MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING

The Burke County Board of Commissioners held a meeting on Monday, February 16, 2026, 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 Will Sparks, Wilson, Lackey, Rohr & Hall P.C. Kay Draughn, Clerk to the Board
STAFF ABSENT:	Margaret Pierce, Finance Director/Deputy County Manager (Attending a continuing education conference.)

CALL TO ORDER
Chairman Brittain called the meeting to order at 6:01 p.m.

INVOCATION
Dr. Luke Lane, Senior Pastor, Burkemont Baptist Church, delivered the invocation.

PLEDGE OF ALLEGIANCE & SPECIAL RECOGNITION
East Burke Royals & Oak Hill Bulldogs, Boys 9-10 Basketball Teams & Coaches, led the Pledge of Allegiance to the American Flag. Afterwards, Wesley Hasson, Athletic Program Supervisor, recognized coaches, officials, and athletic foundations from East Burke and Oak Hill for an outstanding display of sportsmanship during a Burke County Recreation Department youth basketball game. Mr. Hasson explained that, after learning an Oak Hill player with autism had not yet scored, East Burke coaches worked with their team to create opportunities for him to take a shot. The child successfully made a basket, and the moment generated significant community support and widespread attention on social media. On behalf of the Recreation Department, certificates of recognition were presented to East Burke coaches Cody Brown and Devin Lingerfelt, Oak Hill coaches Natalie Beam and Kelvin Beam, and game officials Shatney Jones and Pam Phillips for their sportsmanship, leadership, and positive impact on youth athletics. Amber Long, President, Oak Hill Athletic Foundation, also addressed the Board, expressing appreciation to the coaches, officials, and players for creating a memorable experience for this child.

Chairman Brittain praised the exemplary sportsmanship displayed and acknowledged the attendance of Representative Hugh Blackwell.



Depicted from left to right: Rick Barnes, Melissa Barnes, Shatney Jones, Devin Lingerfelt, Cody Brown, Pam Phillips, Natalie Beam, Kelvin Beam, and Amber Long.



East Burke Royals & Oak Hill Bulldogs, boys 9-10 basketball teams and coaches, with the Board of Commissioners.

APPROVAL OF AGENDA

Motion: To approve the agenda as amended, including the addition of Items for Decision No. 6, *Resolution Authorizing Private Sale to a Nonprofit*, and moving the Recognition of the East Burke High School Cheer Team *from* Presentation Item No. 2 *to* Presentation Item No. 1.

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

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes of the November 3, 2025 (pre-agenda), November 17, 2025 (special / quasi-judicial), November 17, 2025 (regular), and December 1, 2025 (pre-agenda) meetings as written.

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

PRESENTATIONS

BOC - RECOGNITION OF THE EAST BURKE HIGH SCHOOL CHEER TEAM

Head Coach Sabrina Baker commended the East Burke High School cheerleading team for winning the NCHSAA State Championship. Coach Baker noted that the championship is the first state title in both the cheerleading program's history and East Burke High School's history. She expressed pride in the team's accomplishment of achieving this historic milestone.



East Burke Cheer Team with Head Coach Sabrina Baker and the Burke County Board of Commissioners.

RESULT:	**NO ACTION TAKEN.**

WPCOG - INTERBASIN TRANSFER UPDATE

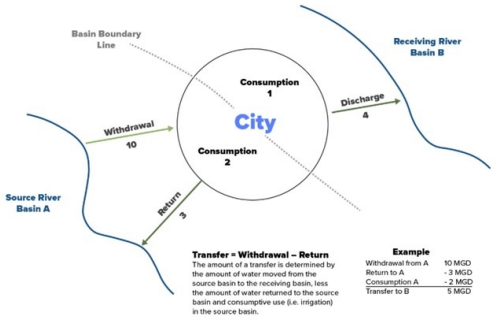
Anthony Starr, Executive Director of the Western Piedmont Council of Governments, presented an update on Charlotte's interbasin transfer request. The highlights of his presentation were as follows:





What is an interbasin transfer?

- Water is removed from one basin, consumed/used in a jurisdiction, and then discharged into another basin.
- IBTs can be **harmful** to the jurisdiction losing water and beneficial to jurisdiction getting water.



What the experts say about IBTs

Interbasin Water Transfers in the Western United States
(David Getches, Univ. of Colorado)

"When water is removed from an area it almost invariably causes **economic and environmental impacts**. These impacts are the greatest in the case of transfers from one basin to another. . ."

"When water supplies are committed to exports, it **discourages investments in new businesses** that require water. The transfer of water to another watershed therefore deprives the area of origin of water that could be used for economic growth in that area of origin."

"Less economically advantaged areas. . .rarely have sufficient political power to prevent or alter plans to de-water their watersheds."

Are intra- and inter-basin water transfers a sustainable policy intervention for addressing water scarcity?
(Ariel Dinar, Univ. of California - Riverside)

"One of the most **extreme** policy interventions is to build infrastructure to move water from locations where it is abundant to locations facing scarcity."

"Compared with water conservation measures, IBTs involve **far more problems** that could arise along a more distant horizon."

Current Catawba River IBTs

- **Charlotte Water** has a 33 million gallons per day interbasin transfer certificate (2002).
- **Concord Kannapolis** has a 20 million gpd interbasin transfer certificate: 10 million gpd from the Catawba and 10 million gpd from the Yadkin (2007).
- The Town of **Mooresville** has a pre-existing interbasin transfer allowance of 9.54 million gpd.

Presentation Agenda

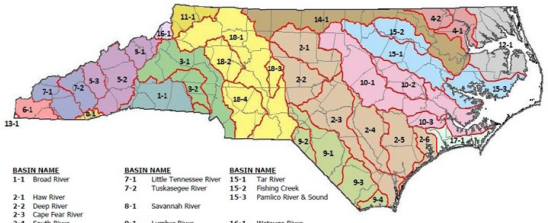
1. Background: Interbasin Transfers
2. **The Catawba River Basin**
3. Charlotte Water's Request + Impacts
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*"Precipitation deficits during the 1998-2002 drought for some locations in North Carolina were among the **largest documented since the beginning of systematic collection** of weather data."*

– US Geological Survey

The river basins of North Carolina

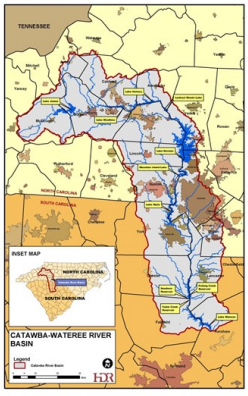
Designated Interbasin Transfer River Basins
As defined in G.S. §143-215.22G



BASIN NAME		BASIN NAME		BASIN NAME	
1-1	Broad River	7-1	Little Tennessee River	15-1	Tar River
2-1	Haw River	7-2	Tuskasegee River	15-2	Fishing Creek
2-2	Deep River	8-1	Savannah River	15-3	Pamlico River & Sound
2-3	Cape Fear River	9-1	Lumber River	16-1	Watauga River
2-4	South River	9-2	Big Shoe Heel Creek	17-1	White Oak River
2-5	Northeast Cape Fear River	9-3	Waccamaw River	18-1	Yadkin River
2-6	New River	9-4	Shallotte River	18-2	South Yadkin River
3-1	Catawba River	10-1	Neuse River	18-3	Uwharrie River
3-2	South Fork Catawba River	10-2	Contentnea Creek	18-4	Rocky River
4-1	Chowan River	10-3	Trent River		
4-2	Meherrin River	11-1	New River		
5-1	Nolichucky River	12-1	Albemarle Sound		
5-2	French Broad River	13-1	Ocoee River		
5-3	Pigeon River	14-1	Roanoke River		
6-1	Hiwassee River				

The Catawba River basin

- **First river in the US completely planned/developed for electricity production**
- **11 interconnected reservoirs licensed by the Federal Energy Regulatory Commission (FERC)**
  - Completed 1904-1963 (spanning 225 river miles)
  - 79,895 surface acres, 1,795 miles shoreline
- **Modest water availability**
  - Avg. inflow – 3,752 million gallons per day (MGD)
  - Avg. annual precipitation – 42 inches
  - **Usable Storage = 776,747 acre-feet = 252 billion gallons ≈ 7% of annual basin precipitation**
- **Duke Energy electric generation – Supports 20% of Duke Energy's generating capacity in the Carolinas**
  - 789 MW clean, renewable, flexible hydropower
  - Cooling water for 7,063 MW coal/nuclear
- **Lots of people**
  - Most densely populated river basin in NC
  - 2 states, 17 counties, 30+ cities
  - Over 25,000 lake neighbors (property values)
  - Over 16 million recreation visits per year
  - Several large industrial water intakes
- **Reservoirs serve as the raw water source for 18 public water systems (2 million customers)**



The Catawba: A threatened river

- "The Catawba-Wateree River basin is experiencing **unprecedented demand for clean water** due to exponential population growth of the Charlotte metropolitan area, which spans several counties in both North and South Carolina."
- "These threats, combined with predictions of more frequent droughts. . .impair the river's health and its ability to provide for residents in the future is **at risk**."
- "Without adequate river flows, utility companies, mills, and manufacturing facilities that depend on the Catawba River **will founder**."

America's Most Endangered Rivers™

NUMBER 1

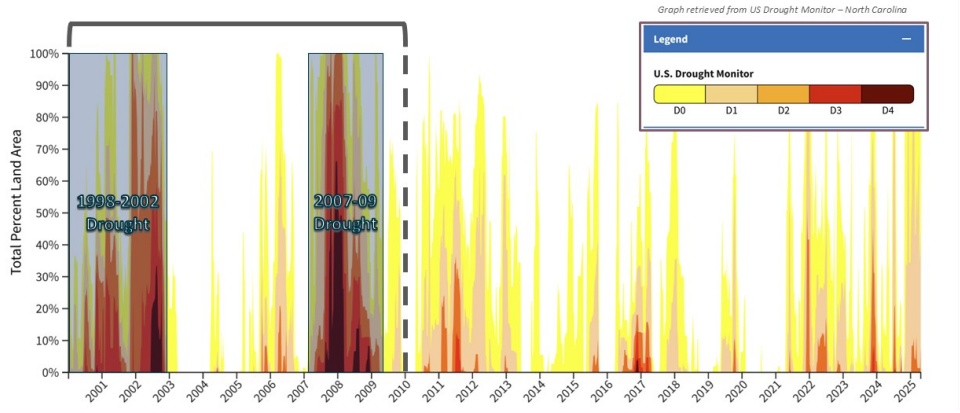
CATAWBA-WATEREE RIVER

NORTH CAROLINA, SOUTH CAROLINA

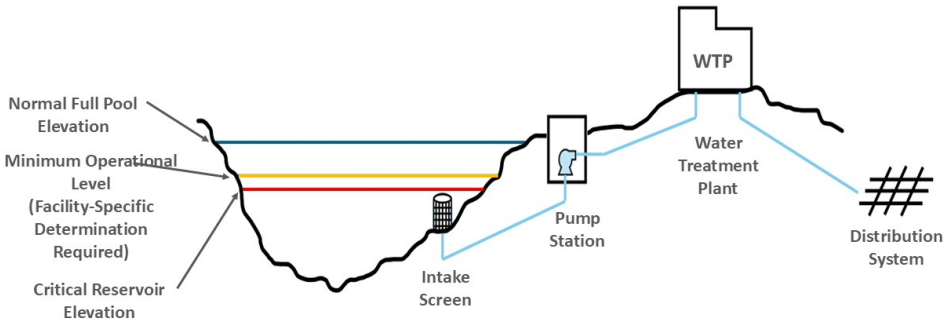
THREAT: OUTDATED WATER SUPPLY MANAGEMENT

Source: American Rivers: America's Most Endangered Rivers™

The Catawba: A threatened river



Technical impacts of a drought



The 1998 - 2002 drought

- USGS: "Precipitation deficits during the 1998-2002 drought for some locations in North Carolina were among the **largest documented since the beginning of systematic collection** of weather data."
- Catawba River Basin suffers the worst of it: "The largest deficits occurred **primarily in the western Piedmont** and were as much as 60 to 70 inches in some locations during the 4-year period," with Hickory leading the entire state in reduced precipitation.
- 2001-02: Lake James cannot reach target elevations necessary to sustain downstream water needs
- Summer 2002: Duke Energy says water intakes in some reservoirs will be exposed if drought lasted another year

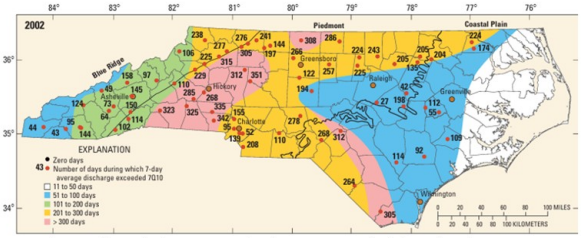


Image from USGS, "The Drought of 1998–2002 in North Carolina — Precipitation and Hydrologic Conditions."

The 2007-2009 drought

- Most severe North Carolina drought in recorded history
- October 2007 Hickory press release: "The goal in August and September was to reduce water use by five to ten percent, and now there is a need to reduce water consumption by more **than 20 percent**."
- NC DEQ: Portions of the basin dropped below normal levels **by 8-10 *feet***
- Low Inflow Protocol (LIP) Stage 3 declared (second-highest stage); aspects of LIP 4 were implemented
- Lake Norman dropped to just 3.1 feet above cooling intake for nuclear power plant
- Meanwhile, Charlotte continued pulling water from the Catawba and **lost more than 19%** of every gallon it took (source: Charlotte Water) – 23 mgd lost each day



Charlotte IBT and Conservation Targets

- Charlotte Water published its water conservation goals for **extreme** droughts as a **10-20% reduction**
- Charlotte Water uses about 124.55 million gallons per day
- A 10-20% conservation reduction is about 12.5 to 25 mgd for Charlotte Water
- The potential Charlotte Water IBT is 63 mgd
- Charlotte is proposing to transfer 2.5 to 5 times more water than it hopes to conserve during extreme droughts



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2. The Catawba River Basin
3. **Charlotte Water's Request + Impacts**
4. Alternatives Available to Charlotte
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6. Legislative Study
7. Questions

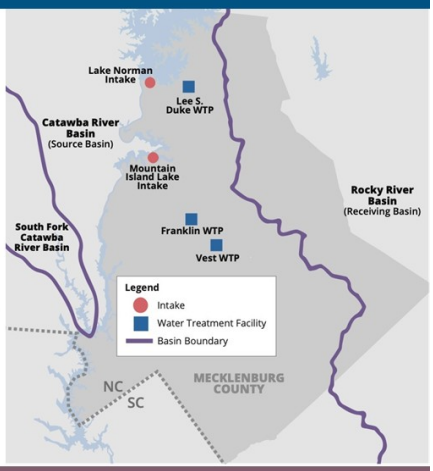
Charlotte Water's request + impacts

- Charlotte has existing approval for an interbasin transfer of 33 mgd
  - This IBT was originally projected to meet demands until 2030
- In 2024, Charlotte announced its intent to request an increase of 30 million gpd, bringing the **total transfer to 63 mgd**
- **The 30 mgd IBT increase will serve about 300,000 more people in eastern Mecklenburg**
- Charlotte Water's request has **economic, financial, and legal consequences** for community that rely exclusively on the Catawba River Basin for their water needs


CHARLOTTE WATER

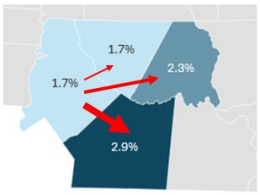
February 22, 2024

Subject: Charlotte Water Notice of Intent to Request Increase to Interbasin Transfer Certificate



Charlotte Water's request: Economic impacts

- Charlotte's request would **harm basin communities** economically and **benefit Charlotte**:
  1. WNC needs water capacity for commercial and industrial growth. But that **growth can't happen** if WNC's only water source is transferred to Charlotte.
  2. Charlotte population is migrating to adjacent counties, especially Union County (fifth-highest growth in NC). **WNC cannot accommodate its own residential growth** if its water is used to accommodate Charlotte's instead.
- "When water supplies are committed to exports, it discourages investments in new businesses that require water. The transfer of water to another watershed therefore **deprives the area of origin of water that could be used for economic growth** in that area of origin." (Univ. of Colorado)



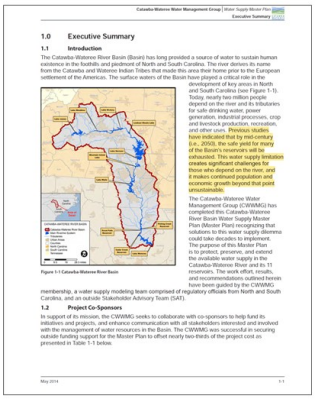
Population growth, 2022-23. *Carolina Demography.*



Charlotte Water's request: Economic impacts

"Previous studies have indicated that by mid-century (i.e., 2050), the **safe yield for many of the Basin's reservoirs will be exhausted**. This water supply limitation creates significant challenges for those who depend on the river, and it makes **continued population and economic growth beyond that point unsustainable**."

– Catawba-Wateree Water Management Group (2014)



1.0 Executive Summary

1.1 Introduction

The Catawba-Wateree River Basin (Basin) has long provided a source of water to sustain human existence in the foothills and piedmont of North and South Carolina. The river derives its name from the Catawba and Wateree Indian Tribes that made this area their home prior to the European settlement of the Americas. The surface waters of the Basin have played a critical role in the development of key areas in North and South Carolina (see Figure 1-1). Today, nearly two million people depend on the river and its tributaries for their drinking water, power generation, industrial processes, crop and livestock production, recreation, and other uses. Previous studies have indicated that by mid-century (i.e., 2050), the safe yield for many of the Basin's reservoirs will be exhausted. This water supply limitation creates significant challenges for those who depend on the river, and it makes continued population and economic growth beyond that point unsustainable.

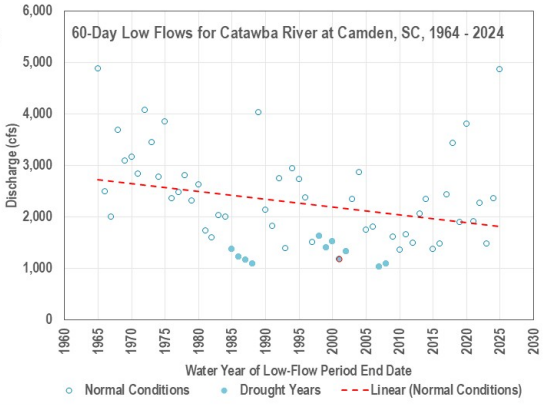
The Catawba-Wateree Water Management Group (CWWMG) has completed this Catawba-Wateree River Basin Water Supply Master Plan (Master Plan) recognizing that solutions to this water supply dilemma could take decades to implement. The purpose of this Master Plan is to protect, preserve, and extend the available water supply in the Catawba-Wateree River Basin for the next 40 years. The work effort, results, and recommendations outlined herein have been guided by the CWWMG membership, a water supply modeling team comprised of regulatory officials from North and South Carolina, and an outside Stakeholder Advisory Team (SAT).

1.2 Project Co-Sponsors

In support of its mission, the CWWMG seeks to collaborate with co-sponsors to help fund its initiatives and projects, and enhance communication with all stakeholders interested and involved with the management of water resources in the Basin. The CWWMG was successful in securing outside funding support for the Master Plan to offset nearly two-thirds of the project cost as presented in Table 1-1 below.

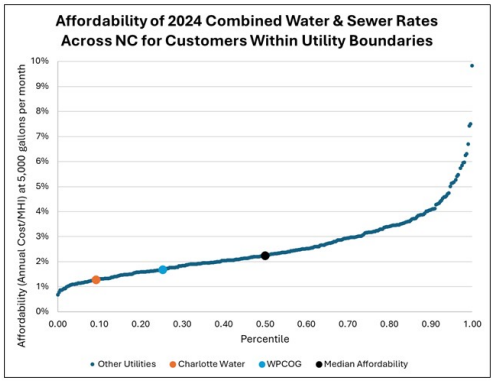
Charlotte Water's request: Engineering impacts

- **Trends suggest the availability of water in the basin may be declining.**
- Transferring yet more water from the basin would worsen pollutant concentrations.
- Why? If pollutant concentrations stay constant while water volume decreases, the remaining water necessarily has higher concentrations of pollutants.
- That will require more treatment measures, which are expensive.
- Under current policy, basin communities would have to fund those measures, not Charlotte.



Charlotte Water's request: Financial impacts

- Water rates in Charlotte are more affordable as a % of median household income than 90% of other NC utilities. ***CLT customers pay less for the same amount of water. At the same time, CLT Water loses 19% of water treated annually.***
- Transferring water from the Catawba River basin subsidizes Charlotte customers because it means Charlotte Water can avoid infrastructure costs for new water facilities and repairs to existing infrastructure.
- Catawba River basin communities, meanwhile, will pay even higher rates because of the added mitigation costs on their systems.
- Bottom line: The interbasin transfer means *cheaper* water for Charlotte and *more expensive* water for Catawba River basin communities.



Charlotte Water's request: Legal impacts

- Charlotte secured its first IBT certificate in 2002.
- Now that Charlotte needs more water, it seeks to increase its transfer amount.
- What will happen when Charlotte needs yet more water in the coming decades?
- Approval of this second IBT will entrench the precedent that Charlotte will seek, and win, more and more water from the Catawba River basin for the rest of the century.

"Less economically advantaged areas. . .rarely have **sufficient political power** to prevent or alter plans to de-water their watersheds." – Univ. of Colorado

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Alternative options for Charlotte Water

- Right now, Charlotte proposes to take water from the Catawba, use it, then discharge it into the Rocky/Yadkin River basin.
  - **Maximum harm** to Catawba River basin communities
  - **Maximum benefit** to Charlotte
- Charlotte has other options to minimize harm to Catawba River basin communities, including:
  - Take water from the Yadkin River basin
  - Return water back to the Catawba River basin
- Both options require infrastructure investments from Charlotte, which Charlotte has historically declined to make.



Above: The Western Wake Regional Water Reclamation Facility, an infrastructure project constructed to maximize water efficiency and resources in the Triangle.

Cost of Charlotte's alternative options

- Charlotte evaluated the cost of both options in 2001 and again in 2020.
- Either of these options would mitigate the economic growth, engineering, and financial consequences of the IBT to Catawba River basin communities.
- Charlotte claims the **inflation-adjusted** cost of these alternatives increased between 10x and 50x from 2001 to 2020.
- **Charlotte Water has a $651M budget for FY26.[3]**
- **Charlotte Water plans $2.3 billion in projects over the next 5 years.**
- Avoiding an IBT only requires about a 12% increase in the CLT Water capital budget over the next 15 years to build the infrastructure to eliminate the IBT

Alternative[1,2]	2001 Cost Estimate (constant 2020 $)	2020 Cost Estimate (constant 2020 $)
Discharge Water to Catawba River Subbasin	$16,046,000	$847,248,930
New Raw Water Source from Yadkin River Basin	$82,526,000	$827,759,421

[1] Specifics of proposed IBT alternatives are expected to differ. For example, in 2001 Charlotte estimated costs to pump water to the McAlpine WWTP, while in 2020 Charlotte estimated costs to pump to the McDowell Creek WRF. Charlotte Water provided limited details, regarding both the basis for cost estimates and specifics of each alternative, in both 2001 and 2020.
[2] In 2020, Charlotte Water evaluated several other alternatives. These alternatives are not included as they were not evaluated in 2001 and are a similar cost to the 2020 alternatives analyzed.
[3]Source: WC - City of Charlotte BB FY26, page 212
[4]Source: Charlotte Water Website - FY26-30 Public Handout (Final).xlsx

Cost of Charlotte's alternative options

- Charlotte has not invested in alternative water source projects in the 21st century.
- Charlotte leaders backed a $0.01 sales tax increase for transit infrastructure.
- Charlotte received $141 million in federal pandemic funding that could be used for "necessary investments in **water, sewer,** or broadband infrastructure."
  - Charlotte said: "The city is not currently planning to use any Local Fiscal Recovery Funding on infrastructure projects."
- Bottom line: Charlotte **pays less** for water; **received** federal funds for water infrastructure (but didn't use them for that purpose); **supported a tax increase** for other non-water infrastructure. They have the means, just not the desire, to pursue alternatives for water.

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Catawba River Coalition

- At the request of local governments, the WPCOG is providing coordination of our region's discussions and response to the Charlotte IBT request.
- The EMC will hold a public hearing on the Environmental Impact Statement (EIS) sometime after the EIS is submitted (2026 or 2027).
- The coalition includes local governments from Alexander, Burke, Caldwell, Catawba, and McDowell Counties.

Coalition Key Points

- Our region's future growth could be limited because of these large IBTs.
- We are not opposed to Charlotte growing. We just do not want that growth to occur at our expense.
- The limited resources of the Catawba River should not be used to subsidize huge growth outside the river basin.
- Charlotte should implement policies and infrastructure improvements to avoid IBTs.
- IBTs could make the impacts of severe droughts worse for other communities along the Catawba River.

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H. 850, Interbasin Transfer Moratorium/Study

- July 2025: H. 850, Interbasin Transfer Moratorium/Study, enacted into law
- Imposes a two-year moratorium on new IBTs or IBT expansions exceeding 15 million gpd.
- Directs the North Carolina Collaboratory at UNC-Chapel Hill to study the issue and provide recommendations to NCGA upon convening in 2027.
- Collaboratory study is in the early stages.

Legislatively Required Study Topics

Collaboratory directed to:

1. Study the current statutory process for approval of surface water transfers.
2. Provide any recommendations for legislation revising that process that the Collaboratory finds is needed.

