

May 5, 2020 (Special Pre-Agenda)

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

Both Burke County and the State of North Carolina had previously declared a state of emergency which was ongoing as of May 5, 2020 due to the global COVID-19 pandemic. Following the N.C. Governor's Executive Order limiting mass gatherings and to protect the health of all meeting participants, the Burke County Board of Commissioners' regularly scheduled in-person pre-agenda meeting on May 5, 2020 at 3:00 p.m. was cancelled on April 29, 2020. A special remote meeting via Zoom, a virtual meeting / teleconferencing platform with simultaneous communication, was scheduled for May 5, 2020 at 3:00 p.m. to facilitate the meeting. Chairman Carswell executed the combined notice of meeting cancellation and notice of a special virtual meeting which was published on April 29, 2020. The Commissioners, the County Manager, the County Attorney, the Clerk and County staff as well as any citizens that joined the virtual meeting, could hear, and see one another for the duration of the meeting. Citizens that joined by telephone, could only hear the meeting. Citizens were also invited on April 29, 2020 to watch a live stream of the meeting on the County's YouTube channel, BurkeCountyNC or view the meeting later on the local cable systems. During the meeting, the Clerk shared each agenda item on her computer screen so that meeting participants could see the item being discussed and the agenda, in its entirety, was posted to the County's website, [www.burkenc.org](http://www.burkenc.org), several days prior to the meeting as usual. A verbal roll call was conducted.

**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 remote meeting to order at 3:00 p.m. and wished everyone a happy Cinco De Mayo. He also noted the Tourism Development Authority's financial report for their presentation item was emailed to Board members last week.

**APPROVAL OF THE AGENDA**

**Motion: To approve the agenda.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS] BY A VERBAL ROLL CALL VOTE</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**

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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. She noted that both the dog and cat which were presented at the last Board meeting were adopted.

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

### TDA - FINANCIAL UPDATE FOR THE PERIOD ENDING MARCH 31, 2020

In accordance with Session Law 2007-265, HB 78, the Tourism Dev. Authority must report quarterly and at the close of the fiscal year to the Burke County Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

Ed Phillips, TDA Director, presented the financial update for the period ending March 31, 2020.

TDA	YTD ACTUAL VS. FULL YEAR BUDGET			
	Jul '19 - Mar 20	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
4010 · Burke Co. Govt. - Occup. Tax	328,356.57	607,000.00	-278,643.43	54.1%
4110 · Interest Income'	98.20			
4120 · Other Income	23,511.96	40,000.00	-16,488.04	58.78%
5000 · Trolley Revenue	17,141.22	15,000.00	2,141.22	114.28%
<b>Total Income</b>	<b>369,107.95</b>	<b>662,000.00</b>	<b>-292,892.05</b>	<b>55.76%</b>
<b>Expense</b>				
5010 · Accounting	8,812.50	8,000.00	812.50	110.16%
5015 · Legal and Professional Fees	7,266.10	0.00	7,266.10	100.0%
5020 · Marketing/Advertising	99,609.28	156,300.00	-56,690.72	63.73%
5102 · Membership Dues	275.00	2,500.60	-2,225.60	11.0%
5110 · Building Maintenance	27.71	500.00	-472.29	5.54%
5113 · City of Morganton/Tourism	67,262.82	136,575.00	-69,312.18	49.25%
5115 · Town of Valdese/Tourism	45,614.54	75,874.40	-30,259.86	60.12%
5140 · Website Upkeep	1,801.51	499.96	1,301.55	360.33%
5150 · Insurance				
5155 · Trolley Insurance	3,391.40			
5160 · Directors & Officers Liability	1,225.00			
5165 · Worker's Compensation	82.00			
5175 · Employee Health Insurance	8,223.28			
5150 · Insurance - Other	0.00	20,000.00	-20,000.00	0.0%
<b>Total 5150 · Insurance</b>	<b>12,921.68</b>	<b>20,000.00</b>	<b>-7,078.32</b>	<b>64.61%</b>
5180 · Office Supplies	3,896.40	4,000.04	-103.64	97.41%
5190 · Payroll Shared Staff Reimburse	3,835.67			
5200 · Payroll Expenses				
5210 · Payroll	92,350.97			
5215 · NC Unemployment Tax	457.85			
5220 · Part-time Staffing	5,682.75			
5230 · Payroll Taxes	7,975.41			
5235 · Retirement	7,528.05			
5200 · Payroll Expenses - Other	16,372.82	211,000.00	-194,627.18	7.76%
<b>Total 5200 · Payroll Expenses</b>	<b>130,367.85</b>	<b>211,000.00</b>	<b>-80,632.15</b>	<b>61.79%</b>
5250 · Postage	709.61	750.00	-40.39	94.62%
5280 · Office Rent	5,000.00	6,000.00	-1,000.00	83.33%
5290 · Telephone	2,246.64	3,000.00	-753.36	74.89%
5300 · Travel/Training				
5320 · Board Meeting Expenses	158.10			
5300 · Travel/Training - Other	9,443.92	22,000.00	-12,556.08	42.93%
<b>Total 5300 · Travel/Training</b>	<b>9,602.02</b>	<b>22,000.00</b>	<b>-12,397.98</b>	<b>43.65%</b>
5301 · Trolley Expenses	11,977.72	15,000.00	-3,022.28	79.85%
5305 · Meetings	1,095.37			
5400 · Misc. Expense	3,645.50			
<b>Total Expense</b>	<b>415,967.92</b>	<b>662,000.00</b>	<b>-246,032.08</b>	<b>62.84%</b>
<b>Net Income</b>	<b>-46,859.97</b>	<b>0.00</b>	<b>-46,859.97</b>	<b>100.0%</b>

Mr. Phillips reported occupancy tax (OT) collections for March were down 60 percent over the previous year. He said February OT collections were down as well and noted a hotel did not remit the full amount due and the Finance/Tax Office is working on collecting those taxes.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor asked what is the TDA going to do to address the lower than usual OT collections. Mr. Phillips said their budget called for \$600,000 in OT revenues and he anticipates they will have around \$400,000 - \$450,000 and any shortfall will be made up with fund balance. He further noted the TDA has cut all expenses in an effort to preserve their budget.

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

### SCHEDULED PUBLIC HEARINGS

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**BDI - BUILDING REUSE GRANT AND LOCAL ECONOMIC DEVELOPMENT GRANT FOR PROJECT REFRESH AND PUBLIC HEARING - 6:00 PM**

Information from the agenda packet reads as follows:

Burke Development Inc. requests support for Project Refresh, a new industry relocating to Burke County (Morganton), through a Building Reuse grant, and a local economic development grant which will be the matching funds for a proposed One NC grant from the State of North Carolina.

