NOTE: VARIATIONS IN TABLE BORDERS MAY OCCUR DURING THE CIVICCLERK/ADOBE AGENDA GENERATION PROCESS AND ARE NOT PRESENT IN THE ORIGINAL WORD DOCUMENT.

MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING

The Burke County Board of Commissioners held a regular meeting on Monday, December 15, 2025, at 6:00 p.m. in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E, in Morganton, North Carolina. The meeting was streamed live on the County's YouTube channel, BurkeCountyNC, and it was broadcast on the local cable systems. The agenda, in its entirety, was posted to the County's website, www.burkenc.org, several days prior to the meeting. Pursuant to Resolution No. 2024-17, adopted and effective on August 20, 2024, the Burke County Board of Commissioners conferred upon itself all the power, duties, and responsibilities of the Board of Health and the Social Services Board. Those present were:

COMMISSIONERS:	Jeffrey C. Brittain, Chairman Phil Smith, Vice Chairman Brian Barrier Randy Burns Mike Stroud
STAFF:	Brian Epley, County Manager Margaret Pierce, Finance Director/Deputy County Manager Destin Hall, Wilson, Lackey, Rohr & Hall P.C. (Late - arrived at 6:01 p.m.) Kay Honeycutt Draughn, Clerk to the Board

CALL TO ORDER
Chairman Brittain called the meeting to order at 6:00 p.m.

INVOCATION
Pastor David Bridges, First Apostolic Church of Morganton, delivered the invocation.

PLEDGE OF ALLEGIANCE
Destin Hall, County Attorney, led the Pledge of Allegiance to the American Flag.

ORGANIZATION OF THE BOARD

BOC - ELECTION OF CHAIRMAN FOR 2026
Information from the agenda packet: Pursuant to North Carolina General Statute 153A-39, it is the duty of the Board of Commissioners to elect a chairman for the ensuing year. In odd-numbered years, this occurs during the regular meeting.

Chairman Brittain opened the floor for nominations. Commissioner Stroud nominated Jeff Brittain for the position of Chairman. There being no other nominations, Commissioner Burns **MOVED** to close the floor for nominations.

Motion: To close the floor for nominations.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Randy Burns, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Motion: To elect Jeff Brittain as the Chairman of the Burke County Board of Commissioners for 2026.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Chairman Brittain briefly expressed his appreciation to the Board.

BOC - ELECTION OF VICE CHAIRMAN FOR 2026

Information from the agenda packet: Pursuant to North Carolina General Statute 153A-39, it is the duty of the Board of Commissioners to elect a Vice Chairman for the ensuing year. In odd-numbered years, this occurs during the regular meeting.

Chairman Brittain opened the floor for nominations. Commissioner Stroud nominated Phil Smith for the position of Vice Chairman. There being no other nominations, Commissioner Burns **MOVED** to close the floor for nominations.

Motion: To close the floor for nominations.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Randy Burns, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Motion: To elect Phil Smith as the Vice Chairman of the Burke County Board of Commissioners for 2026.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Vice Chairman Smith briefly expressed his appreciation to the Board and the citizens and shared his gratitude for the opportunity to serve.

APPROVAL OF AGENDA AS AMENDED

Motion: To approve the agenda as amended, with the addition of Appointments to the Dangerous Dog Appeal Board as Items for Decision No. 8.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Phil Smith, Vice Chairman

AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

APPROVAL OF MEETING MINUTES
Motion: To approve the minutes of the September 2, 2025, pre-agenda meeting as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian Barrier, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

PRESENTATIONS

ROD - DEPARTMENTAL UPDATE
Stephanie Norman, Register of Deeds, recognized her staff that were in the audience and presented a departmental update as follows:



Vital Records

- Vital Record Amendments have increased almost 53% over last fiscal year
  - Variables such as NC Real ID requirements, anti- identity theft security measures, increases in birth rates, especially immigration population birth rates, affect the volume of Amendments.
  - The complexity of the amendment dictates the amount of time it takes to process
- On average it takes up to an hour to complete the paperwork and up to 8-12 months of monitoring the progress of the status before being able to complete the amendment at the local level.



BURKECOUNTY

New Vital Records



We are processing a combined total of 2200-2300 (183-192/month) new births and deaths annually.

- New Births have increased 8.7%
- New Deaths have remained stable over last 5 fiscal years, but showed a 10.82% increase over last fiscal year

Birth and Death records take about 10-15 minutes on average per record from start to finish to file and issue.

- New Marriage License have increased almost 26% over last year.
- Marriage Licenses take 30-45 minutes on average per license from start to finish to file and issue.

BURKECOUNTY

Artificial Intelligence

- We are piloting Artificial Intelligence through our Land Records Management Software Vendor for both vital and land Records recording:
  - We launched "Courtney" on March 31, 2025
  - Purpose is to assist our office with indexing both vital and land records by pre-indexing both vital and land records upon recording
  - It does not replace any of the 5 steps of our quality assurance process, but it is supposed to help make it faster, especially if we are short staffed
  - Courtney is normally very efficient and accurate with indexing vital records. Vital record recordings are a huge, important part of our daily duties and with Courtney's assistance, it frees us up to work on our other daily tasks.
  - She isn't always accurate in indexing real estate.
    - Land records indexing is not always black and white.
    - She indexes incorrect names or does not indicate the capacity the person/entity is in (trustee, estate..etc..)
    - Names are left out or are put in incorrectly, at times she adds names that are no where listed in our documents.
    - These errors slow down our indexing process, where Courtney has been designed to do just the opposite.
  - We know that Courtney is in her early stages and will only get better as she learns and grows. We look forward to seeing what the future holds for her in our office.

BURKECOUNTY

Phone Networking Reporting

- We are providing more and more technical assistance to the public concerning vital and land records:
  - We started tracking our phone calls into the office and the amount of time we spend on those calls in February 2025.
  - On average, we receive almost 250 calls per month:
    - Deputy Register of Deeds spend on average at least 20 minutes per call with our customers.
    - Assistant Register of Deeds spend on average 1 hour 20 minutes per call with our customers due to the more complex nature of those calls.
    - This report **does not** take into account any outgoing calls we make to the public.

This may not seem like a lot, but once you factor in the time spend at the counter and the time spent processing documents, I think you can "see" how busy we are.

Passport Acceptance Facility



We became a Passport Acceptance Facility in February 2023:

- Passports have rapidly increased from FY 2022-2023
- We have an increase of 60.32% in processed application over FY 23-24 in FY 24-25.
- The same is true for Passport Photos. We had a 60.22% increase over FY 23-24 in FY 24-25.

BURKECOUNTY

Passport Inspection

- On 05-27-2025 we had our annual passport inspection:
- Inspector reviewed all our procedures to ensure proper protocol is being followed for the processing of passport applications.
- Statistics from the US Department of State read as follows:
  - Year 2023 - 293 passports successfully processed
  - Year 2024 - 625 passports successfully processed
  - Year 2025 - 1002 passports successfully processed

We only had 1.1% "In Real Life" in errors

BURKECOUNTY

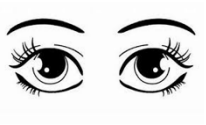
Document Fraud

It is the deliberate act of falsifying information on transactions such as deeds, mortgages, or appraisals for personal gain or to damage another individual

BURKECOUNTY

Would You Know It If You Saw It?

There are numerous types and scenarios of deed fraud and they are only limited by the creativity, abilities, and tactics of the fraudsters



BURKECOUNTY

Types of Fraud

Foreclosure Rescue

- Prey on those already behind on their mortgage payment(s) and proceedings have started for foreclosure
- Enacts a "temporary" title transfer to the rescue company
- Supposed to lease back the property to the original owners, but instead they sell it out from under them

Forging Homeowner's Name on a Quit Claim Deed or another Deed to a home.

- The deed is acknowledged and signed by a notary public (can be legitimate based on false identification or illegitimate).
- It is then recorded, which transfers the property to the scammer without the knowledge of the true homeowner.
- Often, they will take out a mortgage loan on the home and use the proceeds for their own use.
- No payments are made, and the home eventually gets foreclosed on.

Types of Fraud

Deed is signed under a power of attorney and recorded.

- The person with the alleged power of attorney will sign a deed on behalf of the grantor.
- The homeowner never actually signed a power of attorney giving authorization to act on their behalf and is not aware of the execution of a new deed.

A forged document is filed which steals a security interest from the true owner of the property.

- Additional documents are filed evidencing a fake foreclosure, then a fake foreclosure sale, and finally a fake purchase by a fake buyer.
- The fake buyer ends up appearing to have title by virtue of the foreclosure sale.



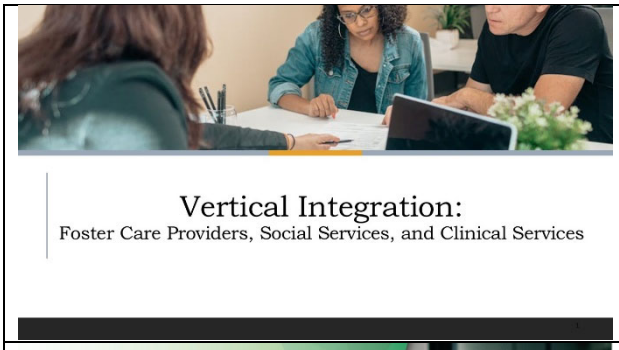
Chairman Brittain opened the floor for questions or comments. Ms. Norman responded to a clarifying question from Commissioner Burns. Chairman Brittain expressed appreciation to Ms. Norman and the Register of Deeds Department for their work. There being no further discussion, Chairman Brittain called for a motion.

Motion: To accept the report as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian Barrier, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

CM - SINGLE SOURCE FOSTER CARE SUPPORT PRESENTATION

Brian Epley, County Manager, explained that staff is evaluating the opportunity to solicit private proposals for organizations to enhance and support foster care licensing and support. Highlights of his presentation were as follows:

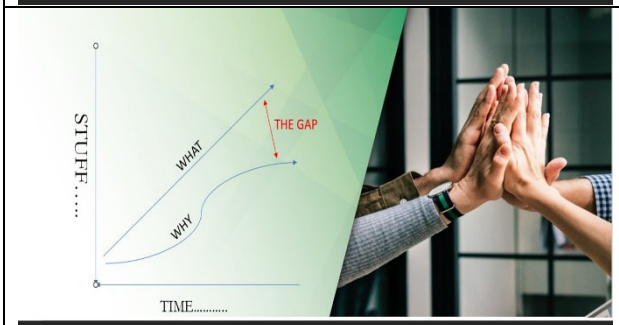


Vertical Integration:
Foster Care Providers, Social Services, and Clinical Services

Purpose & Values

Improving Lives in Burke County
SERVICE | SUPPORT | ENHANCEMENT

Empathy:	Teamwork:	Accountability:	Performance:	Growth:
We treat all people with fairness, respect, and kindness; we encourage diverse perspectives.	We prioritize shared goals and believe we can achieve more when we work together.	We can communicate openly and honestly with employees and stakeholders. We have integrity to do what is right.	We are focused on innovation, efficiency, and measured outcomes. We strive for a high-quality customer experience.	We support and invest in the advancement of our team and prioritize professional development.



Agenda

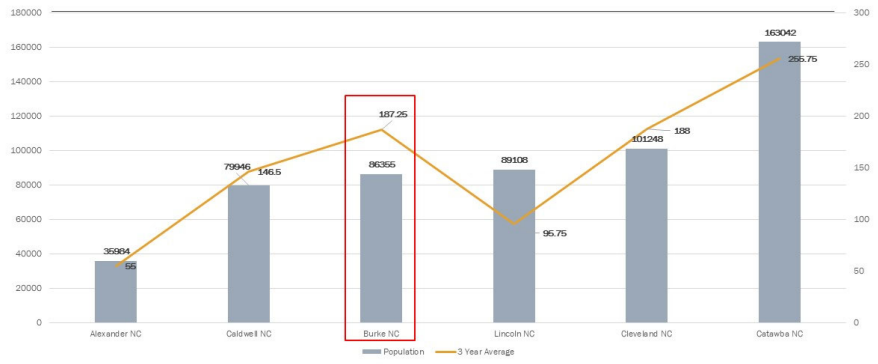
- Awareness
- Advocacy
- Action

Awareness.....

FOSTER CARE OVERVIEW

In Burke County, there is a pressing issue regarding foster care. The current number of children in need of foster homes greatly surpasses the available licensed homes. This imbalance highlights the urgent need for more foster parents to step in and provide stable environments for these vulnerable children, ensuring they receive the care and support necessary for their development.

County Population vs. 3 Year Average Foster Clients



Annual Rate of Investigations/ Assessments for Child Welfare (per 1,000 children)

Higher than state and federal rates (2025 Reaching for Excellence and Accountability in Practice (REAP) Q2 results)

NC	Burke
43.6	67.39
The federal rate was 41.7 in 2023	

Claims

Annual Rate of Child Victimization (per 1,000 children)

Higher than state and federal rates (2025 REAP Q2 results)

NC	Burke
10.7	17.38
The federal rate was 7.4 in 2023	

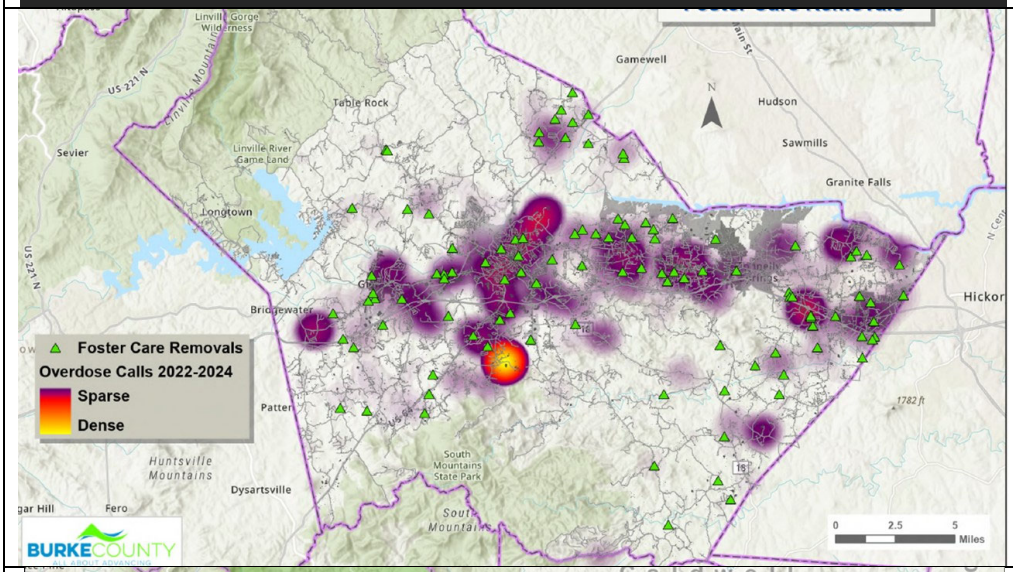
Claims substantiated

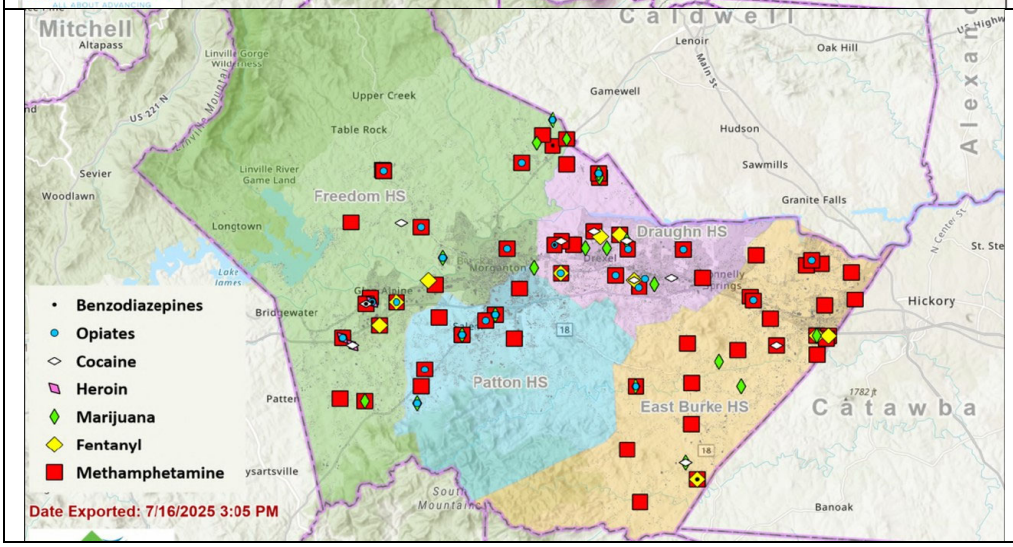
Annual Rate of Children in Foster Care

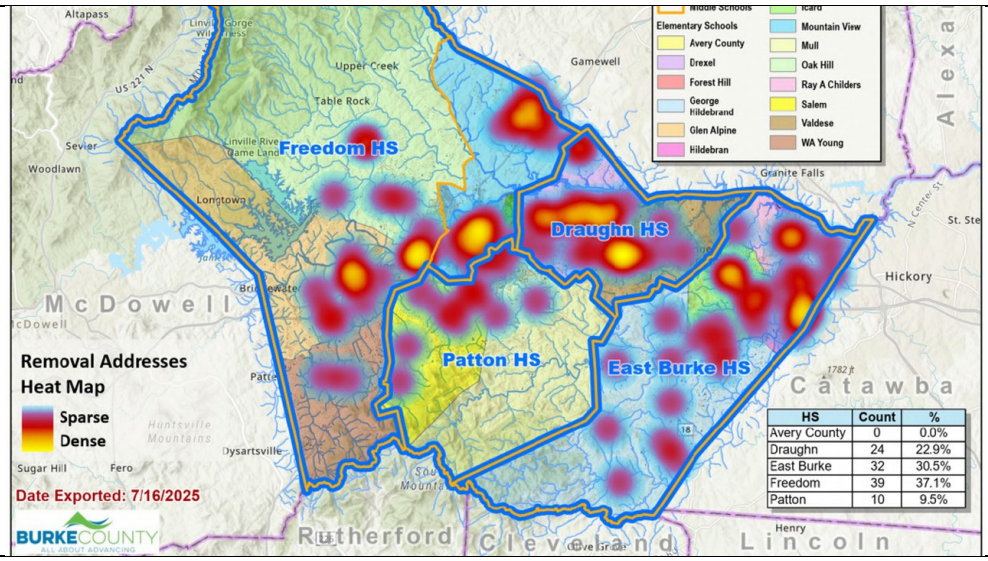
Higher than State, Region, and Similar-Sized Counties (Calendar Year 2024)

Burke	State	Medium Counties	Judicial Region
13.5%	6%	7.2%	9.8%

Children taken into care







Maltreatment While in Foster Care

Better than National Standard, State, and Similar-Sized Counties (2024 Calendar Year)

National	Burke	State	Medium Counties	Judicial Region
8.5%	2.96%	3.07%	3.7%	1%

Treatment in care

Total Length of Time in Custody

Longer than National Standard, State, and Similar-Sized Counties (FY23–24)

% of youth in care after # of days	Burke %	State %	Medium Counties	Judicial Region
90	97.3 %	90%	89%	98.3%
180	91.9 %	83%	82%	94.9%
360	86.5 %	69%	65%	88.7%
450	68.6 %	59%	54%	78.7%
540	68.6 %	52%	47%	69.4%

Delays in court proceedings, lack of available placements, and turnover can negatively impact these outcomes.