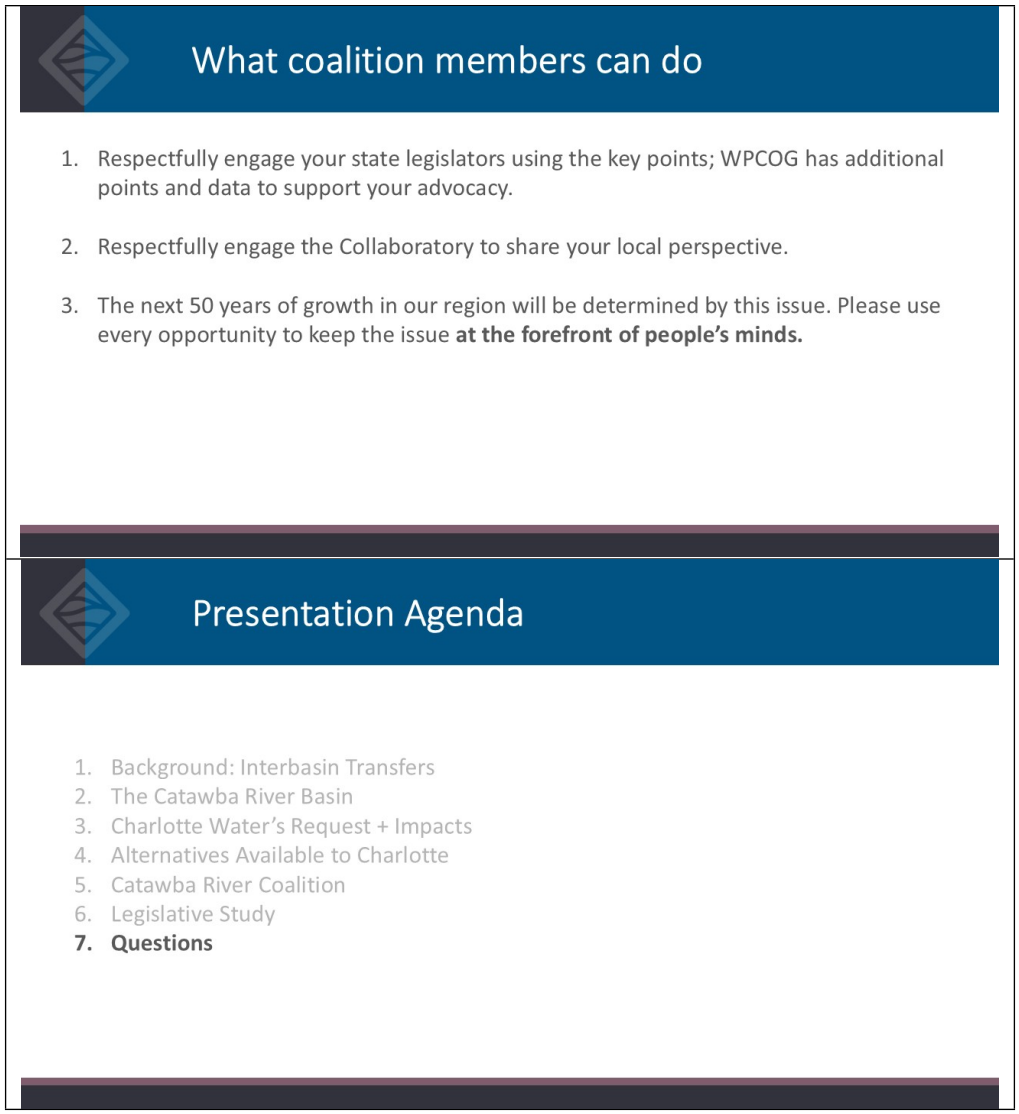
Study should include:

1. Adequacy of the Environmental Impact Statement requirements.
2. Economic impact to lower income and lower population communities.
3. Determine if the process reflects the impact of climate trends that impact water flows.
4. Incentives regarding land use, infrastructure, and drought polices to reduce future IBTs.

Our Priority Requests for the Study

- Our legislative advocacy includes, and we request these policy options be considered in, the study:

    1. A “shot clock” for large interbasin transfers, such that IBTs are temporary and time-limited.
    2. A drought mitigation fund for impacted communities to use if an IBT is approved within the relevant basin.



Chairman Brittain opened the floor for questions or comments.

Commissioner Burns asked whether any existing interbasin transfers currently affect the Catawba River Chain. Mr. Starr stated he was not aware of any significant transfers currently impacting the basin. Commissioner Burns noted that some citizens have questioned the relevance of Charlotte's proposed water withdrawals to Burke County because Lake Norman is downstream. He emphasized the importance of recognizing Lake James as Burke County's primary reservoir and expressed concern that, during a future water shortage or emergency, decisions would likely prioritize larger population centers, potentially placing upstream communities at a disadvantage.

Vice Chairman Smith asked about the status of Charlotte's previously authorized request to transfer an additional 15 million gallons of water per day and whether the temporary legislative moratorium had affected the proposal. Mr. Starr explained that Charlotte has not increased withdrawals since the moratorium was enacted and has not advanced its request during that period. He stated that the Western Piedmont Council of Governments (WPCOG) is hopeful the recommendations being developed through the NC Collaboratory study will result in reasonable

safeguards to protect the water resources of the entire river basin. Mr. Starr noted that while the General Assembly has recently acknowledged the issue, concerns regarding water supply and interbasin transfers have been developing over many years and require proactive action to avoid future negative consequences.

Commissioner Burns commented that the situation reflected a failure of long-term planning by the requesting communities and stated that such planning deficiencies should not create an emergency for Burke County and other upstream communities.

Commissioner Stroud discussed the long-term implications of regional growth, economic development, recreation, and water demand throughout western North Carolina and the Charlotte metropolitan area. He expressed concern that increasing population growth and development would continue to place pressure on available water resources and asked how the issue could be managed cooperatively across the region. Mr. Starr responded that approval of the proposed interbasin transfer could result in extensive litigation, including the possibility of South Carolina challenging North Carolina's actions, which could ultimately place the matter before the United States Supreme Court under its original jurisdiction. He noted that such litigation could consume significant public resources while delaying resolution of the underlying issue.

Commissioner Stroud further questioned whether Charlotte's continued population growth would eventually require a larger solution regardless of the current proposal. Mr. Starr acknowledged that growth pressures would continue but noted that alternatives exist that could meet Charlotte's water needs without adversely affecting the Catawba River Basin. He explained that one option would be to withdraw water from the Yadkin River Basin, which has a larger overall supply, to serve portions of eastern Mecklenburg County. A second option would be to expand wastewater infrastructure to return treated water to the Catawba River Basin after use. Mr. Starr stated that either approach would substantially address the concerns being raised by Western North Carolina communities.

Commissioner Barrier asked about the appointment process for members of the North Carolina Environmental Management Commission (EMC). Mr. Starr stated that appointments are made through a combination of appointments by the Governor and the leadership of the North Carolina General Assembly. Commissioner Barrier noted that local legislators could therefore play a role in influencing commission membership and suggested that commissioners and citizens may wish to communicate directly with EMC members regarding the importance of protecting the region's water resources.

Mr. Starr advised that western North Carolina recently gained representation on the EMC and indicated he would provide information regarding current commission membership. He further noted that the WPCOG has been reviewing representation on state boards and commissions generally and has identified that western North Carolina is often underrepresented compared to other regions of the state. He stated that efforts are underway to improve regional representation on state boards and commissions, including the EMC.

There being no further discussion, Chairman Brittain called for a motion.

Motion: To accept the report as presented.

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

VEDIC - VALDESE ECONOMIC DEVELOPMENT INVESTMENT CORP. ANNUAL UPDATE
Kerri Poteat, Executive Director, VEDIC, and Telisha Goossens, Loan Officer, provided an update on VEDIC's activities. Highlights of their presentation were as follows:

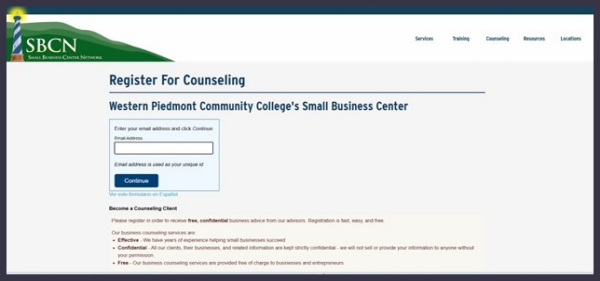




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Business Development

- Preliminary review of Pre-Application
- Tailored recommendations based on business needs and length of time in operation
- Two requirements to work with VEDIC- (USDA Guideline) Business plan & Bank Denial Letter

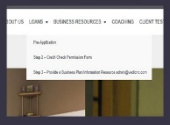




Client First Steps

Pre Application

www.vedicnc.com





Loan Officer & Underwriting

Telisha Goossens



- Minimum FICO- 600
  - Overall creditworthiness
  - History
  - Payment patterns
  - Obligations

Loan Processing

- Face to face meeting with client
- Documents requested varies based on each request.
- Each piece adds to the overall picture of the borrower's ability to succeed

Loan Review Committee

- Committee is comprised of members of the community
- Loan officer presents findings and recommendations for discussion
- Committee reviews and makes a recommendation to the Board



LOAN REVIEW COMMITTEE

- Charles Conley
  Office Manager, Burke County United Way
- Sharon Jablonski
  Director of the Department of Cultural & Creative Development, City of Morganton
- Nancy Page
  Retired-Personal Banker, Wells Fargo Bank
- Tonia Stephenson
  President & CEO, Burke County Chamber of Commerce
- Marla Thompson
  Town of Long View
- Lily Laramie
  Director, Small Business Center WPCC
- Suzanne Wallace
  Director, Small Business Center Mitchell Community College
- Sherry Griffin
  Part time/Retired- Western Piedmont Council of Governments

Board Review



- The VEDIC Board is comprised of leaders from the community, SBC, COG
- Loan package presented along with the Loan Review Committee recommendation
- The Board of Directors makes the final loan approval decision

VEDIC BOARD OF DIRECTORS 2025-2026

BOARD MEMBERS
Brian Barrier
John Branstrom
Randy Burns
William Carroll
Kylie Gera
Sherri Long Griffin
Todd Herms
Rick Justice
Sharon Jablonski
Lily Laramie
Rick McClurd
Gary Ogle
Crystal Reed
Karen Robinson
Tonia Stephenson
Bo Weichel
Donna Zamora

Executive Board Members
Chairman- Marla Thompson

Vice Chairman- Butch McSwain

Treasurer- Johnny Berry

Secretary- Jessica Barglsey

Technical Assistance

- Technical Assistance continues for the life of the loan.
- Relationship is continuously monitored through periodic site visits, and financial updates

JOBS CREATED/RETAINED TO DATE

	Sum of Jobs FT/PT
Alexander	4
Burke	870
Caldwell	23
Catawba	69
Cleveland	3
Iredell	12
McDowell	83
Meck	1
Mitchell	5
Rowan	34
Rutherford	31
Grand Total	1135

Economic Development Impact & Analytics

Kerri Poteat

LOAN PRODUCTION TO DATE

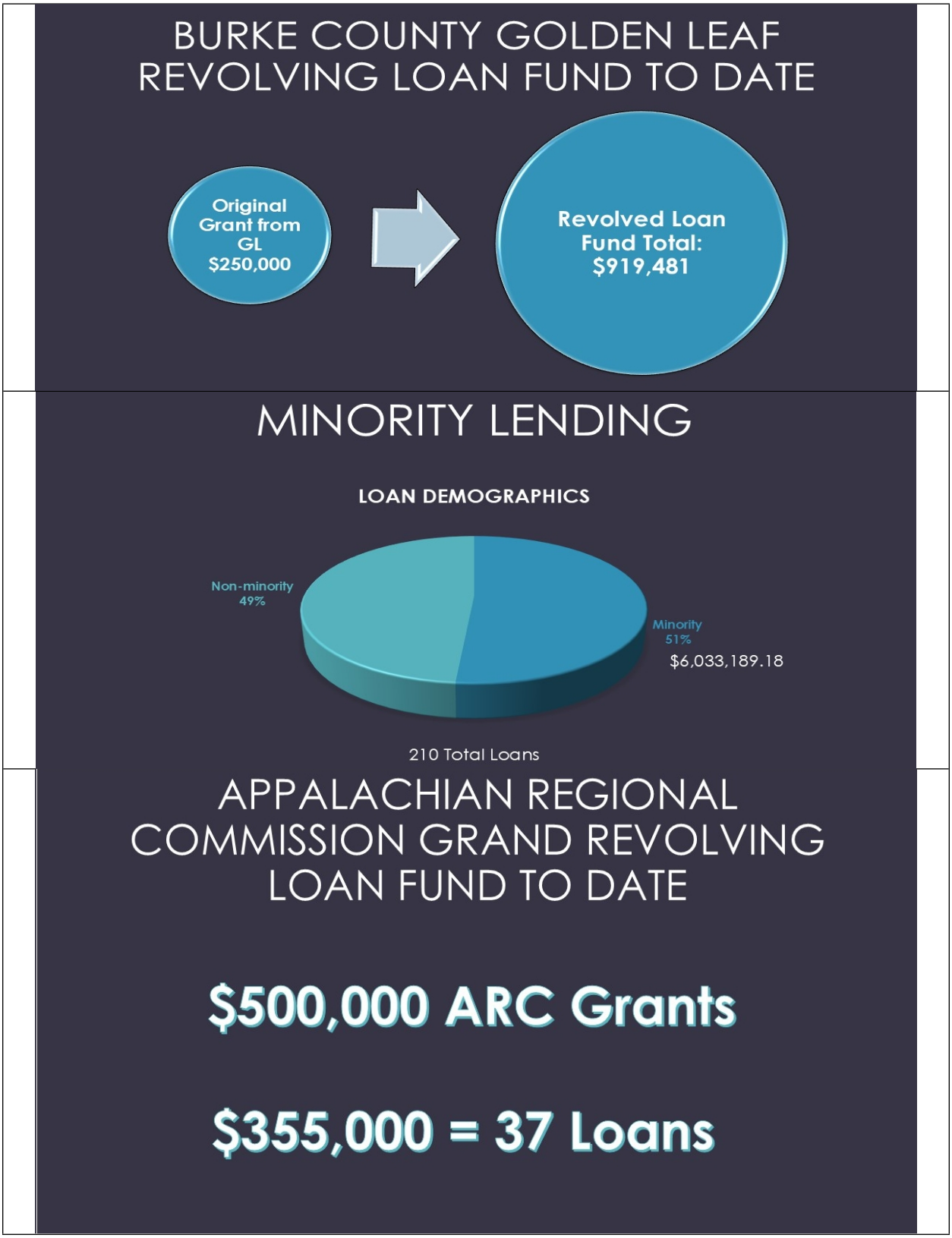
$10,708,018
210 Total Loans

DEFAULT RATE

3.8%
8 of 210 Loans

LOAN LOSS % SINCE INCEPTION

1.4%
$152,086


BURKE COUNTY GOLDEN LEAF REVOLVING LOAN FUND TO DATE
Original Grant from GL $250,000
Revolved Loan Fund Total: $919,481
MINORITY LENDING
LOAN DEMOGRAPHICS
Non-minority 49%
Minority 51%
$6,033,189.18
210 Total Loans
APPALACHIAN REGIONAL COMMISSION GRAND REVOLVING LOAN FUND TO DATE
$500,000 ARC Grants
$355,000 = 37 Loans



Chairman Brittain opened the floor for questions or comments. Commissioner Barrier shared a personal anecdote highlighting the positive impact the program has had on a small business owner in Spruce Pine and expressed appreciation for the organization's work. Commissioner Stroud added a lighthearted remark regarding his initial familiarity with the organization.

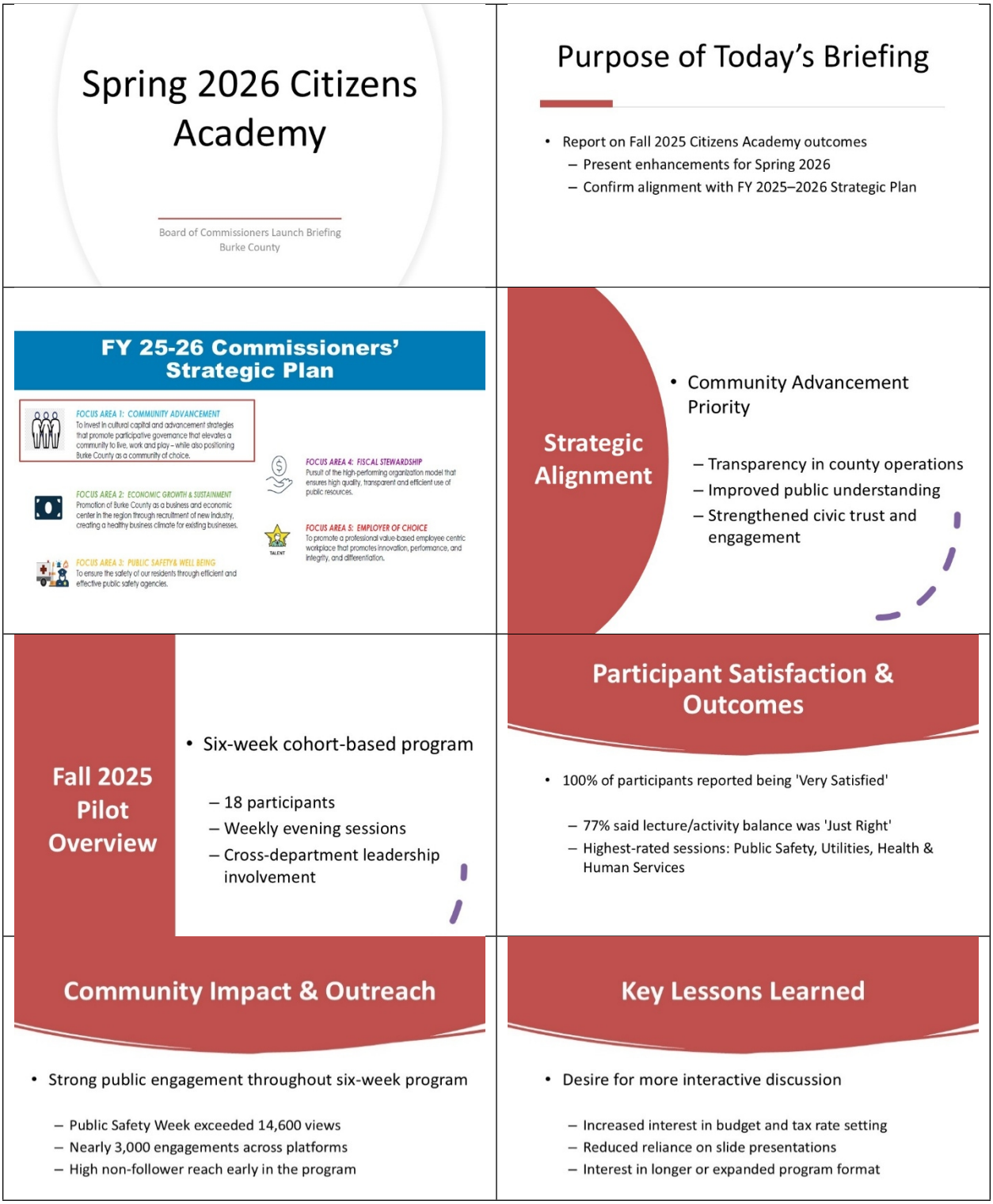
There being no further discussion, Chairman Brittain called for a motion.

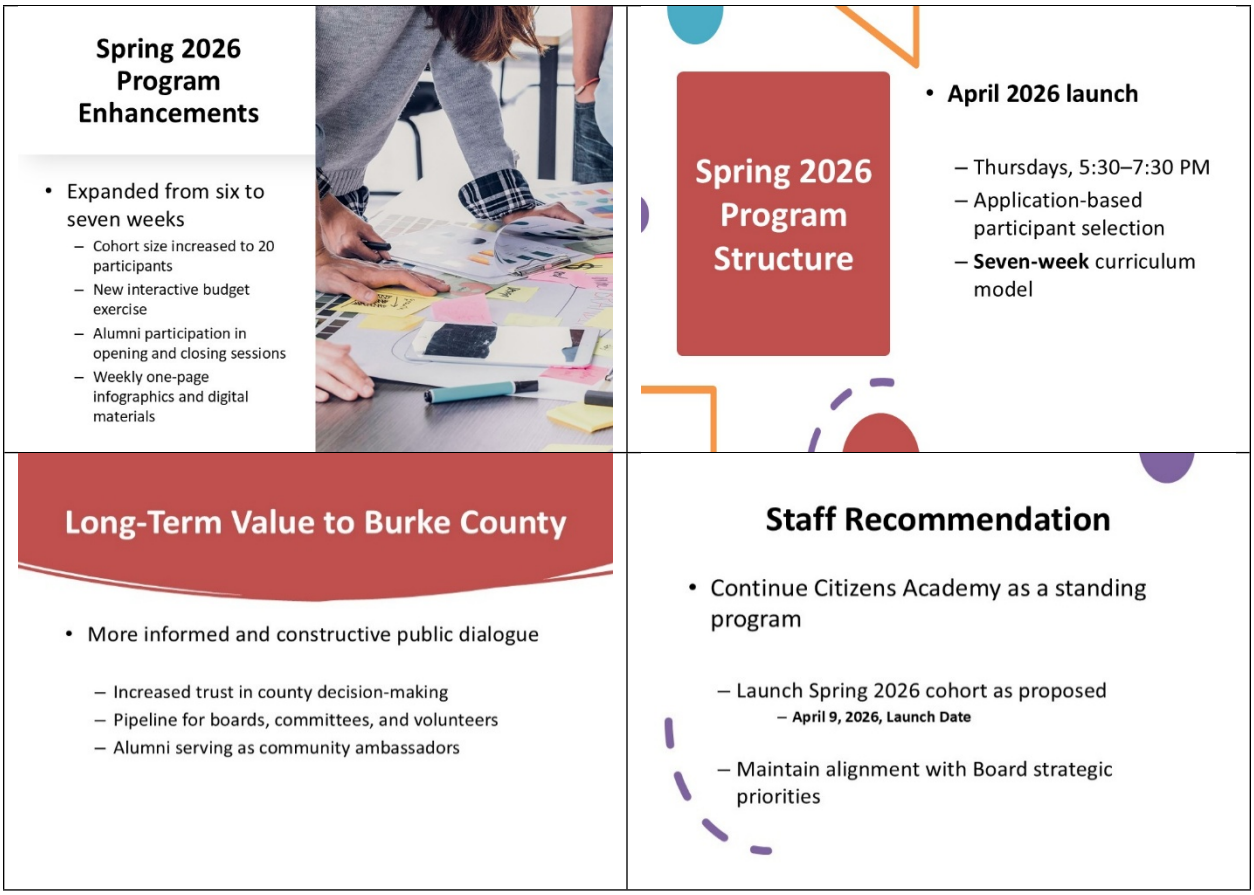
Motion: To accept the report as presented.

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

CM - PRESENTATION ON THE SPRING 2026 CITIZENS ACADEMY

Brian Epley, County Manager, presented an overview of the inaugural 2025 Burke Citizens Academy and outlined updates planned for the 2026 Spring Citizens Academy based on feedback from participants and County staff. Highlights of the presentation included:





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

Motion: To accept the report as presented and open the application portal.

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

BOC / CM - RECOGNITION OF ALAN GLINES ON HIS RETIREMENT

The Board recognized Alan Glines, Planning Director / Deputy County Manager, who was retiring effective February 28, 2026. In appreciation of his years of service to Burke County, the Board presented Mr. Glines with a signed commemorative poster and a walking stick.

Mr. Glines thanked the Board for their recognition and expressed his appreciation for the opportunity to serve Burke County. He commended County staff for their dedication and commitment to serving the citizens of Burke County and acknowledged both his colleagues and the Board for their support throughout his tenure.

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Depicted from left to right: Commissioner Barrier, Alan Glines, Commissioner Stroud, Commissioner Burns, Brian Epley, Chairman Brittain, and Vice Chairman Smith.

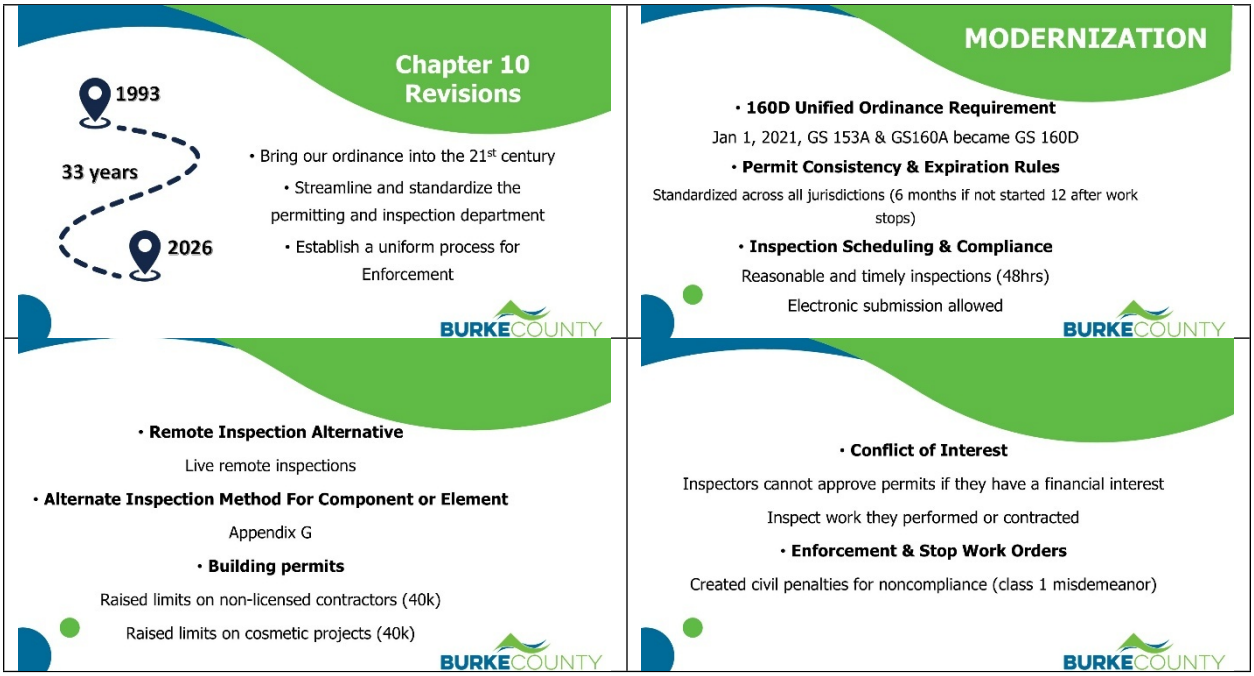
RESULT: NO ACTION TAKEN.

SCHEDULED PUBLIC HEARINGS

COMM. DEV. - CONSIDERATION OF AN ORDINANCE (2026-01) AMENDING CHAPTER 10, BUILDINGS & BUILDING REGULATIONS OF THE BURKE COUNTY CODE & PUBLIC HEARING AT 6:00 P.M.

Kenneth "Kenny" Greene, Chief Building Inspector, presented the following ordinance amendment request:

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Additional information from the agenda packet:

> This text amendment to the Burke County Code of Ordinances is drafted to implement the process and protocol set up for the building inspections department, duties and qualifications of building inspectors, outline of the permitting process, processing complaints and deficiencies in the upkeep of structures, and minimum housing standards, and finally processes for interacting with owners and managing the process for dilapidated structures. The process closely tracks with General Statutes § 160-D Article 11 in process, order, and format.
>
> Staff have been following these process requirements for the condemnation process, but the ordinance changes would provide the changes to the code of ordinances by adoption.

Chairman Brittain opened the floor for questions or comments. Mr. Greene responded to several clarifying questions from Commissioner Burns and Commissioner Stroud. There being no further discussion, Chairman Brittain opened the public hearing at 7:20 p.m. The Public Hearing Notice was published in *the News Herald* on February 5 and 12, 2026. Further, the notice was also posted on the County's website (www.burkenc.org) on February 5, 2026. There being no one present to address the Board, the public hearing was closed at 7:20 p.m. He then called for a motion.

Motion: To adopt Ordinance No. 2026-01, amending Chapter 10, *Buildings and Building Regulations*, of the Burke County Code, as presented.

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

Ordinance No. 2026-01 reads as follows:

AN ORDINANCE MAKING REVISIONS TO CHAPTER 10 OF THE BURKE COUNTY CODE OF ORDINANCES CONCERNING BUILDINGS AND BUILDING REGULATIONS

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 10 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 deletions are indicated by ~~struck through text~~.

ARTICLE I - BUILDING REGULATIONS ~~IN GENERAL~~

. . .