A Building Reuse grant application for \$500,000 is being submitted to the State by the County. Burke County and the City of Morganton will provide the 5 percent local match of \$12,500 each or \$25,000 total. A grant administration contract with the WPCOG (Western Piedmont Council of Governments) is necessary if a grant award is received. The local match will cover the grant administration cost. The Company will create at least 151 new jobs by the end of 2022, approximately 226 new jobs over 5 years and invest approximately \$18.5 million in new additional tax base. The jobs will meet or exceed the average county wage and will include healthcare benefits.

A \$500,000 One NC grant application will be submitted to the State, which requires a 50% local match. Burke County's and the City of Morganton's proposed economic development grants, which consists of grants equivalent to 60% of the taxes paid on the new taxable investment for five (5) consecutive years beginning in FY 2022-23 will be used as the match. Based on the estimated investment of \$18.5M and the County's current tax rate of 69.5 cents, the County's portion would be \$77,145 annually for five (5) years or \$385,725 in total. Based on Morganton's current tax rate of 57 cents, their allotment would be \$63,270 annually or \$316,350 in total. (This is for demonstration purposes only based on investment approximation - actual incentive may vary.)

The County's portion of the local match, \$12,500, would need to be appropriated in the FY 2020-21 budget. Based on an \$18,500,000 investment, the grant allocation would be approximately \$77,145 per year beginning in the 2022-2023 budget year.

Alan Wood, BDI President & CEO said they have been working on this project since September of 2019 and the building under consideration was formerly occupied by Ice River Springs located on Ceramic Tile Drive. He said the proposal includes the company taking ownership of the building, installing new production lines, investing approximately \$18.5 million in addition to the purchase price and creating 226 jobs over a period of five (5) years. Mr. Wood said a Building Reuse grant for \$500,000 was submitted and a \$500,000 One NC grant will be submitted. The One NC grant requires a local match and BDI is requesting the City of Morganton and Burke County to do a grant on the new tax base of 60 percent of the new property taxes created for a period of five (5) years. From the County's perspective, Wood said that would be approximately \$77,100 a year for five (5) years totaling a little over \$385,000, which would over cover the required grant match. He also said for the Building Reuse grant, there is a five (5) percent local match which would be \$12,500 from Burke County and the City of Morganton. Mr. Wood said BDI is supposed to be on Morganton's agenda on June 1 for

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approval of their match share. He noted that all the jobs will pay, on average, above the current Burke County average wage (\$36,801) and the company would like to be in operation by late fall or early winter.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor asked what kind of education/skills will be required to fill the newly created jobs. Mr. Wood said because the new company is similar to the former company that occupied the building, some of the previous employees will likely work for the new company; however, the new company will employ more people than the old one. He further said skilled technicians will be required to maintain the mostly automated machines and noted they should be set on skilled labor because of the County's existing manufacturing base and the training programs available at Western Piedmont Community College. Commissioner Taylor requested a summary of local economic development incentives to see if they were successful or not, and the impact they had on the budget. The Chairman asked the Clerk and Finance Director to meet with him after the meeting to discuss the report.

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

## CONSENT AGENDA

### BCPS - PRESENTATION OF FINANCIAL DATA FOR THE PERIOD ENDING MARCH 31, 2020

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

Keith Lawson, Burke County Public Schools Finance Officer, presented the following financial data for the period ending March 31, 2020.

BCPS						
Estimated Revenues						
2019/2020						
	Annual		March YTD			% of Budget Received
	Previous	Current Fest	Previous	Current	% Change	
State	80,597,443	80,600,000	60,494,881	60,269,393	-0.4%	74.8%
Federal	7,462,092	7,720,415	5,237,136	5,088,420	-2.8%	65.9%
Local	14,568,907	14,425,772	11,325,498	11,235,787	-0.8%	77.9%
School Nurses	718,403	998,140	563,099	650,259	15.5%	65.1%
Charter Schools	412,143	450,291	276,952	390,460	41.0%	86.7%
Fines & Forfeitures	430,149	380,000	259,995	266,833	2.6%	70.2%
Special Revenues	5,513,118	5,350,000	3,334,118	3,033,210	-9.0%	56.7%
<b>Total</b>	<b>\$ 109,702,255</b>	<b>\$ 109,924,618</b>	<b>\$ 81,491,679</b>	<b>\$ 80,934,362</b>	<b>-0.7%</b>	<b>73.6%</b>

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BCPS										
Local Financials by Purpose & Function Level										
2019/2020										
Expenses		'16/'17	'17/'18	'18/'19	'19/'20					Total
					Budget	1st	2nd	3rd	4th	
5XXX	Regular Instructional Services	4,912,851	5,164,868	5,324,653	5,426,911	822,802	1,957,952	672,119		3,452,873
6XXX	Instructional Support	9,795,255	10,405,887	10,119,395	10,442,916	2,975,589	2,337,956	2,023,534		7,337,079
8XXX	Other Governmental Units	655,442	625,363	702,226	617,763	57,823	155,247	192,898		405,968
4XXX	Revenues Over/(Under)	430,881	(98,431)	37,872	(188,387)	93,890	(231,620)	1,137,813		1,000,083
XXXX	Grand Total	\$ 15,794,429	\$ 16,097,687	\$ 16,184,146	\$ 16,299,203	\$ 3,950,104	\$ 4,219,535	\$ 4,026,364	\$ -	\$ 12,196,003
	% of Annual Budget									74.8%
	Revenue									
4110	Burke County	14,264,035	14,599,358	14,448,211	14,416,272	3,745,262	3,745,263	3,745,262		11,235,787
4110	Timber Receipts	10,747	9,406	120,696	9,500	-	-	-		-
4110	Charter Schools	370,618	372,286	412,143	450,291	89,557	289,412	11,491		390,460
4410	Fines & Forfeitures	430,126	330,570	430,149	380,000	1,529	141,577	123,727		266,833
4490	School Nurses	653,750	726,095	718,403	998,140	70,933	94,022	485,304		650,259
4493	Schools' Receivables	65,153	59,972	54,544	45,000	42,823	(50,739)	(339,420)		(347,336)
44XX	Grand Total	\$ 15,794,429	\$ 16,097,687	\$ 16,184,146	\$ 16,299,203	\$ 3,950,104	\$ 4,219,535	\$ 4,026,364	\$ -	\$ 12,196,003
	LCE FB contributed \$38k for '18/'19, bringing total FB to \$2.7M, 16.6% of local budget									
	At this point in time have no forecast as to current FB impact due to COVID-19									

Mr. Lawson said the financial impact due to COVID-19 at this time is unknown.

Chairman Carswell opened the floor for questions and comments from the Board. Mr. Lawson responded to a question from Commissioner Taylor concerning possible savings from mandated school closures and noted the greatest budget impact may come next year and be approximately \$4 million based on what happened in 2009 after the last recession when the State reduced their budget by \$6.9 million and the State projected revenues were down 15 percent. He said this year, the State is projecting revenues will be down 10 percent. Mr. Lawson then reviewed cost saving measures BCPS is implementing.