Days in care

Percent of Permanency within 12, 23, and 24+ Months of Children Entering Foster Care

Lower than National Standard, State, Region, and Similar-Sized Counties (FY23–24)

# of months	National	Burke	State	Medium Counties	Judicial Region
Within 12	40.5%	13.89%	27.18%	29.5%	13%
12-23	43.6%	34.62%	38.73%	43.1%	42.9%
24+	30.3%	28.3%	35.37%	34.8%	32.5%

Delays in court proceedings, limited placement availability, and high turnover can negatively impact these outcomes.

Timeline to permanency

Child Welfare Data Snapshot

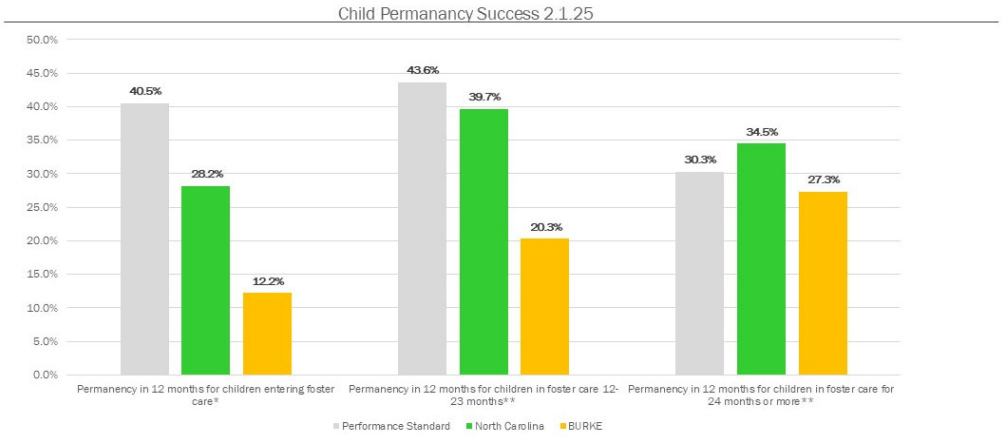
BURKE COUNTY, NORTH CAROLINA
FOSTER CARE ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2025

Total Children in Care: 184

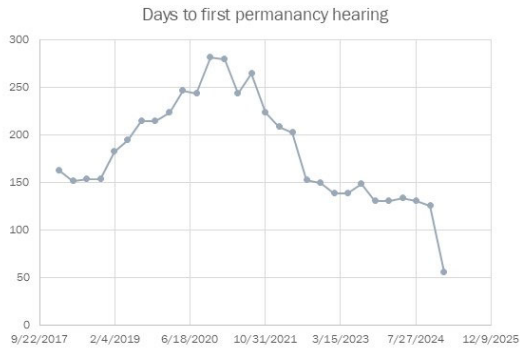
	Number of Children	% of Placement Type	Average Number of Days in Placement	Average Age of Child	% IV-E Eligible
Therapeutic Foster Home	25	14%	1,187	10	44%
Unlicensed Kinship Placement	50	27%	456	6	84%
Level III Group Home	5	3%	2,151	14	0%
Unleveled Group Home	12	7%	1,187	13	0%
IAFT	5	3%	1,616	12	20%
Total in PRTF	6	3%	2,093	12	0%
Licensed Family Foster	60	33%	975	6	75%
DSS Displaced	1	1%	909	14	0%
Other	20	11%	1,108	12	40%
Total	184		1,298	$ 11	29%

PRESENTATION TITLE 12

Child Welfare Data Snapshot



Child Welfare Data Snapshot





Building the Team…

SPARC Services & Programs

FAMILY CENTERED TREATMENT®

Family Centered Treatment® (FCT)

NC Guardian ad Litem - Burke

A Caring Alternative

HIGH COUNTRY community health

Pastor Leadership Group

ONE MORE ONE LESS

Meg's Place

RFQ Summary: Integrated Foster Care Support & Clinical Services

•Burke County DSS is seeking 1–2 qualified single-source providers to partner in improving foster care and family reunification outcomes.

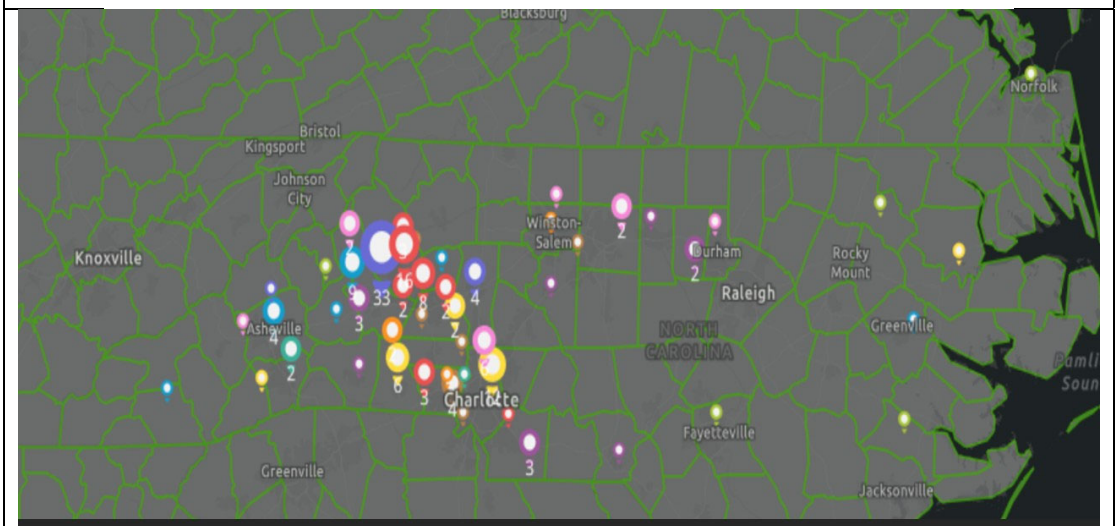
•Selected provider(s) will deliver foster parent recruitment, training, licensing, and ongoing support, along with clinical assessments and reunification-focused services for children and families.

•This coordinated approach aims to:

1. Increase the number of licensed foster parents in Burke County
2. Expand timely access to high-quality assessments and family services
3. Improve safety, timeliness and success of reunifications
4. Reduce time to permanency and lower the number of children in care

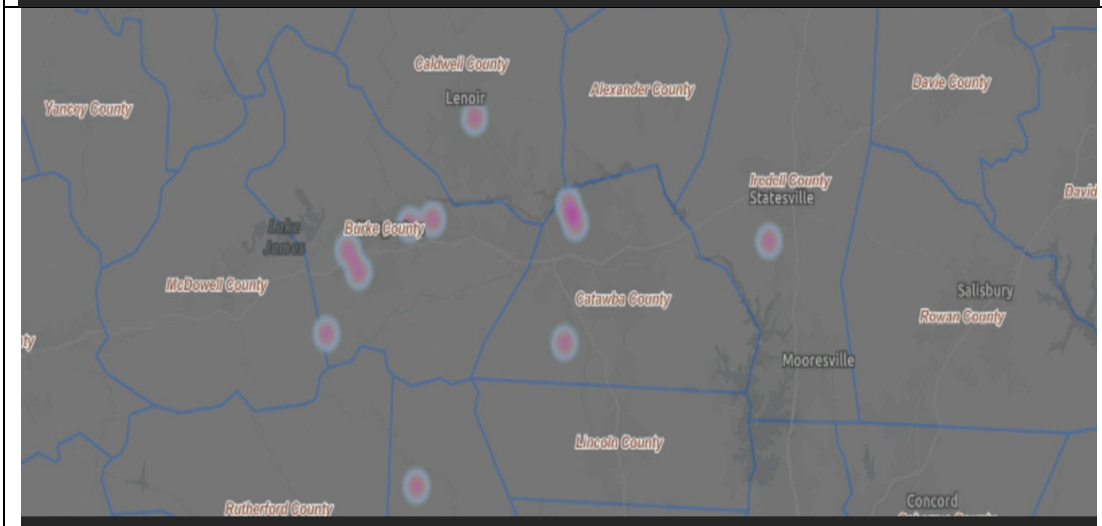
Foster Care Placement Options

- Publicly Licensed
  - Burke County trains, licenses, and manages
- Privately Licensed
  - Separate organization trains, licenses, and managed
- Unlicensed Kinship
  - Family members who do not have a foster care license

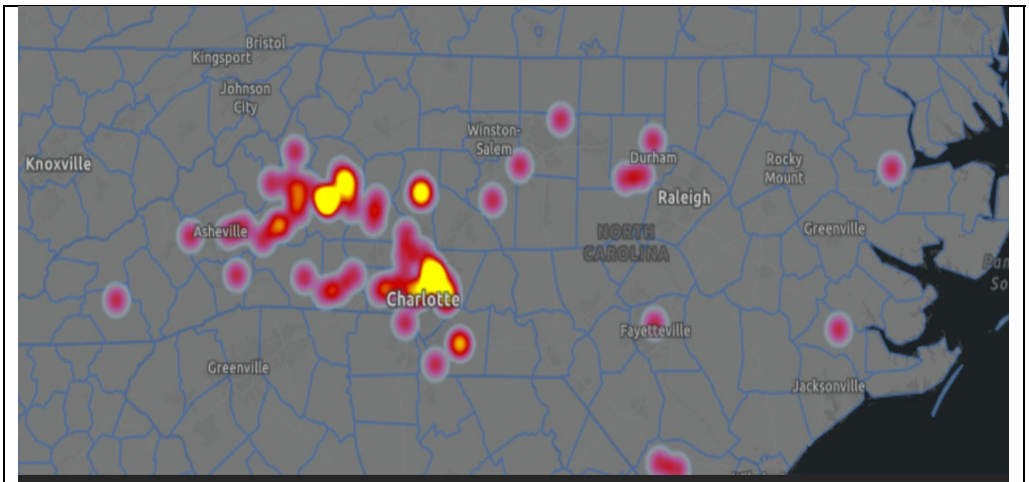


All Children by Location

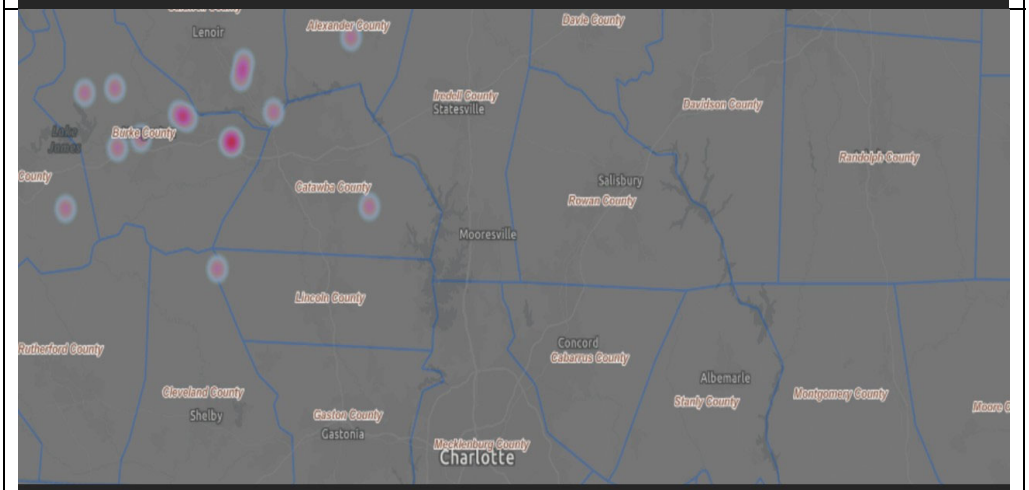
Children out of NC: 3



Licensed Through Burke County DSS



Private Agency Placement



Unlicensed Kinship Placements

Single Sources RFQ Purpose

RFQ OVERVIEW

- **Currently the Burke County Department of Social Services (DSS) pays multiple providers for services on a fee for service basis**
- **Services must be provided to children and families involved with the child welfare system to meet federal and state requirements**
- **Sometimes services may not be readily available and/or have wait lists, or are not available locally requiring children and families to travel outside of the county**
- **To remedy these challenges, Burke County is partnering with Health Management Associates (HMA) to identify the most recurring services utilized by DSS for child welfare and a more efficient process to provide them**

22 HMA



- Assess any opportunities to improve more onsite and readily available services that can be provided locally that will further prevention efforts to reduce maltreatment of child abuse and neglect and expedite children in foster care in finding their forever home
- Identify the amount spent on these services and develop a Request for Qualifications (RFQ) from experienced providers and provider networks capable of delivering a broad array of evidence-based clinical, therapeutic, and supportive services to children, youth, and families involved with child welfare.
- Services will include prevention, intervention, family support, foster care support, and reunification support

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RFQ OVERVIEW

Types of Services Sought

- Comprehensive Clinical Assessments (CCA)
- Substance Use Assessments (list the type of assessment your providers have experience or training to administer, including SUD-specific tools)
- Drug Screening (list the type(s): urine, hair, oral, sweat patch, instant and lab-based)
- Substance Use Disorder and Opioid Use Disorder Treatment (outpatient, intensive outpatient, medication-assisted treatment, peer support, harm reduction, etc.)
- Parenting Education
- Parenting Capacity Evaluations/Screenings

RFQ OVERVIEW

Types of Services Sought

- Individual, Family, and Group Counseling (list all the modality types utilized, including evidence-based/informed, or promising practice models)
- Domestic Violence/Intimate Partner Violence Assessments and Interventions (including perpetrator interventions)
- Intensive In-Home Services (e.g. Multisystemic Therapy, Functional Family Therapy, Parent-Child Interaction Therapy (In-home Adaption), High Fidelity Wraparound)
- Medication Management (psychiatric)
- Assertive Community Treatment (ACT) or ACT-like services
- Forensic Child Medical Examinations (CME) / Sexual Assault Nurse Examiner (SANE) services for children
- Foster Parent Recruitment, Training (including MAPP/GPS, TIPS-MAPP, Deciding Together, Caring for Children Who Have Experienced Trauma), Licensing, and Retention Support
- Partnerships with faith-based organizations who help with local recruitment of foster homes
- Other value-added or best-in-practice services not listed above that the applicant offers that would benefit Burke County children and families (e.g., trauma-focused interventions, evidence based/informed interventions, social drivers of health services)

RFQ OVERVIEW

GOALS

Establish pre-qualified providers/vendors who can rapidly respond to referrals and help child welfare meet federal and state measures related to safety, permanency, and well-being for children and families

Increase the number of available licensed foster homes in Burke County

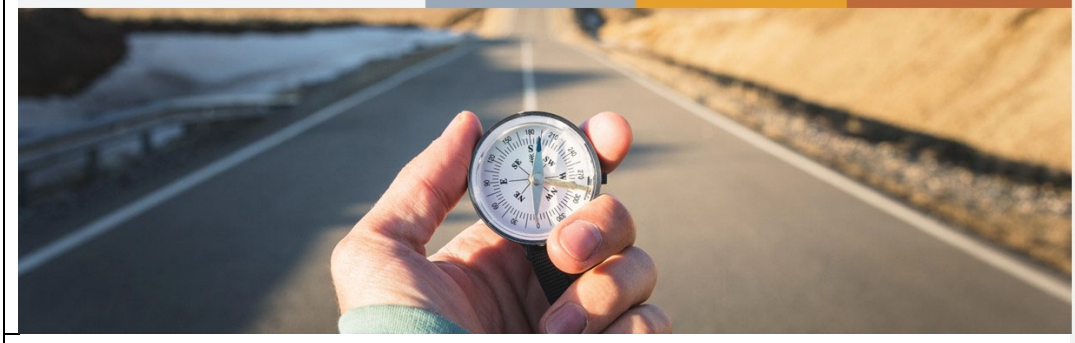
Ensure localized and timely access to readily available assessment/screening and services and avoid wait lists

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RFQ OVERVIEW

GOALS

Ability to provide services onsite and/or within Burke County	Improved Federal and State Outcomes (Recidivism, Foster Care Stability, Time to Permanency)	Budget neutrality or cost savings at or below the current expenditures assess opportunities to blend and braid funding streams maximize Medicaid reimbursement (so that county dollars are the payor of last resort)



27

RFQ OVERVIEW

HMA

Where we are now….