~~ARTICLE II – HOUSING CODE~~

~~DIVISION 1. - GENERALLY~~

Section 10-26 - Findings; purpose.

Pursuant to G.S.160D Article 11, Burke County shall maintain a building inspections department to administer a program for managing building permits and inspecting work on structures throughout the jurisdiction. At times and with thorough review by appropriate persons following sufficient procedures it should be found that some structures are unsafe for occupancy and / or unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and other conditions. These structures may be subject to an appropriate action from Burke County to secure, renovate, repair or demolish them in consideration of the safety, health and welfare of the residents of the county.

~~(a) Pursuant to G.S. 160A-441, it is hereby found and declared that there exist in the county and towns which use the services of the county building inspection department, dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health and otherwise inimical to the welfare of the residents of the county.~~

~~(b) In order to protect the health, safety and welfare of the residents of the county and towns as authorized by G.S. 160A-441 et seq., it is the purpose of this article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444.~~

~~(Code 1993, § 10-26; Ord. of 4-2-1991(2), § 1)~~

Sec. 10-27. Definitions.

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

. . .

Building or buildings - Includes other structures;

. . .

Governing board or board of commissioners – Burke County Board of Commissioners;

. . .

Local government – The jurisdiction of Burke County;

. . .

~~Sec. 10-28. Violations; penalty.~~

~~(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve such dwelling or dwelling unit, or to vacate and close and remove or demolish such dwelling or dwelling unit, upon order of the building code administrator duly made and served as provided in this article, within the time specified in such order. Each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.~~

~~(b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 10-36(b), to occupy or permit the occupancy of the dwelling or dwelling unit after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.~~

~~(c) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4.~~

~~(d) In addition to the remedy specified in this and in other sections of this article, the provisions of this article may also be enforced by the county by injunction and order or abatement or by any other equitable remedy issuing from a court of competent jurisdiction, as specified in G.S. 153A-123(d) and (e).~~

~~(Code 1993, § 10-28; Ord. of 4-2-1991(2), § 22)~~

~~Sec. 10-29. Alternative remedies.~~

~~Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and section 10-30 of this section. The enforcement of any remedy provided in this section shall not prevent the enforcement of any other remedy provided in this article or in other ordinances or laws.~~

~~(Code 1993, § 10-29; Ord. of 4-2-1991(2), § 19)~~

~~Sec. 10-30. Conflict with other provisions.~~

~~If any provision, standard or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the county, the provision which establishes the higher~~

~~standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the county shall prevail.~~

~~(Code 1993, § 10-30; Ord. of 4-2-1991(2), § 21)~~

~~Sec. 10-31. Housing appeals board.~~

~~There is hereby created a housing appeals board to which appeals may be taken from decisions or orders of the building code administrator as provided by section 10-37. The board shall consist of five members to serve for three-year staggered terms. The board shall have the power to elect its own officers, to fix the times and places of its meetings, to adopt necessary rules of procedure and to adopt other rules and regulations for the proper discharge of its duties. The board shall perform the duties prescribed by section 10-37 and shall keep an accurate record of all its proceedings. Appointment of board members shall be made by the board of commissioners.~~

~~(Code 1993, § 10-31; Ord. of 4-2-1991(2), § 20)~~

~~Sec. 10-32. Responsibilities of owners and occupants.~~

~~(a) *Public areas.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.~~

~~(b) *Cleanliness.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.~~

~~(c) *Rubbish and garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.~~

~~(d) *Supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of the plumbing fixtures.~~

~~(e) *Care of facilities, equipment and structure.* No occupant shall willfully destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.~~

~~(Code 1993, § 10-32; Ord. of 4-2-1991(2), § 11)~~

~~Sec. 10-33. Duties of building code administrator.~~

~~The building code administrator of the county building inspection department is hereby designated as the officer to enforce the provisions of this article and to exercise the duties and powers prescribed in this article. It shall be the duty of this officer or his agents to:~~

~~(1) Investigate the dwelling conditions and to inspect dwellings and dwelling units located in the county in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this article with respect to such dwellings or dwelling units.~~

(2) Take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated.

(3) Keep a record of the results of inspections made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed.

(4) Perform such other duties as may be prescribed in this article.

(Code 1993, § 10-33; Ord. of 4-2-1991(2), § 12)

Sec. 10-34. Powers of building code administrator.

The building code administrator is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others granted in this article:

(1) Investigate, according to section 10-36, the dwelling conditions in the county in order to determine which dwellings therein are unfit for human habitation.

(2) Administer oaths and affirmations, examine witnesses and receive evidence.

(3) Enter upon premises for the purpose of making examinations and inspections, provided such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession.

(4) Appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article.

(Code 1993, § 10-34; Ord. of 4-2-1991(2), § 13)

Sec. 10-35. Inspections; duty of owners and occupants.

For the purpose of making inspections, the building code administrator is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the building code administrator free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times and with one week notice for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

(Code 1993, § 10-35; Ord. of 4-2-1991(2), § 14)

Sec. 10-36. Procedure for enforcement; notice; hearing.

(a) *Preliminary investigation; notice, hearing.* Whenever a petition is filed with the building code administrator by a public authority or by at least five residents of the county, or upon request of a realtor licensed within the state to engage in the sale of real property, or in the opinion of the building code administrator of the county building inspection department (G.S. 153A-366), if any dwelling or dwelling unit is unfit for human habitation, after a preliminary investigation discloses a basis for such charges issued and a cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit, a complaint stating the charges and containing a notice that a hearing will be held before the building code

administrator at a place therein, the building code administrator shall post a sign stating that such property is under investigation by the county building inspection department, not less than ten days nor more than 30 days after the serving of such complaint. The owner and any party in interest shall have the right to file and answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing the petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building code administrator.

(b) *Procedure after hearing.* After notice and hearing, if the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under this section; or

(2) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the historic district commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a).

(c) *Failure to comply with order.*

(1) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed; the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the public officer set forth in this subsection shall not be exercised until the board of commissioners shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this article with respect to the particular property which the public officer shall have found to be unfit for human habitation and which property shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county wherein

the property is located and shall be indexed in the name of the property owner in the grantor index.

(2) If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished. The duties of the public officer set forth in this subsection shall not be exercised until the board of commissioners shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this article with respect to the particular property which the public officer shall have found to be unfit for human habitation and which property shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located and shall be indexed in the name of the property owner in the grantor index.

(d) *Failure of occupant to vacate a dwelling.*

(1) If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public officer produces a certified copy of an ordinance adopted by the board of commissioners authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the board of commissioners has ordered the public officer to proceed to exercise his duties under this section to vacate and close or remove and demolish the dwelling.

(2) Whenever a determination is made pursuant to this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the public officer to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The public officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request

for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the public officer to wait 45 days before causing removal or demolition.

(Code 1993, §§ 10-36, 10-37; Ord. of 4-2-1991(2), § 15(a))

Sec. 10-37. Appeals from orders of building code administrator.

(a) An appeal from any decision or order of the building code administrator may be taken by any person aggrieved thereby. Any appeal from the building code administrator shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the building code administrator and with the housing appeals board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the building code administrator shall forthwith transmit to the housing appeals board all the paper constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the building code administrator refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the building code administrator requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing of the housing appeals board unless the building code administrator certifies to the housing appeals board, after the notice of appeal is filed with him, that, because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property. In that case, the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the building code administrator, by the housing appeals board, or by a court of record upon petition made pursuant to subsection (e) of this section.

(b) The hearing appeals board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney.

(c) The hearing appeals board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have the powers of the building code administrator, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the building code administrator.

(d) In passing upon appeals in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, the housing appeals board shall have the power to adapt the application of this article to the necessities of the case to the end that the spirit of this article shall be observed, public safety and welfare shall be secured and substantial justice shall be done.

(e) Every decision of the housing appeals board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the housing appeals board, not otherwise, as provided in G.S. 160A-446(e). In addition, any person aggrieved by an order issued by the building code administrator or a decision rendered by the housing appeals board shall also have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the building code administrator pending a final disposition of the cause, as provided by G.S. 160A-446(f).

~~(Code 1993, § 10-40; Ord. of 4-2-1991(2), § 15(d))~~

~~Sec. 10-38. Methods of service of complaints and orders.~~

~~Complaints or orders issued by the building code administrator under this article shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and cannot be ascertained by the building code administrator in the exercise of reasonable diligence, and the building code administrator makes an affidavit to that effect, the serving of the complaint or order upon such persons may be made by publishing such complaint or order once each week for two successive weeks in a newspaper of general circulation in the county. The second publication shall be not less than ten days nor more than 30 days prior to the date of the hearing.~~

~~(Code 1993, § 10-41; Ord. of 4-2-1991(2), § 16)~~

~~Sec. 10-39. Costs to be lien on premises.~~

~~(a) As provided by G.S. 160A-443(6), the amount of the cost of any repairs, alterations or improvements, or vacating and closing, or demolition or removal caused to be made or done by the building code administrator shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced, and the costs collected as the lien for special assessments provided by G.S. ch. 160A.~~

~~(b) If the dwelling is removed or demolished by the public officer, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.~~

~~(Code 1993, § 10-43; Ord. of 4-2-1991(2), § 18)~~

~~Secs. 10-40—10-55. Reserved.~~

Sec. 10-28 Creation of a building inspection department.

Burke County maintains a building inspection department and will hire appropriate staff to carry out the functions outlined in this ordinance which may include: building inspector, deputy chief building inspector and chief building inspector.

The building inspections department shall perform the duties and responsibilities set forth in G.S. 160D-1104.

Sec. 10-29 Qualifications of building inspectors.

Burke County will require building inspectors to be qualified for their work to enforce the North Carolina State Building Code. Inspectors shall have one of the following types of certificates issued by the North Carolina Code Officials Qualification Board attesting to the inspector's qualifications to hold such position: (i) a probationary certificate, (ii) a standard certificate, or (iii) a limited certificate which shall be valid only as an authorization to continue in the position held on the date specified in G.S. 143-151.13(c) and which shall become invalid if the inspector does not successfully complete in-service training specified by the Qualification Board within the period specified in G.S. 143-151.13(c). An inspector holding one of the above certificates can be

promoted to a position requiring a higher-level certificate only upon issuance by the Qualification Board of a standard certificate or probationary certificate appropriate for such new position.

Sec. 10-30 Duties and responsibilities.

(a) The duties and responsibilities of the building inspection department and of the building inspectors in it are to enforce within their planning and development regulation jurisdiction State and local laws relating to the following:

(1) The construction of buildings and other structures.

(2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems.

(3) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition.

(b) The duties and responsibilities set forth in subsection (a) of this section include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections in a timely manner, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order adequately to enforce those laws.

(c) In performing the specific inspections required by the North Carolina State Building Code, the building inspector shall conduct all inspections requested by the permit holder for each scheduled inspection. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected fails to meet the requirements of the North Carolina State Building Code. An inspector is prohibited from requiring affidavits attesting that work is in compliance with the North Carolina Residential Code in lieu of conducting inspections required for work subject to the North Carolina Residential Code.

(d) Except as provided in section 10-44 and section 10-80, Burke County will not adopt or enforce a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code in addition to the specific inspections required by the North Carolina State Building Code without first obtaining approval from the Residential Code Council. Burke County may require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Residential Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code or the North Carolina State Building Code. When a subsequent inspection is conducted to verify completion or correction of instances of Code noncompliance, any additional violations of the Code noted by the inspector on items already approved by the building inspections department shall not delay the issuance of a temporary certificate of occupancy, and the department shall not charge a fee for reinspection of those items.

(e) The building inspection department shall implement a process for an informal internal review of inspection decisions made by the department's building inspectors. This process shall include, at a minimum, the following:

(1) Initial review by the supervisor of the inspector.

(2) The provision in or with each permit issued by the department of (i) the name, phone number, and e-mail address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.

(3) Procedures the department must follow when a permit holder or applicant requests an internal review of an inspector's decision.

Nothing in this subsection limits or abrogates any rights available under Chapter 150B of the General Statutes to a permit holder or applicant.

Sec. 10-31 Remote inspection alternative.

The building inspection department shall allow for remote inspections in accordance with criteria and procedures developed pursuant to G.S. 143-139(b)(3). The department provides the option to elect remote inspections for a project to a building permit applicant at the request of the applicant. The department will specify the extent to which a project is eligible for remote inspections at the time of building permit issuance.

Sec. 10-32 Alternate inspection method for component or element.

(a) Notwithstanding the requirements of this Article, the building inspection department will accept and approve, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from an architect licensed under Chapter 83A of the General Statutes or professional engineer licensed under Chapter 89C of the General Statutes provided all of the following apply:

(1) When required by the North Carolina State Building Code, the submission design or other proposal is completed under valid seal of the licensed architect or licensed professional engineer.

(2) Field inspection of the installation or completion of a component or element of the building is performed by a licensed architect or licensed professional engineer or a person under the direct supervisory control of the licensed architect or licensed professional engineer.

(3) The licensed architect or licensed professional engineer under subdivision (2) of this subsection provides the local government with a signed written document certifying that the component or element of the building inspected under subdivision (2) of this subsection is in compliance with the North Carolina State Building Code. The certification required under this subdivision shall be provided by electronic or physical delivery, [and] its receipt shall be promptly acknowledged by the local government through reciprocal means. The certification shall be made on forms created by the Building Code Council and Residential Code Council which shall include at least the following:

a. Permit number.

b. Date of inspection.

c. Type of inspection.

d. Contractor's name and license number.

e. Street address of the job location.

f. Name, address, and telephone number of the person responsible for the inspection.

(a1) In accepting certifications of inspections under subsection (a) of this section, a local government shall not require information other than that specified in this section.

(b) Upon the acceptance and approval receipt of a signed written document by Burke County as required under subsection (a) of this section, notwithstanding the issuance of a certificate of occupancy, Burke County, and the building inspection department, and the building inspectors are discharged and released from any liabilities, duties, and responsibilities imposed by this Article with respect to or in common law from any claim arising out of or attributed to the component or element in the construction of the building for which the signed written document was submitted.

(c) With the exception of the requirements contained in subsection (a) of this section, no further certification by a licensed architect or licensed professional engineer is required for any component or element designed and sealed by a licensed architect or licensed professional

engineer for the manufacturer of the component or element under the North Carolina State Building Code.

(d) As used in this section, the following definitions apply:

(1) Component. - Any assembly, subassembly, or combination of elements designed to be combined with other components to form part of a building or structure. Examples of a component include an excavated footing trench containing no concrete, a foundation, and a prepared underslab with slab-related materials without concrete. The term does not include a system.

(2) Element. - A combination of products designed to be combined with other elements to form all or part of a building component. The term does not include a system

Sec. 10-33 Mutual aid contracts.

(a) Burke County may enter into contracts with cities or counties to provide mutual aid and assistance in the administration and enforcement of State and local laws pertaining to the North Carolina State Building Code. Mutual aid contracts may include provisions addressing the scope of aid provided, for reimbursement or indemnification of the aiding party for loss or damage incurred by giving aid, for delegating authority to a designated official or employee to request aid or to send aid upon request, and any other provisions not inconsistent with law.

(b) Unless the mutual aid contract says otherwise, while working with the requesting city or county under the authority of this section, a Code-enforcement official shall have the same jurisdiction, powers, rights, privileges, and immunities, including those relating to the defense of civil actions and payment of judgments, as the Code-enforcement officials of the requesting agency.

(c) Nothing in this section shall be construed to deprive any party to a mutual aid contract under this section of its discretion to send or decline to provide aid to another party to the contract under any circumstances, whether or not obligated by the contract to do so. In no case shall a party to a mutual aid contract or any of its officials or employees be held to answer in any civil or criminal action for declining to send aid whether or not obligated by contract to do so.

Sec. 10-34 - Conflicts of interest.

Staff members, agents, or contractors responsible for building inspections shall comply with G.S. 160D-109(c). No member of the building inspection department shall be financially interested or employed by a business that is financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building within the local government's planning and development regulation jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he is the owner of the building. No member of the building inspection department or other individual or an employee of a company contracting with a local government to conduct building inspections shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government. The local government must find a conflict of interest if any of the following is the case:

(1) If the individual, company, or employee of a company contracting to perform building inspections for the local government has worked for the owner, developer, contractor, or project manager of the project to be inspected within the last two years.

(2) If the individual, company, or employee of a company contracting to perform building inspections for the local government is closely related to the owner, developer, contractor, or project manager of the project to be inspected.

(3) If the individual, company, or employee of a company contracting to perform building inspections for the local government has a financial or business interest in the project to be inspected.

The provisions of this section do not apply to a firefighter whose primary duties are fire suppression and rescue but who engages in some fire inspection activities as a secondary responsibility of the firefighter's employment as a firefighter, except no firefighter may inspect any work actually done, or materials or appliances supplied, by the firefighter or the firefighter's business within the preceding six years

Sec. 10-35 - Failure to perform duties.

(a) If any member of the building inspection department shall willfully fail to perform the duties required by law, or willfully shall improperly issue a building permit, or shall give a certificate of compliance without first making the inspections required by law, or willfully shall improperly give a certificate of compliance, the member shall be guilty of a Class 1 misdemeanor.

(b) A member of the building inspection department shall not be in violation of this section when the local government, its inspection department, or one of the inspectors accepted a signed written document of compliance with the North Carolina State Building Code from a licensed architect or licensed engineer in accordance with G.S. 160D-1104(d).

Sec. 10-36 - Building permits.

(a) Except as provided in subsection (c) of this section, and subsection (h) of section 10-37, no person shall commence or proceed with any of the following without first securing all permits required by the North Carolina State Building Code and any other State or local laws applicable to any of the following activities:

(1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.

(2) The installation, extension, or general repair of any plumbing system, except that in any one- or two-family dwelling unit a permit is not required for the connection of a water heater that is being replaced if (i) the work is performed by a person licensed under G.S. 87-21 who personally examines the work at completion and ensures that a leak test has been performed on the gas piping and (ii) the energy use rate or thermal input is not greater than that of the water heater that is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the North Carolina State Building Code.

(3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.

(4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, except that in any one- or two-family dwelling unit a permit is not required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced if all of the following requirements are met:

a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.

b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.

c. The work is performed by a person licensed under G.S. 87-43.

d. The repair or replacement installation meets the current edition of the North Carolina State Building Code, including the North Carolina Electrical Code.

However, a building permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall

provide the installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. This exemption applies to all existing installations.

(b) A building permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws. Nothing in this section requires a local government to review and approve residential building plans submitted to the local government pursuant to the North Carolina Residential Code, so long as the local government may review and approve the residential building plans as it deems necessary. A local government shall not require residential building plans for one- and two-family dwellings to be sealed by a licensed engineer or licensed architect unless required by the North Carolina State Building Code. No building permits shall be issued unless the plans and specifications are identified by the name and address of their author. If the General Statutes require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no building permit shall be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General Statutes or of any ordinance or development or zoning regulation requires that work be done by a licensed specialty contractor of any kind, no building permit for the work shall be issued unless the work is to be performed by a licensed contractor.

(c) No permit issued under Article 9 of Chapter 143 of the General Statutes is required for any construction, installation, repair, replacement, or alteration costing forty thousand dollars ($40,000) or less and performed in accordance with the current edition of the North Carolina State Building Code in any single-family residence, farm building, or commercial building unless the work involves any of the following:

(1) The addition, repair, or replacement of load-bearing structures. However, no permit is required for replacement of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks that otherwise meet the requirements of this subsection.

(2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.

(3) The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.

(4) The use of materials not permitted by the North Carolina State Building Code.

(5) The addition of roofing, excluding replacement.

(6) Any changes to which the North Carolina Fire Code applies.

(d) A local government shall not do any of the following:

(1) Require more than one building permit for the complete installation or replacement of any natural gas, propane gas, or electrical appliance on an existing structure when the installation or replacement is performed by a person licensed under G.S. 87-21 or G.S. 87-43. The cost of the building permit for this work shall not exceed the cost of any one individual trade permit issued by that local government. The local government shall not increase the costs of any fees to offset the loss of revenue caused by this provision.

(2) Require more than one building permit for simultaneous projects at the time of the application located at the same address and subject to the North Carolina Residential Code.

(e) No building permit shall be issued pursuant to subsection (a) of this section or (h) for any land-disturbing activity, as defined in G.S. 113A-52, or for any activity covered by G.S. 113A-57, unless an erosion and sedimentation control plan for the site of the activity or a tract of land including the site of the activity has been approved under Article 4 of Chapter 113A of the General Statutes, the Sedimentation Pollution Control Act.

(f) No building permit shall be issued pursuant to subdivision (1) of subsection (a) of this section for work costing forty thousand dollars ($40,000) or more unless the name, physical and mailing address, telephone number, facsimile number, and email address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) are conspicuously set forth in the permit or in an attachment to the permit. This condition does not apply to improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5 that the owner occupies as a residence or to the addition of an accessory building or accessory structure as defined in the North Carolina Residential Code, the use of which is incidental to that residential dwelling unit. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued. When the improvements to a real property leasehold are limited to the purchase, transportation, and setup of a manufactured home, as defined in G.S. 143-143.9, the purchase price of the manufactured home is excluded in determining whether the cost of the work is forty thousand dollars ($40,000) or more.

(g) No local government shall withhold a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land-use regulations under this Chapter unless otherwise authorized by law or unless the local government reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy. For the purposes of this subsection, a "public safety issue" shall not include improvement, installation, placement, repair, or replacement of any of the following:

(1) Landscaping around dwellings subject to the North Carolina Residential Code within individual lots.

(2) Landscaping within common areas within a subdivision development.

(3) Street lighting fixtures within common areas of a subdivision development.

If a developer has not, at the time of issuance of a certificate of occupancy, completed all required site improvements as set forth in subdivisions (1) through (3) of this subsection, the developer shall submit to Burke County a signed affidavit detailing the reasons why the required site improvements are not complete, the expected date of completion and compliance, and a statement promising to complete the required site improvements.

(g1) No local government may withhold a building permit under this section where the project does not propose to increase the design daily flow or wastewater strength of the existing system, and the property owner submits an on-site wastewater existing system inspection exemption affidavit. The property owner shall affirm that any modifications will meet local and State on-site wastewater system setback requirements pursuant to G.S. 130A-335.

(h) Violation of this section is a Class 1 misdemeanor.

Sec. 10-37 - Commercial and multifamily building permits for applications with sealed plans; third-party plan review alternatives; at-risk building foundation permits; at-risk building structure permits.

(a) Applicability. - This section applies to commercial and multifamily development project building permit applications that have plans and specifications that are complete and sealed for

construction, as applicable, by a professional engineer licensed under Chapter 89C of the General Statutes or an architect licensed under Chapter 83A of the General Statutes.

(b) Pre-Submittal Meeting Option. – The building inspection department will provide the option for an eligible building permit applicant to request and schedule within five business days of a request a pre-submittal meeting prior to applying for a building permit to discuss a building project and to determine whether the permit applicant possesses necessary plans and sufficient information the local government would require for building permit plan review. A building permit applicant is eligible to request a pre-submittal meeting under the following circumstances:

(1) The project plans and specifications for a building project are complete and sealed for construction, as applicable, by a professional engineer licensed under Chapter 89C of the General Statutes or an architect licensed under Chapter 83A of the General Statutes.

(2) The project plans and specifications for a building project are substantially identical to those that the permit applicant would submit with the building permit application.

(3) The building permit applicant has made best efforts to compile and prepare documents required by a local government, and other State or federal agencies, for the building project.

(4) The building permit applicant has determined whether an at-risk permit option will be utilized in accordance with subsection (h) of this section.

(c) Plan Review Time Line. – The building inspection department shall complete its review of plans and specifications and issue a building permit decision to a permit applicant that has submitted necessary plans and sufficient information with a permit application within 45 days, unless the department and permit applicant otherwise agree. If the building inspection department requests additional information or requires plan resubmission with changes during its review, after receiving requested information and changes from the permit applicant, it has up to 10 additional days to issue a building permit decision. Notwithstanding the 45-day limit in this subsection, the department may issue a building permit decision within 60 days if a local government issues an at-risk building permit at the request of a permit applicant pursuant to subsection (h) of this section.

(d) Independent Third-Party Review to Assist Local Government. – The building inspection department may utilize and contract with a licensed professional engineer or licensed architect certified under G.S. 143-151.13(f) to perform independent third-party plan review under this section, provided that the review time does not exceed the time frame prescribed by subsection (c) of this section.

(e) Independent Third-Party Review Election by Permit Applicant. - If the building inspection department initially undertakes plan review of the submitted plans and does not issue a building permit decision or determines it is unable to complete plan review within the time frame prescribed by subsection (c) of this section, a permit applicant may subsequently elect to utilize and contract with a licensed professional engineer or licensed architect certified under G.S. 143-151.13(f) to perform an independent third-party plan review. Upon the department's receipt of a completed plan review with certification required by subsection (f) of this section, the department shall issue applicable building permits for the project within three business days and will refund or waive all applicable plan review and permit fees for the project upon issuance of the applicable building permits.

(f) Third-Party Review Certification Required. - A permit applicant that elects a third-party review under subsection (e) of this section shall provide the building inspections department with a written certification signed by the plan reviewer that plans comply with applicable North Carolina State Building Codes and other applicable State and local laws. The certification shall be made on a form created by the local government.

(g) Conflicts of Interest. - A third-party plan reviewer shall avoid conflicts of interest in conducting independent third-party plan reviews under this section. Conflicts of interest include a plan reviewer having any financial interest in, or being employed, other than as a plan reviewer under this section, by a business that has a financial interest in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of, or any involvement in the making of plans or specifications for, the project subject to plan review.

(h) At-Risk Building Permit Options. - At-risk building permit options are available to an eligible building permit applicant that requested and attended a pre-submittal meeting in accordance with subsection (b) of this section to discuss a building project prior to permit application. An eligible permit applicant proceeding with an at-risk permit issued by the building inspection department pursuant to this subsection assumes all risks of liability, and Burke County is discharged and released from any liabilities, duties, and responsibilities attributable to the review, approval, or construction pursuant to that at-risk permit. In accordance with G.S. 160D-108(e), where multiple local development permits are required to complete a development project, a permit issued by the department pursuant to this subsection is not an initial development permit for purposes of the vesting protections of G.S. 160D-108(e). The following at-risk building permit options are available:

(1) At-risk building foundation permit. - At the time of permit application, an eligible building permit applicant may request an at-risk building foundation permit authorizing a permit applicant to proceed with building foundation construction. The building inspections department must issue an at-risk building foundation permit if the department determines a permit applicant has submitted all necessary plans and sufficient information, as discussed at a pre-submittal meeting pursuant to subsection (b) of this section, and received all approvals necessary, for building foundation construction notwithstanding that other development approvals from the local government, or other State or federal agencies, for the project have not yet been obtained. For the purposes of this subdivision, a permit applicant must have received an approved erosion and sedimentation control plan in accordance with Article 4 of Chapter 113A of the General Statutes for land-disturbing activity at a building foundation construction site.