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

**WPCC – PRESENTATION OF FINANCIAL DATA FOR THE PERIOD ENDING MARCH. 31, 2020**

Sandy Hoilman, WPCC Chief Financial Officer, presented an overview of the College's financial data for the period ending March 31, 2020.

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

Summary of Revenues	STATE			COUNTY			INSTITUTIONAL		
	BUDGET	ACTUAL	REMAINING	PGLT	ACTUAL	REMAINING	BUDGET	ACTUAL	REMAINING
State Appropriations	13,957,487	10,703,317							
Add. Allocations (detail below)	859,200								
County Appropriations				2,560,155	1,920,116				
Rent & Interest Income				53,000	16,705				
Institutional Funds							5,416,497	4,954,480	
<b>Total Budgeted Revenues</b>	<b>14,816,687</b>	<b>10,703,317</b>	<b>4,113,370</b>	<b>2,613,155</b>	<b>1,936,822</b>	<b>676,333</b>	<b>5,416,497</b>	<b>4,954,480</b>	<b>462,017</b>
<b>Summary of Expenditures</b>									
Institutional Support	2,873,668	2,065,052	72%	258,380	214,759	83%	114,659	59,780	52%
Curriculum Instruction	6,750,780	5,025,051	74%				270,666	149,054	55%
Non Curriculum Instruction	1,900,058	1,149,991	61%				147,380	151,497	103%
Academic Support	1,433,149	1,048,912	73%				1,137	81	7%
Student Support	1,554,189	1,103,160	71%				370,000	275,533	74%
Plant Operations & Maint.				2,354,775	1,480,528	63%			
Proprietary / Other							988,202	772,826	78%
Student Aid							3,524,453	3,469,374	98%
Capital Outlay (excluding Capital Improvements)	304,843	185,909	61%						
<b>Total Budgeted Expenditures</b>	<b>14,816,687</b>	<b>10,578,076</b>	<b>4,238,611</b>	<b>2,613,155</b>	<b>1,695,287</b>	<b>917,868</b>	<b>5,416,497</b>	<b>4,878,146</b>	<b>538,351</b>
		71.4%	28.6%		64.9%	35.1%		90.1%	9.9%

ADDITIONAL FUNDING DESIGNATED FOR APPROVED PROJECTS	
Customized Training Projects	108,700
CTP Regional Trainer	128,614
Male Minority Grant - Aviso	45,130
Perkins Grant - Reserve Funds	25,386
Federal Portion - Basic Skills	195,805
NCWorks Career Coach	158,328
Professional Devel Grant	15,000
Carryforward	24,018
Longevity	158,219
<b>Total Other</b>	<b>859,200</b>

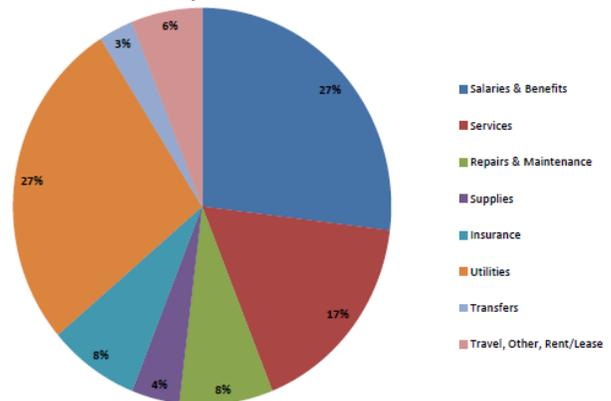
As of March 30, 2020	
Total College Budget	\$ 22,846,339
Total Expenditures	\$ 17,151,509 <u>75.1%</u>

Fund Balance: County Funds	
Fund Balance, Beginning July 1, 2019	626,111
Current Operating Cash	241,534
<b>Current Fund Balance</b>	<b>867,645</b>
	34%

**Western Piedmont Community College**  
County Expenditures by Category  
FY 2020 - Actual Expenditures - July 1, 2019 thru March 30, 2020

Salaries & Benefits	456,627	26.9%
Services	288,378	17.0%
Repairs & Maintenance	135,599	8.0%
Supplies	69,231	4.1%
Insurance	131,870	7.8%
Utilities	460,934	27.2%
Transfers	49,941	2.9%
Travel, Other, Rent/Lease	102,707	6.1%
<b>Total</b>	<b>1,695,287</b>	<b>100%</b>

**County Expenditures - FY 2020**  
July 1, 2019 - March 30, 2020



Ms. Hoilman noted that WPCC is under a spending restriction for the remainder of the year because of the global pandemic. She said WPCC is going to use fund balance to make up the remaining cost of the roof replacement project at Patton Hall and the E. Building. Ms. Hoilman said the County allocated \$150,000 to WPCC for this project and the bids came in at \$269,450. She said the project will begin this summer and finish before the fall semester.

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

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**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

**BOC - PBHM AMENDED BYLAWS**

Tara Conrad, Community Engagement Director, Partners Behavioral Health Management (PBHM), presented information regarding the amended PBHM bylaws as follows:

Partners Behavioral Health Management assures everyone who lives in Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Rutherford, Surry, and Yadkin County and is covered by Medicaid or state health insurance or has no insurance at all receives the best possible services for mental health, substance use disorder, and intellectual and developmental disabilities and amended its bylaws on March 19, 2020, as recommended and to comply with NCGS 122C-118.1. The following amendments were approved: The change to limit terms to two, three-year terms was required so that Partners' bylaws are aligned with the statute. The other change to remove the restriction to the number of seats per county, based on population was recommended to the PBHM Board to allow more flexibility to meet the thirteen (13) representation requirements that are required in the statute. It is the County's policy to approve bylaws and amended bylaws for its boards and committees and staff recommends approving these bylaws if only for awareness.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor noted that Burke County did not lose any seats as a result of the amended bylaws and said the Board will need to pick a replacement for him on the PBHM Board of Directors because his terms ends and he has served the maximum number of terms allowed. Commissioner Brittain asked who the other individual representing Burke County on the PBHM Board is, discussion ensued and Clerk Draughn later reported that Linda McCreary is the other representative and she is interested in serving another term.

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

**BOC - RESOLUTION REGARDING RULES OF PROCEDURE FOR ELECTRONIC MEETINGS DURING COVID-19 STATE OF EMERGENCY**

Chairman Carswell reported the following resolution establishes the rules of procedure for electronic meetings during the COVID-19 State of Emergency. He said J.R. Simpson, II, County Attorney spent a great deal of time on this resolution and noted the State recently passed rules and regulations concerning electronic meetings during the COVID-19 pandemic.