Public Foster Care Recruitment and Licensing

- Public DSS foster care offers direct state oversight but limited resources.
- Families are licensed directly through their local Department of Social Services (DSS), which operates under the NC Division of Social Services.
- All foster parents must complete the state-mandated TIPS-MAPP training (30 hours) regardless of whether they go through DSS or a private agency.
- DSS manages placements for children in state custody and typically prioritizes reunification with birth families.
- DSS provides case management, but resources can be limited due to high caseloads and budget constraints.
- No agency fees for families; DSS handles licensing and support directly.
- Few staff dedicated to supporting foster families and to recruit and train.
- Competes with the private sector who pays higher foster parent payment rates.

RFQ OVERVIEW

Foster Care Benefits

Private Foster Care Recruitment and Licensing

- Private agencies provide more flexibility, specialized care, and support.
- They have more staff who are readily available to help with recruitment, training, and licensing
- Private agencies are approved by the state to license foster families and often specialize and provide additional "enhanced" services and wrap around supports that counties typically do not offer (e.g., therapeutic services for behavioral or mental health needs).
- Agencies often provide additional training beyond TIPS-MAPP, plus more individualized support, respite care, and sometimes higher stipends for specialized placements (e.g., they pay families more than counties do which often causes counties to lose foster parents to private agencies due to increased payment rate and more supportive services).
- Can often bill Medicaid to avoid a county from paying county dollars where the county supplements payment versus being the primary payor,
- Private agencies can tailor services to specific populations (e.g., teens, sibling groups).
- Typically have more flexibility and capacity for recruitment, training, and ongoing family support compared to DSS.

RFQ OVERVIEW



Commissioner Barrier expressed appreciation for staff's willingness to explore new approaches to foster care, noting that the number of children experiencing foster care has consistently ranged between 170 and 200 in recent years. He acknowledged the trauma foster care can present for both children and parents and commended the County Manager, staff, and Social Services for thinking beyond traditional methods to better support families. Commissioner Stroud added that it is important for the community to understand the County's strong commitment to foster children and emphasized the need for broader community involvement, particularly from local churches. He encouraged collective action, noting that while not everyone can serve as a foster parent, individuals and churches can provide meaningful support in various ways. There being no further discussion, Chairman Brittain called for a motion.

Motion: To accept the report and authorize the County Manager to move forward with the RFQ process.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Randy Burns, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

SCHEDULED PUBLIC HEARINGS – NONE

INFORMAL PUBLIC COMMENTS

Chairman Brittain opened the floor for informal public comments.

John Hoyle, 5050 Albert William Road, Connely Springs, addressed the Board regarding concerns about operations and logistics at the Icard convenience site. He described an interaction with a site employee that he perceived as disrespectful and stated that he subsequently attempted to contact the County Manager and the Clerk to discuss the matter, but did not receive return calls. Mr. Hoyle emphasized that his comments were not intended as a personal attack but expressed concern about communication and responsiveness. He also raised safety and design concerns regarding the layout of the Icard convenience site, describing it as congested and inefficient, and noting that its configuration creates traffic flow challenges and potential conflicts among patrons. Mr. Hoyle concluded by reiterating his respect for the Board and expressing that the matter could have been resolved privately with improved communication. (Note: After an exhaustive internal search of telephone and voicemail records, no evidence of Mr. Hoyle's alleged call to the Clerk's office was found.)

Doreen Erb, Morganton resident, addressed the Board to advocate for stronger animal welfare protection in Burke County. She shared concerns about ongoing issues such as animal abandonment, neglect, lack of identification, and unspayed or unneutered pets, citing recent local examples involving stray and pregnant dogs that required rescue assistance. Ms. Erb noted the financial and resource strain placed on shelters, rescues, and volunteers who provide care and medical treatment for abandoned animals. She encouraged the Board to consider stricter animal welfare laws with prompt enforcement and a zero-tolerance approach. Her recommendations included criminal penalties for abuse and neglect; requirements for adequate food, water, shelter, medical care, vaccinations, and identification tags; measures to prevent animals from roaming unsupervised; penalties for abandonment; mandatory spay/neuter requirements; and providing adopters with clear information about applicable animal regulations.

There being no one else present to address the Board, Chairman Brittain closed this portion of the meeting.

CONSENT AGENDA

Upon request of Chairman Brittain, County Manager Epley reviewed the following 10 items on the consent agenda, which were approved by a single motion.

BOC - CONSIDERATION OF THE 2026 RULES OF PROCEDURE

It is the Board's practice to review, amend as needed, and adopt its Rules of Procedures (ROP) on an annual basis. The DRAFT 2026 ROP is largely based on the 4th Edition, 2017, Suggested Rules of Procedure for the Board of County Commissioners, which was published by the SOG (School of Government) and authored by Trey Allen. The 2026 Rules of Procedure are hereby incorporated into the meeting minutes by reference.

Motion: To adopt the 2026 Rules of Procedure for the Burke Co. Board of Commissioners as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

BOC - ADOPTION OF A RESOLUTION ESTABLISHING THE 2026 MEETING SCHEDULE

In accordance with N.C.G.S. § 153A-40, the following resolution sets the Board's meeting schedule for 2026.

Motion: To adopt Resolution No. 2025-34 as presented.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Resolution No. 2025-34 reads as follows:

BURKE COUNTY
NORTH CAROLINA

RESOLUTION
ESTABLISHING THE REGULAR MEETING SCHEDULE
BURKE COUNTY BOARD OF COMMISSIONERS FOR CALENDAR YEAR 2026

WHEREAS, the Burke County Board of Commissioners' pre-agenda meetings are held on the first (1st) Monday of each month at 3:00 p.m. in the County Board Room (Commissioners' Meeting Room), Burke County Services Building in Morganton, N.C., except in the months of July and August; and

WHEREAS, to allow the county's professional staff and elected officials to take family vacations and / or attend continuing education classes, pre-agenda meetings are not held in the months of July and August; and

WHEREAS, North Carolina General Statute 153A-39 requires that the Board hold an organizational meeting on the first (1st) Monday in December for each even-numbered year. As such, an organizational meeting will be held on Monday, December 7, 2026, at 2:00 p.m. in the County Board Room (Commissioners' Meeting Room); and

WHEREAS, a reception for newly elected officials will be held on Monday, December 7, 2026, at 2:30 p.m. in the County Board Room (Commissioners' Meeting Room) and the December pre-agenda meeting will be held at 3:00 p.m. or immediately following the conclusion of the reception; and

WHEREAS, the regular meetings of the Board of Commissioners are held on the third (3rd) Monday of each month, excluding federal holidays, at 6:00 p.m. in the County Board Room (Commissioners' Meeting Room), Burke County Services Building; and

WHEREAS, a budget / planning retreat will be held at 9:00 a.m. on March 5 and 6, 2026, at Western Piedmont Community College, Helmick Conference Room, 1001 Burkemont Avenue in Morganton; and

WHEREAS, the Board may attend the following conferences / gatherings and desires to give the public ample notice:

- NCACC Annual Conference in Durham County at the Durham Convention Center, August

19-22, 2026.

NOW, THEREFORE, BE IT RESOLVED, the Burke County Board of Commissioners, pursuant to North Carolina General Statute 153A-40(a), does hereby:

(1) Establish the Board's regular pre-agenda meetings at 3:00 p.m. in the County Board Room (Commissioners' Meeting Room) on the following dates:

January 5, 2026	July - N.A.
February 2, 2026	August - N.A.
March 2, 2026	September 8, 2026*
April 6, 2026	October 5, 2026
May 4, 2026	November 2, 2026
June 1, 2026	December 7, 2026

*Tuesday

(2) Establish the Board's regular meetings at 6:00 p.m. in the County Board Room (Commissioners' Meeting Room) on the following dates:

January 20, 2026*	July 20, 2026
February 16, 2026	August 17, 2026
March 16, 2026	September 21, 2026
April 20, 2026	October 19, 2026
May 18, 2026	November 16, 2026
June 15, 2026	December 21, 2026

*Tuesday

(3) Establishes the following workshop meetings:

March 5, 2026	9:00 a.m.	WPCC, 1001 Burkemont Ave., Morganton
March 6 2026	9:00 a.m.	WPCC, 1001 Burkemont Ave., Morganton

(4) Establishes an organizational meeting on Monday, December 7, 2026, at 2:00 p.m., in the County Board Room (Commissioners' Meeting Room), Burke Services Building, 110 N. Green Street, Morganton; and

BE IT FURTHER RESOLVED that any recessed, special or emergency meeting will be held as needed with proper notice as required by North Carolina General Statute 153A- 40.

Adopted this 15th day of December 2025.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

Attest:
/s/: Kay Honeycutt Draughn

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

BOC - ADOPTION OF A RESOLUTION ESTABLISHING THE BOH 2026 MEETING SCHEDULE

The following resolution establishes the 2026 meeting schedule for the Board of Commissioners acting as the Board of Health.

Motion: To adopt Resolution No. 2025-38.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Resolution No. 2025-38 reads as follows:

BURKE COUNTY
NORTH CAROLINA

ESTABLISHING THE 2026 MEETING SCHEDULE FOR THE
BURKE COUNTY BOARD OF COMMISSIONERS
ACTING AS THE BURKE COUNTY BOARD OF HEALTH

WHEREAS, under N.C. General Statute 153A-77(a), the Board of Commissioners may assume and exercise the powers and duties of the local Board of Health; and

WHEREAS, pursuant to Resolution No. 2024-17, adopted and effective on August 20, 2024, the Burke County Board of Commissioners conferred upon itself all the powers, duties, and responsibilities of the Board of Health and the Social Services Board; and

WHEREAS, under N.C. General Statute 130A-35, a local Board of Health is required to meet at least quarterly to carry out statutory responsibilities relating to public health policy-making, rule-making, and oversight of local public health operations; and

WHEREAS, the Burke County Board of Commissioners fulfills this quarterly meeting requirement—when acting as the Board of Health—through the receipt and review of quarterly reports from the Burke County Health Director, presented during duly noticed meetings of the Board of Commissioners; and

WHEREAS, the Board of Commissioners, acting as the Board of Health, desires to establish its annual meeting schedule for Calendar Year 2026 in order to maintain transparency, accuracy in public notice, and compliance with North Carolina law;

NOW, THEREFORE, BE IT RESOLVED that the Burke County Board of Commissioners, acting in its capacity as the Burke County Board of Health, does hereby establish the following meeting schedule for Calendar Year 2026:

Monday, July 27, 2026, at 3:00 p.m.

County Board Room (Commissioners' Meeting Room)
110 N. Green Street, Morganton, North Carolina.

At this meeting, the Board shall receive a comprehensive annual report from the Health Director and conduct public-health business authorized under Chapter 130A of the North Carolina General Statutes; and

BE IT FURTHER RESOLVED that any additional meetings of the Board of Commissioners acting as the Board of Health, including special, recessed, or emergency meetings, shall be scheduled and noticed as required under N.C. General Statutes 130A-35 and 143-318.12.

Adopted this 15th day of December 2025.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

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

BOC - 2026 COMMISSION APPOINTMENTS

There are numerous boards or committees that Commission members are appointed to serve on. Consideration of work schedules and prior commitments should be taken into consideration when making the appointments.

Authority, Board or Commission	2025 Appointee	2026 Appointee
America 250 NC Committee	Stroud	Stroud
Burke Development Inc.		
Burke Co. BOC Chairman* (Designee)	Brittain	
Burke Co. Manager*	Epley	Epley
Burke County Cooperative Water Board	Burns	Burns
Child Protection Child Fatality Prevention Team	Barrier	Barrier
EMS Peer Review Committee	Burns	Burns
Foothills Regional Airport Authority	Burns	Burns
Juvenile Crime Prevention Council	Smith	Smith
JCPC Oversight "Governance" Committee	Smith	Smith
Library Board of Trustees	Barrier	Stroud
Local Emergency Planning Committee	Stroud	Stroud
Opioid Advisory Committee	Brittain	Brittain
Partners Health Management	Brittain	Brittain
Public Health Advisory Board	Smith	Smith
Recreation Commission	Stroud	Stroud
Smart Start (Burke Partnership for Children)	Barrier	Barrier
Social Services Advisory Board	Barrier	Barrier
Tourism Development Authority	Smith	Smith

Transportation Advisory Committee	Stroud	Stroud
Transportation Coordinating Committee	Planning Dir.	Glines
VEDIC* Term – Until Further Notice	Stroud	Barrier
VEDIC* Term – Until Further Notice	Burns	Burns
WPCOG - Policy Board: Alternate	Brittain	Brittain
WPCOG - Policy Board: Delegate	Burns	Burns

*Based on BDI bylaws.

Motion: To approve the slate of Commission appointments for 2026 as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

CLERK - APPOINTMENTS OR REAPPOINTMENTS TO THE TOURISM DEVELOPMENT AUTHORITY

The terms of appointment for the following members of the Tourism Development Authority ended on December 31st:

- Debra Perry (Collector of Occupancy Tax)
- Rob Winkler (City of Morganton)
- Morrissa Angi (Town of Valdese)
- Dana Whisnant (Travel / Tourism at-large)
- Mike Watts (Travel / Tourism at-large)

The terms are for two (2) years, ending December 31, 2027.

Reappointment of all the existing members was requested except for Rob Winkler. Makenzie McGinnis is Morganton's recommended appointee.

Motion: To remove Rob Winkler's name from the official roster and thank him for his service to the community. To reappoint Debra Perry to Seat No. 1 (Collector of Occupancy Tax), Morrissa Angi to Seat No. 3 (Town of Valdese), Dana Whisnant to Seat No. 4 (Travel / Tourism at-large), and Mike Watts to Seat No. 7 (Travel / Tourism at-large) on the Tourism Development Authority for 2-year terms ending December 31, 2027. To appoint Makenzie McGinnis to Seat No. 2 (City of Morganton) on the TDA for a 2-year term ending December 31, 2027.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

CLERK - RESOLUTION TO ACCEPT DONATION OF DESK CUBICLES FROM WPCOG

The Western Piedmont Council of Governments (WPCOG) has surplused 10 sets of desk cubicles, each measuring approximately 74 inches in height by 48 inches in width. These cubicles were originally purchased by the Western Piedmont Workforce Development Board using Workforce Investment Act funds. The items have been properly removed from WPCOG's asset inventory in accordance with its disposition policy and the surplus action has been approved by Executive Director Anthony Starr.

The adoption of a resolution was requested to formally accept the donation of the cubicles pursuant to N.C.G.S. § 160A-274, which authorizes counties to acquire personal property by gift and requires such actions to be exercised by resolution of the Board of Commissioners. Once accepted, the cubicles will be utilized by various departments as needed.

Motion: To adopt Resolution No. 2025-36.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Resolution No. 2025-36 reads as follows:

BURKE COUNTY
NORTH CAROLINA

RESOLUTION APPROVING CONVEYANCE OF PROPERTY TO
ANOTHER UNIT OF GOVERNMENT IN NORTH CAROLINA
PURSUANT TO N.C.G.S. § 160A-274

WHEREAS, the Western Piedmont Council of Governments (WPCOG) has offered to convey 10 sets of desk cubicles to Burke County; and

WHEREAS, the cubicles are in sections, each measuring approximately 74 inches in height by 48 inches in width, and were originally purchased by the Western Piedmont Workforce Development Board with Workforce Investment Act (WIA) funds; and

WHEREAS, the Western Piedmont Workforce Development Board surplused these cubicles from its asset inventory list in accordance with WPCOG's disposition policy, with approval by Executive Director Anthony Starr, making them eligible for conveyance to another governmental unit; and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the Burke County Board of Commissioners finds that acceptance of this conveyance serves a valid public purpose, provides useful furnishings for County operations, and is in the best interest of Burke County.

THEREFORE, THE BURKE COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. ACCEPTANCE OF CONVEYANCE - The County of Burke hereby accepts the conveyance of 10 sets of desk cubicles, each approximately 74 inches high by 48 inches wide, from the Western Piedmont Council of Governments for no consideration and for public use.
2. ASSIGNMENT OF PROPERTY -Upon receipt, the cubicles shall be assigned for use by Burke County departments, with initial placement designated for the Tax and Emergency Medical Services (EMS) offices or other departments as operational needs require.

3. AUTHORIZATION TO ACT -The Chairman of the Burke County Board of Commissioners and the County Manager are authorized to execute all documents and take any actions necessary to carry out the intent of this Resolution.

4. EFFECTIVE DATE - The acceptance and conveyance authorized herein shall occur upon adoption of this Resolution.

Adopted this 15th day of December 2025.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

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

CM - BUDGET AMENDMENT NO. 6 - $136,000
Budget Amendment No. 6 recognizes $116,000 in adoption promotion funding from the NC Department of Health and Human Services and a $20,000 grant from the NC Department of Military and Veterans Affairs. The DHHS adoption funds will support advertising and printing needs, storage for the NACAC Adoption Conference, TPR work for a contract attorney, supplies, and MAPP classes. The DMVA grant will support Veterans Services through wellness activities, community outreach, and educational opportunities.

Motion: To adopt Budget Amendment No. 6 for $136,000 as presented.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Budget Amendment No. 6 reads as follows:

BUDGET AMENDMENT NO. 6
FY 25-26

BUDGET AMENDMENT NO. 6			
REVENUES AND EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
REVENUES			
100-52000-01-434615-	SPECIAL ADOPTION FUNDS	$116,000	
100-54000-01-433000	NC DMVA GRANT	$20,000	
EXPENSES			
100-52060-20-561500-	SPECIAL ADOPTION FUNDS	$116,000	
100-54000-20-586001-	GRANT EXPENDITURES	$20,000	

Purpose: To appropriate DHHS funding received to support adoption-related expenses, including advertising and printing, storage NACAC adoption conference, TPR work for contract attorney, supplies, and MAPP classes. Further, to allocate grant funding received, which will facilitate the expansion of veterans' wellness, community outreach, and educational initiatives.			
A copy of these amendments shall be furnished to the Budget Officer and the Finance Officer of the County to be kept on file for direction in the disbursement of funds.			

Adopted this 15th day of December 2025.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

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

CM - BUDGET AMENDMENT NO. 7 - $205,400

This is a request for the approval of Budget Amendment No. 7, recognizing funds transferred from capital reserve to cover the replacement of a fire marshal vehicle due to engine failure, animal services vehicle funds to cover the replacement due to a vehicle accident, and additional funds for unanticipated capital repairs for EMS. This amendment will also correct clerical errors in the approved Schedule of Fees for the Residential Dwelling Fee ($92 to $94) and the Municipal per-gallon rate ($5.00 to $5.50).