(2) At-risk building structure permit. - An eligible building permit applicant that has obtained an at-risk building foundation permit pursuant to subdivision (1) of this subsection may request the issuance of an at-risk building structure permit. The building inspections department may issue an at-risk building structure permit authorizing a permit applicant to proceed with building structure construction if the department determines a permit applicant has submitted all necessary plans and sufficient information, and received all approvals necessary, for building structure construction notwithstanding that other development approvals from the local government, or other State or federal agencies, for the project have not yet been obtained. Prior to issuance of an at-risk building structure permit, the department may require a meeting with a permit applicant to discuss issues with submitted plans and information that a permit applicant would need to address prior to building structure permit issuance. For the purposes of this subdivision, "building structure construction" includes the erection and installation of structural or framing members for exterior walls and roof assemblies.

(i) Manufacturer Information. - In the event the building inspection department requires manufacturer specifications or manufacturer engineering information on an element, component, or fixture related to the submitted plans and specifications, the department shall not delay or deny the issuance of applicable building permits based upon the receipt of specifications or manufacturer engineering information on an element, component, or fixture.

(j) Burke County Liability and Vested Rights. - A permit issued by the building inspection department pursuant to this section shall not be construed to guarantee the issuance of further building permits, development approvals, or certificates of occupancy by a local government, or other State or federal agencies, that a project requires. Burke County and the department are discharged and released from any liabilities, duties, and responsibilities imposed by this Article, or in common law, from any claim arising out of, or attributed to, plans subject to a third-party independent review pursuant to subsection (e) of this section. (2023-142, s. 2(a).)

Sec. 10-38 - Expiration of building permits.

A building permit issued pursuant to this Article expires by limitation six months after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit shall immediately expire. No work authorized by any building permit that has expired shall be performed until a new permit has been secured.

Sec. 10-39 - Changes in work.

After a building permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the North Carolina State Building Code, shall be made until specific written approval of proposed changes or deviations has been obtained from the building inspection department.

Sec 10-40 - Inspections of work in progress.

Subject to the limitation imposed by section 10-30(d), as the work pursuant to a building permit progresses, the building inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of any applicable State and local laws and of the terms of the permit. In exercising this power, members of the building inspection department have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. If a building permit has been obtained by an owner exempt from licensure under G.S. 87-1(b)(2), no inspection shall be conducted without the owner being present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes.

Sec. 10-41 - Appeals of stop orders.

(a) The owner or builder may appeal from a stop order involving alleged violation of the North Carolina State Building Code or any approved local modification thereof to the State Fire Marshal or his or her designee within a period of five days after the order is issued. Notice of appeal shall be given in writing to the State Fire Marshal or his or her designee, with a copy to the building inspector. The State Fire Marshal or his or her designee shall promptly conduct an investigation, and the appellant and the inspector shall be permitted to submit relevant evidence. The State Fire Marshal or his or her designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the ruling by the State Fire Marshal or his or her designee on an appeal, no further work shall take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the following options:

(1) Appealing to the Building Code Council or Residential Code Council.

(2) Appealing to the superior court as provided in G.S. 143-141.

(b) The owner or builder may appeal from a stop order involving alleged violation of a local development regulation as provided in G.S. 160D-405.

Sec. 10-42 - Revocation of building permits.

The appropriate building inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

Sec. 10-43 - Certificates of compliance; temporary certificates of occupancy.

(a) At the conclusion of all work done under a building permit, the appropriate inspector shall make a final inspection, and, if the completed work complies with all applicable State and local laws and with the terms of the permit, the building inspector shall issue a certificate of compliance. Except as provided by subsection (b) of this section, no new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the building inspection department has issued a certificate of compliance.

(b) A temporary certificate of occupancy may be issued permitting occupancy for a stated period of time of either the entire building or of specified portions of the building if the inspector finds that the building may safely be occupied prior to its final completion. A permit holder may request and be issued a temporary certificate of occupancy if the conditions and requirements of the North Carolina State Building Code are met.

(c) Any person who owns, leases, or controls a building and occupies or allows the occupancy of the building or a part of the building before a certificate of compliance or temporary certificate of occupancy has been issued pursuant to subsection (a) or (b) of this section is guilty of a Class 1 misdemeanor.

Sec. 10-44 - Periodic inspections.

The building inspection department may make periodic inspections, subject to the governing board's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within its planning and development regulation jurisdiction. In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Inspections of dwellings shall follow the provisions of G.S. 160D-1207. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

Sec. 10-45 - Defects in buildings to be corrected.

When a building inspector finds any defects in a building, or finds that the building has not been constructed in accordance with the applicable State and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be the inspector's duty to notify the owner or occupant of the building of its defects, hazardous conditions, or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions, or violations of law in the property

Sec. 10-46 - Unsafe buildings condemned.

(a) Designation of Unsafe Buildings. - Every building that shall appear to the building inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress, or other causes shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(b) Non-residential Building or Structure. - In addition to the authority granted in subsection (a) of this section, an building inspector may declare a non-residential building or structure within a community development target area to be unsafe if it meets all of the following conditions:

(1) It appears to the building inspector to be vacant or abandoned.

(2) It appears to the building inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, or fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(c) Notice Posted on Structure. - If a building inspector declares a non-residential building or structure to be unsafe under subsection (b) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. For the purposes of this section, the term "community development target area" means an area that has characteristics of an urban progress zone under G.S. 143B-437.09, a "non-residential redevelopment area" under G.S. 160A-503(10), or an area with similar characteristics designated by the board of commissioners as being in special need of revitalization for the benefit and welfare of its citizens.

Sec. 10-47 - Removing notice from condemned building.

If any person shall remove any notice that has been affixed to any building or structure by a building inspector and that states the dangerous character of the building or structure, that person shall be guilty of a Class 1 misdemeanor.

Sec. 10-48 - Action in event of failure to take corrective action.

If the owner of a building or structure that has been condemned as unsafe pursuant to this ordinance, fails to take prompt corrective action, the building inspector shall give written notice, by certified mail to the owner's last known address or by personal service, of all of the following:

(1) That the building or structure is in a condition that appears to meet one or more of the following conditions:

a. Constitutes a fire or safety hazard.

b. Is dangerous to life, health, or other property.

c. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.

d. Has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(2) That an administrative hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner will be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the local government's area of jurisdiction at least once not later than one week prior to the hearing.

Sec. 10-49 - Order to take corrective action.

If, upon a hearing held pursuant to the notice prescribed in section 10-48, the building inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, the inspector shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective

conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within such period, not less than 60 days, as the inspector may prescribe, provided that where the inspector finds that there is imminent danger to life or other property, the inspector may order that corrective action be taken in such lesser period as may be feasible.

Sec. 10-50 - Appeal; finality of order if not appealed.

Any owner who has received an order under section 10-49 may appeal from the order to the Board of Commissioners by giving notice of appeal in writing to the building inspector and to the clerk to the board within 10 days following issuance of the order. In the absence of an appeal, the order of the inspector is final. The Board of Commissioners, as appropriate, shall hear an appeal in accordance with G.S. 160D-406 and render a decision within a reasonable time. The board may affirm, modify and affirm, or revoke the order.

Sec. 10-51 - Failure to comply with order.

If the owner of a building or structure fails to comply with an order issued pursuant to section 10-49 from which no appeal has been taken or fails to comply with an order of the Board of Commissioners following an appeal, the owner is guilty of a Class 1 misdemeanor.

Sec. 10-52 - Enforcement.

(a) Action Authorized. - Whenever any violation is denominated a misdemeanor under the provisions of this Article, the Burke County, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(b) Removal of Building. - In the case of a building or structure declared unsafe under section 10-46 or an ordinance adopted pursuant to section 10-46, a local government may, in lieu of taking action under subsection (a) of this section, cause the building or structure to be removed or demolished. The amounts incurred by Burke County in connection with the removal or demolition are a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of Chapter 160A of the General Statutes. If the building or structure is removed or demolished by the local government, the local government shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The local government shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

(c) Additional Lien. - The amounts incurred by Burke County in connection with the removal or demolition are also a lien against any other real property owned by the owner of the building or structure and located within the local government's planning and development regulation jurisdiction, and for cities without extraterritorial planning and development jurisdiction, within one mile of the city limits, except for the owner's primary residence. The provisions of subsection (b) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

(d) Nonexclusive Remedy. - Nothing in this section shall be construed to impair or limit the power of Burke County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 10-53 - Records and reports.

The building inspection department shall keep complete and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance or occupancy granted, and all other work and activities of the department. These records shall be kept in the manner and for the periods prescribed by the

Department of Natural and Cultural Resources. Periodic reports shall be submitted to the governing board and to the State Fire Marshal as they shall by ordinance, rule, or regulation require.

Sec. 10-54 - Appeals.

Unless otherwise provided by law, appeals from any order, decision, or determination by a member of the building inspection department pertaining to the North Carolina State Building Code or other State building laws shall be taken to the State Fire Marshal or the State Fire Marshal's designee or other official specified in G.S. 143-139 by filing a written notice with the State Fire Marshal and with the building inspection department within a period of 10 days after the order, decision, or determination. Further appeals may be taken to the Building Code Council or Residential Code Council or to the courts as provided by law.

Sec. 10-55 - Regulation authorized as to repair, closing, and demolition of non-residential buildings or structures; order of public officer.

(a) Authority. – The Burke County Board of Commissioners by this ordinance adopts and seeks to enforce minimum regulations for non-residential buildings or structures. These non-residential buildings or structures are to be kept in a condition to meet minimum standards for maintenance, sanitation, and safety. Buildings must not fall into any condition that will be dangerous and injurious to public health, safety, and welfare. A structure, once identified by complaint or by inspection by a public officer and after follow up and hearing for the owner, may result in a necessity to repair, close, or demolish the structure. These regulations apply within the planning and development regulation jurisdiction of Burke County. The regulations are enforced by a public officer of Burke County which includes the individuals who are listed by definition in this ordinance.

(b) Investigation. - Whenever it appears to the public officer that any non-residential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards they shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

(c) Complaint and Hearing. - If the preliminary investigation discloses evidence of a violation of the minimum standards, the public officer shall issue and cause to be served upon the owner of and parties in interest in the non-residential building or structure a complaint. The complaint shall state the charges and contain a notice that an administrative hearing will be held before the public officer, or his or her designated agent, at a place within the county scheduled not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity are not controlling in hearings before the public officer.

(d) Order. - If, after notice and hearing, the public officer determines that the non-residential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by the governing board, the public officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations herein.

(e) Limitations on Orders.

(1) An order may require the owner to repair, alter, or improve the non-residential building or structure in order to bring it into compliance with the minimum standards established by the Board of Commissioners or to vacate and close the said structure for any use.

(2) An order may require the owner to remove or demolish the non-residential building or structure if the cost of repair, alteration, or improvement of the structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the said structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the Board of Commissioners determines, after an administrative hearing as provided by ordinance, that the non-residential building or structure is of individual significance or contributes to maintaining the character of the district, and the non-residential building or structure has not been condemned as unsafe, the order may require that the non-residential structure be vacated and closed until it is brought into compliance with the minimum standards established by the governing board.

(3) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(f) Action by Board of Commissioners Upon Failure to Comply With Order. -

(1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the non-residential building or structure, the board of commissioners may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the non-residential building or structure to be repaired, altered, or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted is guilty of a Class 3 misdemeanor.

(2) If the owner fails to comply with an order to remove or demolish the non-residential building or structure, the Board of Commissioners may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. No ordinance shall be adopted to require demolition of a non-residential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the governing board. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be removed or demolished.

(g) Action by Board of Commissioners Upon Abandonment of Intent to Repair. - If the Board of Commissioners has adopted an ordinance or the public officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been

vacated and closed for a period of two years pursuant to the ordinance or order, the governing board may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the Board of Commissioners may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(1) If the cost to repair the non-residential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days.

(2) If the cost to repair the non-residential structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the governing board may take action under this subsection. The ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the public officer shall effectuate the purpose of the ordinance.

(h) Service of Complaints and Orders. - Complaints or orders issued by a public officer pursuant to an ordinance adopted under this section shall be served upon persons either personally or by certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the local government at least once no later than the time that personal service would be required under this section. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(i) Liens. -

(1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer are a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.

(2) If the real property upon which the cost was incurred is located in an incorporated city, the amount of the costs is also a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

(3) If the non-residential building or structure is removed or demolished by the public officer, he or she shall offer for sale the recoverable materials of the building or structure and any

personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the board of commissioners to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(j) Ejectment. - If any occupant fails to comply with an order to vacate a non-residential building or structure, the public officer may file a civil action in the name of Burke County to remove the occupant. The action to vacate is in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the non-residential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing board pursuant to subsection (f) of this section to vacate the occupied non-residential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the non-residential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a non-residential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the board of commissioners has ordered the public officer to proceed to exercise his or her duties under subsection (f) of this section to vacate and close or remove and demolish the non-residential building or structure.

(k) Civil Penalty. - The board of commissioners may impose civil penalties against any person or entity that fails to comply with an order entered pursuant to this section. However, the imposition of civil penalties does not limit the use of any other lawful remedies available to the governing board for the enforcement of any ordinances adopted pursuant to this section.

(l) Supplemental Powers. - The powers conferred by this section are supplemental to the powers conferred by any other law. The board of commissioners authorizes the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

(1) To investigate non-residential structures in the local government's planning and development regulation jurisdiction to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized.

(2) To administer oaths, affirmations, examine witnesses, and receive evidence.

(3) To enter upon premises pursuant to subsection (b) of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.

(4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the governing board.

(5) To delegate any of his or her functions and powers under the ordinance to other officers and agents.

(m) Appeals. - Appeals from any decision or order of the public officer may be taken to the board of commissioners. Any person aggrieved by a decision or order of the public officer has the remedies provided in section 10-81.

(n) Funding. - Burke County board of commissioners is authorized to make appropriations from its revenues necessary to carry out the purposes of this section and may accept and apply grants or donations to assist in carrying out the provisions of the ordinances adopted by the governing board.

(o) No Effect on Just Compensation for Taking by Eminent Domain. - Nothing in this section shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

(p) Definitions. - As used in this section, the following definitions apply:

(1) Parties in interest. - All individuals, associations, and corporations who have interests of record in a non-residential building or structure and any who are in possession thereof.

(2) Vacant industrial warehouse. - Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.

(3) Vacant manufacturing facility. - Any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.

~~DIVISION 2. MINIMUM STANDARDS~~

ARTICLE II, DIVISION A – MINIMUM HOUSING CODE

Sec. 10-75. Authorization.

(a) Dwellings. - The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of this State. A public necessity exists for the repair, closing, or demolition of such dwellings. Whenever Burke County finds that there exists in the planning and development regulation jurisdiction dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the local government, power is conferred upon Burke County to exercise its police powers to repair, close, or demolish the dwellings consistent with the provisions of this Article.

(b) Abandoned Structures. – Burke County Board of Commissioners have adopted this ordinance covering minimum housing standards in the planning and development jurisdiction of the county. If residential structures are found to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities this ordinance provides for the repair, closing, or demolition of any abandoned structure. The ordinance may provide for the repair, closing, or demolition of such structure pursuant to the same provisions and procedures as are prescribed by this Article for the repair, closing, or demolition of dwellings found to be unfit for human habitation.

Sec. 10-76 Definitions.

The following definitions apply in this Article:

(1) Owner. - The holder of the title in fee simple and every mortgagee of record.

(2) Parties in interest. - All individuals, associations, and corporations that have interests of record in a dwelling and any that are in possession of a dwelling.

(3) Public authority. - Any housing authority or any officer that is in charge of any department or branch of the government of the city, county, or State relating to health, fire, building regulations, or other activities concerning dwellings in the local government.

(4) Public officer. - The officer of the Community Development Department authorized by this ordinance to exercise the powers prescribed by the ordinances and by this Article.

Sec. 10-77 Ordinance authorized as to repair, closing, and demolition; order of public officer.

Upon the adoption of this ordinance finding that dwelling conditions of the character described in section 10-75 exist, the Burke County Board of Commissioners is authorizing the enforcement of ordinances relating to dwellings within the planning and development regulation jurisdiction that are unfit for human habitation. This ordinance includes the following provisions:

(1) Designation of enforcement officer. - One or more public officers are designated to exercise the powers prescribed by the ordinance.

(2) Investigation, complaint, hearing. - Whenever a petition is filed with the public officer by a public authority or by at least five residents of the jurisdiction charging that any dwelling is unfit for human habitation or when it appears to the public officer that any dwelling is unfit for human habitation, the public officer shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that an administrative hearing will be held before the public officer, or the officer's designated agent, at a place within the county in which the property is located. The hearing shall be not less than 10 days nor more than 30 days after the serving of the complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law shall not be controlling in administrative hearings before the public officer.

(3) Orders. - If, after notice and an administrative hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one of the following orders, as appropriate:

a. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling set at 50% of the current value, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (4) of this section.

b. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, the owner will be required to remove or demolish the dwelling. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949.

(4) Repair, closing, and posting. - If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the public officer may post on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the public officer set forth in this sub section shall not be exercised until the board of commissioners shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

(5) Demolition. - If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished. The duties of the public officer set forth in this subdivision shall not be exercised until the housing review board shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties that the public officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

(6) Abandonment of Intent to Repair. - If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subdivision (4) of this section or after a public officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the housing review board may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of Burke County in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the board of commissioners may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.

b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the office of the register of deeds in Burke County wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

(7) Liens. -

a. The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.

b. If the real property upon which the cost was incurred is located in an incorporated city, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.

c. If the dwelling is removed or demolished by the public officer, the local government shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(8) Civil action. - If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of Burke County to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the board of commissioners pursuant to subsection (5) of this section authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment

may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing board has ordered the public officer to proceed to exercise his duties under subdivisions (4) and (5) of this section to vacate and close or remove and demolish the dwelling.

(9) Additional notices to affordable housing organizations. - Whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the public officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The public officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the public officer to wait 45 days before causing removal or demolition.

Sec. 10-78 Standards.

The public officer may determine that a dwelling is unfit for human habitation if the officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanliness.

Sec. 10-79 Service of complaints and orders.

(a) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Article shall be served upon persons either personally or by certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of this Article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Sec. 10-80 Periodic inspections.

(a) Except as provided in subsection (b) of this section, the building inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure.

However, when the building inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following:

(i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period,

(ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected,

(iii) the building inspection department has actual knowledge of an unsafe condition within the building, or

(iv) violations of the local ordinances or codes are visible from the outside of the property.

In conducting inspections authorized under this section, the building inspection department shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(b) Burke County may require periodic inspections as part of a targeted effort to respond to blighted or potentially blighted conditions within a geographic area that has been designated by the Board of Commissioners. However, the total aggregate of targeted areas in the local government jurisdiction at any one time shall not be greater than 1 square mile or five percent (5%) of the area within the local government jurisdiction, whichever is greater. A targeted area designated by the board of commissioners shall reflect Burke County's stated neighborhood revitalization strategy and shall consist of property that meets the definition of a "blighted area" or "blighted parcel" as those terms are defined in G.S. 160A-503(2) and G.S. 160A-503(2a), respectively, except that for purposes of this subsection, the planning board is not required to make a determination as to the property. The board of commissioners shall not discriminate in its selection of areas or housing types to be targeted and shall (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a legislative hearing regarding the plan, (ii) hold a legislative hearing regarding the plan, and (iii) establish a plan to address the ability of low-income residential property owners to comply with minimum housing code standards.

(c) In no event may Burke County do any of the following:

(i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission under Article 11 or Article 12 of this Chapter from the local government to lease or rent residential real property or to register rental property with the local government, except for those individual properties that have more than four verified violations in a rolling 12-month period or two or more verified violations in a rolling 30-day period, or upon the property being identified within the top ten percent (10%) of properties with crime or disorder problems as set forth in a local ordinance,

(ii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy,

(iii) levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties, unless expressly authorized by general law or applicable only to an individual rental unit or property described in clause (i) of this subsection and the fee does not exceed five hundred dollars ($500.00) in any 12-month period in which the unit or property is found to have verified violations,

(iv) provide that any violation of a rental registration ordinance is punishable as a criminal offense, or

(v) require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the local government. For purposes of this section, the term "verified violation" means all of the following:

(1) The aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential real property during a 72-hour period.

(2) Any violations that have not been corrected by the owner or manager within 21 days of receipt of written notice from the local government of the violations. Should the same violation occur more than two times in a 12-month period, the owner or manager may not have the option of correcting the violation. If the housing code provides that any form of prohibited tenant behavior constitutes a violation by the owner or manager of the rental property, it shall be deemed a correction of the tenant-related violation if the owner or manager, within 30 days of receipt of written notice of the tenant-related violation, brings a summary ejectment action to have the tenant evicted.

(d) If a property is identified by Burke County as being in the top ten percent (10%) of properties with crime or disorder problems, they shall notify the landlord of any crimes, disorders, or other violations that will be counted against the property to allow the landlord an opportunity to attempt to correct the problems. In addition, Burke County and the county sheriff's office shall assist the landlord in addressing any criminal activity, which may include testifying in court in a summary ejectment action or other matter to aid in evicting a tenant who has been charged with a crime. If Burke County or the sheriff's office does not cooperate in evicting a tenant, the tenant's behavior or activity at issue shall not be counted as a crime or disorder problem as set forth in the local ordinance, and the property may not be included in the top ten percent (10%) of properties as a result of that tenant's behavior or activity.

(e) If Burke County takes action against an individual rental unit under this section, the owner of the individual rental unit may appeal the decision to the board of commissioners. The board of commissioners shall fix a reasonable time for hearing appeals, shall give due notice to the owner of the individual rental unit, and shall render a decision within a reasonable time. The owner may appear in person or by agent or attorney. The board may reverse or affirm the action, wholly or partly, or may modify the action appealed from, and may make any decision and order that in the opinion of the board ought to be made in the matter.

Sec. 10-81 Remedies.

(a) An appeal from any decision or order of the public officer is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, board, or commission of Burke County. Any appeal from the public officer shall be taken within 10 days from the rendering of the decision or service of the order by filing with the Burke County Clerk to the Board a notice of

appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the public officer shall forthwith transmit to the Board of Commissioners all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, the decision remains in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal has the effect of suspending the requirement until the hearing by the board, unless the public officer certifies to the board, after the notice of appeal is filed with the officer, that because of facts stated in the certificate, a copy of which shall be furnished to the appellant, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement is not suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the public officer, by the board, or by a court of record upon petition made pursuant to subsection (f) of this section.

(b) The Board of Commissioners shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it has all the powers of the public officer, but the concurring vote of four members of the board is necessary to reverse or modify any decision or order of the public officer. The board also has power in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.

(c) Every decision of the Board of Commissioners is subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

(d) Any person aggrieved by an order issued by the public officer or a decision rendered by the Board of Commissioners may petition the superior court for an injunction restraining the public officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the public officer pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within 20 days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It is not necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

(e) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Article or of any ordinance or code adopted under authority of this Article or any valid order or decision of the public officer or board made pursuant to any ordinance or code adopted under authority of this Article, the public officer or board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling.

Sec. 10-82 Compensation to owners of condemned property.

Nothing in this Article shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

Sec. 10-83 Additional powers of public officer.

This ordinance as adopted authorizes the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this Article, including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the local government's planning and development regulation jurisdiction in order to determine which dwellings therein are unfit for human habitation.

(2) To administer oaths, affirmations, examine witnesses, and receive evidence.

(3) To enter upon premises for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.

(4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances.

(5) To delegate any of his or her functions and powers under the ordinance to other officers and other agents.

Sec. 10-84 Administration of ordinance.

A local government adopting an ordinance under this Article shall, as soon as possible thereafter, prepare an estimate of the annual expenses or costs to provide the equipment, personnel, and supplies necessary for periodic examinations and investigations of the dwellings for the purpose of determining the fitness of dwellings for human habitation and for the enforcement and administration of its ordinances adopted under this Article. The local government is authorized to make appropriations from its revenues necessary for this purpose and may accept and apply grants or donations to assist it.

Sec. 10-85 Supplemental nature of Article.

Nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of any local government to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof. The powers conferred by this Article shall be supplemental to the powers conferred by any other law in carrying out the provisions of the ordinances.

ARTICLE II, DIVISION B – MINIMUM HOUSING STANDARDS

Sec. 10-86 ~~10-56~~. Fitness for dwellings, dwelling units.

Every dwelling and dwelling unit intended for use as a human habitation, occupancy or use, or held out for use as human habitation, shall comply with all the minimum standards of fitness for human habitation in accordance with the applicable state building codes. No person shall let to another for occupancy, or use as a place for human habitation, any dwelling or dwelling unit which does not comply with all the minimum standards of fitness for human habitation and all of the requirements of this division for which a valid certificate of compliance has been issued. Unoccupied structures shall not be deteriorated as to become a health or safety hazard. The provisions of this Code shall apply to all manufactured housing and modular-housing units used as residential housing in excess of 30 days. Recreational vehicles (RVs) shall not be occupied for residential housing.

(Code 1993, § 10-56; Ord. of 4-2-1991(2), § 3; Ord. of 6-6-2000(1))

Sec. 10-87 ~~10-57~~. Structural condition.

(a) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not excessively list, lean or buckle and shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

(b) Floors and roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(c) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged so as to dangerously reduce their intended load-bearing characteristics.

(d) Steps, stairs, landings, porches, or other parts of appurtenances shall be maintained in such condition that they will not fall or collapse.

(e) Adequate egress in case of fire or panic shall be provided as per specifications of the North Carolina State Residential Building Code, Volume 7.

(f) Interior walls and ceilings of all rooms, closets and hallways shall be finished with suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner as to enable the occupants to maintain reasonable privacy between various spaces.

(g) The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weathertight, and rodentproof. Roof coverings shall be maintained in good condition. All new roofs must be installed in accordance with the North Carolina State Residential Building Code, Volume 7.

(h) There shall be no chimneys or parts thereof which are in danger of falling or in such condition or location as to constitute a fire hazard.

(i) There shall be no use of the ground for floors or wood floors on the ground.

(Code 1993, § 10-57; Ord. of 4-2-1991(2), § 4; Ord. of 6-6-2000(1))

Sec. 10-88 ~~10-58~~. Basic equipment and facilities.

(a) *Plumbing system.* The plumbing system of each dwelling or dwelling unit shall conform to the following:

(1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal systems.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and an adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. All water piping shall be protected from freezing by being properly installed in protected spaces. Installations of all water heating appliances shall be capable of supplying a continuous source of water, on demand, to all the required fixtures at a temperature of not more than 120 degrees Fahrenheit and not less than 100 degrees Fahrenheit.

(3) All plumbing fixtures shall be maintained in a good state of repair and condition and meet the standards of the North Carolina State Residential Building Code, Volume 7.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of the dwelling unit. The water closet and tub or shower shall be located in a room affording privacy to the user.

(b) *Heating system.* Every dwelling unit shall have facilities for providing heat in accordance with either subsection (b)(1) or (2) of this section as follows:

(1) *Central and electric heating systems.* Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 68 degrees Fahrenheit measured at a point three feet above the floor during ordinary winter conditions.

(2) *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents, whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of 68 degrees Fahrenheit measured three feet above the floor during ordinary winter conditions.