Attorney Simpson said there are several items in this resolution, but the most salient is that the resolution does not refer to public hearings or quasi-judicial hearings which the new State law, 2020-3 does. He said this resolution seeks the question of public participation and there are provisions to ensure the public can participate and has more detail than the new State rules. Attorney Simpson said the resolution allows citizens to deliver their comments personally or by electronic mail to the County which will then be read aloud at the regular meeting, citizens also have the opportunity to participate by joining the electronic meeting. He said even with the new State law, this resolution is not superfluous, and it is still an advantage for the Board to adopt the resolution to have the rules ready for the duration of the COVID-19 state of emergency.

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The proposed resolution reads as follows:

RESOLUTION CONCERNING ADOPTION OF RULES OF PROCEDURE FOR ELECTRONIC  
MEETINGS DURING COVID-19 STATE OF EMERGENCY

WHEREAS, Burke County, along with other municipalities therein, is operating under a declared State of Emergency in response to the spread of the COVID-19 virus as of 12:34 p.m. on March 20, 2020; and

WHEREAS, the Burke County Commissioners recognizes the importance of maintaining public attendance and input, to the extent possible, at all official meetings of the Board of Commissioners, even during this time of unprecedented emergency due to the spread of COVID-19 in our County, State and Nation; and

WHEREAS, continuing and evolving conditions, including the continued spread and forecasted increase in the number of persons in the community who are infected with the COVID-19 virus with resultant threat to the general public health of the community, and further including limits on the number of persons in public places by the Governor of the State of North Carolina, particularly including Executive Order No. 121 that imposed a "stay-at-home or place-of-residence" Order except incident to performance of Essential Services and limiting the number of persons that may be in a single room or single space to no more than ten (10) persons, a modification of Section 1(a) of Executive Orders Nos. 117 and 120; and

WHEREAS, Burke County wishes to remain consistent with the following guidance received from State and Federal authorities:

1. The U.S. Centers of Disease Control guidelines on "social distancing" during this emergency that recommend a minimum buffer of six (6) feet between persons.
2. Executive Order 117, as amended by Executive Order No. 121, of Governor Roy Cooper, limits mass gatherings of the public in a single room or single space at the same time to 10 people or less, including Commissioners and County staff, but that such a maximum number is subject to space availability in light of the social distancing requirements of Executive Order No. 121 that requires the public at all times and as much as reasonably possible to maintain social distancing of at least six feet (6') from other persons with the exception of family or household members; and

WHEREAS, the Governor has issued Executive Order No. 125 authorizing and encouraging remote shareholder meetings and permitting boards of directors of corporations organized, existing and acting pursuant to the laws of the State of North Carolina, in their sole discretion, to determine that all or any part of the shareholders meeting may be held solely by means of remote communication, subject to compliance with certain conditions as set forth in Executive Order No. 125, and that such Executive Order is guidance as to the need for flexibility in permitting reasonable accommodation to allow continuation of business activities to the extent possible during the current public health crisis caused by the COVID-19 virus; and

WHEREAS, N.C.G.S. 143.318.10 states that an "Official Meeting" of a public body such as the Board of Commissioners of Burke County means a meeting, assembly or gathering together at any time or place or the simultaneous communication by conference telephone or other

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electronic means of a majority of the members of a public body for the purposes of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body; and

WHEREAS, N.C.G.S. 143-318.13(a) permits a public body to hold an official meeting by use of conference telephone or other electronic means provided the public body provides a location and means whereby members of the public may listen to the meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE BURKE COUNTY BOARD OF COMMISSIONERS:

1. That effective immediately the Burke County Board of Commissioners will limit the total number of persons allowed within Commissioners' Chambers during official meetings of the Board of Commissioners to ten (10) persons to comply with social distancing and mass gathering requirements as set forth in Executive Order No. 117 as amended by Executive Order 121 as recited above.
2. Further, to ensure the greatest possibility of public participation, County Department Heads, County staff and employees and volunteers, including boards and committees, will only be present on an as-needed basis for presentation to Commission and will otherwise be excused from Commission meeting participation. To the extent possible, presentations by Department Heads, County staff and employees and volunteers or representatives of County boards and committees may be accomplished by remote presentation by videoconference, audio telephonic, or other electronic means whereby the remote participant is able to hear and be heard in accordance with N.C.G.S. 143-318.13(a).
3. That the Burke County Board of Commissioners adopts the following "Rules of Procedure for Electronic Meetings of the Burke County Board of Commissioners" during the COVID-19 State of Emergency as declared by the Governor of the State of North Carolina. These Rules of Procedure for Electronic Meetings are supplemental to Rules of Procedure as previously adopted by the Board of Commissioners for its meetings.

RULES OF PROCEDURE FOR ELECTRONIC MEETINGS  
OF THE BURKE COUNTY BOARD OF COMMISSIONERS

A. Meetings to Which These Rules Apply.

These Rules of Procedure for Electronic Meetings ("Electronic Rules") shall apply to any regular, special or emergency meeting of the Burke County Board of Commissioners, subject to the conditions set forth the herein governing Electronic Meetings.

B. Definition of an Electronic Meeting.

An Electronic Meeting is any meeting where more than three (3) members of the Board of Commissioners participate in the meeting through telephone, videoconference, or other electronic telecommunications application which allows simultaneous communication by multiple parties, or other similar means that allow

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the members of the Board of Commissioners to hold a meeting without all members of the Board of Commissioners being physically present in the same room.

C. Notice of Electronic Meeting.

If an electronic meeting is necessary, a public notice of the electronic meeting shall be sent as part of any notice required by N.C.G.S. 143-318.12. This public notice, in addition to the information required by N.C.G.S. 143.318.12 shall provide:

The location where a member of the public, member of the media, or others, may listen to the Electronic Meeting in accordance with N.C.G.S. 143-318.13; provided that this public notice shall prominently state that attendance at said location will be limited to ten (10) persons pursuant to Executive Order No. 117, as amended by Executive Order.

The notice shall be provided in the manner required by Article 33C of Chapter 143 of the North Carolina General Statutes. If the Electronic Meeting is being used for any part of a regular meeting on the meeting schedule adopted by the Board of Commissioners, then the information required above shall be provided in a separate notice to be published in accordance with N.C.G.S. 143-318.12(b)(2), and shall be posted on Burke County's website and social media accounts, if possible. If livestreaming of the meeting on social media is anticipated, the notice shall contain information as to how to access the livestreaming on social media of the meeting.

D. Quorum.

Commission members present in person or electronically shall be included in the calculation for determining whether a quorum exists. If a Commission member who is participating electronically withdraws or disconnects, or is disconnected, then the rest of the meeting may be completed provided there remains a quorum of the Commission members present either in person or electronically. Any Commission member who withdraws or is disconnected from the meeting shall no longer be included for purposes of quorum calculation until he or she is re-connected to the meeting. Upon re-connection to the meeting, such Commission member shall again be counted for purposes of determining whether a quorum exists.