Motion: To adopt Budget Amendment No. 7 as presented.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Budget Amendment No. 7 reads as follows:

BUDGET AMENDMENT NO. 7
FY 25-26

BUDGET AMENDMENT NO. 7			
REVENUES AND EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
REVENUES			
100-00000-11-439410-	TRANSFER FROM FUND 410	$168,000	
100-00000-00-438000-	MISC REVENUE-INSURANCE	$37,400	
EXPENSES			
100-46501-10-574005-	VEHICLES	$80,000	

100-46503-10-574005-	VEHICLES	$70,000	
100-46200-10-574005-	VEHICLES	$55,400	
410-00000-55-595100-	TRANSFER TO GENERAL FUND	$168,000	
410-00000-05-599999-	BUDGET SET ASIDE		$168,000
Purpose: To recognize transfers from capital reserve to replace a fire marshal vehicle with engine failure, an animal services vehicle damaged in an accident, and to fund unexpected EMS capital repairs. Further, to correct clerical errors in the Schedule of Fees by adjusting the Residential Dwelling Fee and the municipal per-gallon rate.			
A copy of these amendments shall be furnished to the Budget Officer and the Finance Officer of the County to be kept on file for direction in the disbursement of funds.			

Adopted this 15th day of December 2025.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

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

CM - AUTHORIZATION TO SELL SURPLUS PROPERTY ON GOVDEALS
County staff have identified certain real property as surplus and no longer needed for county operations. Under North Carolina law, counties may dispose of surplus property through public auction, including electronic auctions, pursuant to N.C.G.S. § 160A-270. GovDeals is an online marketplace specifically for government agencies, educational institutions, and related public-sector entities to sell surplus assets "as is, where is" using a competitive and transparent auction format and has been successfully used by the County for prior surplus sales. Staff respectfully requested that the Board of Commissioners authorize the County Manager to sell designated surplus real property through the GovDeals online auction platform.

Motion: To adopt Resolution No. 2025-33 as presented.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Resolution No. 2025-33 reads as follows:

BURKE COUNTY
NORTH CAROLINA

RESOLUTION AUTHORIZING SALE OF REAL PROPERTY
BY ELECTRONIC PUBLIC AUCTION

WHEREAS, North Carolina General Statute § 153A-176 permits a County to dispose of any real or personal property belonging to it according to the procedures prescribed in Chapter 160A, Article 12; and

WHEREAS, North Carolina General Statute § 160A-270 authorizes a County to sell real property at public auction, including electronic public auction, upon adoption of an authorizing resolution; and

WHEREAS, it is the desire of the Burke County Board of Commissioners to utilize the services of GovDeals to perform an electronic public auction for the sale of certain surplus real property.

NOW THEREFORE, BE IT RESOLVED by the Burke County Board of Commissioners as follows:

1. Burke County no longer has need for the following parcels of real property and declares the same to be surplus;

REID#	Address	Desc. of Property
23217	9737 Lakeview Drive, Hickory, NC	0.38 acres
16893	1716 Laurel Drive, Morganton, NC	0.20 acres
37261	West View Trail, Hickory, NC	0.45 acres
38040	Kirksey Drive, Morganton, NC	1.01 acres
38041	Kirksey Drive, Morganton, NC	1.47 acres
20313	2668 Pine Mountain Drive, Connelly Springs, NC	0.06 acres
9797	2664 Pine Mountain Drive, Connelly Springs, NC	0.06 acres
12638	Rockyford Street, Morganton, NC	0.92 acres
29737	Old NC 18, Connelly Springs, NC	1.32 acres
32899	3095 Music Mountain Road, Morganton, NC	0.63 acres
34337	Mallard Road, Connelly Springs, NC	0.57 acres
44993	37TH Street SW, Hickory, NC	0.14 acres

2. The Burke County Board of Commissioners hereby authorizes the sale of the above-described real property by public electronic auction services at www.govdeals.com;
3. The Burke County Board of Commissioners hereby authorizes, pursuant to North Carolina General Statute § 160A-270(c), the Notice of Auction of the above-described real property solely by electronic means;
4. The above-described real property shall be listed on www.govdeals.com for a period of not less than thirty (30) days during the electronic public auction, as required for the sale of real property.
5. Following the completion of the thirty (30)-day electronic auction period, the record of bids, if above the minimum bid, shall be reported to the Burke County Board of Commissioners for consideration at a duly scheduled meeting.
6. The Board of Commissioners will decide to accept or reject the highest responsible bid for each property within 30 days after bids are reported at the above-prescribed meeting;
7. Burke County reserves the right to reject any and all bids and to withdraw any listed parcel from the auction at any time before the auction begins;

8. To be responsible, a bid deposit of 5% of the amount of the bid must be paid within five (5) business days after the close of the auction. The deposit of the bidder to whom the award is made will be held until the sale of the property is closed; if that bidder refuses at any time to close the sale, the deposit will be forfeited to the County. Final payment and close of sale must be accomplished within 30 days after the board accepts a bid. Bidder is responsible for a 7.5% sales commission payable to Burke County and all property surveys, deed preparation, and attorney and recording costs associated with the deed transfer.
9. This Resolution is adopted pursuant to the provisions of North Carolina General Statutes § 153A-176, 160A-266, and 160A-270.

Adopted this 15th day of December 2025.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

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

OAC / CM - AUTHORIZATION TO USE OPIOID LITIGATION SETTLEMENT FUNDS TO EXPAND PORT TEAM - $8,125

This is a request to approve the use of $8,125 in opioid settlement funds to support the addition of an Assistant Medical Director for the Post-Overdose Response Team (PORT).

The OAC (Opioid Advisory Committee) heard this request at their Nov. 18th meeting. Although the OAC was supportive of the initiative, a vote was not taken due to the lack of a quorum.

Motion: To adopt Resolution No. 2025-37. Further, to authorize the County Manager to execute the contract between Burke County and High Country Community Health, subject to review and/or revision by the County Attorney.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Resolution No. 2025-37 reads as follows:

BURKE COUNTY
NORTH CAROLINA

A RESOLUTION BY THE COUNTY OF BURKE
TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS

WHEREAS, Burke County has joined national settlement agreements with companies

engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals;

WHEREAS, the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA");

WHEREAS, Burke County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by Section D of the MOA;

WHEREAS, section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate budget resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.

b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of Opioid Settlement Funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE, BE IT RESOLVED, in alignment with the NC MOA, Burke County authorizes the expenditure of opioid settlement funds as follows:

1. Strategy authorized
    a. Name of strategy: Post-Overdose Response Team (PORT)
    b. Strategy is included in Exhibit A
    c. Item letter and/or number in Exhibit A to the MOA: 8
    d. Amount authorized for this strategy: $8,125
    e. Period of time during which expenditure may take place:
        Start date of December 15, 2025, through End date June 30, 2026
    f. Description of the program, project, or activity: Fund an Assistant Medical Director dedicated to providing medical oversight, protocol review, quality assurance, and clinical consultation for the PORT Team. Funding will support a prorated professional services agreement for the initial term.
    g. Provider: High Country Community Health

The total dollar amount of Opioid Settlement Funds appropriated across the above-named and authorized strategy is $8,125.

Adopted this 15th day of December 2025.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

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

ITEMS FOR DECISION

AM250 - RESOLUTION OF SUPPORT FOR AMERICA'S 250TH BIRTHDAY

Ed Phillips, Chairman, America 250 NC Committee, requested that the Board adopt a resolution supporting America's 250th birthday, then read directly from the resolution.

Additional information from the agenda packet:

The year 2026 marks America's 250th anniversary. Burke County has played a notable role in North Carolina and U.S. history, including its ties to the Overmountain Men and nearby Revolutionary War battles, as well as the preservation of significant historic sites such as the Historic Burke County Courthouse and the Charles McDowell House. The Burke County America 250 Committee was formed to promote and coordinate local commemorative activities through education, events, and public engagement. Ed Phillips, Chairman, America 250 NC Committee, requests the adoption of the following resolution, which recognizes this historical event and the role Burke County has played in founding and shaping this great nation. A report will also be presented on planned activities to commemorate our nation's 250th anniversary.

Burke County America 250 Committee

Activity Report

December 1, 2025

Projects:

1. **Rev War Encampment**
   September 27th, 2025
   Over 40 vendors showcased Life in the 1700s at the Charles McDowell House
   Food Trucks, speakers and Historical Portrayals filled the day.
   Nearly 1,000 members of the public from NC, TN and SC enjoyed the day. School-aged children were in attendance as well.

2. **Historic Site Tour**
   September 26, 2025
   40 people purchased tickets to visit historic sites in Burke County that are not normally open to the public. Guests came from as far away as Fayetteville, NC to attend. Ticket cost was $30 per person and included lunch.

3. **Morganton Christmas Parade**- The America 250 Committee will lead the parade carrying a banner with SAR and DAR members walking with the banner. Parade theme was suggested to be "Historical" by the Committee. "Christmas Through the Ages" was decided upon by the Morganton Downtown Development Association.

4. **Burke County Flag Design Contest for 4th Graders**
   4th graders in Burke County have been invited to design a "America 250" Flag. The county winner as selected by the America 250 Committee will be sent to the state competition in early March.

5. **Liberty Tree Planting Project**
   A "Liberty Tree" site will be selected according to NC Cultural Resources guidelines. The site must be on public property where it will be the responsibility of the land managing agency to nurture the tree until sustained growth is established. This project will occur in early, 2026.

6. 4th of July Celebration- To be Determined

Chairman Brittain opened the floor for questions or comments; there being none, he called for a motion.



Depicted from left to right: Bryant Lindsey (Overmountain Victory State Trail), David Dowdy (SAR), Dr. Joel Welch (WPCC), Commissioner Burns, Commissioner Stroud, Chairman Brittain, Commissioner Barrier, Rebecca Heacock (DAR), Ed Phillips (Burke TDA), and Vice Chairman Smith.

Motion: To adopt Resolution No. 2025-35 and accept the report as presented.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Phil Smith, Vice Chairman
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Resolution No. 2025-35 as follows:

BURKE COUNTY
NORTH CAROLINA

RESOLUTION RECOGNIZING THE HISTORICAL SIGNIFICANCE OF BURKE COUNTY IN CELEBRATION OF AMERICA'S 250th ANNIVERSARY

WHEREAS, the year 2026 marks the 250th anniversary of the signing of the Declaration of Independence and the founding of the United States of America; and

WHEREAS, the United States Semi-quincentennial presents a once-in-a-generation opportunity to reflect on our nation's founding principles and to celebrate the people, places, and events that have shaped our shared American story; and

WHEREAS, Burke County holds a prominent place in North Carolina and American history, with deep ties to the Revolutionary War, including the Overmountain Men who mustered in this region before the pivotal Battle of Kings Mountain on October 7, 1780, the Battle of Cowpens on January 17, 1781; and

WHEREAS, Burke County is home to significant historical landmarks, such as the Historic Burke County Courthouse (1837), the Charles McDowell House (1812), and numerous early settlements and structures that tell the story of our community's development; and

WHEREAS, the Burke County America 250 Committee was formed to recognize, promote, and coordinate local activities that honor the County's historic contributions and engage the public in meaningful commemoration; and

WHEREAS, the Committee aims to highlight and preserve local history through educational programs, commemorative events, community storytelling, heritage tours, and public engagement initiatives;

NOW, THEREFORE, BE IT RESOLVED that the Burke County Board of Commissioners proudly recognizes the historical significance of Burke County in the founding and shaping of the United States and supports the ongoing efforts of the Burke County America 250 Committee;

BE IT FURTHER RESOLVED that the Board encourages all residents, municipalities, schools, businesses, civic organizations, and historical institutions to participate in and contribute to America 250 observances that showcase Burke County's unique role in the American story;

BE IT FINALLY RESOLVED that Burke County shall honor this milestone with dignity, pride, and public engagement to ensure that its historical legacy is preserved and celebrated for future generations.

Adopted this 15th day of December 2025.

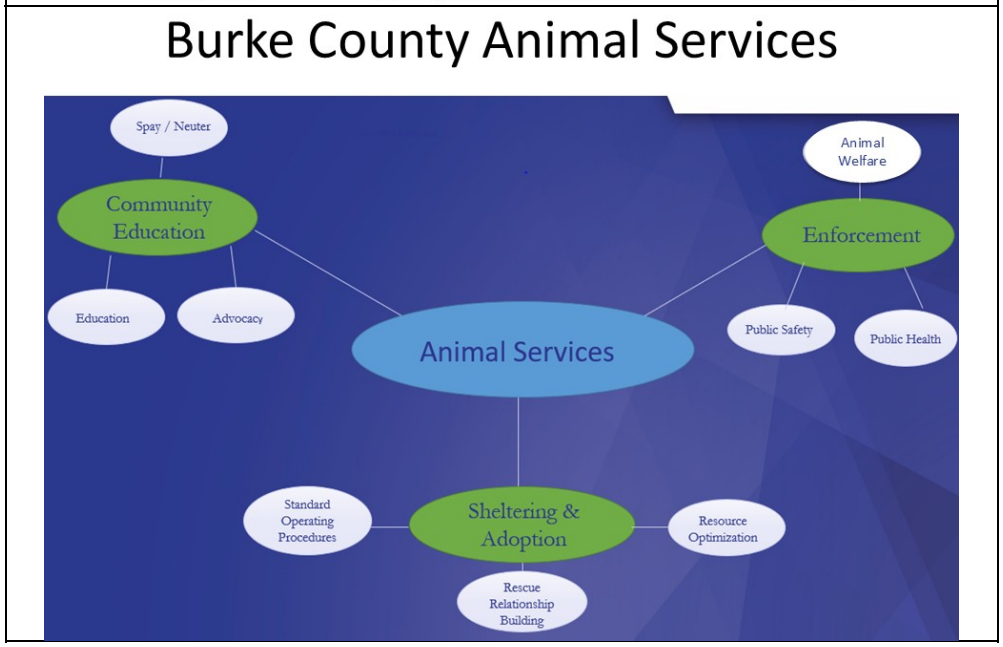
/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

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

CM - ORD. AMENDING CHAPTER 6, ANIMALS, BURKE COUNTY CODE – SECOND READING

Brian Epley, County Manager, presented an overview of the changes to the Burke County Animal Ordinance as follows:





Key Definition Changes

Expanded definitions of owner, harborer, mis-treatment of animals

breeder categories (backyard breeders, kitten mills)

Formal recognition of community cats / TNR programs

Key Definition Changes

- Removed Hobby Breeder – Adds Good Breeding Practices
- Changed the definition of Harbored Animal to 14 consecutive days (previously 24 hours)
- Defined Managed Intake

Abuse, Cruelty & Neglect Standards

- Expanded list of prohibited acts (vehicles, unsafe enclosures, medical neglect)
- Prohibits early separation of puppies/kittens
- Clarifies criminal referral and investigation authority

6-4 Mistreatment of Animals

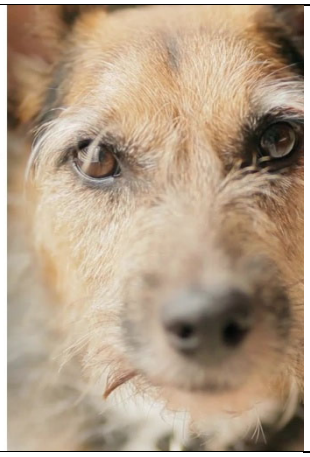
Cruelty & Neglect Standards

Added "Recklessly or Negligently" deprive, torment, etc.

Neglect includes preventing access to food/water, shelter, and abandonment

Dangerous Dogs & Tethering

- Clarifies dangerous and removes potentially dangerous dog determinations
  - Violations - $500 penalty
- Tethering Violation – Requires at least 3 written warnings to pet owner, then subject to a $500 fine



Approved Rescue Requirements

- Requires the application to be on file
- 3 Letters of reference
  - 1 from a licensed Vet
- 501c(3) status –Internal Revenue Code
- Requires approval, audits, and documentation for rescues
- Establishes suspension and revocation process



Community Cats & Nuisance Enforcement

- Implements Community Cat Management (TNR) Program
- Requires recordkeeping
- Separates abandonment

Nuisance Enforcement

- Complaint-driven nuisance created for at-large animals if:
  - Habitually disturbing or damaging private property
  - Creating a public safety disturbance



Chairman Brittain opened the floor for questions or comments; there being none, he called for a motion.

Motion: To adopt Ordinance No. 2025-13, amending Chapter 6, Animals, of the Burke Co. Code of Ordinances as presented.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Ord. No. 2025-13 reads as follows:

This space is intentionally left blank.

Ord. No. 2025-13

AN ORDINANCE MAKING REVISIONS TO CHAPTER 6 OF THE BURKE COUNTY CODE OF ORDINANCES CONCERNING ANIMALS

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF BURKE IN REGULAR SESSION ASSEMBLED:

The following changes are hereby made to Chapter 6 of the Burke County Code of Ordinances. These changes shall be considered effective on the date that this ordinance is approved by the Burke County Board of Commissioners. Additions are indicated by underlined text, and deletion are indicated by ~~struck through text~~.

Sec. 6-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to forsake entirely~~leave~~ an animal in a street, road, or public or private place without providing for the continued care, sustenance, protection, adequate shelter, and adequate feed of such animal. ~~intentionally, knowingly, recklessly, or negligently at a location for more than 48 consecutive hours without providing for the animal's continued care.~~

Abuse/cruelty means those acts and omissions set forth in section 6-4(a) of this chapter.

. . .

Animal services director means that person designated by the Burke County Board of Commissioners and the Burke County Manager and where appropriate, his or her designee, charged with the responsibility, discretion and authority to interpret, implement and enforce the animal services programs in Burke County. The animal services director is the person charged with the supervision, administration, and operation of the Burke County Animal ~~Services~~ Resource Center; and who has final determination on the care, treatment, control, impounding, and disposition of animals.

