELDON JAY	8/9/2019	LINDA WLBUR	2/27/2020	29.56	29.56	0.00	0.00
0024041631-2019-2019-0000-01-REG	POWELL, ROBERT LEE	7/1/2019	BARBARA HARTLEY	2/27/2020	46.37	46.37	0.00	0.00
Subtotal						195.95		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Update Description								
0024041631-2019-2019-0000-00-REG	POWELL, ROBERT LEE	7/1/2019	BARBARA HARTLEY	2/27/2020	42.15	42.15	0.00	0.00
Subtotal						42.15		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Value Change								
0000015284-2019-2019-0000-00-REG	COLE, VICKIE CARSWELL	7/1/2019	AMANDA CONLEY	2/20/2020	1,147.13	1,147.13	0.00	419.33
0000026732-2019-2019-0000-00-REG	SHOUN, MARY LOISE B	7/1/2019	AMANDA CONLEY	2/28/2020	1,027.52	375.54	651.98	0.00
Subtotal						1,522.67		419.33
Total						7,145.06		419.33
Net Release Amount							6,725.73	

TAX DEPT. -TAX COLLECTION REQUEST TO CHANGE MINIMUM TAX BILL TO \$5.00

On September 3rd, 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:

County	Minimum Bill	Notes
Burke	\$1.00	

March 17, 2020 (Regular)

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. Stats for all 2019 bills between \$1.00 and \$5.00 are as follows:

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

Motion: To adopt Resolution No. 2020-06.

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

Resolution No. 2020-06 reads as follows:

Burke County
North Carolina

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO MAKE
ADJUSTMENTS FOR SMALL UNDERPAYMENTS OR OVERPAYMENTS
AND TO SET A MINIMUM BILLING AMOUNT

WHEREAS, on September 3, 2002 the Burke County Board of Commissioners adopted a Resolution Authorizing the Tax Collector to Make Adjustments for Small Underpayments or Overpayments and to set a Minimum Billing Amount; and

March 17, 2020 (Regular)

WHEREAS, pursuant to North Carolina General Statute 105-357(c) this resolution authorized the Tax Collector to treat underpayments of \$1.00 or less as payment in full; and

WHEREAS, this resolution also authorized the Tax Collector not to refund an overpayment of \$1.00 or less, unless requested by the taxpayer; and

WHEREAS, pursuant to North Carolina General Statute 105-321(f), the resolution authorized the tax collector not to bill any taxpayer or otherwise collect minimal taxes in the amount of \$1.00 or less; and

WHEREAS, the cost to create, bill, and process tax bills under \$5.00 is more than the revenues generated.

NOW, THEREFORE, BE IT RESOLVED, pursuant to North Carolina General Statute 105-357(c), the Burke County Board of Commissioners hereby:

- Reaffirms that the Tax Collector shall treat underpayments of \$1.00 or less as payment in full.
- Reaffirms that the Tax Collector shall not refund overpayments of \$1.00 or less unless the taxpayer requests the refund before the end of the fiscal year.
- Pursuant to North Carolina General Statute 105-321(f), the Burke County Tax Collector, as a function of that office, is authorized not to bill any taxpayer when the total original amount does not exceed \$5.00.
- This authority shall be deemed to be continuing until rescinded by the appropriate resolution of this Board.

Adopted this 17th day of March 2020.

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

Attest:

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

TAX - APPROVAL OF AGREEMENT WITH DATAMAX FOR ENFORCED COLLECTION

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 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.

March 17, 2020 (Regular)

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.

Motion: To approve the contract between Burke County and DataMax Corporation, subject to review and/or revision by the County Attorney and authorize the County Manager to execute it on behalf of the Board.

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

ITEMS FOR DECISION

HR - EMERGENCY LEAVE WITH PAY - COVID-19

Rhonda Lee, Human Resources Director reported due to the World Health Organization's recent declaration that the Novel Coronavirus (COVID-19) is now a pandemic and the State of North Carolina's recent declaration of a state of emergency related to the virus, Burke County is working proactively to prepare for the possible event that the virus may present itself in our community and/or workplace. In the event a Burke County employee and or family member of an employee contracts COVID-19, the employee may be out of work for an extended period of time and they may or may not have enough accrued sick or vacation leave to cover the extended absence. Due to this extreme situation, it is recommended that the County Manager be authorized to approve emergency paid leave for employees who are diagnosed with COVID-19 and/or quarantined due to the illness. The County Manager's authority to authorize emergency paid leave would be in effect immediately and end once the pandemic is contained. Further, the Board is asked to grant authority to the County Manager to approve other recommended emergency actions related to the virus that may be needed, but unknown at this time. However, if federal action is taken in the very near future, it may negate the need for this request. The HR Department is consulting with the UNC School of Government to ensure compliance with all federal and state laws related to this request, but a response from them was not available at the time of agenda distribution. Ms. Lee also stated she along with the County Attorney have been researching proposed federal responses to COVID-19 and at this time, she is unsure if the County would be covered under those provisions.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor said according to information he received, there are motions in progress at the state and federal level of government to ensure that if people are told to not work due to COVID-19, then they will be provided compensation. Ms. Lee said she heard that those measures may be for employers with 500 employees or less and Burke County has more than 500 employees. A short discussion ensued. Commissioner Taylor suggested adding wording to the motion, to approve provided if the state or federal government does not deliver on what they said.