E. Process of Opening Meeting.

Immediately prior to opening the meeting, the Chairman, Vice Chairman, or other presiding officer shall communicate with the Commission members who are participating electronically and ensure that he/she is prepared to go forward. The electronic attendance of Commission members at the meeting shall be verified by roll call of the Commission by the presiding officer of the meeting, Chairman or Vice Chairman, or other presiding officer and verification by the Clerk, or in the absence of the Clerk, by the County Manager or County Attorney, at the commencement of the meeting. Verification shall be by voice identification of each Commission member attending electronically by the presiding officer and verified by the Clerk, or in the absence of the Clerk, by the County Manager or County Attorney in that order.

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Following verification of attendance until adjournment of the meeting, the communication line or application shall be kept open.

F. Public Comment.

Reasonable accommodation for one period of public comment per month at a regular meeting of the Board of Commissioners is required in accordance with N.C.G.S. 160A-81.1. The Board of Commissioners is permitted to adopt reasonable rules governing the conduct of the public comment period. Given the limitations on mass gatherings of the public in a single room or single space as set forth in the above-referenced Executive Orders of the Governor of North Carolina, public comments by the public at the meeting pursuant to N.C.G.S. 160A-81.1, and comments by the public at any duly noticed public hearing shall be made by one or more of the following methods:

- (1) By comments delivered personally or by electronic mail to the County and received not later than two (2) hours prior to the noticed time of the meeting; or
- (2) By written comments made upon the social media livestream of the electronic meeting that the commenter specifically requests, during the public comments or public hearing period, to be read into and made a part of the record of public comments or comments at a duly noticed public hearing, as the case may be.

In the cases whereby the comments are received pursuant to subsections 3.F.(2) or 3.F.(3) above, the comments shall be read aloud by the Chairman, Clerk or designee of either, as designated to monitor receipt of such comments.

G. Voting and Discussion.

Commission members physically present or present for the meeting through electronic means are eligible to vote for all items considered by the Board of Commissioners during the meeting, except voting on any quasi-judicial matters coming before the Commission. Voting shall be by individual roll call upon each question presented and shall be a response of "yes," "no," "yea," "nay," or "abstain" (in circumstances where abstention is permitted) such that the Clerk or his/her designee may record the vote. Prior to taking a vote upon any issue or question, the Chairman or presiding officer shall inquire of the Commission members attending remotely by electronic means whether he/she has been able to adequately monitor the discussion, including comments from the public, if any, and shall allow those Commission members to make any comments he or she desires. It shall be the responsibility of Commission members attending the meeting via electronic means to gain the attention of the Chairman or other presiding officer in order to be recognized for discussion. A Commission member attending through electronic means that withdraws or is disconnected from the meeting without being excused from further attendance shall not be considered an affirmative or negative vote on any issue or question before the Commission.

H. Minutes.

The minutes of the meeting shall designate the name of each Commission member or staff member who participated physically or electronically and shall identify the nature or means of the electronic communication. The duration of participation in the meeting by any Commission member who withdraws from or is disconnected from the meeting, as well as the time of re-connection to the meeting, shall be noted in the minutes.

I. Recording.

Where reasonably possible, except for closed sessions conducted in accordance with N.C.G.S. 143-318.1, there shall be a livestream simulcast broadcast of the electronic meeting upon social media of the County. This livestream broadcast shall be preserved for so long as reasonably possible for later public viewing upon social media to the extent available. In addition, to the extent reasonably possible by media platforms used for purposes of participation by electronic videoconferencing, the electronic meeting, excluding closed session conducted pursuant to N.C.G.S. 143-318.11, shall be recorded and preserved as a public record of the County.

J. Closed Sessions.

Except as modified by this subsection, the foregoing rules for electronic meetings shall apply to Closed Sessions of the Commission wherein there is electronic participation by one or more Commission members. As an exception to the foregoing rules, electronic participation by a Commission member in a Closed Session is permitted only if the electronic participant verifies to the Commission that he or she is alone in the location from which he/she is electronically attending the Closed Session, and that the electronic communication is reasonably secure insofar as being a private communication to which no one else is privy. The rules regarding quorum as set forth in 3.D. above shall apply to Closed Session.

4. This resolution shall be in effect for all future meetings of the Burke County Board of Commissioners until rescinded upon cessation of the State of Emergency or further modification by duly adopted resolution of the Commission.

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

**BOC - RESOLUTION REGARDING SURPLUS REAL PROPERTY**

Chairman Carswell said there is property that is owned by Burke County Public Schools (BCPS) that the Board of Education (BOE) has determined is surplus and needs to be sold. He said after speaking with the County Manager, the County has no need to own those properties and BCPS should be allowed the sell them as surplus property.

- |                             |             |
|-----------------------------|-------------|
| 1) 0 Independence Blvd      | REID #39733 |
| 2) 510 South College Street | REID #38130 |
| 3) 2142 Pax Hill Road       | REID #38263 |

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- 4) 0 Liberty Street
- 5) 170 Honeycutt Drive
- 6) 0 Liberty Street
- 7) 0 Honeycutt Drive

- REID #38629
- REID #38620
- REID #38621
- REID #38618



**Silver Acres from FHS**

December 4, 2019  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 INDEPENDENCE BLVD  
 Address: MORGANTON 28665  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28665  
 Property: 2142 PAX HILL RD  
 Address: MORGANTON 28665  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28665  
 Property: 510 S COLLEGE ST  
 Address: MORGANTON 28665  
 PROPERTY\_DESC

1:1,394  
 1 inch = 116 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet



**Land CES**

February 26, 2020  
 Owner: BURKE COUNTY PUBLIC SCHOOL BOE  
 P O BOX 989  
 MORGANTON, NC 28665  
 Property: 2142 PAX HILL RD  
 Address: MORGANTON 28665  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28665  
 Property: 510 S COLLEGE ST  
 Address: MORGANTON 28665  
 PROPERTY\_DESC

1:1,394  
 1 inch = 116 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet



**Land College Street**

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28665  
 Property: 510 S COLLEGE ST  
 Address: MORGANTON 28665  
 PROPERTY\_DESC

1:1,394  
 1 inch = 116 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet



**RCES Main Campus**

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 170 HONEYCUTT DR  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet



**RCES Parcel 2**

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet



**RCES Parcel 3**

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

February 26, 2020  
 Owner: BURKE COUNTY BOARD OF EDUCATION  
 PO DRAWER 989  
 MORGANTON, NC 28680  
 Property: 0 LIBERTY ST  
 Address: CONNELLY SPRINGS 28612  
 PROPERTY\_DESC