. . .

Animal shelter, operated on a managed intake basis and hereinafter called the *animal ~~services~~ resource center,* means the facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals which is owned and operated by the county for the purpose of caring for them, placing through adoption or euthanizing if necessary. Any remaining references in this Chapter to the *animal services center* shall be considered to refer to the *animal resource center.*

~~*Approved breeder* means any individual who has applied for and secured a breeder's permit from the Burke County Animal Services Department.~~

Approved rescue group means a nonprofit organization that cares for animals and which has been favorably assessed by the ~~animal services director~~county, as further described in Section 6-77 of this ordinance, through the application of written standards and which has obtained 501(c)(3) status.

. . .

Backyard breeder means an individual whose indiscriminate breeding practices are considered substandard, with little or misguided efforts toward ethical, selective breeding. This includes: (1) Individuals who allow for the home breeding of more than one female ~~dog~~ animal at a time; (2) Individuals ~~with less than nine unaltered female dogs that are at least 12 months of age,~~ that do not adhere to good breeding practices and good sale practices or do not provide ~~dogs~~ animals ~~and/or puppies~~ adequate care as defined in this chapter; (3) Individuals who sell, give away, or rehome, un-weaned (under eight weeks old) and/or diseased ~~puppies~~animals (offspring). This definition does not apply to humane societies, rescue groups, foster homes, or shelters. Backyard breeders are not permitted in Burke County.

. . .

Community cat means any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats may be distinguished from other cats by being sterilized, ear tipped and vaccinated for rabies. A community cat may also be defined as a cat "found" outside that is brought to the animal ~~services~~ resource center and not yet sterilized, ear tipped or vaccinated for rabies.

Community cat program (TNR) means a program designed to eliminate the impoundment of a community cat who is found ear tipped~~, in a cat colony registered with the animal services department~~. Caregivers of these cats provide proof of a valid rabies vaccination and sterilization so the cat can be released at the location where it was found or other live outcome placement.

. . .

Confinement means impoundment within the county's animal ~~services~~ resource center or other appropriate facility.

. . .

Dealer or *broker* means any person who sells/resells, exchanges, or donates, or offers to sell, exchange, or donate animals to another dealer, pet shop, or research facility. However, ~~that~~ an individual who breeds and raises on his own premises no more than the offspring of five canine or feline females per year, unless bred and raised specifically for research purposes shall not be considered to be a dealer for the purposes of this article. An individual with a valid license through the USDA is exempt from this definition.

. . .

Foster means an individual or family that voluntarily takes an animal from the animal ~~services~~ resource center, or a 501(c)(3) rescue, and provides temporary shelter and care for the animal in a home environment until the animal can be adopted by a new individual or family. A foster must be approved by the animal services department, which shall include execution of the required transfer contract described in Section 6-74(c) of this Code.

Good breeding practices means practices implemented by a breeder to ensure the health, safety, and welfare of the animals involved. These include, without limitation, keeping records of the diet of animals, keeping inoculation and parasite control records, providing a health guarantee for each animal being sold or given away, providing a proper whelping box, and providing a play area for offspring.

. . .

Harbor. An animal shall be deemed to be harbored if it is fed or sheltered by the same person or household for ~~24~~ fourteen consecutive days~~hours~~ or more.

Health department means the Burke County Health Department.

Health director means the director of the Burke County Health Department.

~~*Hobby breeder* is any person with knowledge of their specific breed(s) (i.e. health risks, canine obstetrics, genetics and will make informed decisions before considering a mating). A hobby breeder is one who breeds not more than once within a 12-month period while permitting consumers access to directly see the condition in which the dogs or cats are bred and raised, or can discuss with the breeder the conditions of the dogs or cats. A hobby breeder must obtain a breeder's permit from the Burke County Animal Services Department.~~

. . .

Impoundment means possession or seizure of an animal by a county animal services enforcement officer for placement in the county's animal ~~service~~ resource center or other appropriate facility. The animal is considered impounded once it is on an animal enforcement vehicle.

. . .

Kitten mill means any sized commercial animal establishment that breeds multiple female cats, of various breeds, often every heat cycle, producing kittens simultaneously and which does not adhere to good breeding practices. Kitten mills include commercial operations that: (1) Sell kittens without screening of the purchaser; (2) Sell un-weaned (under eight weeks of age) or diseased kittens; (3) Isolate breeding cats from human interaction in unhealthy conditions; (4) House breeding cats in crates, kennels, trailers, garages, barns, etc., without access to light or exercise or; (5) Do not provide adequate shelter, adequate feed, water, space, or veterinary care as defined in this chapter. Kitten mills are not permitted in Burke County.

Neglect means, concerning an animal of which a person is the owner, keeper, or harborer, (a) deprived of adequate food, water, shelter, ventilation, light, space, exercise, care or veterinary treatment, (b) kept in conditions that are unsanitary, (c) not protected from excessive heat or cold, (d) allowing an animal that is injured, sick, in pain or suffering without providing veterinary care, (e) allowing parasite infestation, (f) allowing a collar to grow into the skin of the animal. Neglect also includes any conduct described as "neglect" in Section 6-4.

. . .

Nuisance means any act of an animal causing a substantial and unreasonable interference with another's land or his use or enjoyment of that land, including those acts as outlined in section 6-114.

Other local government body (bodies) means the City of Morganton, Town of Valdese, Town of Drexel, Town of Glen Alpine, Town of Hildebran, Town of Long View, Town of Rhodhiss, Town of Connelly Springs, Town of Rutherford College, and City of Hickory.

Owner means any person, group of persons, firm, partnership, or corporation owning, keeping, having custody or control over, sheltering, feeding, harboring and allowing a domesticated animal to remain on or about their property for more than ~~72~~ fourteen consecutive

~~hours~~days. In the event the owner of an animal is a minor, for the purposes of this chapter, the parent or guardian of such minor shall be considered the owner of that animal.

. . .

~~*Potentially dangerous dog.* See section 6-7(b)(2).~~

. . .

Secure enclosure means:

(1) A fully fenced pen, kennel or structure with a double security gate that shall remain locked with a padlock or combination lock. Such a pen, kennel or structure must have secure sides, minimum of five feet high, and the animal services director may require a secure top and bottom attached to the sides, or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the county's zoning ordinance/building code,

(2) A house or garage which shall have a latched door kept in good repair to prevent accidental escape of the dog.

(3) A secure enclosure for a dangerous dog: a fully fenced pen, kennel, or structure at least six feet in height, installed beneath the ground level or in concrete or pavement, or a fabricated structure to prevent digging under it. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure and be equipped with a self-closing and self-latching gate. This structure shall remain locked with a padlock or combination lock. A "dangerous dog" sign mandated by the animal services director must be posted at the entry to the owner's or keeper's property and attached to the exterior of the secure enclosure.

. . . .

Sec. 6-3. Authority and purpose; general duties of animal services enforcement.

(a) This chapter is adopted pursuant to the powers granted Burke County in G.S. 153A-121, 153A-127, and 153A-442. the animal services department is the entity designated by Burke County to carry out these statutory powers and duties: to protect the health, safety and welfare of county residents and the animals residing within the county; regulate and control the conduct, keeping, and care of those animals; facilitate as many responsible, lifetime adoptions of abandoned pets as possible; and encourage the reuniting of owners to their impounded animals. The animal services department shall be led by the animal services director and shall consist of animal services enforcement and the animal ~~services~~ resource center.

(b) The animal services enforcement officers of the animal services department are hereby empowered to perform, and shall perform the following duties:

(1) Enforce and carry out all state laws and all ordinances of the County pertaining to rabies control.

(2) Be responsible for the investigation of all reported animal bites, for the quarantine of any dog, cat, or ferret exposed to or suspected of having rabies, for a period of not less

than ten days, and for reporting to the health director as soon as practical the occurrence of any such animal bite and the condition of any quarantined animal.

(3) Be responsible for the investigation of reports or observations of incidents of harassment of or injuries to domesticated livestock caused by animals. Incidents committed by wildlife are not under the jurisdiction of the animal services department and are to be referred to the state wildlife resources commission.

(4) Be responsible for the seizure and arranging for the impoundment, in consultation with the animal services director, where deemed necessary, of any dog or other animal in the county involved in a violation of this chapter or any other county ordinance or state law. This includes reasonable cause to believe an animal is suffering from treatment that is defined or prohibited as neglect or abuse/cruelty under this ordinance, including Section 6-4 hereof.

(5) Investigate cruelty or abuse regarding animals. Incidents committed against wildlife are not under the jurisdiction of the animal services department and are to be referred to the state wildlife resources commission.

(6) Make such investigations or inquiries as necessary for the purpose of ascertaining compliance with this chapter or applicable state statute.

(7) Issue citations or notices of violation of this chapter in such form as the animal services director may prescribe.

(8) Be trained and maintain training to standards established by the state and animal services department.

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

(d) Animal services enforcement will only respond to resident calls regarding:

(1) A resident's report of suspected violation of the standards of care,

(2) Violation of the animal ordinance, including bites, nuisance complaints, rabies,

(3) A suspected case of animal abuse/cruelty,

(4) When an animal is in severe distress or

(5) When the animal's death appears imminent.

(e) It shall be the duty of the county animal services employees and the animal services enforcement officers to keep or cause to be kept accurate and detailed records of:

(1) Impoundment and disposition of all animals coming into the animal ~~services~~ resource center.

(2) Bite cases, violations and complaints and investigation of the same.

(3) All other records deemed necessary per G.S. 132-1.1(e).

(f) Animal services enforcement officers shall have the following additional powers and duties within the county and within any municipality therein that has given prior approval in accordance with applicable law:

(1) The responsibility for the enforcement of all state and local laws regarding the animal ordinance, as well as resolutions pertaining to the ownership and control of dogs and other animals.

(2) To cooperate with the county health director, the animal services employees and all other municipal law enforcement officers in the county and assist in the enforcement of the laws of the state with regard to animals, the vaccination of dogs and cats against rabies, the confinement and leashing of dangerous animals, and any other state law applicable to animals or animal control.

(3) To investigate reported or observed animal abuse, cruelty or animal neglect, complaints or violations and make written reports of such investigations and, when requested, provide such reports to the district attorney's office. Only county animal services enforcement officers shall be designated as animal cruelty investigators.

(4) To investigate reports of observed harassment or attacks by dogs or other animals against people, animals, or domesticated livestock and to assist in locating those persons owning or harboring the attacking animals.

(5) Animal enforcement officers and other personnel assigned to enforce this chapter shall have a broad range of power to carry out the provisions of this chapter and discretion in the use of an appropriate remedy for violations. Animal enforcement officers shall have the power to initiate investigations, not only when complaints are received but as a result of their own knowledge and observation of facts and circumstances.

Animal enforcement officers may take notice of facts and information in plain view in automobiles, in the yards surrounding houses and other areas that can be readily observed without intrusive investigations and as a result of those observations may take appropriate enforcement action including the impoundment of animals when violations are observed, or the issuance of any other order permitted hereunder.

With the consent of property owners and individuals apparently in charge of the premises, animal enforcement officers may investigate the conditions and circumstances inside of locked fences, outbuildings, houses, apartment units, condominium units or other buildings and as a result of such investigations may impound animals or take other appropriate enforcement action.

In the event circumstances are not plainly observable or in the event access to enclosed premises is denied, animal enforcement officers may seek the assistance of public safety officers, Burke County Sheriff's deputies and other sworn personnel, obtain administrative search and inspection warrants and conduct other lawful searches and inspections of such premises as authorized by G.S. § 15-27.2.

The animal services director, through his/her authorized designee, shall have the right of entry upon the premises of any place where entry is necessary to carry out the provisions of these rules. If consent for entry is not obtained, an administrative search and inspection warrant shall be obtained pursuant to G.S. 15-27.2. However, if an imminent hazard exists, no warrant is required for entry upon the premises.

Sec. 6-4. Animal abuse/cruelty and neglect.

(a) Abuse and Cruelty.

In addition to what is prohibited by G.S. 14-360—14-366, the following shall be prohibited:

(1) Abuse/cruelty to animals is a criminal offense. T~~t~~he animal services enforcement officers shall investigate reported incidents involving cruelty to animals or support investigations by other enforcement agencies when so requested and refer cases where probable cause exists to the district attorney's office for criminal prosecution.

(2) The following acts or omissions shall constitute abuse/cruelty to animals under this article:

a. To intentionally, recklessly, or negligently overload, overdrive, or torment an animal, or to deprive any animal of adequate feed or necessary sustenance including both food and water, adequate shelter, or medical care.~~, or maliciously mutilate, poison, beat, disfigure or kill any animal or causing the same to be done, or transport in or upon any vehicle unsecured, or otherwise, any animal in a cruel or inhumane manner that jeopardizes the safety of the animal.~~

b. To maliciously mutilate, poison, beat, disfigure, or kill any animal or cause the same to be done, or transport in or upon any vehicle unsecured, or otherwise, any animal in a cruel or inhumane manner that jeopardizes the safety of the animal.

c~~b~~. Confining an animal in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or other endangering conditions.

d~~c~~. Intentionally, recklessly, or negligently committing an act to any domestic animal which results in the cruel death of the animal, or excessive or repeated infliction of unnecessary pain or suffering to the animal, or causes the same to be done.

e~~d~~. ~~Abandoning~~ To abandon an animal, including to abandon an animal to suffer injury, malnutrition, or illness without veterinary care. However, a community cat shall not be considered abandoned when returned to a location near the original point of pick-up or other suitable location as part of a community cat management program.

f~~e~~. Leaving an animal in an enclosure that is deemed unsafe for the animal. All enclosures should be free of hazards and appropriate for the size and species of the animal.

g~~f~~. Injuring a domestic animal by way of including, but not limited to, motor vehicle impact, firearm discharge or unforeseen accident.

h~~g~~. Performing surgical procedures, including cosmetic procedures on any domestic animal, livestock excluded, except by a licensed veterinarian. This includes, but is not limited to, tail docking, ear cropping, castration, de-clawing and dewclaw removal.

i~~h~~. To color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.

j~~i~~. For any individual, nonprofit, or commercial establishment to separate a dog or cat from its mother until it is eight weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later. This does not apply to an animal whose mother is incapacitated for humane or medical reasons and cannot care for the animal.

k~~j~~. ~~For any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property of its owner or keeper, except a stray animal may be seized when trying to capture it.~~ To fail to provide an animal of which one is the owner, keeper, or harborer adequate feed or adequate water.

l~~k~~. ~~It shall be unlawful for any person to commit any of the acts made unlawful under the provisions of G.S. 14-360, 14-362 and 14-363 as the same relate to dogs, or to commit any other act made unlawful by any other law of the state relating to animal cruelty, fighting and abandonment. The repeal of such law or laws of the state shall have no effect upon this section, and the acts herein made unlawful shall, in the event of such repeal, be those referred to in said law or laws immediately prior to such repeal.~~To fail to provide an animal of which one is the owner, keeper, or harborer with adequate shelter.

m. For any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest, or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property of its owner or keeper. Provided, however, a stray animal may be seized when trying to capture it.

n. It shall be unlawful for any person to commit any of the acts made unlawful under the provisions of G.S. 14-360, 14-362 and 14-363 as the same relate to dogs, or to commit any other act made unlawful by any other law of the state relating to animal cruelty, fighting, and abandonment. The repeal of such law or laws of the state shall have no effect upon this section, and the acts herein made unlawful shall, in the event of such repeal, be those referred to in said law or laws immediately prior to such repeal.

o~~l~~. Failure or refusal to report a severely distressed, sick or injured domestic animals to the County 911 or the animal's owner, if known.

p~~m~~. A veterinarian rendering services is exempt from the provisions of this section.

(4) The following acts or omissions shall constitute fighting or baiting under this article:

a. Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting.

b. Owning, possessing, or selling equipment for use in animal fighting or baiting.

c. Owning, leasing, managing, operating, or having control of any property kept or used for animal fighting or baiting.

d. Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.

e. Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, or handling, or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting.

f. Betting or wagering any money or other valuable consideration on the fighting or baiting of animals.

g. Attending the fighting or baiting of animals.

(5) These provisions shall not apply to any person:

a. Simulating a fight for the purpose of using the simulated fight as part of a motion picture that will be used on television or in a motion picture.

b. Using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the North Carolina Wildlife and Resources Commission.

c. Using animals to work livestock for agricultural purposes.

d. Simulating bloodless bullfighting; or

e. Using animals to hunt wild hogs or retrieve domestic hogs.

(6) Nothing in this section shall be construed to prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

(7) In regard to the animal fighting and baiting regulations as stated in G.S. 14-362.2., the following exclusions will apply:

a. This section does not prohibit the use of dogs in the lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission.

b. This section does not prohibit the use of dogs in earthdog trials that are sanctioned or sponsored by entities approved by the commissioner of agriculture that meet standards that protect the health and safety of the dogs. Quarry at an earthdog trial shall at all times be kept separate from the dogs by a sturdy barrier, such as a cage, and have access to food and water.

c. This section does not apply to the use of herding dogs engaged in the working of domesticated livestock for agricultural, entertainment, or sporting purposes.

(b) Neglect.

(1) Confining an animal without sufficient food, water, or exercise is neglect and is a criminal offense and violation of this ordinance. Abandoning an animal is neglect and is a criminal offense and a violation of this ordinance. Animal services enforcement shall investigate reported incidents involving such action or support investigations by other law enforcement agencies when so requested and refer cases where probable cause exists to the district attorney's office for criminal prosecution.

(2) The following acts or omissions shall also constitute neglect:

a. Impounding or confining an animal without an adequate quantity of good and wholesome food and water.

b. Keeping an animal in any enclosure without wholesome exercise and change of air.

c. Abandoning any animal that is maimed, sick, infirmed, or diseased.

d. Any act or omission constituting neglect as that term is defined in Section 6-1 of this ordinance

(3) It is unlawful for the owner, keeper, or harborer of any animal to subject the animal to neglect. Neglect shall include any act or omission defined or described as neglect in this chapter, including in Section 6-1 hereof.