(c) *Electrical system.* The electrical system of each dwelling or dwelling unit shall conform to the following:

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor- or wall-type electric convenience receptacles installed in compliance with the North Carolina State Residential Building Code, Volume 7. There shall be installed in every bathroom, water closet room, laundry room, and furnace room at least one supplied ceiling- or wall-type electric light fixture in good working order. If wall or ceiling light fixtures are not provided in any habitable room, then each habitable room shall contain at least three floor- or wall-type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used without hazard to property or persons.

(Code 1993, § 10-58; Ord. of 4-2-1991(2), § 5; Ord. of 6-6-2000(1))

Sec. 10-89 ~~10-59~~. Ventilation.

(a) *General.* Every habitable room shall have at least one window or skylight facing directly to the outdoors for adequate ventilation. At least one window in every habitable room shall be of such size and location to allow egress by an average adult in the event of fire or other emergency. The minimum window area, measured between stops, shall be eight percent of the floor area of such room. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal 15 percent of the total floor area of such room. Exception: Less than eight percent of the total floor area is acceptable, provided there is mechanical ventilation.

(b) *Habitable rooms.* Every habitable room shall have at least one window or skylight which can easily be opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45 percent of the

minimum window area size or minimum skylight-type window size, as required, or shall have other approved equivalent ventilation.

(c) *Bathroom and water closet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements as in habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

(d) *Smoke detectors.* Smoke detectors shall be required outside of each sleeping area in the immediate vicinity of the bedrooms.

(Code 1993, § 10-59; Ord. of 4-2-1991(2), § 6; Ord. of 6-6-2000(1))

Sec. 10-90 ~~10-60~~. Space, use and location.

(a) *Room sizes.* Every dwelling shall contain at least the minimum room size in each habitable room as required by the state residential building code.

(1) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants and at least 75 square feet of additional habitable floor area for each additional occupant.

(2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(b) *Ceiling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet, six inches, measured from the finished floor to the finished ceiling.

(c) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than 4.5 feet shall not be considered as part of the floor area in computing the total area of the room to determine maximum permissible occupancy.

(d) *Cellar.* No cellar shall be used for living purposes.

(e) *Basements.* No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight.

(2) The total window standards, total openable window area and ceiling height are equal to those required for habitable rooms.

(3) The required minimum window standards of every habitable room are entirely above the grade adjoining such window area, except where the window faces a stairwell, window well or accessway.

(4) Every sleeping room shall have at least one window for emergency egress, which complies with the state residential building code in effect at the time of construction.

(Code 1993, § 10-60; Ord. of 4-2-1991(2), § 7; Ord. of 6-6-2000(1))

Sec. 10-91 ~~10-61~~. Safe and sanitary maintenance.

(a) *Exterior foundation, walls and roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weathertight and rodentproof, shall be kept in sound condition and good repair, shall be capable of affording privacy, shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(b) *Interior floors, walls and ceilings.* Every floor, interior wall and ceiling shall be substantially rodentproof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(c) *Windows and doors.* Every window, exterior door, basement or cellar door and hatchway shall be substantially weathertight, watertight, rodentproof, and shall be kept in sound working condition and good repair. Minimum size for all interior doorways shall be 30 inches for all occupied rooms, including living room, dining room, kitchen, etc., but not including closets, bathrooms, etc. Doors shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms, and all rooms adjoining a public space. All doors leading to the exterior must have an apparatus for opening and closing the door on both sides, a locking mechanism and shall be kept in sound working condition and good repair.

(d) *Stairs, porches and appurtenances.* Every outside and inside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Handrails and guardrails must be installed per the guidelines of the North Carolina State Residential Building Code, Volume 7.

(e) *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(f) *Supplied facilities.* Every supplied facility, piece of equipment or utility which is required under this article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory condition.

(g) *Drainage.* Every yard shall be properly graded so as to obtain thorough drainage of surface water to prevent accumulation of stagnant water and to allow positive drainage around the foundation of the dwelling unit.

(h) *Noxious weeds.* Every yard and all exterior property shall be kept free of species of weeds or plant growth, which are noxious or detrimental to health.

(i) *Egress.* Every dwelling unit shall be provided with adequate means of egress as required by the code in force at the time of construction.

(Code 1993, § 10-61; Ord. of 4-2-1991(2), § 8; Ord. of 6-6-2000(1))

Sec. 10-92 ~~10-62~~. Control of insects, rodents and infestations.

(a) *Rodent control.* Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

(b) *Infestation.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more rooms of the dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(c) *Rubbish storage and garbage disposal.* Every dwelling unit shall be supplied with adequate rubbish storage facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

(d) *Screens.* For protection against mosquitoes, flies and other insects, every door intended for ventilation and opening directly from a dwelling unit to outdoor space shall have installed screens and a self-closing device. Windows designed to open shall likewise be supplied with screens installed so as to not be permanently affixed to the window frame, sash, or structural members of the dwelling unit, and shall be maintained in good condition without rips or tears.

(Code 1993, § 10-62; Ord. of 4-2-1991(2), § 9; Ord. of 6-6-2000(1))

Sec. 10-93 ~~10-63~~. Roominghouses.

All provisions of this article shall be applicable to roominghouses and bed and breakfast establishments, and to every person who operates a roominghouse or a bed and breakfast establishment or who operates or lets to another for occupancy any rooming unit in any roominghouse or bed and breakfast establishment, except as provided in the following subsections:

(1) *Water closet, hand lavatory and bath facilities.* At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a roominghouse wherever such facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar or uninhabitable basement.

(2) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over, and at least 35 square feet of floor area for each occupant under 12 years of age.

(3) *Sanitary conditions.* The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for the sanitary maintenance of every other part of the roominghouse. He shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the roominghouse is contained is leased or occupied by the operator.

(4) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by subsection (1) of this section shall be located within the roominghouse and within a room which affords privacy and is separate from the habitable rooms and which is accessible from a common hall and without going outside the roominghouse or through any other room herein.

(Code 1993, § 10-63; Ord. of 4-2-1991(2), § 10; Ord. of 6-6-2000(1)

Adopted this 16th day of February 2026.

/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

COMM. DEV. - CONSIDERATION OF ORDINANCE NO. 2026-02 (FOR ZTA 2025-02) AMENDING ARTICLES 2, 3, 5, 6, AND 7 OF THE BURKE COUNTY ZONING ORDINANCE & PUBLIC HEARING AT 6:00 P.M.
Patrick Dickinson, Planner, presented zoning text amendment request 2025-02 as follows:



BURKECOUNTY

ZTA 2025-02 ROUNDTABLE MEMBERS

Design & Construction Professionals
- Doug Suttle
- John Causby
- Mark Huffman
- Stephen Hawkins
- Justin Standley
- Greg Smith
- Lee Gragg
- Miles Champion
- James Ratliff

Real Estate, Builder & Developer Professionals
- Andrew Loudermilk
- Stoney Story
- Tim Norman
- Polly Leadbetter
- Brian Smith
- Jenny Cook
- Ginny Erwin
- Ed Hallyburton
- Madelyn Russ
- Damian Patton
- Roy Coffey
- Mike Taylor
- Zachery Cole
- Mark Rostan
- Allen Curtis
- Brian Shuping
- Tim & Christy Truitt

Government, Planning, and Public Service
- Joyce Counihan
- Rick Justice
- Alison Adams
- Logan Shook
- Alexander Corpening
- Brian King
- Tommy Craig
- Ben Ealy
- Shawn Freeman
- Hope Hopkins
- Beverly Carlton
- Jeff Kincaid
- Ed Hallyburton



ZTA 2025-02 ACCESSORY STRUCTURES

Article 5, Section 5.2

- Limits on residential accessory structures, such as sheds and garages, were burdening residents, Staff, and the Board of Adjustment.

Proposed Size Allowances
- We are moving to a sliding scale based on lot size:
  - **< 1 Acre:** Max **1,500 sq. ft.** (Previously 1,200 sq ft.)
  - **1 – 3 Acres:** Max **2,400 sq. ft.** (Previously 1,500 sp. ft)
  - **3+ Acres:** Max **4,000 sq. ft.** (Anything larger requires BOA approval).

Existing Structure Exemption:
- For lots **>0.5 acres**, up to **1,000 sq. ft.** of *existing* structures are exempt from the cap.
- *Note:* This prevents penalizing long-time owners but does **not** allow any single *new* structure to exceed the maximums.

Updated Standards:
- **Setbacks:** Now tiered based on structure size (larger buildings = larger setbacks).
- **Shipping Containers:** Permitted but must be earth-toned, max 10 ft height (no stacking), and on a proper foundation (requiring inspection)



BURKECOUNTY

ZTA 2025-02 ACCESSORY STRUCTURES CASE STUDY

- The Burke County Board of Adjustment, under the **current accessory structures** allowance, was seeing an average of **3-4 cases a month, many of which were for personal storage.**
- The majority of accessory building cases were approved by the BOA since 2021- Thus telling staff this is an unnecessary burden on our boards and citizens.
  - **Under the new allocation, the majority of these cases would NOT have gone to the board**
- Examples of cases that were approved by the BOA
  - SUP 2025-11 (Snow), which was for an accessory building that had other old farm buildings (5 acres and seeking only a 1,200 sq. foot building.)
  - SUP 2025-17 (Sonnek), which was for an accessory building on a vacant parcel (2 acres and seeking a 2,400 square foot building.)
  - SUP 2025-18 (Fisher), which was for an accessory building on a vacant parcel (36 acres and seeking a 3,200 square foot building.)

Property Size (Acres)	New Max Square Footage	Previous Max Square Footage	Notes
Under 1 Acre	1,500 sq. ft.	1,200 sq. ft.	Increased by 300 sq. ft.
1 – 3 Acres	2,400 sq. ft.	1,500 sq. ft.	Increased by 900 sq. ft.
3+ Acres	4,000 sq. ft.	N/A	Anything larger requires **BOA approval**

BURKECOUNTY

ZTA 2025-02 EXPANDING HOUSING OPTIONS

Article 2 (Definitions) & Article 5 (Use Standards)

Tiny Homes (New Definition):

- Defined as a single-family detached dwelling, maximum **400 sq. ft.** (as defined by NC Building Code Appendix Q)
- Must be on a **permanent foundation** (no wheels/chassis). This clearly separates permanent housing from RVs/Campers. (Taskforce Suggestion)



Accessory Dwelling Units (ADUs) (Section 5.1):

- Now explicitly allows **attached** units (previously implied detached only).
- Size limit clarified to **1,000 heated sq. ft.**.
- **Restriction:** Not permitted on duplex lots to preserve neighborhood density.

Manufactured Home Parks (MHPs) (Section 5.5):

- Removed redundant regulations (street construction, parking dimensions, setbacks) that are already enforced in Article 6 .
- Retained specific requirements for owner responsibility, space markers, and trash maintenance. (Taskforce Suggestion)
- Clarified that tax payment cessation triggers loss of "grandfathered" status for vacant spaces.

BURKECOUNTY

ZTA 2025-02 SPECIAL DEVELOPMENTS

Article 6, Section 6.6 (B-C)

Cluster Developments (Watershed Protected Areas):

- Incentivize the protection of watersheds and sensitive environmental areas.
- **Developer Incentives:**
  - **Height:** Up to 25% increase allowed for vertical development.
  - **Density:** Up to 20% increase (units or lot size).
  - **Parking:** Up to 30% reduction allowed.
- **Requirements:** Must use stormwater best management practices and maintain 30-foot setbacks from streams.



Community Master Plans:

- Replaces Planned Unit Development for new coordinated **mixed-use** (Residential, Commercial, Office, etc.) neighborhoods.
  - Minimum **2 acres** to qualify.
  - **Flexibility:** Exempt from standard minimum parking/lot sizes; governed instead by the master site plan, which provides incentives for creative design.
- **Approval Process: Must go through Conditional Zoning, requiring Planning Board recommendation and Board of Commissioners approval, including public hearings.**

BURKECOUNTY

ZTA 2025-02 CLUSTER DEVELOPMENTS CASE STUDIES

Cluster Development: Granite Falls - Duke Street Cottages

(Built by Howard Building Science out of Granite Falls)

- Cottage Style Development with smaller homes targeted towards missing middle housing (starter, workforce, elderly).
- Shared open space, community pavilion, and smaller lot sizes are often included in these developments.
- This development utilizes community solar for reduced utility costs and for resiliency during grid failures.

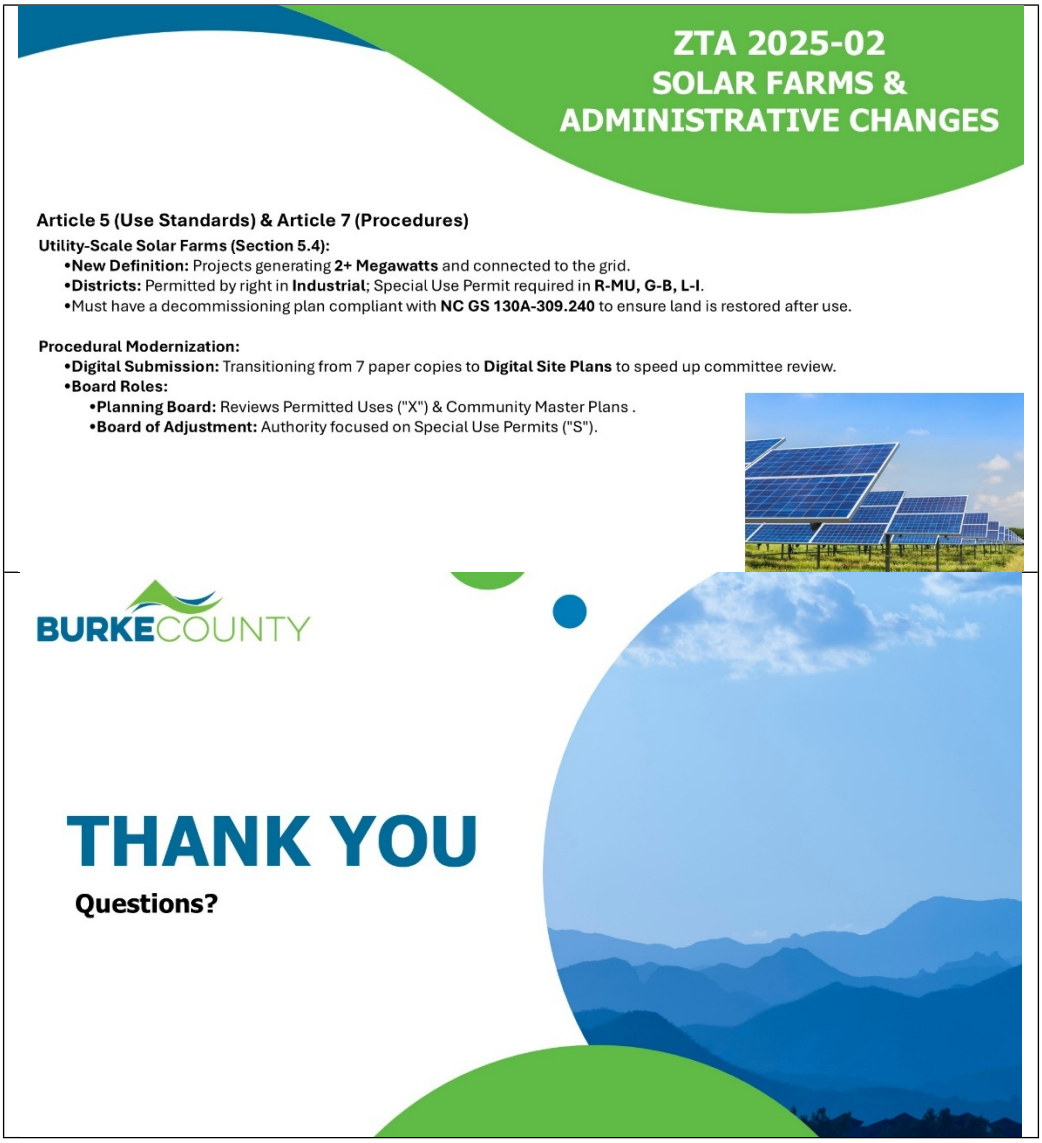


Community Master Plan: Morganton Innovation Campus

(Formerly Drexel Furniture Plant 3 & 5)

- Mixed use development that includes parks, manufacturing, trails, educational facilities, and more.
- This development would utilize a “community master plan” if built in Burke County Zoning.
- Encourages community assets (parks, trails, etc.) while providing housing, commercial, and work on one parcel.





Additional information from the agenda packet:

Zoning Text Amendment 2025-02

Applicant: Burke County Community Development
Request: To amend articles 2, 3, 5, 6, and 7 of the Burke County Zoning Ordinance.

Staff initiated this text amendment process as part of our continuous effort to adjust the zoning code to reflect the expressed needs of our community and appointed boards. The primary reason for this update was the regulation of residential accessory structures. Under the current ordinance, strict square footage limitations have become one of the largest burdens on both staff and the Board of Adjustment (BOA). A significant portion of BOA agendas have

been dominated by residents applying for special approvals simply to build storage for their personal property.

This amendment addresses the issue of increasing allowable accessory structure square footage across all lot sizes—from 1,500 sq ft for smaller parcels up to 4,000 sq ft for lots over three (3) acres. The amendment also introduces a clear tiered setback system and provides a 1,000 square foot exemption for existing structures on parcels greater than half an acre. These changes will reduce the time and cost burden on residents, staff and the Board of Adjustment while maintaining adequate regulation. While addressing the accessory structure issue, staff conducted a broader review of the ordinance to identify other areas of improvement. We identified the following:

Design Standards: Many design-specific regulations were misplaced in Article 5 (Use Standards) rather than Article 6 (Design Standards), causing confusion for developers and staff. The amendment relocates these provisions, such as fence standards and multi-family setback requirements, to their proper location in Article 6, significantly improving continuity and helping us work towards a UDO (unified development ordinance).

Manufactured Home Parks (MHPs): The existing text contained redundant and burdensome technical requirements that discouraged the renovation and creation of manufactured home parks, a key asset to addressing Burke's housing crisis. The amendment streamlines these regulations by removing duplicative requirements for setbacks, parking, and street standards that are already addressed in Article 6.

Addressing Gaps: Emerging trends like Tiny Homes and Utility-Scale Solar required clear, state-compliant definitions to prevent enforcement issues. The amendment adds formal definitions for both uses, coordinated with NC State Building Code and General Statute § 130A-309.240, respectively, and establishes appropriate regulations, including decommissioning standards for solar farms.

Refreshing Special Developments: The current ordinance lacked sufficient incentives for creative, environmentally sensitive design. The amendment revamps the "Cluster Development" options to offer tangible benefits—including 25% height increases, 20% density bonuses, and up to 30% parking reductions—for developers who protect watershed and environmentally sensitive areas. Additionally, a new "Community Master Plan" framework is introduced to encourage coordinated, mixed-use neighborhoods rather than traditional subdivisions, with flexible standards for projects that demonstrate environmental protection and community compatibility.

In addition to these changes, the amendment modernizes development procedures in Article 7, transitioning from paper submissions to digital site plan sets, clarifying review timelines, and specifying which boards review different project types for greater predictability.

Complete details of all proposed text additions, deletions, and modifications are provided in the attached ordinance.

ROUNDTABLE FEEDBACK

To ensure these changes were thoroughly vetted, staff formed a community roundtable to review the draft text. This process involved in-person discussions and an online survey. The roundtable was made up of over 30 individuals from a variety of backgrounds and provided valuable feedback to staff. Some of these changes are included below:

Tiny Homes: The roundtable expressed concern that the term "Tiny Home" was confusing and could be interpreted as allowing RVs or campers as permanent dwellings. Staff refined the definition to explicitly coordinate with the NC State Building Code, requiring an approved foundation (prohibiting wheels/chassis) to clearly differentiate a dwelling from a recreational vehicle.

Accessory Dwelling Units (ADUs): Initial drafts considered allowing detached ADUs for duplex properties. The roundtable raised valid concerns regarding density and the potential friction between "duplex neighbors" sharing a backyard with a rental unit. Staff removed the provision allowing ADUs for duplexes.

Accessory Structure "Discount": Staff proposed an exemption where existing structures wouldn't count toward the total cap to help residents. The roundtable worried this would lead to overbuilding on very small lots. Staff added a threshold requiring a lot to be greater than half an acre to utilize this 1,000 sq. ft. exemption, ensuring small lots remain uncluttered.

Manufactured Home Parks: While streamlining the manufactured home parks text, Staff initially removed a section regarding owner responsibility to rely on general code enforcement. The roundtable strongly felt this specific language was necessary for accountability. Staff restored the "Responsibility" section, clarifying that park owners must maintain units in good order, meeting minimum housing standards.

COMMISSIONERS STRATEGIC PLAN ALIGNMENT

This amendment serves as a direct action toward the Board of Commissioners' goal of Community Advancement: "To invest in cultural capital and advancement strategies that promote participative governance that elevates a community to live, work and play – while also positioning Burke County as a community of choice." By reducing unnecessary hurdles for homeowners and modernizing our development standards, we are actively positioning Burke County as a "community of choice" where regulations facilitate the ability to live, work, and play.

STAFF COMMENTS

Staff work to keep our ordinances up to date with the needs and requirements of Burke County. A zoning code is meant to be a living document, adjusted for issues as they are identified by the community and the Board. Besides bringing text amendments to the Planning Board, staff consider these changes for consistency with the goals identified in the Blueprint Burke Strategic Land Use Plan, our roundtable, community input, and the Burke Commissioners Strategic Plan. This amendment supports changes to the zoning ordinance to improve efficiency, encourage diverse housing options, and ensure regulations do not unnecessarily hinder reasonable property use.

PLANNING BOARD DECISION

ZTA 2025-02 was presented to the Burke County Planning Board at their December 4, 2025, meeting. The board reviewed the text amendment and heard a presentation from staff detailing the changes proposed to the Burke County Zoning Ordinance. The board was highly receptive to the amendment as it reduces unnecessary burden on Burke County residents, streamlines the ordinance for better understanding, and provides improved options for special developments to provide the county with tools to improve our housing crisis. The board voted unanimously (4-0) to recommend the amendment to the Burke County Board of Commissioners.

Chairman Brittain opened the floor for questions or comments.

Mr. Dickinson received a compliment from Commissioner Stroud on his presentation. Chairman Brittain questioned whether the proposed minimum two (2) acre project area requirement for multifamily, townhouse, and condominium developments was consistent with recent amendments reducing minimum lot sizes in areas served by public water and sewer. Mr. Dickinson explained that the provision was intended to govern higher-density multifamily and townhouse developments rather than traditional residential subdivisions. Mr. Glines clarified that the requirement applies to master-planned developments containing multiple units on a single tract and would not prevent a property owner from developing a duplex or similar residential structure on an individual lot, provided applicable zoning standards are met.

Commissioner Burns requested clarification regarding the relationship between traditional zoning and conditional zoning under the proposed ordinance. Mr. Glines explained that conditional zoning utilizes a master-plan approach that allows the Board of Commissioners flexibility to consider site-specific conditions, development layouts, and community objectives as part of the approval process. He noted that developers typically work with staff to determine whether a proposal is best suited for conditional zoning and that any proposed conditions would be presented to the Board as part of the development plan.

Chairman Brittain inquired about the review process for conditional zoning applications. Mr. Glines explained that proposals would first be reviewed by the Site Plan Review Committee, including relevant County departments and outside agencies such as NCDOT, before being considered by the Planning Board. He stated that the Planning Board would provide recommendations and feedback to the Board of Commissioners prior to final consideration of the application.

There being no further discussion, Chairman Brittain opened the public hearing at 7:36 p.m. The Public Hearing Notice was published in the News Herald on February 5 and 12, 2026. Further, the notice was also posted on the County's website (www.burkenc.org) on February 5, 2026. There being no one present to address the Board, the public hearing was closed at 7:36 p.m. He then called for a motion.

Motion: To adopt Ordinance No. 2026-02 as it relates to Zoning Text Amendment 2025-02, Zoning Ordinance Articles 2, 3, 5, 6, and 7 to (1) modernize development procedures; (2) expand residential accessory structure allowances; and (3) reorganize, clarify, and streamline zoning regulations as presented. The Board of Commissioners finds this amendment to be reasonable and in the public interest and consistent with the goals of the Blueprint Burke Strategic Land Use Plan because:

1. **it promotes efficient land use regulations and diverse housing options,**
2. **reduces unnecessary regulatory burdens on property owners,**
3. **and supports community advancement by facilitating the ability of residents to live, work, and play in Burke County.**

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

Ordinance No. 2026-02 reads as follows:

AN ORDINANCE MAKING REVISIONS TO THE BURKE COUNTY ZONING ORDINANCE

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

The following changes are hereby made to the Burke County Zoning Ordinance. 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 deletions are indicated by ~~struck through text~~.

2.2 Definitions.

(a) When used in this ordinance the following words and phrases shall have the meaning given in this section:

. . .

Dwelling, Tiny Home

In coordination with the NC State Building Code, a Tiny Home is a residential, single-family detached dwelling intended as a primary residence or ADU for permanent occupancy. To be considered a Tiny Home, the structure must be built to the North Carolina Residential Building Code and meet the following provisions:

- A maximum of 400 square feet.
- Built on an approved foundation and not on wheels.

- Meets the specific ceiling height provisions for kitchens and lofts as outlined in Appendix Q of the North Carolina Residential Code.
- Adheres to all other applicable structural, plumbing, mechanical, electrical, and energy codes.

. . .

Solar farm, utility-scale

A ground-mounted PV, concentrating PV (CPV), or concentrating solar power (CSP or solar thermal) project capable of generating 2 megawatts AC (MW AC) or more directly connected to the local or regional electrical grid with the ability to deliver power to the electrical grid. Such projects are subject to and shall meet the requirements of NC GS 130A-309.240, as amended.

Article 3.0 Table of Uses

Residential Uses

	R-1	R-2	R-3	R-MU	PRMU	O-I	N-B	G-B	L-I	IND	CON
Dwelling Units, ~~Multiple Family~~ Multi-Family, Townhouse and Condominium		S	X	X	S			S			S
	R-1	R-2	R-3	R-MU	PRMU	O-I	N-B	G-B	L-I	IND	CON
Community Master Plan by Conditional Zoning	CZ	CZ	CZ	CZ	CZ			CZ	CZ	CZ	CZ

Industrial Uses

	R-1	R-2	R-3	R-MU	PRMU	O-I	N-B	G-B	L-I	IND	CON
Utility Scaled Solar Farm				S				S	S	X	

Article 5.0 Use Standards

5.1 Accessory Dwelling Units

A detached accessory dwelling unit or attached accessory dwelling unit may be permitted as an accessory use on lots with an existing primary dwelling and shall comply with the following requirements:

a. The accessory dwelling unit and the primary dwelling must be owned by the same person.
b. No more than one accessory dwelling unit shall be permitted on a single deeded lot in conjunction with the primary dwelling unit.
c. Accessory dwellings shall be connected to the same electrical, water, and wastewater disposal system as the primary dwelling if practical.
   - Approval from the Burke County Environmental Health Department is required.

d. Accessory dwellings are limited to one thousand (1 ,000) heated square feet ~~of total square footage.~~

e. Accessory dwellings must be constructed to current NC State Residential Building Code standards and must receive a Certificate of Occupancy prior to being ~~habited~~ occupied.

f. Detached ~~A~~ accessory dwelling units must be located to the side or rear of the primary dwelling and meet all applicable setbacks.