1:2,787  
 1 inch = 232 feet

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Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor said the cost for all the property is approximately \$12 million and asked what fund/account would the profit from the property sale go into. Keith Lawson, BCPS Finance Officer, said BCPS would put the revenues into the capital fund and then projects would be presented to the BOE and Board of Commissioners (BOC) for approval. Commissioner Brittain asked if there was any communication with BDI to see if there was any commercial/industrial interest in the properties. BDI President & ECO, Alan Wood, indicated there is some possible interest in the Rutherford College property for residential development, the interested parties have investigated the property and are preparing a notional site plan for BDI. Discussion continued with County Attorney Simpson advising that (1) if the County has a use for any of the properties, then the time to act is now; (2) the Commissioners' influence on the property ends once the resolution is adopted; (3) and after the resolution is adopted, the Board of Education can do whatever they wish with the properties. Discussion continued on how to proceed, particularly on the Rutherford College property and Commissioner Brittain suggested the Chairman speak with the BOE. In response to an inquiry about the BOE's timeline, Mr. Lawson advised that BCPS does not have any immediate plans for the properties, with the exception of property on Independence Blvd., REID #39733, which is a small sliver of land across from Freedom High School. The neighbor to the west, has expressed interest in purchasing the property and he is awaiting the opportunity. Chairman Carswell asked if a 30-day delay would hurt the potential deal and Mr. Lawson said no. Chairman Carswell suggested that this item be moved to the June agenda, to which the Board agreed to by a verbal roll call vote.

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE JUNE 16, 2020 MEETING AT 6:00 PM**

### **CLERK - EAST BURKE SENIOR CENTER ADVISORY COMMITTEE - REAPPOINTMENTS / REMOVAL**

Clerk Draughn reported the terms of appointment for Norma Cline (Seat 1), Karen Robinson (Seat 4) and Gale Fullbright (Seat 7) on the East Burke Senior Center Advisory Committee end May 31<sup>st</sup>. Ms. Cline and Ms. Robinson are willing to serve another term. Ms. Fullbright does not wish to be considered for reappointment. The term is for three (3) years.

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**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

**FINANCE - AUDIT CONTRACT FOR FY 19-20**

Margaret Pierce, Deputy County Manager/Finance Director, presented information regarding the audit contract for FY 19-20 as follows:

North Carolina General Statute 159-34 requires the County to have its accounts audited annually by a certified public accountant. The County's current audit firm, Lowdermilk Church & Co., L.L.P. has submitted a proposal to do the work for \$41,700. The cost for Fiscal Year 18-19 audit work was \$44,700, so a \$3,000 decrease is requested.

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

**FINANCE - COUNTY FINANCIAL REPORT FOR THE PERIOD ENDING MARCH 31, 2020**

Margaret Pierce, Deputy County Manager/Finance Director, presented the County financial report for the period ending March 31, 2020 as follows:

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GENERAL FUND AS OF MARCH 31, 2020				PERCENT RECEIVED / EXPENDED
	BUDGET	ACTUAL	BALANCE	
<b>REVENUES:</b>				
Property Taxes, Interest, & Penalties	\$48,970,000	47,650,484	\$1,319,516	97.31%
Sales Tax	\$7,400,000	3,965,202	\$3,434,798	53.58%
Other taxes	\$1,266,000	887,828	\$378,172	70.13%
Intergovernmental	\$19,073,422	12,532,337	\$6,541,085	65.71%
Sales/Services	\$4,021,800	2,561,476	\$1,460,324	63.69%
Permit/Fees	\$1,404,140	1,124,687	\$279,453	80.10%
Misc Revenues	\$816,950	957,149	(\$140,199)	117.16%
Transfer from other Funds	\$6,681,410	3,340,705	\$3,340,705	50.00%
Fund Balance	\$4,387,363	0	\$4,387,363	0.00%
<b>TOTAL</b>	<b>\$94,021,085</b>	<b>73,019,868</b>	<b>\$21,001,217</b>	<b>77.66%</b>
<b>EXPENDITURES:</b>				
Animal Services	\$228,035	158,050	\$69,985	69.31%
Burke County Schools	\$15,874,203	11,899,232	\$3,974,971	74.96%
Community Dev/Building Inspections	\$874,345	663,869	\$210,476	75.93%
Cooperative Extension	\$390,855	264,162	\$126,693	67.59%
Debt Service	\$8,398,330	8,396,707	\$1,623	99.98%
DSS	\$17,625,664	11,663,220	\$5,962,444	66.17%
Economic Development	\$2,801,344	1,650,663	\$1,150,681	58.92%
Elections	\$1,106,047	820,659	\$285,388	74.20%
Emergency Services	\$8,921,126	6,605,005	\$2,316,121	74.04%
General Government	\$7,077,762	4,350,928	\$2,726,834	61.47%
Health	\$3,387,226	2,491,788	\$895,438	73.56%
Library	\$1,928,922	1,463,463	\$465,459	75.87%
Maintenance & Operation	\$3,200,037	1,752,705	\$1,447,332	54.77%
Mental Health	\$265,000	265,000	\$0	100.00%
Recreation	\$735,925	481,959	\$253,966	65.49%
Register of Deeds	\$490,435	316,904	\$173,531	64.62%
Senior Services/Veteran Services	\$661,428	398,441	\$262,987	60.24%
Sheriff, Jail and Animal Control	\$13,071,601	8,708,794	\$4,362,807	66.62%
Soil & Water	\$130,125	97,149	\$32,976	74.66%
Tax	\$1,580,935	1,150,289	\$430,646	72.76%
Western Piedmont Community College	\$2,895,740	2,022,226	\$873,514	69.83%
Transfers to other Funds	\$2,376,000	1,322,379	\$1,053,621	55.66%
<b>TOTAL</b>	<b>\$94,021,085</b>	<b>\$66,943,592</b>	<b>\$27,077,493</b>	<b>71.20%</b>
<b>REVENUE OVER / (UNDER) EXPENDITURES</b>			<b><u>\$6,076,276</u></b>	
<b>SALES TAX SUMMARY BY ARTICLE</b>				
	<i>7 months reporting</i>			
Sales Tax - Article 39	\$5,000,000	3,085,125	\$1,914,875	61.70%
Sales Tax - Article 40	\$5,837,850	3,234,771	\$2,603,079	55.41%
Sales Tax - Article 42	\$2,800,000	2,047,786	\$752,214	73.14%
Sales Tax - Article 44	\$1,562,150	966,337	\$595,813	61.86%
<b>TOTAL</b>	<b>\$15,200,000</b>	<b>9,334,019</b>	<b>\$5,865,981</b>	<b>61.41%</b>