~~**Sec. 6-5. Neglect.**~~

Sec. 6-5. Reserved.

Sec. 6-6. Exotic mammals and reptiles.

(a) At no time may any person or persons keep an inherently dangerous exotic mammal or reptile in the county.

(b) For the purpose of this chapter an exotic mammal or reptile:

(1) Is not native or indigenous to the state;

(2) Is native or indigenous to the state, but as a wild mammal or reptile, has the ability to kill or injure its owner or other persons.

(c) As used herein, a harborer of any exotic mammal or reptile is any person, regardless of ownership, who allows an exotic mammal or reptile to remain, be fed, or to be given shelter or refuge within the person's home, yard, enclosure outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person has control.

(d) An inherently dangerous exotic mammal is any member of the Canidae, Felidae, Ursidae, or primate families, including hybrids thereof, which due to their inherent nature, may be considered dangerous to humans.

(1) Canidae includes any member of the dog (Canid) family not customarily domesticated by man or any hybrids of such Canidae thereof including wolf/wolf hybrids, which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).

(2) Felidae includes any member of the cat family weighing over 30 pounds not customarily domesticated by man or any hybrids of such Felidae, but not including domestic cats (*Felis catus*).

(3) Ursidae includes any member of the bear family or hybrids of such Ursidae.

(4) Primate, for the purposes of this chapter, includes any member of the primate family who weighs eight pounds or more.

(e) An inherently dangerous exotic reptile is any member of the class Reptilia which:

(1) Is venomous. A venomous reptile shall include all members of the families:

a. Helodermidae (Gila monsters and Mexican beaded lizards).

b. Viperidae (vipers).

c. Crotalidae (pit vipers).

d. Atractaspididae (burrowing asps).

e. ~~Hydrophilidae (s~~Sea snakes~~).~~

f. Elapidae (cobras, coral snakes, and their allies).

g. As well as any rear-fanged snakes of the family Colubridae that are known to be dangerous to humans including, but not limited to:

1. *Dispholidus typus* (boomslang).

2. *Thelotornis kirtlandii* (twig snake).

3. *Rhabdophis* spp. (keelbacks).

(2) Is a member of the order of crocodilian (crocodiles, alligators, and caiman).

(3) Is a constricting reptile unless housed in a sturdy and secure enclosure.

Enclosures shall be designed to be escape-proof and shall have an operable lock; labeled clearly and visibly with the scientific name, common name, number of specimens, and owner's identifying information. A constricting reptile shall include all members of the families:

a. Reticulated Python,

~~b. Python reticulatus;~~

b~~e~~. Burmese Python,

c~~d~~. Python molurus;

d~~e~~. African Rock Python,

e~~f~~. Python sebae;

f~~g~~. Amethystine Python,

g~~h~~. Morelia amethistina;

h~~i~~. Green Anaconda,

i~~j~~. Eunectes murinus; or any of their subspecies or hybrids.

(f) All exotic mammals or reptiles already in the county prior to the ordinance from which this chapter is derived will be grandfathered~~, however, if applicable, owners of exotic mammals or reptiles will be required to spay or neuter. All exotic mammals or reptiles that are not spayed or neutered will be in violation of this chapter. Exotic mammals or reptiles not spayed or neutered will be impounded and euthanized by the county animal services.~~

(g) *Exceptions.* This chapter does not apply to:

(1) Veterinary clinics in possession of such mammals or reptiles for treatment or rehabilitation purposes.

(2) Any institution or organization that exists primarily to educate the public in the areas of science and nature which receives or has received financial support from federal, state and/or local governments; which has a paid membership open to and composed of members of the general public; which is directed by a board of directors or similar body elected by the membership; and which has been declared a 501(c)(3) exempt organization by the Internal Revenue Service.

(3) Nonresident circuses, nonresident carnivals, and nonresident licensed zoos for no longer than one seven-day period per each separate location where such a circus is held within the county per calendar year.

(4) Persons temporarily transporting such mammals or reptiles through the county provided that such transit time shall not be more than 24 hours.

(h) *Disposition of impounded inherently dangerous exotics.*

(1) Any owner of an inherently dangerous exotic who is in violation of this chapter will have their exotic mammal or reptile impounded. Whenever possible, the animal services enforcement officer shall impound the animal in the presence of its owner or harborer; however, if not practical, the animal services enforcement officer may impound such animal consistent with the provisions of this section.

(2) If an exotic is impounded pursuant to this section, the owner or harborer of the exotic shall be notified by the animal services enforcement officer in person or by certified mail.

(3) Any exotic impounded pursuant to this section will be held 72 hours for the owner to claim pursuant to subsection (h)(4) of this section. If the exotic cannot be taken safely by the animal services enforcement officer, or if proper and safe housing cannot be found for the animal, at the discretion of the animal services enforcement officer, he can euthanize the animal.

(4) The owner or harborer of the exotic can reclaim the exotic if the person can satisfy to the animal services enforcement officer that a safe transfer of the exotic to a location outside of the county is arranged.

(5) All costs of impoundment and care of the exotic will be charged to its owner or harborer regardless of whether the exotic is claimed by or returned to said owner or harborer. In the event the exotic is reclaimed, such costs shall be paid in full prior to the owner or harborer reclaiming the exotic pursuant to this section.

Sec. 6-7. Dangerous dogs ~~/ potentially dangerous dog~~.

(a) *Reporting of dangerous dogs.* The owner of a dangerous dog shall inform the animal services department as soon as practical, but not later than 24 hours after the occurrence of any of the following:

(1) An assault, attack, or biting upon any human being committed by any such dog in the owner's care or control.

(2) An attack or biting upon any domestic animal or pet while said dog is off the owner's property.

(3) The destruction of or damage to property of another by such animal.

(4) The roaming or escape of any dog required to be restrained or confined to a secure enclosure.

(b) As used herein, unless the context clearly requires otherwise, and except as modified in subsection (c) of this section, the term dangerous dog means:

~~(1) *Dangerous dog* means:~~

~~a.~~ (1) A dog that:

a~~1~~. Without provocation has killed or inflicted severe injury on a person; or

b~~2~~. Is owned or harbored primarily or in part for the purpose of dog fighting, or has been trained for dog fighting.~~determined by the person or board designated by the county responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subdivision (2) of this subsection.~~

c. Has been trained for dog fighting; or

~~b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.~~

~~(2) *Potentially dangerous dog* means a dog that the person or board designated by the county responsible for animal control determines to have:~~

d. Has been determined by the animal services director to have:

1~~a~~. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or

2~~b~~. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

3~~c~~. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

(c) The provisions of this chapter do not apply to:

(1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;

(2) A dog being used in a lawful hunt;

(3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or

(4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing,

or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(d) Burke County has designated that the ~~Burke County~~ Animal Services Director~~Enforcement Supervisor~~ shall be responsible for determining when a dog ~~is a "potentially dangerous dog."~~has committed any of the acts described in Section 6-7(b)(1)(d). ~~The Burke County Animal Enforcement Supervisor making the determination that a dog is a "potentially dangerous dog" must~~The animal services director making the determination that a dog has committed any of these acts must:

(1) Notify the owner in writing, giving the reasons for the determination, before the dog may be considered ~~potentially dangerous under this section~~to have committed any of the acts described in Section 6-7(b)(1)(d).

(2) The owner may appeal the determination by filing written objections with the appellate board within three business days.

(3) The appellate board shall schedule a hearing within ten business days of the filing of the written objections.

(4) Any appeal from the final decision of such appellate board shall be taken to the superior court by filing notice of appeal and a petition for review within ten days of the final decision of the appellate board. Appeals from rulings of the appellate board shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in the county in which the appellate board whose ruling is being appealed is located.

(e) *Establishment of dangerous dog appeal board.* There is hereby created a dangerous dog appeal board to serve as the official appellate body that hears all dangerous dog appeals (per G.S. 67-4.1, pertaining to dangerous dogs). The appeal board will convene at the direction of the county board of commissioners or its designee. The appeal board is to be composed of five members appointed by the county board of ~~health~~ commissioners who shall serve three-year staggered terms. The appeal board shall be composed of at least one veterinarian licensed to practice veterinary medicine in the state and at least two members of the general public.

(f) *Precautions against attacks by dangerous dogs.*

(1) It is unlawful for an owner to:

a. Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog;

b. Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled with a well fitted basket muzzle or is otherwise securely restrained with a well fitted basket muzzle.

(g) If the owner of a dangerous dog transfers ownership or possession of the dog to another person (as defined in G.S. 12-3(6)), the owner shall provide written notice to:

(1) The authority that made the determination under this article, stating the name and address of the new owner or possessor of the dog; and

(2) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.

(h) A v~~V~~iolation of this section is a Class 3 misdemeanor and shall subject the violator to a fine of five hundred dollars ($500.00).

Sec. 6-8. Requirements for attack training facility.

(a) It shall be unlawful for any person, group of persons, partnership, or corporation to conduct attack training at any location unless such training is conducted within a secure enclosure in the presence of the owner or trainer at all times.

(b) Any dog or animal trained or being trained in a mode of attack is deemed to be dangerous and is subject to all the provisions of this chapter related to dangerous dogs.

(c) A violation of this section shall constitute a misdemeanor and shall subject the violator to a fine of five hundred dollars ($500.00).

Sec. 6-9. Interference with enforcement.

(a) It shall be unlawful for any person to resist, obstruct, delay, interfere with, hinder or molest the animal services staff, animal services enforcement officers or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such agents.

(b) It shall also be unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of the animal services enforcement, whether it be in the dog box in the back of a truck or in a live trap or any other type of confinement device, except as otherwise specifically provided in this chapter. ~~Anyone in violation of this section may be issued a civil citation of $100.00 for the first offense, and $300.00 for each following offense~~A violation of this section shall constitute a misdemeanor and shall subject the violator to a fine of five hundred dollars ($500.00).

(c) It shall be unlawful for any person to file a false report with animal service enforcement or to provide false information to an officer involving any investigation of any reported violation of this chapter. Any person found violating this provision shall be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00.

(d) It shall be unlawful for any person to repeatedly file frivolous or unfounded complaints with animal services enforcement in order to intimidate or harass any member of the department, animal owner, business owner or rescue group. Any person found violating this provision shall be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00.

Sec. 6-10. Handling of stray or abandoned animals.

(a) It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, feed, keep in their possession by confinement or otherwise, any animal that does not belong to him, including strays or abandoned animals, unless he has, within 24 hours from the time such animal came into his possession, notified the Burke County Animal Services Department. This allows animal services to have a record of the

animal and its location in the event the owner or keeper calls or visits the animal ~~services~~ resource center in search of the animal.

(b) It shall be unlawful for any person to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner to maintain control of the dog.

(c) Any animal at large that is seized, impounded, and confined in the animal ~~services~~ resource center, after the mandatory 72-hour hold, may be adopted, transferred to an approved rescue group or euthanized pursuant to procedures of the Burke County Animal Services Department and applicable state law.

(d) Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this chapter.

(e) Any animal seized and impounded that is badly wounded or diseased and has no identification may be euthanized pursuant to procedures of the animal services department. If the animal has rabies or is suspected of having rabies, the body shall be disposed of in accordance with applicable state regulations. If the animal has identification, animal services shall attempt to notify the owner or keeper before euthanizing such animal; in any event, and except as may be otherwise provided by law, the animal services department shall have no liability for euthanizing wounded or diseased animals when such action is taken in accordance with G.S. 19A-32.1(b)(2).

(f) If a stray animal is not claimed within 72 hours of the date of impoundment, the animal shall become the property of the county and be made available for adoption as allowed by this chapter. Owner-surrendered animals may be made available for immediate adoption. When attempting to locate a lost pet, the public may view every animal held at the animal ~~services~~ resource center anytime the center is open to the public. If the animal ~~services~~ resource center is housing animals that must be kept apart from the general public for health reasons, public safety concerns, or in order to preserve evidence for criminal proceedings, the animal ~~services~~ resource center shall make reasonable arrangements that allow pet owners to determine whether their lost pets are among those animals.

(g) The animal services director may allow an approved rescue group or the individual who found an animal to serve as a foster in the event the animal requires extensive or ongoing veterinary care and the group or individual has expressed a desire to seek treatment and assume all financial responsibility.

When conditions make it advisable, the animal services director may allow other animals to be fostered during the 72-hour holding period, so long as such is done in compliance with G.S. § 19A-32.19(d) and (e).

(h) Notification of the animal services department applies to the following:

(1) Animal services must be notified of all stray or abandoned animals prior to adoption or placement. Any person who gives away, sells, or allows an otherwise strayed or abandoned animal to be adopted without first notifying animal services shall have no authority over the animal and ownership shall remain with the previous owner to the extent the previous owner is able to be identified.

Sec. 6-11. Animal advisory board.

(a) Establishment and composition of the Burke County Animal Advisory Board. There is hereby created an animal advisory board to advise the county commissioners, county manager, and animal services director on matters related to the organization and operation of the county animal services department. The advisory board shall be composed of eight members appointed by the board of commissioners. All members must reside at all times in the county. This board shall include one member, as defined by the listed parameters, for each of the following seats:

(1) Member of a 501(c)3 animal rescue agency or foster agency.

(2) Veterinarian (practicing or retired).

(3) ~~Board of health~~Public Health Advisory Board member or designee, excluding health director.

(4) At large (pet owner).

(5) Law enforcement officer.

(6) At large (breeder).

(7) At large (pet owner).

(8) At large (large animal owner).

(b) All bylaws, regulations, and rules of procedures of the animal advisory board shall be approved by the board of commissioners.

(c) For the initial terms, three of the members shall be appointed for one-year terms, and four of the members shall be appointed for two-year terms. All subsequent appointments shall be for two-year terms, so that the membership appointments are staggered. Such officers may be reelected for not more than three consecutive terms. Board members shall serve their complete term unless removed for any reason by the board of commissioners. In the event of any vacancy on the board, the board of commissioners shall appoint a replacement member.

(d) The board shall select in its first meeting of each calendar year, a chairperson, vice-chairperson, and secretary. The chairperson shall call all regular and any special meetings of the board and shall preside at those meetings. In the absence of the chairperson, the vice-chairperson shall preside at any regular or called meeting. In the absence of the chairperson and the vice-chairperson, the secretary shall preside.

(e) The animal services director or designee will attend all meetings of the animal advisory board and shall be responsible for the proper advertisement of meetings. The director shall also serve as the staff resource for the board in its research and deliberations. However, the director shall have no vote on any matter coming before the board unless in the event of a tie.

(f) The animal advisory board will meet on a quarterly basis for review and discussion of any issues that it deems appropriate regarding operation of the animal services department. Additional meetings may be scheduled if requested by the board of county commissioners, county manager, animal services director, or the chairperson of this board.

(g) The public health director or designee will attend all meetings of the animal advisory board; the health director shall also serve as a public health resource for the board in its research and deliberations. However, the health director shall have no vote on any matter coming before the board.

(h) It shall be the duty of the chairperson of the board to notify the clerk to the board of commissioners should there be a resignation or any other termination of membership.

(i) The chairperson shall be responsible for advising the clerk to the board of commissioners of changes of address of their members.

(j) Applications for membership to the board shall be filed with the clerk to the board of commissioners prior to appointment.

(k) No member of this board or shall serve more than one unexpired term and four full terms of office consecutively, provided that this provision shall not prevent any person from serving any number of nonconsecutive terms.

(l) This board shall meet in accordance with their ordinance provisions, adopted and approved bylaws, and the North Carolina Open Meetings Law. Special meetings may be called by the chairperson or by a quorum of members upon 48 hours' notice. It shall be the responsibility of the animal services director to notify the news media and clerk to the board of commissioners of all special meetings.

(m) In January of each year, the chairperson of the board shall be responsible for notifying the clerk to the board of commissioners and the news media of the regular meeting time and place for the board for all regular meetings in the calendar year.

(n) Regular attendance at advisory board meetings by the members is expected by the board of commissioners.

(o) No member of the board shall, without good and sufficient reason, fail to attend three consecutive meetings or fail to attend 50 percent of all the regularly scheduled meetings in one calendar year. Any member who at any time does not comply with this requirement shall be deemed to have abandoned and forfeited membership on the board and the term of office of such absentee shall thereby terminate. It shall be the responsibility of the chairperson to then notify the clerk to the board of commissioners that a vacancy exists on the board.

(p) Members shall serve on the board without compensation.

Sec. 6-12. Chaining and tethering.

Except as provided in this section, it shall be unlawful for any person owning or keeping a dog to leave a dog restrained to a stationary object for a period of time or under conditions that are harmful or potentially harmful to the animal.

At no time may a dog remain on an uninhabited property such as a vacant lot or a lot without an occupied domicile.

Any dog less than four months old shall not be tethered.

Under no circumstances shall an unaltered female dog be tethered without direct supervision by the owner or attendant or must be secured in a secondary enclosure.

Only one dog shall be attached to a tether at one time.

The minimum length of the tether shall be ten feet.

The tether line shall weigh no more than five percent of the dog's body weight and be made of a substance which cannot be damaged by the dog.

The tether must be attached to the dog with an appropriate harness or buckle-style collar properly fitted with room enough for two fingers to fit between the collar and the dog.

The use of pinch, weighted, or choke collars is prohibited when tethered.

Tethering shall be used for no longer than 14 consecutive hours within a 24-hour period after such time the dog must be released from the restraint to engage in supervised exercise and socialization.

The restraint system shall maintain the dog's freedom of movement and freedom from entanglement, and it shall allow access to food, water, shelter, and shade.

The restraint system shall be affixed to a stationary object which does not permit the dog to travel within five feet of any property line and housed or restrained no closer than 15 feet from a public street, road, sidewalk, or right-of-way, such circumstances constitute a public nuisance. If the animal is on the street, road, sidewalk, or right-of-way, the animal services enforcement officer shall issue a notice to the owner directing the owner to move the animal. If the animal is found on a public street, road, sidewalk, or right-of-way and the owner is not at home or refuses to remove the animal from the street, road, sidewalk, or right-of-way, the animal may be seized and impounded.