. . .

g. Accessory dwellings are recommended to be constructed of like materials ~~and must~~ to resemble the primary structure in appearance ~~to the greatest extent possible~~.

h. The accessory dwelling unit ~~must~~ may share a driveway with the primary dwelling.

i. No on-street parking is permitted for accessory dwellings.

5.2 Accessory Structures (Residential)

For the purpose of this section of the ordinance the calculation of an accessory structure includes any section of the structure that is under roof. Accessory structures may be permitted if the unit complies with the following requirements:

a. Accessory structures may be located at least fifteen (15) feet from the side property line and at least twenty (20) feet from the rear property line. No accessory structure shall be located in the front yard of a residential lot less than one (1) acre in size.

b. Accessory structures on corner lots shall meet the front setback of the primary dwelling for the side street on which it is located. However, as the size of the accessory structure increases the required setback increases ~~also~~. The following table gives the required setbacks:

~~Size in Sq. Feet Required Setback~~
~~1,200 or Less Fifteen (15) Feet~~
~~1,201 to 2,000 Twenty (20) Feet~~
~~The setback shall increase fifteen (15) feet for every additional one thousand (1,000) square feet above 2,000 square feet. For all structures greater than two thousand (2,000) square feet the setback shall increase fifteen (15) feet for every additional one thousand (1,000) square feet.~~

Setback	1,500 Sq. Ft. standard setbacks up to 2,399 Sq.Ft.	2,400 Sq. Ft., up to 3,999 Sq. Ft.	4,000 Sq. Ft. or larger
Front	35	50	65
Side	15	30	45
Rear	20	35	50

(Note) In no event shall the front yard setback for an accessory structure be less than the required setback for a residential structure.

c. ~~On lots that are less than one (1) acre in size, the total maximum square footage of all accessory structure(s) shall be one thousand two hundred (1,200) square feet. On lots greater than one acre in size, the maximum square footage allowed shall be one thousand five hundred (1,500) square feet. Any lot greater than three (3) acres in size may be approved for additional square footage from the Board of Adjustment. Additional setbacks and screening requirements may apply.~~ Size Standards for Accessory Structures: For parcels greater than one-half (0.5) acre, an exemption of up to 1,000 square feet may be applied to the footprint of accessory structures already in existence.

This exemption allows these existing structures to be excluded from the cumulative square footage calculation for the lot. This exemption shall not be calculated as a credit to allow any single new structure to exceed the maximum square footage limits established below nor shall it result in a negative square footage calculation.

Lot size	Maximum square footage of accessory structure
Less than one acre	1,500 Sq. Ft.
➢ 1 acre, but < 3 acres	2,400 Sq. Ft.
➢ 3 acres	4,000 Sq. Ft.

Any accessory structure which deviates from this table or is greater than 4,000 Sq.Ft. must be approved by the Board of Adjustment

d. No accessory structure shall be rented or occupied for financial gain nor used for human habitation.

e. Under no circumstances may a vehicle, enclosed trailer, manufactured home, recreational vehicle, ~~POD, or similar container~~ be used as an accessory structure.

(image) ~~POD~~ Shipping Container

f. ~~Mailboxes, newspaper boxes, may be placed in any yard. No zoning permit is needed for these structures.~~ A shipping container may be used as an accessory structure with the following standards:

(a) May not be stacked on top of one another.

(b) May not exceed a height of 10 feet.

(c) Shall be painted to match the color of the primary dwelling on the property or be painted a neutral earth tone color or utilize siding to blend in with the local environment.

(d) Shall be placed and inspected as required for footings and electrical service as applicable.

g. Accessory structures will not be permitted on vacant lots without a primary structure unless the lot is two (2) acres or larger. The maximum combined square footage allowed for all accessory structures in this case is one thousand five hundred (1,500) square feet. All other applicable regulations will apply. In such cases the accessory structure shall have a minimum setback of eighty (80) feet from the front right-of-way or edge of pavement where no right-of-way exists. Screening shall be required between the structure and adjacent properties ~~where existing vegetation or distance is insufficient to provide adequate screening. Screening shall consist of a ten (10) foot opaque evergreen hedge row~~ meeting the standards for perimeter landscaping found in Section 6.4 of this chapter. Accessory structures on vacant residential lots may be used for storage purposes only. Only electric service may be provided to the accessory storage structure. Water and septic shall not be permitted.

(Note) Temporary structures may be permitted in any zoning district when used in conjunction with construction work or when permitted for a temporary event.

5.4 ~~Reserved~~ Utility Scale Solar Farm Regulations

Utility scale solar farms are subject to the following requirements:

Parcel Size

The minimum parcel size to be considered for a utility scale solar farm is 10 acres

Setbacks

The solar panels and other structures related to the operation of the utility scale solar farm shall be setback a minimum of 50 feet from external property lines.

Landscape Buffering
A minimum planted landscape buffer shall be provided along all property lines except for properties zoned Industrial or Light Industrial. The buffer standards shall meet the requirements of Section 6.4 Landscape and Screening Standards. Existing tree and shrub material may be protected and maintained to meet the intent of this ordinance.
Site Plan
A site plan for a utility scale solar farm shall be prepared for review and meet the requirements of Section 7.10 of this ordinance. Other site development and access needs will comply with Section 6 of this ordinance.
Upon Decommissioning
Upon decommissioning of the Utility-scaled solar farm, the site shall be restored to the condition of the land before the solar farm was constructed so that the land can be used for other activities allowed under the zoning ordinance. All waste or by products of the solar farm must be removed from the premises and disposed of in an industrial or municipal solid waste landfill.
Local, State and Federal Requirements
A utility-scaled solar farm must meet the requirements of local, state and federal requirements including that of NC Session Law 130A-309.240 and successors. This covers registration, plan approval, reports and decommissioning of the solar farm at the cessation of its useful life.

5.5 Manufactured Home Parks

Watershed Protection Ordinance
All manufactured homes as well as regular homes must comply with the Burke County Watershed Protection Ordinance. Manufactured home parks are urged to consider cluster ~~or planned unit~~ development.
Permit for Manufactured Home Parks Required
It shall be in violation of this ordinance for any person to establish or make on-site improvements for any manufactured home park before a plan has been approved by the Board of Adjustment and the proper permits have been obtained. ~~A manufactured home park permit may be revoked by the Board of Adjustment upon violation of the requirements of this ordinance exists; provided that: 1. the owner, lessee, or other responsible person is notified in writing of the violation and, 2. five (5) days has passed since the written notice was received by the owner/developer. It shall be unlawful for any person, firm, or corporation to continue the use of a manufactured home park or manufactured home lot after a permit has been revoked. (For penalties refer to Article 8, Administration, Appeals and Enforcement)~~
Manufactured Home Spaces
All manufactured homes within the park shall be located in designated manufactured home spaces. There must be at least three (3) manufactured home spaces available at first occupancy to qualify as a manufactured home park. ~~All manufactured home parks must meet the minimum lot size requirements.~~
~~Setback Requirements~~
~~Setbacks within manufactured home parks shall be twenty (20) feet from front yard, ten (10) feet side yard, twenty (20) feet corner side yard and ten (10) feet rear yard. 0 All porches and decks must meet setbacks.~~
Manufactured Home Placement
Each manufactured home shall be set up and installed within the park in accordance with the State of North Carolina regulations for the installation of manufactured homes adopted and published by the North Carolina Department of Insurance. Each manufactured home space shall contain at least five thousand (5,000) square feet of ground area and be clearly defined by

concrete or iron pipe markers placed at all corners.~~or by establishing concrete patios. Each manufactured home space shall be graded to prevent any water from ponding or accumulating on the premises. All drainage of the park must be confined or piped in such a way that it will not endanger any water supply.~~ Each manufactured home space shall have a site number, and permanent lettering two and one-half (2 ½) inches high attached or painted on the electrical service.

Responsibility

Every manufactured home must be maintained by its owner in good order meeting all applicable local, state, and federal minimum housing standards.

~~It shall be the responsibility of the manufactured home park owner on which a manufactured home park is located to ensure that each manufactured home setup meets all local, state, and federal regulations.~~

~~Off-Street Parking Requirements~~

~~Each manufactured home space shall have two (2) off-street parking spaces with a stone or gravel base on top of a well compacted sub-base. These parking areas shall be provided and maintained by the owner or operator of the park. Alternatively, community off-street parking areas may be provided within the manufactured home park.~~

~~Public Street Access~~

~~No manufactured home space within a manufactured home park shall directly access a public road. A driveway permit must be obtained from the North Carolina Department of Transportation for access to a public road. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal streets.~~

Internal Street Standards

~~Internal streets shall be a minimum width of twenty (20) feet wide constructed of asphalt, concrete, pavement, or gravel/stone, and be maintained to provide access. Permanent dead- end streets shall have a cul-de-sac forty (40) feet in diameter. The park developer must have an engineer licensed in the State of North Carolina to certify that these minimum road standards have been met. Traffic control signs and street name signs shall be installed where necessary. Street lighting shall be required throughout the park.~~ Standards for manufactured home parks will comply with section 6.3 Access Management and Parking Standards

Underpinning

All manufactured homes in the park shall have continuous underpinning of wood, masonry, or some other similar exterior grade material which is non-combustible in nature, unpierced except for required ventilation. If the tongue, axles, transporting lights, and removable towing apparatus are not removed, it shall be screened from view from any adjoining public street right-of-way. Such screening shall be in the form of natural plantings or opaque walls or fences.

Screening

All proposed manufactured home parks shall provide a screen or buffer between the park and any property adjacent to the park. If a landscape buffer is used, it shall meet the standards of *perimeter landscaping* described in Section 6.4 Landscape and Screening Standards. ~~Compliance with this section shall constitute either planting a double row of evergreens staggered a maximum of six (6) feet apart and being a minimum of three (3) feet in height, or erection of a fence, or screen, a minimum of seven (7) feet in height to block visual access.~~If fencing is used for screening it must meet the standards found in the Fences section of 6.4.

Steps & Decks

All manufactured home spaces in proposed parks shall have a solid, well-constructed set of steps and decks as required by the building code. ~~for use by tenants. Loosely stacked brick, block, and~~

~~the like, do not meet the requirements of this section. It shall be the responsibility of the park owner to furnish the steps.~~

~~Ground Maintenance~~

~~The grounds of a manufactured home park shall be kept free of trash, liter, and debris. Grounds, buildings, and storage areas shall be properly maintained to prevent the infestation of rodents, vermin, and insects. It shall be the responsibility of the manufactured home park owner to maintain the manufactured home park in accordance with these standards at all times.~~

Site Plan Requirements

A site plan application shall be submitted ~~plat at a scale no greater than on hundred (100) feet to one (1) inch shall be completed by a registered surveyor and submitted to the Zoning Administrator and~~ must ~~shall~~ include the following information:

1. The proposed name of the park
2. The name of the owner/owners of the parcel
3. The name of the designer/surveyor of the park
4. The tax identification number of the parcel
5. The deed book and page of the parcel
6. ~~Boundaries of the tract shown with bearings and distances~~
7. ~~Streets, driveways, open areas, parking spaces, service buildings, water courses, easements, flood plains, setbacks, the right-of-way of the interior driveway, manufactured home spaces and all existing structures~~
8. ~~Vicinity map showing the location of the park and the surrounding land usage~~
9. ~~Date, graphic scale, and approximate north arrow~~
10. ~~Location of public water and sewer if available~~
11. ~~Acreage in total tract, acreage in park for other land usage and site calculations for each manufactured home space~~
12. ~~12.~~6. Total number of manufactured home spaces

In addition to the above site-specific requirements a site plan prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina is required. All site plans must comply with the requirements set forth in ~~Please see~~ Section 7.10 ~~for site plan requirements~~.

~~Issuance of a Zoning Permit.~~

~~After the park plan has been approved, the Zoning Administrator shall issue a Compliance Permit. If the construction of the park has not begun within twelve (12) months from the date of issuance, the Compliance Permit will become null and void. However, the Zoning Administrator may grant an extension of the Zoning Permit if the developer shows cause.~~

Effects on Existing Manufactured Home Parks.

Existing m~~M~~anufactured home parks that do not meet all of the requirements of this ordinance, ~~are operating as existing approved parks~~ may continue to operate in their current state and will remain unaffected ~~by this ordinance~~, subject to the following:

a. ~~However,~~ A~~a~~ny expansion~~, addition, or alteration of these parks~~ must conform to the regulations established in this ordinance for the affected area.

~~a~~b. If ~~such~~ an existing park~~s~~ should cease operation for a period of twelve (12) consecutive months then the park shall not reopen until it complies with the regulations contained in this ordinance, as well as all other applicable state and local laws.

~~b~~c. If ~~such~~ an existing park~~s~~ have a manufactured home space(s) that becomes vacant ~~or ceases to have electrical service for a period of twelve (12) consecutive months,~~ and if taxes cease to be paid for the space, then the space shall cease to exist as a usable

space within the park. ~~If the loss of a space reduces the number of spaces required to constitute a manufactured home park, then the park shall cease to exist.~~

Note: Having an existing septic does not guarantee ~~a~~ the use of an existing manufactured home space which may still be subject to septic verification, compliance and maintenance as applicable.

Other Applicable Statutes and Requirements

Class A, B, C, & D manufactured homes may be placed in properly permitted manufactured home parks. Issuing a permit under the provisions of this section shall in no way affect any other type of approval required by any other statute or ordinance of the local, state, or federal government, but shall be construed as an added requirement.

5.6 Multi-Family, Townhouse, and Condominium

Multi-family, townhouse, and condominium developments shall be subject to the following requirements:

General/Specific Requirements

a. Minimum lot or overall project area shall be two (2) acres.

b. Minimum lot area per building is fifteen thousand (15,000) square feet for the first unit and three thousand (3,000) square feet for each additional unit.

c. Setbacks shall follow the residential setbacks listed in Article 3. ~~Minimum front yard depth for each building is thirty-five (35) feet.~~

~~d. Minimum rear yard depth for each building is thirty (30) feet.~~

~~e. Minimum side yard depth for each building when adjacent to street is thirty (30) feet.~~

~~f. Minimum side yard depth for each building when adjacent to a private drive or side lot line is fifteen (15) feet.~~

~~g. Minimum side yard depth for each building when adjacent to another building in the project area is twenty (20) feet.~~

d. ~~h~~.Minimum distance between buildings is ~~forty (40) feet~~ set by the NC Building Code.

~~i. Maximum area covered by all buildings is thirty (30%) percent, unless utilization of the 10/70 option as allowed per the Burke County Watershed Protection Ordinance is permitted.~~

e. ~~j.~~Minimum of ~~five (5%)~~ ten (10%) percent of the project area, ~~excluding~~ including swimming pool and all related facilities, is to be designated and developed as a recreational open space.

Site Plan Requirements

In addition to the above site-specific requirements a site plan prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina is required. Please see Section 7.10 for site plan requirements.

Off Street Parking Requirements and Interior Access Standards

~~There shall be two (2) parking spaces for each dwelling unit.~~

Off Street Parking Requirements and Interior Access Standards shall meet the parking and access standards found in Article 6.3 *Access Management and Parking Standards.*

5.7 ~~Planned Unit Development~~ Reserved

~~Intent~~

~~The Planned Unit Development (PUD) District encourages the master planning of multiple and/or mixed uses with flexibility in development of land and creative designs that are not possible under conventional zoning regulations. A PUD allows for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following:~~

1. Encourages well planned development that promotes economical and efficient land uses
2. To provide for recreation and/or open space opportunities for public use
3. Allows a planned and coordinated mix of land uses that are compatible but were previously discouraged by conventional zoning
4. Promotes clustering of structures and others uses in order to preserve natural amenities and environmental assets such as woodlands, wetlands, floodplains, view corridors and scenic areas
5. To protect or preserve existing historical buildings, structures, features or places
6. To provide an appropriate balance between the intensity of development and the ability to provide adequate public facilities and services; or
7. To provide appropriate housing, employment, service and shopping opportunities to suit the needs of the residents.

In order for a lot to qualify as a Planned Unit Development it must meet the following criteria:

a. This option may not be used for the purpose of avoiding the applicable zoning requirements.
b. The PUD shall provide a public improvement that would protect existing and future uses from the impact of the proposed use or alleviate an existing or potential problem relating to public facilities. The Planned unit Development shall also meet one or more of the following objectives:
   1. To provide open spaces, such as parks, and market or festival spaces for public use
   2. To provide infrastructure, such as streets, sidewalks, and lighting consistent with the Master Plan.
   3. To promote the goals and objectives of the Master Plan.

Planned Development Unit Site Plan

In addition to the above site-specific requirements a site plan prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina is required. Please see Section 7.10 for site plan requirements.

Density

A Planned Unit Development may permit densities or lot sizes that are different from the applicable zoning district. This may be achieved through clustering of lots. A PUD may also permit the mixing of land uses that would not otherwise be permitted.

A Cluster Subdivision shall not contain more lots than a conventional subdivision would allow.

Utilities

Planned Unit Developments must have access to public water and sewer connections. All electric, cable, and other utilities shall be underground in a planned development. In proposed cluster subdivisions where public water and/or sewer are not available and some or all of the proposed lots are smaller than the minimum lot size, each proposed lot shall be provided safe and adequate water and sewer service.

Minimum Lot Area

The minimum lot area required to establish a Planned Unit Development shall be 2 acres.

a. Common areas for preservation, recreation and/or open space are provided in an amount equivalent to the total reduction in lot size. Common areas shall not be less than 20% of the development's total acreage.
b. The common area can be used for a well and septic system.

Open/Recreational Space

Open space for recreation is required in a Planned Unit Development for residential uses. The amount of open space shall be based on the number of units in the development.

Commercial Building Design Requirements

All commercial construction shall meet the minimum standards of this ordinance.

5.20 ~~Residential Fences~~ Reserved

~~Fences~~
~~A fence or retaining wall in any residential use district may be erected provided the wall or fence does not exceed eight (8) feet in height. For retaining walls, the height limitations specified in this ordinance shall apply only to the height above the top of the soil retained by the wall.~~
~~Fencing and retaining walls shall be maintained in a safe condition and shall be kept in good repair. All fences shall be uniform in construction and painted or stained with natural earth tone colors, or specially treated for protection from the weather.~~
~~Any retaining wall over 48 inches in height shall require a building permit (see example below).~~
~~Fences and retaining walls shall contain no writing, graffiti, murals or secondary Messages.~~
~~Zoning Requirements~~
~~Fences, or retaining walls are required whenever a non-residential use, abuts an established residential use or residential zoning.~~
~~Fences in residential Use Districts~~
~~Fences or retaining walls in any residential use district, may be erected provided the wall or fence does not exceed eight (8) feet in height. For retaining walls, the height limitations specified in this ordinance shall apply only to the height above the top of the soil retained by such wall.~~
~~Any fence or retaining wall placed in the front yard must be outside of any rights-of-way or easements.~~
~~Administrative Requirements~~
~~Each application for a zoning permit or certificate of occupancy shall include the location and type of buffer strip, fence, or retaining wall to be erected.~~

Article 6.0 - Site and Building Development and Design Standards

6.4 Landscape and Screening Standards

. . .

Residential Fences

A fence or retaining wall in any residential use district may be erected provided the wall or fence does not exceed eight (8) feet in height.
For retaining walls, the height limitations specified in this ordinance shall apply only to the height above the top of the soil retained by the wall.
Fencing and retaining walls shall be maintained in good repair. All fences shall be uniform in construction and painted or stained with natural earth tone colors, or specially treated for protection from the weather.
Any retaining wall over 48 inches in height shall require a building permit (see example below).
Note: Fences and retaining walls shall contain no writing, graffiti, murals or secondary Messages.
Zoning Requirements Fences, or retaining walls are required whenever a non-residential use, abuts an established residential use or residential zoning.

6.6 Special Developments

. . .

B. Cluster Developments – Watershed Overlay Areas

Watersheds are managed in Article 4.4 of this development code, and this section is designed to align with NC regulations surrounding drinking water shed area protection. Development in

watershed areas should be undertaken with special care of the water resources and special land features adjacent to and draining into watershed areas.
Any scale of development in a watershed overlay area may utilize the options for cluster developments – watershed overlay areas. Developments will follow the watershed regulations for the amount of impervious built-upon area permitted and are subject to the following requirements:

- Cluster development is encouraged to utilize non-curb and gutter street system option to qualify; and
- The site will utilize stormwater BMPs if required by NC DEQ; and
- Setbacks will be required from blue-line mapped streams for development and disturbance determined by data on USGS 15-minute quadrangle maps and will be no less than 30' from top of bank for each side of the stream as applicable.

Subject to the provisions in the 4.4 Watershed, for projects allowed for and following the Special Intensity Allocation (SIA) 70/ 10 rules the impervious built upon area may be developed up to 70% of the lot area. Projects utilizing this rule will be mapped and acreage calculated accounting for the special intensity development.
Height
For residential developments utilizing this option, building height may be exceeded by 25% to accommodate vertical residential development.
Density
For residential, commercial and mixed-use developments utilizing this option, site densities may be exceeded by 20%. This density allowance can be either for lot size or number of units, as appropriate.
Parking and Site Access Standards
All parking and site access standards shall follow the regulations found in Article 6.3 Access Management and Parking Standards with the allowance for a parking reduction of up to 30% for uses in this section. Pervious paving is encouraged.
C. Development by Approved Community Master Plan
Development by community master plan utilizing available utilities provides unique opportunities for special developments for Burke County. This type of development may include a mix of uses that are coordinated together through access, placement, design elements, open space and environmental protection. Depending on the location of the proposal the uses may include residential, commercial and industrial uses through intentional community building.
Goals of a development by community master plan include:

1. Efficient use of the land
2. Utilization of public utilities where available
3. Protection of waterways, sensitive habitats and scenic areas
4. Compatibility with the surrounding community fabric
5. Enhance goals identified in the plans adopted for Burke County

Lot Area
The minimum lot area needed to establish a Development by Community Master Plan shall be 2 acres.
Individual development lots sizes within the master plan are not limited except as approved with the development plan.
Setback Standards
Setback standards shall follow the requirements of Article 3 and will be measured from external property lines.

In addition to these setbacks, setbacks will be required from blue-line mapped streams for development and disturbance areas determined by data on USGS 15-minute quadrangle maps and will be no less than 30' from top of bank for each side of the stream as applicable.
Access and Parking Standards
Access and parking requirements are outlined in Article 6.3 of this section. Parking shall be exempt from minimum standard parking numbers and shall be considered based on the master plan.
Landscape and Screening Standards
Landscaping and screening requirements will meet the standards outlined in Article 6.4 of this section.
Approval of a Community Master Plan
This type of development follows the approval process for 8.11.2 Conditional Zoning

Article 7.3 Uses Subject to Site Plan
The following types of development may be subject to the site plan review process:

1. All commercial and industrial facilities
2. All institutional facilities such as schools, hospitals, and clubs
3. All residential developments involving three (3) or more dwelling units in one building or on one lot
4. Manufactured (mobile) home park
5. Special exceptions when specified in this ordinance; include all developments subject to special overlay district requirements for site plan submittal
6. Multi-family, townhouse and condominium ~~Townhouse~~ development projects
7. Special ~~Planned unit~~ development projects, including cluster development and community master planned projects
8. Recreational vehicle parks are subject to special site plan requirements
9. Other uses when specified by the Planning Board or Board of Commissioners

Article 7.4 Minor Site Plan Review
A minor site plan review is required when any new construction, addition, renovation, or change in use involves one of the following categories:

a. Industrial developments involving five (5) or less acres of land
b. Commercial buildings, structures, or developments who's current or proposed gross floor area is less than 50,000 square feet
c. Any development that involves less than fifty (50) dwelling units consisting of duplexes, townhouses, or multi-family residential buildings
d. ~~Planned unit~~ Special developments that have less than five (5) separate building units and/or that meet any of the criteria listed in this section
e. Development meeting the criteria listed in this section and located in a special overlay district

Article 7.5 Major Site Plan Review
A major site plan review is required when any new construction, addition, renovation, or change in use which involves one of the following categories:

a. Industrial developments involving more than five (5) acres of land
b. Commercial buildings, structures, or developments whose current or proposed gross floor area is greater than 50,000 square feet
c. Institutional buildings, structures, or developments
d. Any manufactured housing park or recreational vehicle park

e. Any development that involves more than fifty (50) dwelling units consisting of duplexes, townhouses, or multi-family residential buildings f. Planned unit developments that have more than five (5) separate building units and/or that meet any criteria listed in this section.
g. Any development meeting the criteria listed in this section and locating in a special
f. ~~Planned unit~~ Special developments that have more than five (5) separate building units and/or that meet any criteria listed in this section.
g. Any development meeting the criteria listed in this section and locating in a special overlay district.~~, and~~
~~h.Any other uses specified by the Planning Board or Board of Commissioners.~~

Article 7.6 Site Plan Review Process

Pre-Application Conference

A pre-application conference with the Zoning Administrator, County Planner, or their designee is required for all major site plan reviews to determine the appropriate procedure to be followed and discuss the proposed project. All applicants submitting a plat subject to site plan review are encouraged to schedule a pre-application conference with the Zoning Administrator, County Planner, or their designee. The pre-application conference may include a discussion of the provisions affecting the proposed project that must be adhered to and any other appropriate item affecting the proposal.

Minor Site Plan Review Process

Any applicant required to submit a minor site plan for review shall submit ~~seven (7) paper copies~~ a digital set of the site plan to the Zoning Administrator. ~~The Zoning Administrator may require the applicant to provide additional copies of the site plan when deemed necessary.~~

~~If further review or consultation is necessary,~~ ~~the~~ The Zoning Administrator shall notify members of the site plan review committee within three (3) business days of submittal of a complete site plan. ~~Copies of the minor site plan shall be available for review by the site plan review committee until the applicant has been notified of a decision.~~ The site plan committee will be convened to review the plan and provide comment.

The Zoning Administrator shall notify the applicant of a decision within two (2) weeks of the site plan review submittal along with any comments from the site plan review committee.

Appeals of decisions of the Planning Administrator shall be made in accordance with this ordinance.

Major Site Plan Review Process

1. Any applicant required to submit a major site plan for review shall submit ~~seven (7) paper copies~~ a digital set of the site plan to the Planning Administrator.
2. The Planning Administrator ~~shall forward copies of the submitted~~ will share the site plan to the members of the site plan review committee within three (3) business days of submittal of a complete site plan. ~~members of the site plan review committee within three (3) business days of submittal of a complete site plan.~~
3. The site plan review committee shall convene to review the provided site plan and provide written comments to the Planning Administrator within fifteen (15) business days of plan submittal. Comments will be provided to the applicant.
4. ~~Within five (5) business days of receiving written comments from the site plan review committee, the Planning Administrator shall notify the applicant in writing the decision of the site plan review.~~ If adjustments to the plan are required, a revised plan may be submitted to the Planning Administrator before the site plan is scheduled for review by the approving body.
5. The major site plan proposal will be reviewed by the appropriate Burke County Board as follows:

- The Board of Adjustment will review specific site plans for projects that are designated in Article 3 Table of Uses as 'S' requiring a special permit for that use and zoning district.
- The Planning Board will review specific site plans for projects that are designated with an 'X', as permitted use by right for that use and zoning district.
- Community master plans will be reviewed by the Planning Board for a recommendation and will have final review by the Burke County Board of Commissioners outlined in the process for conditional zoning in this ordinance.