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ENTERPRISE FUNDS AS OF MARCH 31, 2020				PERCENT
	BUDGET	ACTUAL	BALANCE	RECEIVED / EXPENDED
<b>WATER &amp; SEWER:</b>				
Revenues	\$1,854,510	1,160,932	\$693,578	62.6%
Expenditures	\$1,854,510	880,653	\$973,857	47.5%
<b>FUND BALANCE INCREASE / (DECREASE)</b>		<b>\$280,279</b>		
<b>SOLID WASTE:</b>				
Revenues	\$5,822,799	4,546,066	\$1,276,733	78.1%
Expenditures	\$5,822,799	3,907,769	\$1,915,030	67.1%
<b>FUND BALANCE INCREASE / (DECREASE)</b>		<b>\$638,297</b>		

Ms. Pierce further reported due to COVID-19, some additional revenues will be recognized within the month: \$109,000 from the CARES Act because the County does Medicare billing, a \$2,000 grant for the Library, \$92,873 for the Health Department and the Senior Centers should be receiving funds related to nutrition and senior meals, but there is no concrete dollar amount yet. Ms. Pierce said Senate Bill 704 made an allocation (a minimum of \$250,000 per county with an additional amount above that based on population) to counties with various guidelines that will need to be researched to determine what the funds can be spent on. However, at this time, none of the funds can be used for revenue replacement and must be spent on COVID-19 related expenses.

Chairman Carswell opened the floor for questions and comments from the Board. In response to Commissioner Taylor's inquiry on the current amount of General Fund, Fund Balance on hand, Ms. Pierce advised that the exact amount cannot be determined until the end of the fiscal year; however, because expenses have been curtailed, only a small amount of fund balance may need to be used, and last year's fund balance amount was around \$19 million. She further advised that revenues are on target and some are even up; however, a general decrease is anticipated, and the sales tax revenue data will not be available until July or August. Commissioner Taylor expressed disbelief that the fund balance amount is unknown. In response to additional follow-up questions from Commissioner Taylor, Ms. Pierce reiterated that the amount of Fund Balance utilized cannot be determined until year end. In response to Commissioner Brittain's inquiry on miscellaneous revenue, Ms. Pierce said interest income was well above projections for the first part of the year because of a temporary increase in the interest rates. Chairman Carswell encouraged the Board to review the North Carolina Association of County Commissioners' (NCACC) legislative update concerning House Bill 1043 and Senate Bill 704. He noted the NCACC has a detailed explanation of the \$1.5 billion that will be expended to the counties in North Carolina.

**VERBAL ROLL CALL RESULT: THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

**AYES:** Johnnie Carswell, Scott Mulwee, Wayne F. Abele, Sr. and Jeffrey C. Brittain

**NAYS:** Maynard M. Taylor

Note: The financial report was later moved to the reports section of the May 19, 2020 agenda as requested by the Chairman and County Manager.

May 5, 2020 (Special Pre-Agenda)

**JCPC - APPROVAL OF JCPC COUNTY PLAN FOR BURKE COUNTY & FUNDING ALLOCATION**

Rebecca McLeod, Health Director, presented information regarding the approval of the JCPC county plan for Burke County and funding allocation as follows:

The Juvenile Crime Prevention Council (JCPC) plans for the needs of adjudicated and at-risk youth and assesses the need for delinquency treatment and prevention services in Burke County. The funding from the state Department of Public Safety Division of Juvenile Justice (DJJ) for the programs, \$287,074, requires a 44% match which is provided by the programs themselves either by cash or in-kind donations. Therefore, no county funding is necessary. The Annual Plan describes and documents each step of the state mandated process required to make decisions on the allocation of funds provided to Burke County by the Division of Juvenile Justice. The plan also documents the required membership of the council and meeting dates and attendance. Most importantly, it lists the programs chosen for funding and the amounts allocated. This plan must be approved by the Burke County Board of Commissioners prior to acceptance and funding by DJJ.

2020/21 BURKE COUNTY  
**NC DPS - Community Programs - County Funding Plan**

Available Funds:       \$   **\$287,074**                   Local Match:   \$   **\$89,018**       Rate:   **30%**

DPS JCPC funds must be committed with a Program Agreement submitted in NC Allies and electronically signed by authorized officials.

#	Program Provider	DPS-JCPC Funding	Local Funding			OTHER	OTHER	Total	% Non DPS-JCPC Program Revenues
			County Cash Match	Local Cash Match	Local In-Kind	State / Federal	Funds		
1	JCPC Administration	\$14,500						\$14,500	\$0
2	Burke Recovery	\$25,663	\$2,000		\$5,768	\$9,691		\$43,122	68%
3	Conflict Resolution Center	\$55,915			\$17,531			\$73,446	31%
4	Kids at Work	\$43,598			\$13,098			\$56,696	30%
5	Project Challenge	\$67,241			\$20,172			\$87,413	30%
6	Repay Just Girls	\$24,892			\$8,410	\$9,369		\$42,671	71%
7	Repay Psychological Services	\$11,589			\$8,936			\$20,525	77%
8	Repay SAIS	\$43,676			\$13,103	\$11,907		\$68,686	57%
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
<b>TOTALS:</b>		<b>\$287,074</b>	<b>\$2,000</b>	<b>\$0</b>	<b>\$87,018</b>	<b>\$30,967</b>	<b>\$0</b>	<b>\$407,059</b>	<b>44%</b>
The above plan was derived through a planning process by the						2018/19 BURKE	COUNTY		
Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY						2020/2021			

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

May 5, 2020 (Special Pre-Agenda)

### TAX DEPT. - TAX COLLECTION REPORT FOR APRIL 2020

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

Category	Tax Levy	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$44,881,650.00	\$43,681,220.11	\$1,195,738.50	97.34%

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

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Current Year Taxes	\$48,070,000.00	\$47,779,981.81	\$290,018.19	99.40%
Delinquent Taxes	\$650,000.00	\$716,022.79	NONE	110.16%
Late List Penalty	\$250,000.00	\$356,888.61	NONE	142.76%

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

Category	Annual Budget	Amount Collected YTD	Balance to Collect	% Collected
Property Tax	\$43,470,000.00	\$43,681,220.11	NONE	100.49%
Motor Vehicle Tax	\$4,600,000.00	\$4,098,761.70	\$501,238.30	89.10%

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

### TAX DEPT. - RELEASE REFUND REPORT FOR APRIL 2020

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

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$2,981.34	\$0.00	\$2,981.34	\$727.66

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$135.35

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

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

### ITEMS FOR DECISION

#### CO. MGR. - PRESENTATION OF RECOMMENDED BUDGET FOR FY 20-21 AND SCHEDULING OF PUBLIC HEARING

County Manager Steen advised that the recommended budget is almost finished and it will be

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presented to the Board at the regular meeting.