If tethered to a pulley or zip line, the stationary cable that the pulley runs on must be at least ten feet in length, anchored on each end to a stationary object which cannot be moved by the dog, and include stops on each end to prevent the animal from becoming wrapped around the stationary object.

The restraint system shall be situated at least five feet away from any fence to prevent strangulation.

The line attached to the restraint system must allow the dog to move perpendicularly at least ten feet from the stationary cable.

A swivel of proper size and durability shall connect the tether to the pulley or zip line to prevent entanglement.

The clamps attaching the tether to the dog's harness must be of proper size and durability.

In cases where deemed necessary for public safety, written exemptions may be made by the animal services director's discretion for other restraint methods but only after opportunities to verify those methods are needed and that they serve the purpose and intent of this section.

A violation of this section shall constitute a misdemeanor and shall subject the violator to a fine of five hundred dollars ($500.00).

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Sec. 6-33. Report and confinement of animals biting persons or showing rabies symptoms.

(a) Dogs and cats quarantined under this section shall be confined in the county animal ~~services~~ resource center, a veterinary hospital, or boarding kennel approved by the director of animal services at the expense of the owner.

(b) The only home confinement that can be authorized by the director of animal services is when (i) the person bitten resides at the same residence; (ii) the owner has a fenced in area in his yard; (iii) the fenced in area has no entrances or exits that are not locked; and (iv) the animal is currently vaccinated against rabies. Proof of vaccination will be required at the time of investigation. If the animal is confined on the owner's premises, the animal services enforcement officer shall revisit the premises for inspection purposes at approximately the middle of the confinement period and again at the conclusion of the confinement period.

(c) In the case of stray dogs or cats whose ownership is not known, the dogs or cats may be euthanized and the head examined for rabies or kept for the supervised quarantine period required by this section at the county animal ~~services~~ resource center.

(d) If rabies does not develop within ten calendar days after a dog or cat is quarantined under this section, the dog or cat may be released from quarantine upon written authorization of the health director or the health director's delegate. For purposes of calculating time periods, the date of initial impound is not counted. If the dog or cat has been confined in the county animal ~~services~~ resource center, the owner shall pay any fines, necessary veterinarian fees and a boarding fee set by and approved by the county board of commissioners. Any animal that bites a person that has not been reclaimed within 72 hours from the end of the ten-day rabies observation quarantine period shall become the property of the county and may be dealt with as set forth in section 6-10~~12~~(f~~b~~). Animal services is authorized to initiate legal proceedings to recover the costs of caring for an animal confined at the animal ~~services~~ resource center pursuant to this section if the animal is not redeemed.

(e) In the case of a carnivore or bat, the animal may be euthanized, and the head examined for rabies.

(f) Upon seizing an animal pursuant to G.S. 130A-196, the animal services enforcement officer shall leave with the owner or affix to the owner's residence a notice containing the beginning and ending dates of confinement and stating that the owner must redeem the animal within 24 hours of the ending date of confinement stated in the notice.

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ARTICLE III. IMPOUNDMENT

Sec. 6-71. General regulation.

Any animal which appears to be lost, stray, unwanted, or which is found not wearing a valid rabies vaccination tag as required by state law or this chapter, and not under restraint in violation of this chapter, shall be impounded by the animal services department by any means necessary and confined in the county animal ~~services~~ resource center in a humane manner. Impoundment of such animal shall not relieve the owner thereof from any penalty which may be imposed for

violation of this chapter. All impounded animals will be scanned for a microchip to aid in the notification of the legal owner.

Sec. 6-72. Notice to owner.

Immediately upon impounding an animal, the animal services employees shall make reasonable effort to notify the owner and inform such owner of the impoundment. If the owner is unknown or cannot be located, animal services shall hold the animal for a minimum of 72 hours and then make the animal available for adoption, transferred to a rescue, transferred to a foster or, barring extenuating circumstances pursuant to G.S. 19A-32.1(b)(2), euthanization after the five-day impoundment period.

If an animal shelter transfers possession of an animal under this subsection, at least one photograph depicting the head and face of the animal shall be displayed at the animal ~~services~~ resource center in a conspicuous location that is available to the general public during hours of operation, and that photograph shall remain posted until the animal is disposed of.

Sec. 6-73. Reclamation by owner.

(a) The owner of an animal impounded under this article may reclaim the animal and regain possession thereof within 72 hours from the time notification of impoundment is given by complying with all applicable provisions of this chapter and paying any necessary veterinary fees, boarding, and other applicable fees set and approved by the county board of commissioners.

(b) No owner, family member, friend of or associate may be permitted to adopt his own animal under the provisions of this article in order to reclaim an animal that has been impounded pursuant to state law or this article in order to avoid paying the applicable fees associated.

(c) The owner of any animal that is turned over to the animal services department will be able to retrieve the animal after the release form has been signed. The owner will be responsible for paying the $25.00 handling fee the day that said animal was turned in.

(d) The board of commissioners of the county has adopted a fee schedule for this chapter, which is incorporated herein by reference and is kept for public inspection in the office of the clerk to the board and the county animal shelter and/or the animal resource center. The board of commissioners has the authority to change the fee schedule from time to time, as permitted by N.C.G.S. § 153A-102. Animal owners desiring to keep their animals in an unaltered state may be required to pay differential fees pursuant to the fee schedule specified in subsection (a) above.~~Any animal found off the owner's property, at large, will be issued a warning by Burke County Animal Services. Following this warning, the owner of a non-spayed or unneutered dog or cat shall be subject to an unaltered impounded animal fine in addition to any other fees or fines imposed by this title or state law. All subsequent violations will result in an additional, graduated unaltered animal fine. The unaltered impounded animal fines shall be set by the board of commissioners. For this section, "impounded" shall mean any animal that is impounded in violation of section 6-10.~~

Sec. 6-74. Adoption or euthanization of unclaimed animals.

(a) If an impounded animal is not redeemed by the owner within the period described in this article, it shall become the property of the county and may be:

(1) Transferred to an approved ~~nonprofit~~ rescue~~/adoption~~ group registered with the county's animal services department for domesticated animals only, thus excluding wild animals;

(2) Offered for adoption to individuals who have paid the current adoption fees; or

(3) Transferred to an approved foster. If the animal ~~services~~ resource center places an animal in foster care, the animal ~~services~~ resource center may, in writing, appoint the person or organization possessing the animal to be an agent of the center. After the expiration of the minimum holding period, the department may (i) direct the agent possessing the animal to return it to the center, (ii) allow the agent to adopt the animal consistent with the department's adoption policies, or (iii) extend the period of time that the agent holds the animal on behalf of the department. The animal services department may terminate an agency created under this subsection at any time by directing the agent to deliver the animal to the center. The animal services department, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent, absent a written contract providing otherwise.

(4) Euthanized in a humane manner after the five-day impoundment period, space permitting and barring extenuating circumstances pursuant to G.S. 19A-32.1(b)(2).

(b) No animal which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted from the animal ~~services~~ resource center during a period of emergency rabies quarantine invoked pursuant to article II of this chapter, except by special authorization of the county health director.

(c) *Adoption contract.* Any eligible individual adopting a dog or cat from the animal ~~services~~ resource center shall be required to sign an adoption contract with the animal services ~~center~~ department which states that the applicant accepts all ownership responsibilities and liabilities associated with the adoption. Spay and neuter will be mandatory for all animals adopted from the animal ~~services~~ resource center.

Any eligible rescue or approved foster accepting an animal from the animal ~~services~~ resource center shall complete the required transfer contract.

(d) *Exceptions from adoption policy.*

(1) Animal services may refuse adoption of animal to a person less than 18 years of age.

(2) Persons who have previously been cited under this chapter.

(3) Person or household that has adopted three animals in a calendar year.

(4) Animals that exhibit non-person aggressive behavior will be deemed adoptable with full disclosures made to rescues and potential adopters of the aggression type (i.e., food, territory, small prey, etc.).

(e) Animals that exhibit fierce, dangerous, or person-aggressive behavior shall not be offered for adoption.

(f) Any animal officially surrendered by the owner to animal services may be placed for adoption as authorized in this section. No animal will be euthanized prior to the state mandated three-day impoundment period or the county's five-day impoundment period if space is available in the animal ~~services~~ resource center, barring extenuating circumstances as deemed by the animal services director pursuant to G.S. 19A-32.1(b)(2).

(g) Any animal impounded that is gravely injured or seriously ill and has no identification can be euthanized in a humane manner pursuant to G.S. 19A-32.1(b)(2). If the animal has identification, an animal services employee shall attempt to notify the owner before euthanizing; but if the owner cannot be reached readily and the animal is enduring prolonged, unnecessary suffering, the animal services enforcement officer certified to euthanize or the animal services employee certified to euthanize may euthanize the animal in a humane manner.

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Sec. 6-77. Rescue requirements.

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

(1) Following the transfer of an animal to an approved rescue group, county animal services will require that the animal be provided with the appropriate care that includes, but is not limited to, spay/neuter, updated vaccinations, and health reconditioning (if needed), etc.

(2) Random audits will be performed by the animal advisory board to ensure proper care and recordkeeping of all approved rescue groups. During each audit, two approved rescues will be selected for audit review and required to provide all documentation to evaluate the health and welfare of the animals as determined by the animal advisory board.

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

(3) *Suspended rescue appeals process for reinstatement.* A rescue group may appeal this decision to the board of commissioners by written notice delivered to the clerk to the board within three business days after receipt of the director's decision.

(4) To be an approved rescue group, a rescue must meet the definition of the same in Section 6-1 of this ordinance. The group must also submit the county animal services department's rescue application, along with three letters of reference, one of which must be submitted by a state licensed veterinarian with preference given to rescues that can also provide references from other North Carolina-based animal shelters. County animal services will notify the applicant group of its decision to approve or deny the application. If the application is denied, county animal services will state any deficiencies that resulted in the decision to deny approval of the application.~~Rescues must obtain and maintain nonprofit, tax-exempt status as a 501(c)(3).~~

~~(5) In order to be considered for approval as an approved rescue group by county animal services, groups must submit the county animal services' rescue application, along with three letters of reference, one of which must be submitted by a state licensed veterinarian with preference given to rescues that can also provide references from other North Carolina-based animal shelters. County animal services will notify the applicant group of its decision to approve or deny the application. If the application is denied, county animal services will state any deficiencies that resulted in the decision to deny approval of the application.~~

(5~~6~~) All adoptable animals are available on a first-come, first-serve basis. Priority will be given to adoptions by individuals over transfer to approved rescue groups or foster.

(6~~7~~) To ensure that all information is recorded accurately and efficiently, county animal services will require that all interaction with approved rescue groups must be completed via email at animalservices@burkenc.org. All phone calls and in-person contact will be referred to the email address.

. . .

Sec. 6-114. Animals creating a nuisance.

(a) The following acts or actions by an owner or possessor of an animal are hereby declared to be unlawful:

(1) It shall be unlawful for any dog owner to keep a dog that habitually or repeatedly barks in such a manner or to such an extent that it is a public nuisance. The term "habitually or repeatedly" is defined as three or more times per minute for no less than a 15-minute period.

(2) Maintaining animals in an unsanitary environment resulting in offensive odors or danger to the animal or to the public health, safety, or welfare, or failing to maintain a condition of good order and cleanliness that reduces the probability of transmission of disease.

(3) Maintaining the owner's property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density or location of the animals on the property.

(4) Maintaining an animal that is diseased and dangerous to the public health.

(5) Domestic animal owners shall clean up feces left on private or public property that is not owned by the owner.

(6) Allowing animals to turn over garbage containers or remove garbage from them.

(7) Allowing animals to damage gardens, foliage, or other real property.

(8) Maintaining an animal that chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicles, livestock, or domestic animals off the property of the owner.

(9) Owners of the animal may be issued one warning for an animal nuisance violation per calendar year. Any subsequent instances will be subject to a uniform citation and the applicable fees.

(10) It shall be unlawful for any owner, keeper, or harborer of any animal to permit the animal to be at large.

(b) Property owners have the right to prohibit domestic animals from being present on their property. If any domestic animal is on a citizen's property and the mere presence of the domestic animal is a nuisance, then the property owner may take the following steps to keep animals off their property:

(1) Fill out a complaint form provided by the animal ~~services~~ resource center stating that there is a domestic animal on their property that is creating a nuisance by its mere presence.

(2) The complainants must identify themselves as the complainants and identify the name and address of the owner of the domestic animal that is creating a nuisance.

(3) The complaint will be mailed certified receipt or hand delivered by an animal services enforcement officer to the owner of the domestic animal creating the nuisance.

(4) After the owner of the domestic animal receives the complaint, they have 24 hours to ensure that the identified domestic animal in the complaint is not present on the complainant's property.

(5) If the identified domestic animal in the complaint is thereafter found to be present on the complainant's property, the owner of the domestic animal will be in violation of this chapter.

(c) It is a violation of this ordinance for a person to engage in activities bringing them within the definition of a backyard breeder, as defined in Section 6-1 herein.

Note: This measure is to give property owners the right to identify specific domestic animals that are creating a nuisance. This does not bind the county to keep all animals off any property. The animal services department will not take complaints from complainants requesting that all domestic animals be kept off their property.

Sec. 6-115. Cat colonies.

~~(a) Cat colonies should be registered with the animal services.~~

(a~~b~~) Each colony must have a contact person.

(b~~e~~) Each colony must have permission from the property owner to house the colony on the premises.

(c~~d~~) Each cat colony contact person will be required to maintain a current and up-to-date log of vaccines and records of all cats in the colony.

Secs. 6-116. Community Cat Management Program

Burke County acknowledges the need to address the permanent presence of community cats living in an outdoor environment, independent of human intervention. Management programs to reduce the uncontrolled reproduction of community cats shall be implemented by the animal services director to provide for the sterilization and return-to-field of all healthy community cats entering the county shelter.

(a) All community cats entering the county shelter shall be counted toward intake statistics and, upon return-to-field, shall be counted as a live-release statistic.

(b) All community cats entering the county shelter shall be examined for temperament to evaluate their candidacy for including in the adoption program.

(c) Animal services will attempt to rehabilitate kittens of community cats that are moderately tame for inclusion into the adoption program.

Community cats shall be held for the mandatory holding period established by the state and then sterilized, ear-tipped, vaccinated, and returned to the original point of pick-up by an animal services staff member or released to an approved rescue group. However, any community cat determined to be a nuisance by the department shall be relocated to an alternate suitable outdoor location.

Secs. 6-117. Animal(s) creating nuisance prohibited from running at large.

(a) It shall be unlawful for any owner to permit an animal to run at large so as to create a public nuisance.

(b) For the purpose of this section, public nuisance includes, but is not limited to, the following:

1) Animals that habitually or repeatedly disturb, interfere with, or annoy human beings while not in the mode of attack;

2) Animals that damage the property of another, defecate or urinate upon the property of another, tip over garbage pails or damage gardens, flowers or vegetables; or otherwise interfere with the reasonable use of one's property;

3) In the case of a female animal, ones that are not confined in a secure enclosure during estrus; or

4) Dogs that are found to be without restraint, off their owner's property, on a public highway, street, roadway, or sidewalk.

(c) When the animal services director's investigation determines that a violation of this section is supported by evidence, the animal services director will issue the owner, keeper, or harborer a containment order notice, which shall require the owner, keeper, or harborer to comply with specific preventative measures for the containment of an animal or animals on his or her property at all times.

(d) After a containment order notice has been issued to a person, the animal services director, upon finding evidence to support a subsequent violation of this section, including failure to abide by the containment order notice, may issue the owner or keeper a citation with fines and civil penalties as follows:

1) For the first subsequent violation, a fine of one hundred dollars ($100.00) and a civil penalty of one hundred dollars ($100.00);

2) For the second subsequent violation, and any subsequent violation of this section, a fine of two hundred dollars ($200.00) and a civil penalty of two hundred dollars ($200.00).

Notwithstanding subsection (2) above, if the nuisance animal is not spayed or neutered, as the case may be, the fines and civil penalties for the second subsequent violation and any subsequent violations shall both be increased to five hundred dollars ($500.00). Once an animal is spayed or neutered, all fines and civil penalties levied in excess of two hundred dollars ($200.00) per fine or civil penalty shall be considered waived.

Secs. 6-1186—6-130. Reserved.

ARTICLE V. REMEDIES

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

(a) *Civil penalties.* Any person, firm or corporation violating any of the provision of this chapter shall be subject to the imposition by citation of a civil penalty for each such violation which shall be paid in full within ten days of the service of the citation by a representative of the county animal services department or any law enforcement officer in accordance with G.S. 153A-123. If the offender does not pay the penalty within ten days, the county may recover said penalty plus court costs in a civil action in the nature of debt. Failure to correct the violation within the ten-day period will result in an additional penalty

of $50.00 per violation per day until the violation is corrected. All civil penalties are subject to associated legal fees in the collection of delinquent penalties.

(1) Unless otherwise stated in this chapter, any person, firm, etc., violating any provision of this chapter shall be subject to the following penalties with a time frame of one year on the last citation.

a. First offense, warning.

b. Second offense, $50.00 penalty.

c. Third offense, $100.00 penalty.

d. Fourth offense, $200.00

d. All offenses after fourth, $300.00 penalty per incident.

(2) If any dangerous animal or dangerous dog (as defined in G.S. 67-4.1), when unprovoked, attacks, assaults, wounds, bites or otherwise injures or kills a human being, the owner shall pay a civil penalty of $~~3,000~~500.00. After a ten-day waiting period, exclusive of Sundays and holidays, the owner may reclaim the animal or dangerous dog in injury cases only. Animals that kill a human being will be euthanized.

(3) If any dangerous animal or dangerous dog (as defined in G.S. 67-4.1), when unprovoked, kills, wounds or assists in killing or wounding any domestic animal or pet, the owner of said animal or dog shall pay a civil penalty of $200.00. For each subsequent violation, the owner of said animal or dog shall pay a civil penalty of $400.00.