March 17, 2020 (Regular)

Motion: To authorize the County Manager to approve emergency paid leave for Burke County employees who have either been diagnosed with COVID-19 or have been quarantined due to the virus, if the state of federal government does not deliver on their promises. The authorization will be in effect until the pandemic has been contained. Further, authorize the County Manager to take additional emergency action that may be needed due to COVID-19.

RESULT:	APPROVED [3 TO 2]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Wayne F. Abele, Sr., Jeffrey C. Brittain and Maynard M. Taylor
NAYS:	Johnnie W. Carswell and Scott Mulwee

BOC - REPORTS & COMMENTS

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

Commissioner Taylor said his reports are in the agenda packet. He reported he attended the following events: The Register of Deeds birthday event, NC Soil and Water special awards program, and the Burke County Cattlemen's Annual Meeting. He then offered Board members a copy of the information he received from which he compiled his cost estimates regarding the new jail. Commissioner Taylor also said he completed his 2020 Census today, it was very easy, and he encouraged everyone to complete the 2020 Census.

Vice Chairman Mulwee wished everyone a happy Saint Patrick's Day and noted while it has been a stressful couple of weeks, we will get through this and there is light at the end of the tunnel. He encouraged everyone to listen to authorities and to stay safe.

J.R. Simpson, II, County Attorney, provided an update on projects he has worked on since the last Board meeting.

Chairman Carswell said they had a meeting this morning with the Health Department and Emergency Management which was one of the first meetings pertaining to COVID-19. He said he is proud of the work they are doing, and there is a plan of action in Burke County and currently, there are no identified cases of COVID-19 in Burke County. He said information will come daily from Lisa Moore, Health Education Supervisor, around 4:00 p.m. to ensure there is one (1) consistent source of information from all entities. He said the Board is currently still planning to hold their March 24, 2020 special meeting to tour the courthouse, and then hold the grand opening of the sally port in the back of the courthouse. Note: The special meeting and grand opening of the sally port were eventually cancelled due to COVID-19.

RESULT:	NO ACTION TAKEN.
----------------	-------------------------

CLERK - BOARDS AND COMMITTEES VACANCY REPORT

Clerk Draughn announced the following vacancies on boards and committees:

- Adult Care & Nursing Home Community Advisory Committee
- Council on Aging
- Juvenile Crime Prevention Council
- City of Morganton - Board of Adjustment (ETJ)
- City of Morganton - Planning Board (ETJ)

March 17, 2020 (Regular)

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

Chairman Carswell encouraged interested citizens to get involved with the various boards and committees. He also reminded citizens to please spay and/or neuter their pets.

RESULT: NO ACTION TAKEN.

CLOSED SESSION

Chairman Carswell said a closed session is needed to discuss threatened or pending litigation, to preserve the attorney-client privilege, to discuss economic development matters, to establish the position to be taken in negotiating the price and other material terms of a contract for the purchase of real property, and to discuss personnel matters as authorized by NCGS 143-318.11(a)(3),(4), (5) and (6).

Motion: To go into closed session.

RESULT: APPROVED [UNANIMOUS]

MOVER: Wayne F. Abele, Sr., Commissioner

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

Motion: To come out of closed session.

RESULT: APPROVED [UNANIMOUS]

MOVER: Maynard M. Taylor, Commissioner

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

RETURN TO OPEN SESSION

PURCHASE OF REAL PROPERTY

Motion: To approve the purchase of 17.25+/- acres of real property (pin #'s 2762-39-1011 & 2762-29-7057) for a future container site and appropriate \$178,350 (\$148,350 = land & up to \$30,000 = due diligence (surveys, soil testing, etc.) from projected additional solid waste revenues.

RESULT: APPROVED [UNANIMOUS]

MOVER: Maynard M. Taylor, Commissioner

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

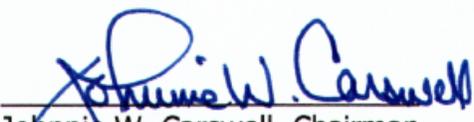
ADJOURN

Motion: To adjourn at 7:30 p.m.

March 17, 2020 (Regular)

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

Approved this 18th day of August 2020.



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

Attest:



Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board