Information from the agenda packet:

The County Manager will present the recommended budget for FY 2020-21 to the Board of Commissioners on Tuesday, May 19, 2020. A copy of the recommended budget will be filed in the office of the Clerk to the Board that day and be available for public inspection at the Burke County Governmental Offices during regular business hours. The recommended budget will also be posted to the County's website at: <http://www.burkenc.org/2265/Budget-Documents>.

G.S. 159-11 (b) - The budget, together with a budget message, shall be submitted to the governing board not later than June 1. The budget and budget message should, but need not, be submitted at a formal meeting of the board. The budget message should contain a concise explanation of the governmental goals fixed by the budget for the budget year, should explain important features of the activities anticipated in the budget, should set forth the reasons for stated changes from the previous year in program goals, programs, and appropriation levels, and should explain any major changes in fiscal policy. Assuming social gathering restrictions associated with the global pandemic have been lifted by then, the budget workshop meetings will be held in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Morganton, NC, on the following dates:

May 22	2:00 p.m.
May 28	2:00 p.m.
June 4	2:00 p.m. (if needed)

If the social gathering restrictions have not been lifted by then, the budget meetings will be held electronically. A public hearing on the recommended budget is required and citizens are encouraged to present written or oral comments. Adoption of the recommended budget is anticipated to occur on June 16, 2020.

**VERBAL ROLL CALL RESULT: BY A UNANIMOUS CONSENSUS, THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

#### **HR - CREATION OF ANIMAL SERVICES ENFORCEMENT POSITIONS**

Rhonda Lee, HR Director, presented information regarding the creation of Animal Services Enforcement positions as follows:

Upon the request of Sheriff Steve Whisenant that the responsibility of Burke County Animal Control be placed under the County Manager's Office, three (3) new full-time positions will need to be created. These positions will include one (1) Animal Services Enforcement Supervisor and two (2) Animal Services Enforcement Officers. The actual cost of these positions will be outlined in the County Manager's FY 20-21 recommended budget. To ensure a smooth transition from the Sheriff's Office to the Animal Services Department, it is requested that these positions be approved so they can be advertised and

May 5, 2020 (Special Pre-Agenda)

recruited so the selected candidates can begin employment on July 1, 2020. The actual cost of these positions will be outlined in the County Manager's FY 20-21 recommended budget.

Chairman Carswell opened the floor for questions and comments from the Board. Commissioner Taylor said as far as he knows, the Board has not voted to relieve the Sheriff's Office of animal control responsibilities and that he never received an answer to his question of how many counties have a department other than the sheriff operating animal control. Commissioner Taylor said the County Manager is more valuable in other areas and questioned if it was wise to burden him with Animal Enforcement. He expressed concern that this will create additional issues for the Chairman, Board of Commissioners, County Manager, and other personnel. He also wanted more information before voting on this item and asked what is the salary range for pay grades 19 and 22; and, will the Sheriff lose three (3) employees if three (3) new Animal Enforcement positions are created.

County Manager Steen explained that this is a vote on whether the Sheriff's Office will keep the current animal control positions and the related responsibilities or not and when he took over the operation of the Animal Services Center (ASC), the County underwent a very similar process. He further explained that: (1) this matter is under consideration now because of the amount of time it takes for recruitment and onboarding; (2) while the Sheriff's Office has four (4) animal control positions, only three (3) positions are requested which are less expensive than sworn law enforcement positions; (3) whether staff in the existing animal control positions are transferred to the Sheriff's Office is still being evaluated as part of the FY 20-21 budget; and, (4) the Sheriff has repeatedly asked to be relieved of animal control duties.

Chairman Carswell said the Sheriff has been adamant, almost to the point of raising his voice, about being relieved of animal control enforcement. The Board has received a multitude of complaints about the current Animal Control officers and if the County Manager can get his employees operating Animal Enforcement, then the complaints should be much less. Chairman Carswell also noted that there are six (6) or seven (7) vacancies in the Sheriff's Office and that the Sheriff can move the Animal Control Officers in as Deputy Sheriff's. He said the time is here for the Board to take charge of the ASC, including animal enforcement responsibilities.

Vice Chairman Mulwee concurred with Chairman Carswell and reiterated that the Sheriff has, on multiple occasions, expressed his desire to be relieved of animal control responsibilities. He agreed with Commissioner Taylor that the Board might get more direct complaints because they would be responsible for Animal Enforcement, but this way, they can control problems as they arise, because currently there is nothing the Board can do with animal control responsibilities under the Sheriff's Office. Discussion continued.

In response to a question from Commissioner Taylor, Ms. Lee reported the salary for pay grade 19 is \$33,661 – \$52,188 and pay grade 22 is \$38,970 - \$60,403. She also reported approximately 17 other counties have animal control under a different department other than the sheriff and discussion continued. Commissioner Taylor expressed his concern regarding adding additional employees and cost to the budget and said he does not see someone outside of the Sheriff's Office being able to have the authority and means to operate animal enforcement, especially in dangerous situations. Commissioner Taylor reiterated his concern that there was not enough information or meetings to make a decision on this request.

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Commissioner Brittain said he believes the Board is going down the right path concerning taking responsibility for the ASC and now enforcement responsibilities. Commissioner Taylor responded that Commissioner Brittain's opinion is groundless.

**VERBAL ROLL CALL RESULT: THE ITEM WAS MOVED TO THE NEXT MEETING ON MAY 19, 2020 AT 6:00 PM**

**YES:** Johnnie Carswell, Scott Mulwee, and Jeffrey C. Brittain

**NAYS:** Wayne F. Abele, Sr. and Maynard M. Taylor

**REPORTS – NONE.**

**OTHER DISCUSSION ITEMS**

Chairman Carswell announced the following events/dates:

- May 20<sup>th</sup> - The NCACC is going to attempt to hold a virtual County Assembly Day.
- May 22<sup>nd</sup> - Budget meeting scheduled for 2:00 p.m.
- May 25<sup>th</sup> - County offices will be closed in observance of Memorial Day.
- May 28<sup>th</sup> - Budget meeting scheduled for 2:00 p.m.

Today is Teacher and School Staff Appreciation Day and the State has asked citizens to show their appreciation by displaying a light in their window at 8:20 p.m. this evening.

**ADJOURN**

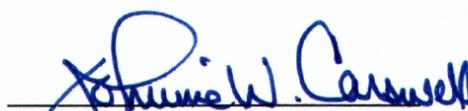
**Motion: To adjourn at 4:18 p.m.**

**RESULT: APPROVED [UNANIMOUS] BY A VERBAL ROLL CALL VOTE**

**MOVER:** Wayne F. Abele, Sr., Commissioner

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

Approved the 15<sup>th</sup> day of September 2020.

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

Attest:

  
 Kay Honeycutt Draughn, CMC, NCMCC  
 Clerk to the Board