(4) If any dangerous animal or dangerous dog runs at large, the owner of said animal or dog shall pay a civil penalty of $200.00. For each subsequent violation, the owner of said animal or dog shall pay a civil penalty of $300.00.

(5) Any person in possession of or keeping an inherently exotic within the county in violation of the applicable provisions of this chapter shall be subject to the imposition by citation of a civil penalty for each such violation in the amount of $300.00.

(6) Violation of the county ordinance for animal cruelty is subject to a first offense penalty of $3~~5~~00.00 and a second offense penalty of $~~1,0~~500 if the second offense occurs within one year of the first offense.

(7) If the offender does not pay the full amount of the penalty within ten days, the county may recover all attorney fees in a civil action in the nature of debt.

(8) The owner shall also be responsible for any costs incurred such as a tranquilizer fee, costs of which are at a minimum of $50.00.

(9) The owner shall be responsible for all fees associated with the citation collection.

(10) Any civil penalty or fees owed to Burke County herein that are unpaid after ten days may be referred to the North Carolina Debt Setoff Collection Program for collection pursuant to G.S. 105A-2(6) as well as a local collection assistance fee of $15.00.

(b) *Criminal sanctions.* Violation of this chapter shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this Section is a separate offense.

(c) *Injunctive relief.* In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

(d) *Seizure or impoundment.* In addition to criminal or civil penalties, the animal services department is authorized to seize or impound an animal for violation of specific sections of this chapter as set forth in this chapter. If an animal is seized, the animal services enforcement officer shall issue a written notice of seizure and leave it with the owner, or it may be affixed to the premises from which the animal was seized.

--END OF REVISIONS TO CODE—

Adopted this 15th day of December 2025.

Jeffrey C. Brittain, Chairman
Board of Commissioners

ATTEST:

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board of Commissioners

CLERK - APPOINTMENT TO THE BOARD OF ADJUSTMENT

Kay Draughn, Clerk to the Board, announced that Mr. Ray Johnson, who occupies Seat No. 3, west - voting member, on the Board of Adjustment, has resigned due to an out-of-state relocation. His term ends September 30, 2026. Applications were solicited, and there are several applications on file for this vacancy.

Chairman Brittain opened the floor for nominations.

Motion: To remove Ray Johnson's name from the official roster of the Board of Adjustment and thank him for his service to the community.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Randy Burns, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Commissioner Burnes nominated James Wakeford. There being no further nominations, Chairman Brittain closed the floor for nominations and then called for a motion.

Motion: To appoint James Wakeford to Board of Adjustment Seat No. 3 (West - voting member) to complete the remainder of an unexpired term ending September 30, 2026.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Randy Burns, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

CLERK - APPOINTMENT OR REAPPOINTMENT TO THE BOARD OF EQUALIZATION & REVIEW

Kay Draughn, Clerk to the Board, stated that Betty Greer occupies Seat No. 1 on the Board of Equalization and Review, and her term ends on December 31st. She has served on this board since 2015. There are three (3) additional applications on file for this seat, which has a 3-year term.

Chairman Brittain opened the floor for nominations. Vice Chairman Smith **MOVED** to reappoint Betty Greer.

Motion: To reappoint Betty Greer to the Board of Equalization & Review for a 3-year term ending December 31, 2028.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Phil Smith, Vice Chairman
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

CLERK - APPOINTMENTS OR REAPPOINTMENTS TO THE PUBLIC HEALTH ADVISORY BOARD

Kay Draughn, Clerk to the Board, reported that the terms of appointment for the following members of the Public Health Advisory Board end December 31st:

- Seat No. 4 Dr. Anthony Frank, Physician
- Seat No. 8 Dr. Joel Welch, Engineer

- Seat No. 11 Gwen Stephens, At-large

Note: Ms. Stephens also represents the PHAB on the Animal Advisory Board.

All three (3) members desire reappointment, and there is an additional application on file for the at-large seat.

Motion: To reappoint Dr. Anthony Frank (Seat 4) and Dr. Joel Welch (Seat 8) on the Public Health Advisory Board for 3-year terms ending December 31, 2028.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Randy Burns, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Chairman Brittain opened the floor for nomination to Seat No. 11, at-large. Commissioner Barrier **MOVED** to appoint Gwen Stephens.

Motion: To reappoint Gwen Stephens to Seat No. 11, at-large, on the Public Health Advisory Board for a 3-year term ending December 31, 2028.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian Barrier, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

TAX - TAX COLLECTION REPORT FOR PERIOD ENDING NOVEMBER 30, 2025

John Bridgers, Tax Administrator, presented the Tax Collection Report for November 2025 as follows:

2025-2026 Year-to-Date Levy				
	Current Year Amended Levy	Current Year Collected	% Collected	$ Remaining
Property Tax	$55,646,480	$39,201,582	70%	$16,444,898
Motor Vehicles	$5,456,857	$2,196,806	40%	$3,260,051
Fire Tax	$6,507,480	$4,519,090	69%	$1,988,390

Year-to-Date Revenue Collections				
	Budget	Actuals To Date	% Collected	$ Remaining
Current Year Taxes	$60,495,871	$41,398,388	68%	$19,097,483
Discounts	($350,000)	($346,196)		
Delinquent Taxes	$700,000	$438,026	63%	$261,974
Interest and Fees	$329,000	$170,944	52%	$158,056
	$61,174,871	$41,661,161		

Chairman Brittain opened the floor for questions or comments; there being none, he called for a motion.

Motion: To accept the Tax Collection Report as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

TAX - TAX RELEASE AND REFUND REPORT FOR PERIOD ENDING NOVEMBER 30, 2025

John Bridgers, Tax Administrator, presented the Tax Release and Refund Report as follows:

Tax System Refunds and Releases			
Report Amount	Rebilled Amount	Net Release	Refund Amount
$22,246.04	$14,538.49	$7,707.45	$0.00

VTS Refunds Over $100	
	Refund Amount
VTS Adjustments	$2,285.04

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount($)	Release Amount($)	Bill Amount after Release($)
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Adjustment**						
0024083976-2025-2025-0000-00-REG	LOWMAN, GAIL	7/1/2025	LOENDORF JOSEPH	10/31/2025	98.11	92.00	6.11
Subtotal					**98.11**	**92.00**	**6.11**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Deceased**						
0000048405-2022-2022-0000-00-REG	HUFFMAN, NANCY	7/1/2022	LINDA WILBUR	11/4/2025	120.05	120.05	0.00
0000075511-2020-2020-0000-00-REG	LLOYD, FANNIE E	7/1/2020	LINDA WILBUR	11/13/2025	80.26	80.26	0.00
0000075511-2021-2021-0000-00-REG	LLOYD, FANNIE E	7/1/2021	LINDA WILBUR	11/13/2025	84.26	84.26	0.00
0000075511-2022-2022-0000-00-REG	LLOYD, FANNIE E	7/1/2022	LINDA WILBUR	11/13/2025	90.26	90.26	0.00
0000075511-2023-2023-0000-00-REG	LLOYD, FANNIE E	7/3/2023	LINDA WILBUR	11/13/2025	94.16	94.16	0.00
0024075559-2024-2024-0000-00-REG	ADAMS, BRANDON C	7/15/2024	KAYLA BURGESS	11/6/2025	9.24	3.08	6.16
0024075559-2024-2024-0000-00-REG	ADAMS, BRANDON C	7/15/2024	KAYLA BURGESS	11/6/2025	6.16	6.16	0.00
0024075559-2025-2025-0000-00-REG	ADAMS, BRANDON C	7/1/2025	KAYLA BURGESS	11/6/2025	12.21	6.10	6.11
0024075559-2025-2025-0000-00-REG	ADAMS, BRANDON C	7/1/2025	KAYLA BURGESS	11/6/2025	6.11	6.11	0.00
Subtotal					**502.71**	**490.44**	**12.27**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Duplicate Billing**						
0000003211-2025-2025-0000-00-REG	DALE, CARL J	7/1/2025	LOENDORF JOSEPH	11/12/2025	1,522.82	8.33	1,514.49
0024076701-2025-2023-0000-00-REG	DAVIDSON HOLLAND WHITESELL & CO PLLC	7/31/2025	JOHN BRIDGERS	11/25/2025	341.78	341.78	0.00
0024076701-2025-2024-0001-01-REG	DAVIDSON HOLLAND WHITESELL & CO PLLC	7/31/2025	JOHN BRIDGERS	11/25/2025	360.40	360.40	0.00
0024085825-2025-2025-0000-00-REG	CONGER, RICKEY JOE JR	8/29/2025	LOENDORF JOSEPH	11/6/2025	42.87	42.87	0.00
0024088048-2025-2025-0000-00-REG	ICENHOUR, DAVID JAMES	8/29/2025	LOENDORF JOSEPH	11/3/2025	103.63	103.63	0.00
0024088114-2025-2025-0000-00-REG	ASCENCIO, NATHALIE RAQUEL	8/29/2025	LOENDORF JOSEPH	11/24/2025	9.39	9.39	0.00
0024088678-2025-2025-0000-00-REG	NUNEZ, YAEL MARIE	8/29/2025	LOENDORF JOSEPH	11/13/2025	124.04	124.04	0.00

0024088785-2025-2025-0000-00-REG	MONDAY, SHARON LEIGH	8/29/2025	LOENDORF JOSEPH	11/4/2025	14.29	14.29	0.00
0024089673-2025-2025-0000-00-REG	TOWNSEND, JORDON HOWARD	8/29/2025	LOUISE JOHNSON	11/13/2025	355.94	355.94	0.00
0024090321-2025-2025-0000-00-REG	TOON, MELEISSA JANE	8/29/2025	KAYLA BURGESS	11/3/2025	102.34	102.34	0.00
0024090792-2025-2025-0000-00-REG	MILLER, GEORGIE MOORE	8/29/2025	LOUISE JOHNSON	11/12/2025	9.44	9.44	0.00
0024090948-2025-2025-0000-00-REG	MILLER, GEORGIE MOORE	8/29/2025	LOUISE JOHNSON	11/12/2025	4.86	4.86	0.00
0024091184-2025-2025-0000-00-REG	WRIGHT, JENNIFER SHAFFER	8/29/2025	LOENDORF JOSEPH	11/14/2025	270.56	270.56	0.00
0024091832-2025-2025-0000-00-REG	SAULS, DAVID GLENN	8/29/2025	LOUISE JOHNSON	11/4/2025	203.13	203.13	0.00
0024091969-2025-2025-0000-00-REG	VICENTE PEREZ, ALAN AMILCAR	8/29/2025	KAYLA BURGESS	11/3/2025	16.34	16.34	0.00
0024092324-2025-2025-0000-00-REG	PIERCE, HEATHER DAWN	8/29/2025	LOENDORF JOSEPH	11/7/2025	14.43	14.43	0.00
0024092879-2025-2025-0000-00-REG	LOWERY, MCARTHUR JR	8/29/2025	LOENDORF JOSEPH	11/6/2025	55.03	55.03	0.00
0024092953-2025-2025-0000-00-REG	HOPKINS, STEVEN THOMAS	8/29/2025	LOENDORF JOSEPH	11/5/2025	6.62	6.62	0.00
0024093124-2025-2025-0000-00-REG	HIGGINS, TOBY SCOTT	8/29/2025	LOENDORF JOSEPH	11/24/2025	108.19	108.19	0.00
0024093561-2025-2025-0000-00-REG	MILLER, GEORGIE MOORE	8/29/2025	LOUISE JOHNSON	11/12/2025	34.63	34.63	0.00
0024093594-2025-2025-0000-00-REG	DILLON, DAVID MATTHEW	8/29/2025	LOENDORF JOSEPH	11/21/2025	51.36	51.36	0.00
Subtotal					**3,752.09**	**2,237.60**	**1,514.49**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Late Listing**						
0024084736-2025-2025-0000-00-REG	CDM FLYER LLC	7/1/2025	LINDA WILBUR	11/5/2025	13,125.75	1,193.25	11,932.50
Subtotal					**13,125.75**	**1,193.25**	**11,932.50**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Listed In Error**						
0024069296-2025-2025-0000-00-REG	SMITH, STANLEY A	7/1/2025	LOENDORF JOSEPH	11/26/2025	1,086.00	25.47	1,060.53
Subtotal					**1,086.00**	**25.47**	**1,060.53**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Not in Burke County**						
0024077329-2025-2025-0000-00-REG	STUTTS, KEITH GLENN	7/1/2025	JOHN BRIDGERS	11/26/2025	943.50	943.50	0.00
Subtotal					**943.50**	**943.50**	**0.00**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Process Correction**						
0000024162-2025-2025-0000-00-REG	NEWTON, JAMES K	7/1/2025	LOENDORF JOSEPH	11/25/2025	541.01	541.01	0.00
0000028324-2025-2025-0000-00-REG	BROWN, BARBARA E	7/1/2025	LOENDORF JOSEPH	11/25/2025	1,361.93	1,361.93	0.00
0000031687-2025-2025-0000-00-REG	HELTON, CHARLES	7/1/2025	LOENDORF JOSEPH	11/25/2025	734.25	734.25	0.00
Subtotal					**2,637.19**	**2,637.19**	**0.00**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Release LFUF**						
0000048405-2023-2023-0000-01-REG	COOK, THERMON D	7/3/2023	LINDA WILBUR	11/4/2025	100.69	88.00	12.69
Subtotal					**100.69**	**88.00**	**12.69**
Total					**22,246.04**	**7,707.45**	**14,538.59**

Payee Name	Bill #	Refund Description	Refund Reason	Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
HOPKINS, NANCY ANGELINA	0083593009	Refund Generated due to adjustment on Bill #0083593009-2024-2024-0000	Situs error	01	TAX	$0.00	$0.01	$0.01
				57	TAX	($142.97)	($7.15)	($150.12)
				57	VEHICLE FEE	($20.00)	$0.00	($20.00)
				20	TAX	$22.87	$1.14	$24.01
							Refund	**$146.10**
SIMPLY GREEN RECYCLING INC	0086386258	Refund Generated due to adjustment on Bill #0086386258-2025-2025-0000-00	Exempt Property	01	TAX	($444.00)	$0.00	($444.00)
				57	TAX	($400.00)	$0.00	($400.00)
				57	VEHICLE FEE	($20.00)	$0.00	($20.00)
							Refund	**$864.00**
SIMPLY GREEN RECYCLING INC	0086386215	Refund Generated due to adjustment on Bill #0086386215-2025-2025-0000-00	Exempt Property	01	TAX	($555.00)	$0.00	($555.00)
				57	TAX	($500.00)	$0.00	($500.00)
				57	VEHICLE FEE	($20.00)	$0.00	($20.00)
							Refund	**$1075.00**
SURRATT, JASON MATTHEW	0072587884	Refund Generated due to adjustment on Bill #0072587884-2024-2024-0000-00	Military	01	TAX	($115.53)	($7.51)	($123.04)
				55	TAX	($72.21)	($4.69)	($76.90)
							Refund	**$199.94**
							Refund Total	**$2285.04**

Chairman Brittain opened the floor for questions or comments; there being none, he called for a motion.

Motion: To accept the Tax Release and Refund Report as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Randy Burns, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

CM - APPOINTMENTS TO THE DANGEROUS DOG APPEAL BOARD

Brian Epley, County Manager, noted that the Board of Commissioners needs to reappoint members to a board that has been inactive for several years due to expired terms and the passing of a member. He also explained that the ordinance and statute require one (1) member to be a veterinarian; however, a veterinarian has not yet applied. The remaining applicants have submitted applications and are willing to serve in the available seats with staggered terms to reestablish the board. If approved, the board will likely hold a hearing within the next 60 days.

Seat No.	Criteria	Applicant's Name	Proposed Term – 3-Year Staggard
1	At-Large	Gwen Stephens	12-15-2028
2	At-Large	David Draughn	12-15-2027
3	At-Large	Kenneth B. Steen	12-15-2026
4	At-Large	John Wilson	12-15-2028
5	Veterinarian	To Be Determined	12-15-2027

Chairman Brittain opened the floor for questions or comments. Mr. Epley responded to a clarifying question from the Chairman. There being nothing further, Chairman Brittain called for a motion.

Motion: To approve the membership and terms of the Dangerous Dog Appeals Board as presented. Further, express appreciation to the former members of the Dangerous Dog Appeal Board for their service to the community.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Brian Barrier, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Note: The appellant subsequently withdrew the appeal; therefore, the hearing was not conducted.

REPORTS AND COMMENTS

Chairman Brittain opened the floor for reports and comments from Board members and professional staff. Professional staff and the entire Board each wished everyone a Merry Christmas. Commissioner Stroud also expressed enthusiasm about the direction of the Board, noting that the Commissioners are working together and are committed to improving customer service. Commissioner Burns reported that he attended the retirement recognition for Chief Robin Triplett, who was honored for 45 years of service, and stated he was honored to attend. He also announced that he was recently elected Chairman of the Policy Board for the Western Piedmont Council of Governments.

Chairman Brittain issued several reminders for upcoming county office closures, BOC meetings, and invited youth groups interested in leading the Pledge of Allegiance at Board meetings to sign up on the county website. Further, he encouraged citizens to spay or neuter pets, adopt or foster from Burke County Animal Services, secure their loads when visiting convenience centers or the

landfill, avoid littering, and report littered areas through the Community Beautification tab on the county's website.

RESULT:	**NO ACTION TAKEN.**

VACANCY ANNOUNCEMENTS

CLERK - BOARDS & COMMITTEES VACANCY REPORT
Kay Draughn, Clerk to the Board, announced the following service opportunities:

- Adult Care & Nursing Home Community Advisory Committee
- Burke County Public Health Advisory Board
- Hickory Regional Planning Commission
- Drexel Planning Board - ETJ Members & Alternate
- Partners Health Management's Human Rights Committee

Chairman Brittain opened the floor for questions or comments and then encouraged citizens to participate and get involved.

RESULT:	**NO ACTION TAKEN.**

CLOSED SESSION – NOT NEEDED, NOT HELD

ADJOURN

Motion: To adjourn the meeting at 4:40 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Randy Burns, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

Approved this 16th day of March 2026.

_____
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

Attest:

_____
Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board