6. After the board has reviewed the site plan, the outcome of the board's decision will be conveyed to the applicant. If the application is approved, the applicant can apply for a zoning permit and other site development permits depending on the proposal. If the application is denied, the applicant will be notified in writing of reasons of denial.

~~5.~~7. Appeals of decisions of the Zoning Administrator or specific review boards shall be made in accordance with this ordinance

Adopted this 16th day of February 2026.

/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

INFORMAL PUBLIC COMMENTS
Chairman Brittain opened the floor for informal public comments at 7:37 p.m. There being no one present to address the Board, Chairman Brittain closed this portion of the meeting at 7:37 p.m.

CONSENT AGENDA

BCPS - PRESENTATION OF FINANCIAL DATA FOR THE PERIOD ENDING DECEMBER 31, 2025
In accordance with the Memorandum of Agreement approved by the County and the Board of Education, the Board of Education provided the County with quarterly financial reports for the 2025 - 2026 budget year, showing the application of the County's local funding by the end of each fiscal quarter during the pre-agenda meeting. These reports will be presented to the County's Board of Commissioners in November 2025, February 2026, and May 2026, respectively.

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BCPS

Estimated Revenues

2025/2026

	Annual		Dec YTD			% of Budget
	Previous	Current Fcst	Previous	Current	% Change	Received
State	99,867,340	97,770,126	48,320,065	47,471,925	-1.8%	48.6%
Federal	13,959,820	12,101,500	4,950,499	4,564,851	-7.8%	37.7%
Local	19,279,613	19,481,204	9,801,825	9,912,123	1.1%	50.9%
Charter Schools	970,387	1,018,796	323,175	337,877	4.5%	33.2%
Fines & Forfeitures	289,181	260,396	166,860	96,539	-42.1%	37.1%
Receivables	47,416	42,674	47,015	33,424	-28.9%	78.3%
Special Revenues	12,850,279	12,593,273	4,108,557	3,611,137	-12.1%	28.7%
Total	$ 147,264,036	$ 143,267,969	$ 67,717,996	$ 66,027,876	**-2.5%**	**46.1%**

No state budget would normally be same revenue as previous but projected revenue down due to declining enrollment of 93, and the loss of $1.4M in Low Wealth funding

Difficulty in adjusting expenses to a declining enrollment is we are 86% payroll, and student drop is sprinkled through all 26 schools, so it's not a class, it's one at this grade at this school, a couple at that

14 elementary schools lose one 1st grader each, that's $122k lost. Imagine that across the district at all grade levels. How do you adjust to offset?

BCPS

Local Financials by Purpose & Function Level

2025/2026

Expenses	'22/'23	'23/'24	'24/'25	Budget	1st	2nd	3rd	4th	Total
Regular Instructional Services	5,521,972	8,342,293	9,064,177	8,435,386	838,874	2,679,282			3,518,156
Instructional Support	10,283,484	10,865,457	11,133,022	11,641,999	3,728,769	2,580,153			6,308,922
Other Governmental Units	692,840	895,393	1,102,573	1,230,028	62,282	360,635			422,917
Revenues Over/(Under)	100,077	176,296	(713,175)	(504,343)	591,747	(461,779)			129,968
Grand Total	$16,598,373	$20,279,439	$20,586,597	$20,803,070	$5,221,672	$5,158,291	$ -	$ -	$10,379,963
% of Annual Budget									**49.9%**
Revenue									
Burke County	15,593,566	19,157,406	19,279,613	19,481,204	5,123,644	4,788,479			9,912,123
Charter Schools	709,442	842,594	970,387	1,018,796	1,356	336,521			337,877
Fines & Forfeitures	241,513	242,444	289,181	260,396	64,436	32,103			96,539
Schools' Receivables	53,852	36,995	47,416	42,674	32,236	1,188			33,424
Grand Total	$16,598,373	$20,279,439	$20,586,597	20,803,070	5,221,672	5,158,291	-	-	10,379,963

Motion: To accept the report as presented.

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

WPCC - PRESENTATION ON FINANCIAL DATA FOR THE PERIOD ENDING DEC. 31, 2025

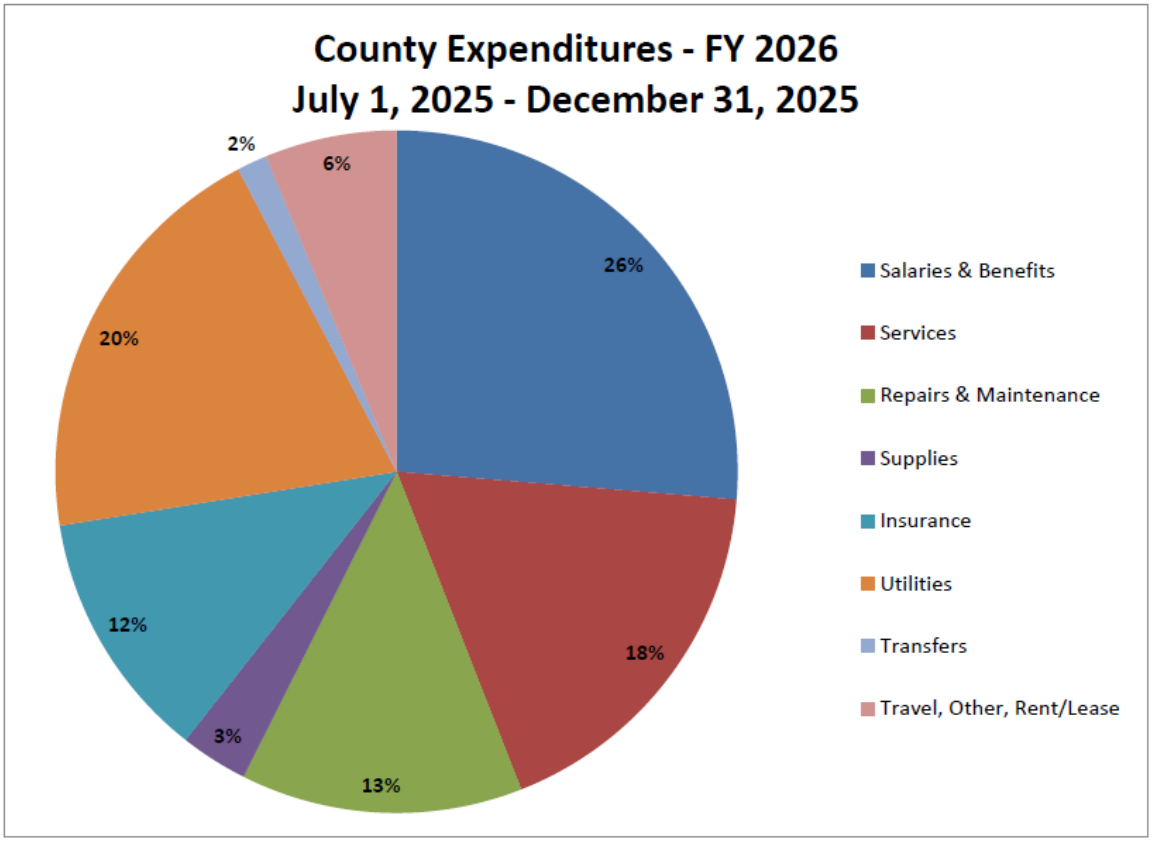
An overview of the College's financial data was presented for the period ending December 31, 2025, at the pre-agenda meeting.

Western Piedmont Community College

County Expenditures by Category

FY 2026 - Actual Expenditures - July 1, 2025 thru December 31, 2025

Salaries & Benefits	435,651	26.3%
Services	294,056	17.8%
Repairs & Maintenance	221,430	13.4%
Supplies	52,948	3.2%
Insurance	196,513	11.9%
Utilities	328,784	19.8%
Transfers	23,683	1.4%
Travel, Other, Rent/Lease	103,535	6.2%
	1,656,600	**100%**



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WESTERN PIEDMONT COMMUNITY COLLEGE
FY 2025-2026 SUMMARY AS OF DECEMBER 31, 2025

Summary of Revenues	STATE BUDGET	STATE ACTUAL	STATE REMAINING	COUNTY BUDGET	COUNTY ACTUAL	COUNTY REMAINING	INSTITUTIONAL BUDGET	INSTITUTIONAL ACTUAL	INSTITUTIONAL REMAINING
State Appropriations	17,506,477	8,728,082							
Add. Allocations (detail below)	382,343								
County Appropriations				3,129,864	1,564,932				
Rent & Interest Income					15,571				
Institutional Funds							10,960,844	4,299,892	
Total Budgeted Revenues	**17,888,820**	**8,728,082**	**9,160,738**	**3,129,864**	**1,580,503**	**1,549,361**	**10,960,844**	**4,299,892**	**6,660,952**
Summary of Expenditures									
Institutional Support	3,675,959	1,728,650	47%	328,234	272,641	83%	44,150	48,779	110%
Curriculum Instruction	7,357,468	3,566,066	48%				800,000	378,864	47%
Non Curriculum Instruction	2,335,148	1,039,431	45%				150,000	59,666	40%
Academic Support	1,439,018	712,055	49%					-	0%
Student Support	1,943,778	972,731	50%				2,000,000	827,042	41%
Plant Operations & Maint.				2,801,630	1,383,959	49%	-	-	0%
Proprietary / Other							1,600,000	636,540	40%
Student Aid							6,366,694	2,221,254	35%
Capital Outlay (excluding Capital Improvements)	1,137,449	210,148	18%				-	-	-
Total Budgeted Expenditures	**17,888,820**	**8,229,081**	**9,659,739**	**3,129,864**	**1,656,600**	**1,473,264**	**10,960,844**	**4,172,145**	**6,788,699**
		46.0%	**54.0%**		**52.9%**	**47.1%**		**38.1%**	**61.9%**

ADDITIONAL FUNDING DESIGNATED FOR APPROVED PROJECTS	
Customized Training Projects	63,873
ApprenticeshipNC	(34,629)
Career Coach allocation	149,058
Safety Regional Trainer	160,922
Disaster - Hurricane	11,200
Faculty Retention & Nursing	31,919
Longevity	
Total Other	**382,343**

For Year Ending June 30, 2026		
Total College Budget	$ 31,979,528	
Total Expenditures	$ 14,057,826	**44.0%**

Fund Balance: County Funds	
Fund Balance, Beginning July 1, 2025	688,735
Current Operating Cash	(76,097)
Current Fund Balance	**612,638**
** transferred $59,000 from STIF - 10/28/2025*	
	20%

Motion: To accept the report as presented.

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

TDA - FINANCIAL UPDATE FOR THE PERIOD ENDING DEC. 31, 2025

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

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BURKE COUNTY TDA
BUDGET TO ACTUAL JULY 1, 2025-DECEMBER 31, 2025

	Budget	Actual	Available Balance
Income			
4010 · Burke Co. Govt. - Occup. Tax	$ 1,200,000	382,161.87	$ 817,838.13
4110 · Interest Income	$ -	13,115.71	$ (13,115.71)
4120 · Miscellenous	$ 25,000	28,882.74	$ (3,882.74)
4530 · America 250 Grant	$ -	-	$ -
5000 · Trolley Revenue	$ 10,000	11,761.07	$ (1,761.07)
Total Income	$ 1,235,000	435,921.39	$ 799,078.61
Expense			
5010 · Accounting/Audit	$ 10,000	-	$ 10,000.00
5020 · Marketing/Advertising	$ 271,000	143,854.45	$ 127,145.55
5023 · America 250	$ -	16,891.98	$ (16,891.98)
5102 · Membership Dues	$ 2,500	2,037.20	$ 462.80
5109 · Building Maintenance	$ 4,800	2,582.72	$ 2,217.28
5113 · City of Morganton/Tourism	$ 270,000	85,986.42	$ 184,013.58
5115 · Town of Valdese/Tourism	$ 150,000	47,770.23	$ 102,229.77
5117 - Bank Charges	$ -	69.84	$ (69.84)
5150 · Insurance	$ 35,000	18,454.33	$ 16,545.67
5180 · Office Supplies	$ 7,000	2,577.48	$ 4,422.52
5200 · Payroll Expenses	$ 411,000	179,132.10	$ 231,867.90
5250 · Postage	$ 1,000	312.05	$ 687.95
5265 - Retail Items	$ -	-	$ -
5280 · Office Rent	$ 30,000	15,000.00	$ 15,000.00
5285 · Utilities	$ 5,200	922.14	$ 4,277.86
5290 · Telephone	$ 7,000	3,585.15	$ 3,414.85
5300 · Travel/Training	$ 20,500	10,067.70	$ 10,432.30
5301 · Trolley Expenses	$ 10,000	3,494.94	$ 6,505.06
5400 · Misc. Expense	$ -	566.22	$ (566.22)
Total Expense	$ 1,235,000	533,304.95	$ 701,695.05
Net Income	**$ -**	**-97,383.56**	**97,383.56**

Motion: To accept the report as presented.

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

CLERK - APPOINTMENTS / REAPPOINTMENTS TO THE WPRTA

The County appoints a member and an alternate to the Western Piedmont Regional Transportation Authority, aka Greenway Transportation. Alan Glines, Deputy County Manager / Planning Director, is the voting member, and Bradley Kirkley, Assistant Planning Director / Zoning Administrator, occupies the alternate seat. Terms are for three (3) years. Mr. Glines has an upcoming retirement at the end of February.

1	Burke Co. (Member)	Alan Glines P.O. Box 219 Morganton NC 28680	A-UT R R TE	12/21/2021 9/20/2022 6/30/2025
2	Burke Co. (Alternate)	Bradley Kirkley P.O. Box 219 Morganton NC 28680	A TE	2/28/2023 6/30/2025

Motion: To appoint Bradley Kirkley to the WPRTA (Seat No. 1) to complete the remainder of a 3-year term ending June 30, 2028, and to appoint Linwood "Patrick" Dickinson to the WPRTA (Seat No. 2 - alternate) to complete the remainder of a 3-year term ending June 30, 2028.

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

CM - BUDGET AMENDMENT NO. 8 - $20,000

Approval was requested for Budget Amendment No. 8, which recognizes an increase in election reimbursement revenues received over the original budgeted appropriation. These funds are primarily from the City of Hickory due to a required primary. The municipalities reimburse the County for any direct costs of their elections held without a county-wide election at the same time.

Motion: To adopt Budget Amendment No. 8.

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

Budget Amendment No. 8 reads as follows:

BUDGET AMENDMENT NO. 8
FY 25-26

BUDGET AMENDMENT NO. 8			
REVENUES AND EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
REVENUES			
100-41500-04-434101-	Election Fees	$20,000	
EXPENSES			
100-41502-05-510500-	Poll worker expense	$15,715	
100-41502-05-534010-	Technology	$4,273	
100-41500-05-551000-	Advertising	$12	
Purpose: To recognize increased election reimbursement revenues, primarily from the City of Hickory, related to costs incurred for a required municipal primary election. The municipalities reimburse the County for any direct costs of their elections held without a county-wide election at the same time.			
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 16th day of February 2026.

/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. 9 - $650,000 (NET ZERO)
Approval was requested for Budget Amendment No. 9, which recognizes a request from Western Piedmont Community College (WPCC) for reimbursement from the funds set aside for capital projects. These projects include electric panel replacements, chiller replacement, and renovations to classrooms and labs for dental education. These funds were budgeted in the original approved budget as set aside until requested by WPCC. They will be disbursed after invoices are presented by WPCC to reimburse costs related to the projects. Any funds not used by these projects will continue to be set aside for future capital needs of WPCC.

Motion: To adopt Budget Amendment No. 9.

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

Budget Amendment No. 9 reads as follows:

BUDGET AMENDMENT NO. 9
FY 25-26

BUDGET AMENDMENT NO. 9			
REVENUES AND EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
EXPENSES			
221-58500-30-599999-	Budget set aside		$650,000
221-58500-30-590050-	Capital Funds	$650,000	
Purpose: To reimburse Western Piedmont Community College for approved capital projects, including electrical panel replacements, chiller replacement, and classroom and lab renovations, using funds previously set aside in the adopted budget. Any funds not used by these projects will continue to be set aside for future capital needs of WPCC.			
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 16th day of February 2026.

/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. 10 - $2,000
Approval was requested for Budget Amendment No. 10, which recognizes an increase in donation revenues received over the original budgeted appropriation. These funds are from the Town of Hildebran for a Senior Day Celebration at the East Burke Senior Center.

Motion: To adopt Budget Amendment No. 10.

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

Budget Amendment No. 10 reads as follows:

BUDGET AMENDMENT NO. 10
FY 25-26

BUDGET AMENDMENT NO. 10			
REVENUES AND EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
REVENUES			
100-54501-06-436500-	Donation	$2,000	
EXPENSES			
100-54501-20-561500-	Program Supplies	$1,000	
100-54501-20-562600-	Food Expense	$1,000	
Purpose: To recognize funds received from the Town of Hildebran for a Senior Day Celebration.			
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 16th day of February 2026.

/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. 11 - $52,000
Approval was requested for Budget Amendment No. 11, which recognizes an increase in grant revenues. These funds are from the American Society for the Prevention of Cruelty to Animals (ASPCA).

Motion: To adopt Budget Amendment No. 11.

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

Budget Amendment No. 11 reads as follows:

BUDGET AMENDMENT NO. 11
FY 25-26

BUDGET AMENDMENT NO. 11			
REVENUES AND EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
REVENUES			
100-46200-06-436500-	Donation	$52,000	
EXPENSES			
100-46200-10-586000-	Grant Expenses	$52,000	
Purpose: To recognize funds received from the ASPCA for spay and neuter services, food for a pet pantry, preventive care, vaccines, and other related supplies.			
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 16th day of February 2026.

/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. 12 - $15,800
Approval was requested for Budget Amendment No. 12, which recognizes an increase in donation revenues received over the original budgeted appropriation. These funds are from the Gateway

Wellness Foundation to address senior food insecurity. Funds will be used for additional shelf-stable meals and home-delivered meals for Burke County seniors.

Motion: To adopt Budget Amendment No. 12.

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

Budget Amendment No. 12 reads as follows:

BUDGET AMENDMENT NO. 12
FY 25-26

BUDGET AMENDMENT NO. 12			
REVENUES AND EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
REVENUES			
100-54502-06-436500-	Donation	$15,800	
EXPENSES			
100-54502-20-562600-	Food Expense	$15,800	
Purpose: To recognize a donation received from the Gateway Wellness Foundation to address senior food insecurity in Burke County.			
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 16th day of February 2026.

/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. 13 - $310,130
Approval was requested for Budget Amendment No. 13, which recognizes an increase in donation revenues received over the original budgeted appropriation. These funds are from the Overmountain Victory NC Trail Friends ($160,130) and the Friends of the Fonta Flora Trail ($150,000). These funds will be paid to the NCDOT for the creation of a sidewalk on NC 126.

Motion: To adopt Budget Amendment No. 13.

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

Budget Amendment No. 13 reads as follows:

BUDGET AMENDMENT NO. 13
FY 25-26

BUDGET AMENDMENT NO. 13			
REVENUES AND EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
REVENUES			
215-21505-06-436515-	Donation	$310,130	
EXPENSES			
215-21505-25-586000-	NCDOT Project-Canal Bridge area	$310,130	
Purpose: To recognize funds received from the Overmountain Victory NC Trail Friends ($160,130) and the Friends of the Fonta Flora Trail ($150,000). These funds will be paid to the NCDOT for them to administer for the creation of a sidewalk and related appenditures off the bridge, as well as the high-visibility crosswalk pavement markings. The sidewalk will be on NC 126 from Benfield's Landing Road across Bridge 0368 to Eastside Avenue in Nebo. The total project is anticipated to be $1,550,000, with NCDOT providing $1,240,000, and the NCDOT will manage the entire project. They will also maintain the sidewalk on the bridge with the County responsible for all sidewalk and sidewalk-related appendages off the bridge after creation.			
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 16th day of February 2026.

/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. 14 - $1,000,000
Approval was requested for Budget Amendment No. 14, which recognizes a grant received from the NC Office of State Budget Management (OSBM). These funds are awarded through the Helene Local Government Capital Grants Program. They will be used to make repairs to streambanks near County owned water and sewer lines and manhole covers impacted by Tropical Storm Helene. No County match is required.

Motion: To adopt Budget Amendment No. 14.

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

Budget Amendment No. 14 reads as follows:

BUDGET AMENDMENT NO. 14
FY 25-26

BUDGET AMENDMENT NO. 14			
REVENUES AND EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
REVENUES			
210-21006-01-433100-	OSBM Grant	$1,000,000	
EXPENSES			
210-21006-60-586000-	Streambank Restorations	$1,000,000	
Purpose: To recognize grant funding received from the NC Office of State Budget Management (OSBM). These funds are awarded through the Helene Local Government Capital Grants Program. They will be used to make repairs to streambanks near County owned water and sewer lines and manhole covers impacted by Tropical Storm Helene. No County match is required. No funds were awarded through FEMA Public Assistance reimbursements.			
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 16th day of February 2026.

/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

FINANCE - PROPERTY SURPLUS SALES (RESERVE REQUIREMENTS MET)
Bids have been received through GovDeals for the sale of 12 County-owned real properties. Reserve amounts were established to ensure recovery of outstanding taxes and fees. Nine (9) of the 12 properties received high bids that met or exceeded the minimum reserve amounts.

REID#	Address	Acres	Reserve	High Bid	Vs. Reserve
23217	9737 Lakeview Drive	0.38 acres	$ 2,100	$ 2,475	*$ 375.00*

16893	1716 Laurel Drive	0.20 acres	$ 1,000	$ 2,525	*$ 1,525.00*
37261	West View Trail	0.45 acres	$ 10,000	$ 10,000	*$ -*
20313	2668 Pine Mountain Drive	0.06 acres	$ 1,000	$ 2,375	*$ 1,375.00*
9797	2664 Pine Mountain Drive	0.06 acres	$ 1,000	$ 2,600	*$ 1,600.00*
29737	Old NC 18	1.32 acres	$ 1,500	$ 1,725	*$ 225.00*
32899	3095 Music Mountain Road	0.63 acres	$ 3,500	$ 3,800	*$ 300.00*
34337	Mallard Road	0.57 acres	$ 3,100	$ 3,800	*$ 700.00*
44993	37TH Street SW	0.14 acres	$ 2,500	$ 2,625	*$ 125.00*

Motion: To approve property sales for the nine (9) listed properties that met or exceeded reserve amounts.

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

FINANCE - RUTHERFORD COLLEGE TAX COLLECTION AGREEMENT

This was a request to approve an agreement between the Town of Rutherford College and the County of Burke, authorizing the County to collect taxes on behalf of Rutherford College. The following agreement would take effect on July 1, 2026. Other taxes in the County for which the county collected taxes include: Connelly Springs, Drexel, Glen Alpine, Hildebran, Long View, Rhodhiss, and Valdese. Rutherford College approved this agreement at their January 5th meeting.

Motion: Approve the agreement between the Town of Rutherford College and Burke County as presented and authorize the Chairman to execute the agreement on behalf of the Board, subject to review and/or revision by the County Attorney.

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

ITEMS FOR DECISION

CLERK - APPOINTMENTS TO THE OPIOID ADVISORY COMMITTEE

Kay Draughn, Clerk to the Board, reported that the terms for Seats No. 4 (Educators), No. 7 (Employers), and No. 10 (Stakeholders with Diversity) on the Opioid Advisory Committee expired on February 14, 2026. Dr. Welch currently occupies Seat No. 4 but is no longer available to serve on the committee. Applications on file for Seat No. 4 include Rob Angley, a school counselor, and Ava Yamouti, Dean of Health and Public Services at Western Piedmont Community College. Katie Olsen currently occupies Seat No. 7, and Hannah Houston occupies Seat No. 10. Both members have reapplied to serve a second term. The terms are for three (3) years ending February 14, 2029.

Applications on file:

- Seat No. 4, educators: Rob Angley and Ava Yamouti
- Seat No. 7, employers: Katie Olsen and Jessie Stout (2025).
- Seat No. 10, stakeholders with diversity: Hannah Houston

Chairman Brittain called for a motion.

Motion: To remove Dr. Welch's name from the Opioid Advisory Committee roster and thank him for his service to the community.

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

Chairman Brittain opened the floor for nominations for Seat No. 4, educators. Commissioner Barrier nominated Ava Yamouti. Hearing no further nominations, Chairman Brittain closed the floor for nominations and moved to appoint Ms. Yamouti.

Motion: To appoint Ava Yamouti to the Opioid Advisory Committee, Seat No. 4, educators, for a 3-year term ending February 14, 2029.

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

Chairman Brittain opened the floor for nominations for Seat No. 7, employers / business leaders. Commissioner Barrier nominated Katie Olsen. Hearing no further nominations, Chairman Brittain closed the floor for nominations and moved to appoint Ms. Olsen.

Motion: To appoint Katie Olsen to the Opioid Advisory Committee, Seat No. 7, employers/business leaders, for a 3-year term ending February 14, 2029.

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

Chairman Brittain called for a motion for Seat No. 10, stakeholders with diversity.

Motion: To reappoint Hannah Houston to the Opioid Advisory Committee, Seat No. 10, stakeholders with diversity, for a 3-year term ending February 14, 2029.

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

Brian Epley, County Manager, responded to a clarifying question from Chairman Brittain.

CM - UPDATE ON THE OPIOID ABATEMENT TEAM

Dr. Katie Samuels, Opioid Response Director, provided an update on the Opioid Abatement Team and related funded initiatives, including current overdose trends, program operations, staffing, and early outcomes, as follows:

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BURKECOUNTY
ALL ABOUT ADVANCING

OPIOID RESPONSE TEAM

OPIOID ADVISORY COMMITTEE

February 2026

DISCUSSION OVERVIEW

01 OVERDOSE TRENDS

02 OSF FUNDING OVERVIEW

03 PROGRAM UPDATES

04 NEXT STEPS

Burke County Overdose Trends Dashboard

Annual indicators, EMS data updated monthly

370	93	50	119
EMS Calls (Suspected)	EMS Calls (Verified)	Overdose Deaths (2024)	ED Visits (2025)

Suspected & Verified Range 1/1/25-12/31/25

Suspected = incoming overdose calls. Verified = confirmed impression (primary or secondary).

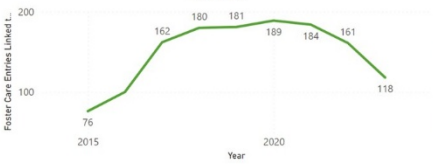
Annual Overdose Deaths

2011-2024 Official Counts



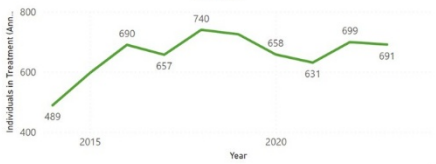
Foster Care Entries Linked to Parental Substance Use by Year

2015-2023



Individuals in Treatment (Annual) by Year

2014-2023



Sources:

- ESO (Emergency Services Office) incident and run data, Burke County EMS
- North Carolina Department of Health and Human Services (NCDHHS), Injury and Violence Prevention Branch, *North Carolina Overdose Epidemic Data* https://www.dph.ncdhhs.gov/programs/chronic-disease-and-injury/injury-and-violence-prevention-branch/north-carolina-overdose-epidemic-data

Burke County Opioid Response

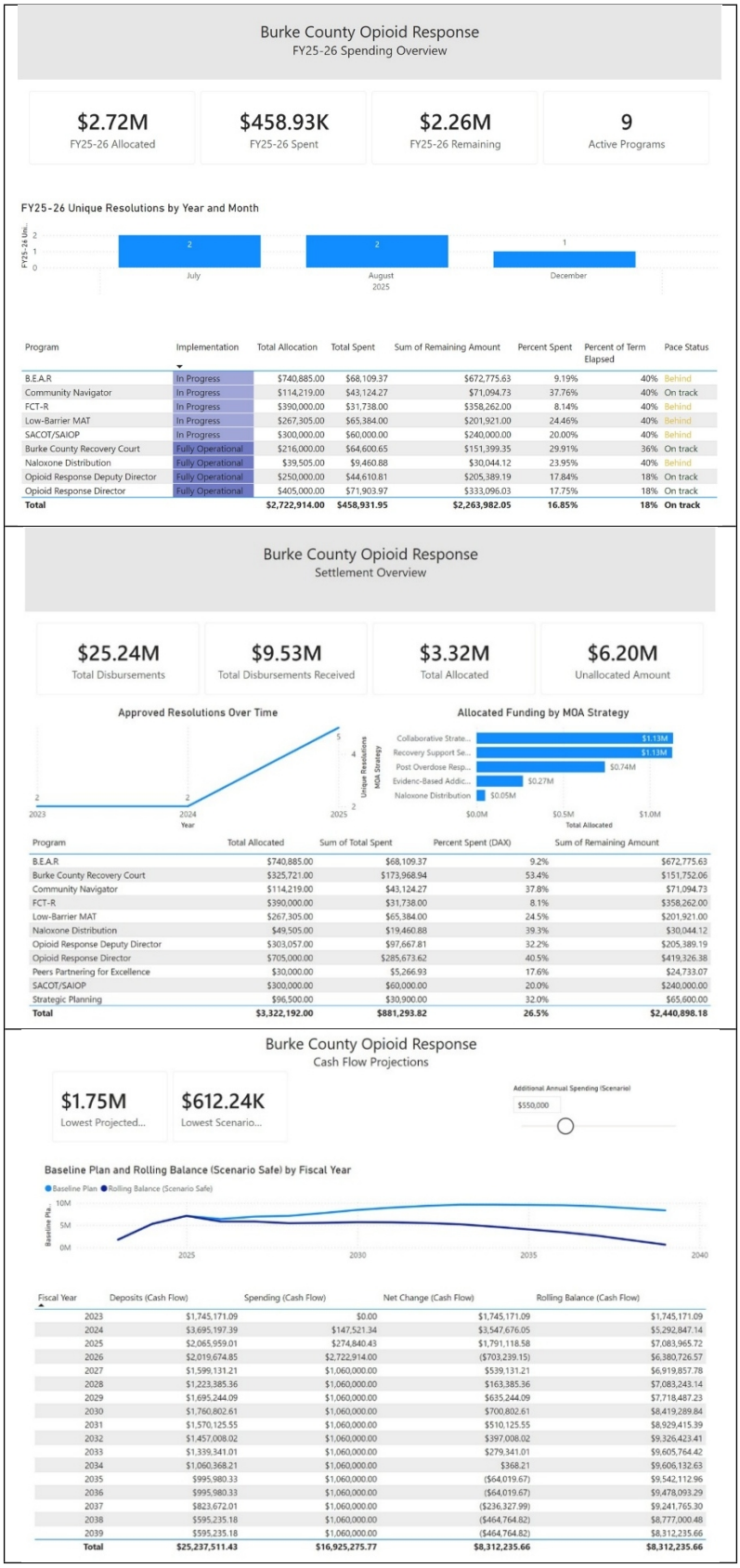
FY25-26 Spending Overview

$2.72M	$458.93K	$2.26M	9
FY25-26 Allocated	FY25-26 Spent	FY25-26 Remaining	Active Programs

FY25-26 Unique Resolutions by Year and Month



Program	Implementation	Total Allocation	Total Spent	Sum of Remaining Amount	Percent Spent	Percent of Term Elapsed	Pace Status
B.E.A.R	In Progress	$740,885.00	$68,109.37	$672,775.63	9.19%	40%	Behind
Community Navigator	In Progress	$114,219.00	$43,124.27	$71,094.73	37.76%	40%	On track
FCT-R	In Progress	$390,000.00	$31,738.00	$358,262.00	8.14%	40%	Behind
Low-Barrier MAT	In Progress	$267,305.00	$65,384.00	$201,921.00	24.46%	40%	Behind
SACOT/SAIOP	In Progress	$300,000.00	$60,000.00	$240,000.00	20.00%	40%	Behind
Burke County Recovery Court	Fully Operational	$216,000.00	$64,600.65	$151,399.35	29.91%	36%	On track
Naloxone Distribution	Fully Operational	$39,505.00	$9,460.88	$30,044.12	23.95%	40%	Behind
Opioid Response Deputy Director	Fully Operational	$250,000.00	$44,610.81	$205,389.19	17.84%	18%	On track
Opioid Response Director	Fully Operational	$405,000.00	$71,903.97	$333,096.03	17.75%	18%	On track
Total		**$2,722,914.00**	**$458,931.95**	**$2,263,982.05**	**16.85%**	**18%**	**On track**



Program	Implementation	Total Allocation	Total Spent	Sum of Remaining Amount	Percent Spent	Percent of Term Elapsed	Pace Status
B.E.A.R	In Progress	$740,885.00	$68,109.37	$672,775.63	9.19%	40%	Behind
Community Navigator	In Progress	$114,219.00	$43,124.27	$71,094.73	37.76%	40%	On track
FCT-R	In Progress	$390,000.00	$31,738.00	$358,262.00	8.14%	40%	Behind
Low-Barrier MAT	In Progress	$267,305.00	$65,384.00	$201,921.00	24.46%	40%	Behind
SACOT/SAIOP	In Progress	$300,000.00	$60,000.00	$240,000.00	20.00%	40%	Behind
Burke County Recovery Court	Fully Operational	$216,000.00	$64,600.65	$151,399.35	29.91%	36%	On track
Naloxone Distribution	Fully Operational	$39,505.00	$9,460.88	$30,044.12	23.95%	40%	Behind
Opioid Response Deputy Director	Fully Operational	$250,000.00	$44,610.81	$205,389.19	17.84%	18%	On track
Opioid Response Director	Fully Operational	$405,000.00	$71,903.97	$333,096.03	17.75%	18%	On track
Total		**$2,722,914.00**	**$458,931.95**	**$2,263,982.05**	**16.85%**	**18%**	**On track**

Program	Total Allocated	Sum of Total Spent	Percent Spent (DAX)	Sum of Remaining Amount
B.E.A.R	$740,885.00	$68,109.37	9.2%	$672,775.63
Burke County Recovery Court	$325,721.00	$173,968.94	53.4%	$151,752.06
Community Navigator	$114,219.00	$43,124.27	37.8%	$71,094.73
FCT-R	$390,000.00	$31,738.00	8.1%	$358,262.00
Low-Barrier MAT	$267,305.00	$65,384.00	24.5%	$201,921.00
Naloxone Distribution	$49,505.00	$19,460.88	39.3%	$30,044.12
Opioid Response Deputy Director	$303,057.00	$97,667.81	32.2%	$205,389.19
Opioid Response Director	$705,000.00	$285,673.62	40.5%	$419,326.38
Peers Partnering for Excellence	$30,000.00	$5,266.93	17.6%	$24,733.07
SACOT/SAIOP	$300,000.00	$60,000.00	20.0%	$240,000.00
Strategic Planning	$96,500.00	$30,900.00	32.0%	$65,600.00
Total	**$3,322,192.00**	**$881,293.82**	**26.5%**	**$2,440,898.18**

Fiscal Year	Deposits (Cash Flow)	Spending (Cash Flow)	Net Change (Cash Flow)	Rolling Balance (Cash Flow)
2023	$1,745,171.09	$0.00	$1,745,171.09	$1,745,171.09
2024	$3,695,197.39	$147,521.34	$3,547,676.05	$5,292,847.14
2025	$2,065,959.01	$274,840.43	$1,791,118.58	$7,083,965.72
2026	$2,019,674.85	$2,722,914.00	($703,239.15)	$6,380,726.57
2027	$1,599,131.21	$1,060,000.00	$539,131.21	$6,919,857.78
2028	$1,223,385.36	$1,060,000.00	$163,385.36	$7,083,243.14
2029	$1,695,244.09	$1,060,000.00	$635,244.09	$7,718,487.23
2030	$1,760,802.61	$1,060,000.00	$700,802.61	$8,419,289.84
2031	$1,570,125.55	$1,060,000.00	$510,125.55	$8,929,415.39
2032	$1,457,008.02	$1,060,000.00	$397,008.02	$9,326,423.41
2033	$1,339,341.01	$1,060,000.00	$279,341.01	$9,605,764.42
2034	$1,060,368.21	$1,060,000.00	$368.21	$9,606,132.63
2035	$995,980.33	$1,060,000.00	($64,019.67)	$9,542,112.96
2036	$995,980.33	$1,060,000.00	($64,019.67)	$9,478,093.29
2037	$823,672.01	$1,060,000.00	($236,327.99)	$9,241,765.30
2038	$595,235.18	$1,060,000.00	($464,764.82)	$8,777,000.48
2039	$595,235.18	$1,060,000.00	($464,764.82)	$8,312,235.66
Total	**$25,237,511.43**	**$16,925,275.77**	**$8,312,235.66**	**$8,312,235.66**

CURRENT STRATEGY UPDATES

- BEAR TEAM & COMMUNITY NAVIGATOR
- BURKE COUNTY RECOVERY COURT
- HIGH COUNTRY COMMUNITY HEALTH
- SPARC
- A CARING ALTERNATIVE

BEAR TEAM & COMMUNITY NAVIGATOR

OPERATIONAL UPDATE

Staffing & Operations

- 2 AM teams staffed: 1 Community Paramedic + 1 Peer Support per team
- PM/overnight recruitment in progress
- Referrals accepted via dispatch, EMS, hospitals, and community partners

Call Volume & Impact

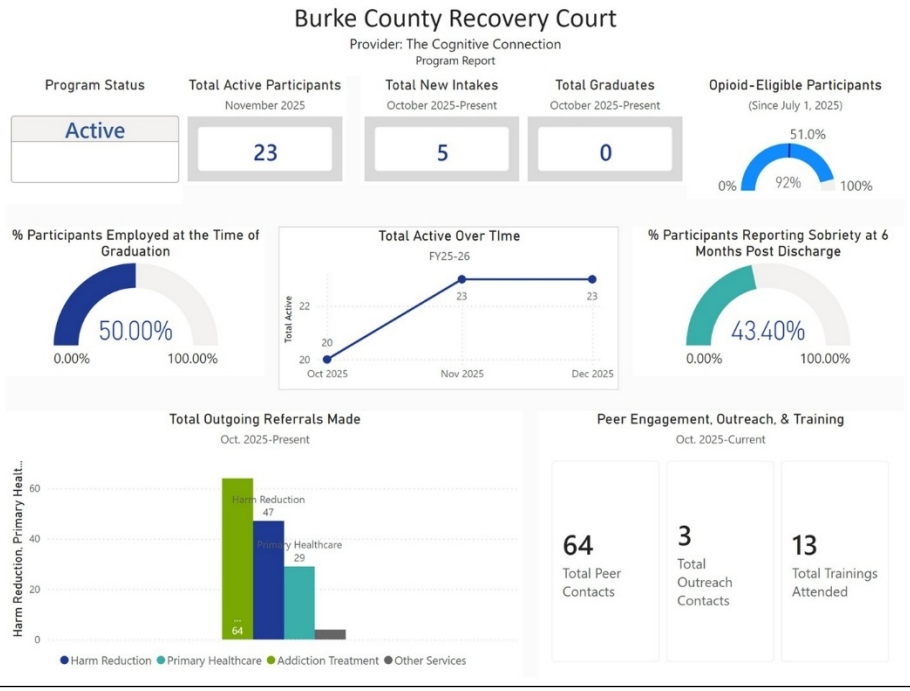
- 64 responses since soft launch
- Response volume tripled post-expansion (from ~4.3 to ~13.8 calls/week)
- 35% of responses involve active or historical substance use, regardless of original call type

System Integration & Coordination

- Regular coordination with EMS, hospitals, treatment providers, and community orgs
- Goldie case management system in progress for centralized tracking and reporting

Early Outcomes

- Improved handoffs between emergency and recovery services
- Reduced repeat calls and delays in care
- Real-time linkage to treatment, transport, and basic needs
- Case vignettes highlight stabilization of high-utilizers and connection to long-term support



High Country Community Health
Low-Barrier MOUD Program Update

Reporting through December 2025

- Status: Actively serving participants (launched Jan. 5, 2026)
- Staffing:
  - Filled: LCSW, MOUD Medical Provider, Medical Assistant
  - In progress: Clinical Pharmacist, PMHNP (positions relisted, interviews underway)
  - 100% of current staff trained in trauma-informed, harm reduction care
- Operational Highlights:
  - EMS handoffs and mobile outreach active
  - Field inductions have begun
- Participant Impact (December):
  - 51 participants served (100% with OUD)
  - 9 MOUD inductions
  - 51 outreach participants linked to treatment
- Early Retention Data:
  - 46 participants retained at 30 days
  - 37 retained at 90 days
  - 58% engaged in MOUD beyond 3 months

SPARC
FCT-R Program Update

Reporting through January 2026

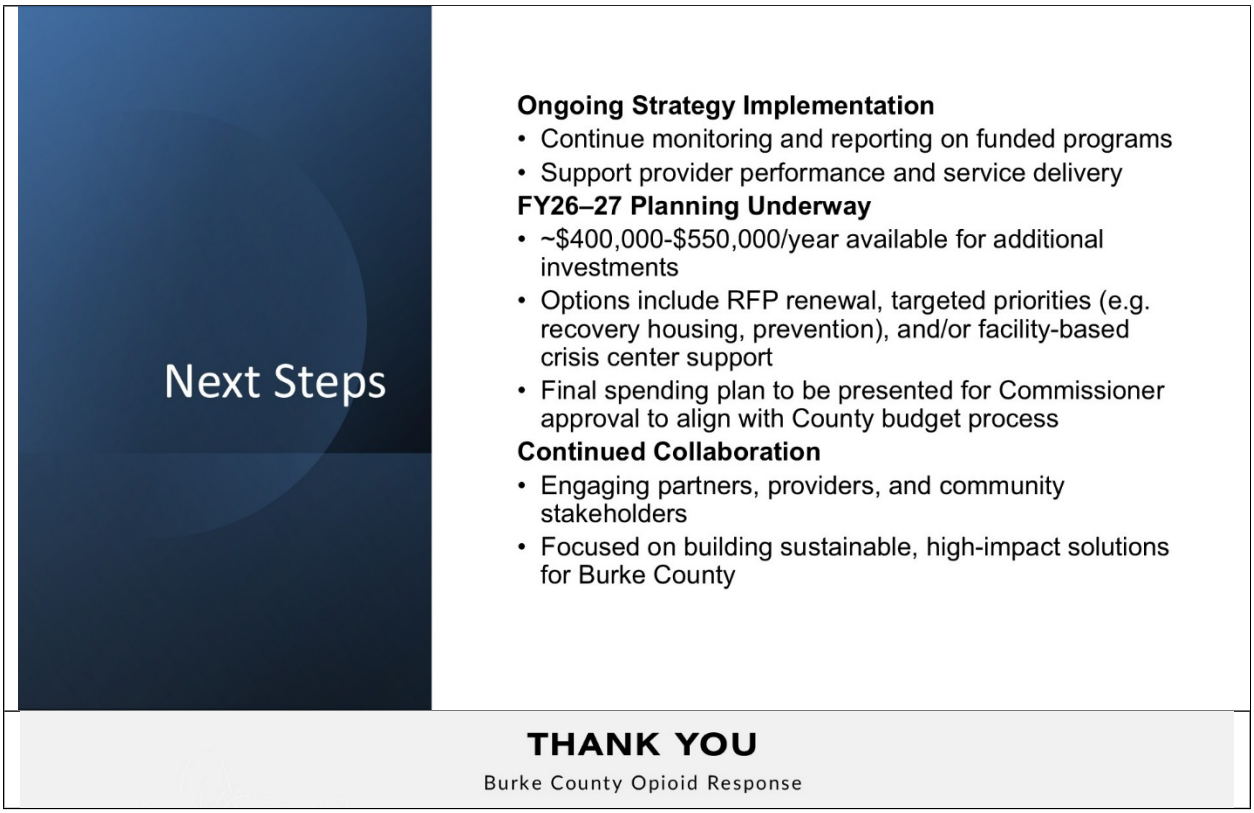
Actively serving families since October 2025

- Staffing:
  - 5 total staff (including 1 with lived experience)
  - 2 FCT-R Practitioners
  - 1 Certified Peer Support Specialist (PSS) onboarded and fully trained
  - 100% of team trained in trauma-informed care and FCT-R curriculum
  - Field-based FCT-R certification training in progress
- Key Activities & Community Engagement
  - Referrals received from DJJ, DSS, and community partners (6 in October, 7 in November, 3 in December)
  - Regular outreach to DSS and DJJ to strengthen early engagement
  - Presented at BSAN, Burke Rally, and scheduled to present to DSS Jan. 13
  - FCT-R team selected to present at the April 2026 APNC Conference
- Participant Impact (December 2025)
  - 6 active families
  - 80 total participant contacts, including:
    - 32 family therapy sessions
    - 25 peer support sessions
    - 5 random drug screens
- 11 average service hours per family
- 100% engagement within 48 hours of referral
- Early outcomes: Improved substance use patterns and increased trust
- Highlight: Youth participant with initial resistance maintained 14 days of abstinence and proactively disclosed return-to-use to practitioner

A Caring Alternative (ACA)
SACOT/SAIOP Program Update

Reporting through January 2026

- Licensure & Program Status
  - State licensure site visit completed — verbally approved
  - Awaiting formal license (up to 3 weeks)
  - Next steps: MCO credentialing and contracting
- Staffing & Training
  - New CADC hire: Renaye Chapman starting next month
  - Peer Support Specialist offer extended
  - Debbie Punch to begin staff training this month (Matrix Model certified trainer)
  - Team Lead: CJ Lee
- Outreach & Referrals
  - Receiving referrals from BEAR and internal ACA providers
  - Interim services underway:
    - CJ Lee (outpatient therapy)
    - Tim (peer support)
  - Outreach efforts continue with local partners to market the program
- Next Steps
  - Finalize licensure
  - Complete MCO contracting
  - Launch services



Chairman Brittain opened the floor for questions or comments. Dr. Samuels responded to a clarifying question from Commissioner Barrier.

Commissioner Barrier inquired about the availability of 2025 overdose fatality data and asked for clarification regarding a recent funding request discussed by the Opioid Advisory Council. Dr. Samuels explained that preliminary 2025 overdose data should be available in the coming weeks through the State's vital records system, although official certification of death records generally lags by approximately six (6) months. Regarding the funding request, Dr. Samuels stated that staff had paused consideration of the proposal to conduct additional research into existing provider capacity, waitlists, and community needs to determine whether the requested services would address an unmet need. Commissioner Barrier emphasized the importance of ensuring funding decisions are based on demonstrated community needs.

Commissioner Burns requested clarification regarding overdose-related data and whether emergency department coding practices adequately distinguish between overdose patients and individuals exposed to opioids in the course of their employment. Dr. Samuels explained that much of the available data is derived from hospital coding practices and may not always distinguish between those circumstances. Brian Epley, County Manager, noted that a previously reported spike in overdose-related incidents had largely been attributed to coding inconsistencies and stated that the County has since implemented additional quality assurance measures by comparing hospital data with information collected through EMS, community paramedicine, and 911 systems. Dr. Samuels added that partnerships with local agencies and healthcare providers have improved the accuracy and timeliness of locally reported data.

Commissioner Stroud asked about the involvement of faith-based organizations in the County's substance use prevention and recovery efforts. Dr. Samuels reported that several churches have participated in naloxone training programs and stated that additional faith-community involvement on the Opioid Advisory Committee and related initiatives would be welcomed. Commissioner Stroud expressed support for expanding partnerships between local churches and organizations involved in prevention, treatment, and recovery efforts.

There being no further discussion, Chairman Brittain called for a motion.

Motion: To accept the report as presented.

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

FINANCE - PROPERTY SURPLUS SALES (RESERVE REQUIREMENTS NOT MET)
Information from the agenda packet:

> Bids have been received through GovDeals for the sale of 12 County-owned real properties. Reserve amounts were established to ensure recovery of outstanding taxes and fees. Three (3) properties did not receive bids meeting the reserve amounts.

REID#	Address	Acres	Reserve	High Bid	Vs. Reserve
12638	Rockyford Street	0.92 acres	$ 5,000	$ 3,250	*$ (1,750.00)*
38040	Kirksey Drive	1.01 acres	$ 22,500	$ 15,201	*$ (7,299.00)*
38041	Kirksey Drive	1.47 acres	$ 22,500	$ 17,000	*$ (5,500.00)*

> For these properties, the Board can (1) decline the high bids and repost the properties with the same reserve amounts, (2) decline the high bids and repost with revised reserve amounts, (3) accept the high bids as received, or (4) take any other lawful direction regarding the disposition of the properties. Board direction is requested.

Chairman Brittain opened the floor for discussion. A conversation ensued regarding the bids received for the surplus properties, including the reserve amounts, the County's costs associated with the properties, the GovDeals bidding process, and the potential benefits of relisting the properties for additional marketing. The Board reached a consensus to reject the bids. Chairman Brittain then called for a motion.

Motion: To decline the high bids received for REID# 12638 (Rockyford Street) in the amount of $3,250; REID# 38040 (Kirksey Drive) in the amount of $15,201; and REID# 38041 (Kirksey Drive) in the amount of $17,000, and to direct staff to repost the properties for sale with reserve amounts as currently listed.

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

TAX - TAX COLLECTION REPORT FOR PERIOD ENDING JANUARY 31, 2026

John Bridgers, Tax Administrator, presented the Tax Collection Report for the period ending January 31, 2026, as follows:

Year to Date Revenue Collections

	Budget	Actuals To Date	% Collected	$ Remaining
Current Year Taxes	$ 60,495,871	$ 54,701,014	90%	$ 5,794,857
Discounts	(350,000)	(346,429)		
Delinquent Taxes	700,000	549,995	79%	$ 150,005
Interest and Fees	329,000	250,211	76%	$ 78,789
	$ 61,174,871	$ 55,154,791		

2025-2026 Year to Date Levy

	Current Year Amended Levy	Current Year Collected	% Collected	$ Remaining
Property Tax	$ 55,976,122	$ 51,616,676	92%	$ 4,359,446
Motor Vehicles	$ 5,456,857	$ 3,546,490	65%	$ 1,910,367
Fire Tax	$ 6,508,290	$ 6,023,879	93%	$ 484,411

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:	Jeffrey C. Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

TAX - TAX RELEASE AND REFUND REPORT FOR PERIOD ENDING JANUARY 31, 2026

John Bridgers, Tax Administrator, presented the Releases and Refunds Report for the period ending January 31, 2026, as follows:

Tax System Refunds and Releases			
Report Amount	Rebilled Amount	Net Release	Refund Amount
$8,496.99	$1,558.29	$6,938.70	$0.00

VTS Refunds Over $100	
	Refund Amount
VTS Adjustments	$0.00

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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**						
0000052962-2025-2025-0000-01-REG	ZARRO, FREDERICK MICHAEL	7/1/2025	AMANDA CONLEY	1/8/2026	884.41	72.04	812.37
Subtotal					**884.41**	**72.04**	**812.37**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Duplicate Billing**						
0024009652-2025-2023-0000-00-REG	VEKA EAST, INC	12/8/2025	LINDA WILBUR	1/8/2026	24.64	24.64	0.00
0024009652-2025-2024-0000-00-REG	VEKA EAST, INC	12/8/2025	LINDA WILBUR	1/8/2026	24.64	24.64	0.00
0024009652-2025-2025-0001-00-REG	VEKA EAST, INC	12/8/2025	LINDA WILBUR	1/8/2026	24.42	24.42	0.00
0024086063-2025-2025-0000-00-REG	DAVIS, JOHN MICKEL	8/29/2025	LOUISE JOHNSON	1/2/2026	15.19	15.19	0.00
0024086350-2025-2025-0000-00-REG	KING, KATHY ANN	8/29/2025	LINDA WILBUR	1/2/2026	5.55	5.55	0.00
0024086831-2025-2025-0000-00-REG	SHOOK, JERRY PINKNEY	8/29/2025	LINDA WILBUR	1/8/2026	34.04	34.04	0.00
0024086909-2025-2025-0000-00-REG	HILEMAN, HUNTER DANIEL	8/29/2025	LINDA WILBUR	1/9/2026	10.85	10.85	0.00
0024087950-2025-2025-0000-00-REG	HIGGINS, OBBIE AUNDREA	8/29/2025	LINDA WILBUR	1/2/2026	6.80	6.80	0.00
0024088440-2025-2025-0000-00-REG	JOHNSON, DERICK JASON	8/29/2025	LINDA WILBUR	1/5/2026	10.92	10.92	0.00
0024088460-2025-2025-0000-00-REG	KABOT, JAMES BROOKS	8/29/2025	LINDA WILBUR	1/13/2026	51.33	51.33	0.00
0024089224-2025-2025-0000-00-REG	CAREY, GEORGE ALLEN	8/29/2025	LINDA WILBUR	1/2/2026	32.39	32.39	0.00
0024090438-2025-2025-0000-00-REG	MOORE, RANDY LEE	8/29/2025	LINDA WILBUR	1/27/2026	10.50	10.50	0.00
0024090555-2025-2025-0000-00-REG	MOUA, JENNIFER KAJOUA	8/29/2025	LOUISE JOHNSON	1/9/2026	63.05	63.05	0.00
0024090767-2025-2025-0000-00-REG	SMITH, JAMES EDWARD SR	8/29/2025	LOUISE JOHNSON	12/31/2025	5.26	5.26	0.00
0024090928-2025-2025-0000-00-REG	SMITH, JAMES EDWARD SR	8/29/2025	LOUISE JOHNSON	12/31/2025	202.02	202.02	0.00
0024090958-2025-2025-0000-00-REG	HOUSTON, JEFFREY SHANE	8/29/2025	LOUISE JOHNSON	1/12/2026	140.26	140.26	0.00
0024091313-2025-2025-0000-00-REG	CADWELL, DAVID ARTHUR	8/29/2025	LINDA WILBUR	1/9/2026	32.47	32.47	0.00
0024091866-2025-2025-0000-00-REG	CARLTON, BRYSON LEE	8/29/2025	LOUISE JOHNSON	1/5/2026	31.29	31.29	0.00
0024092121-2025-2025-0000-00-REG	WRIGHT, DANIELLE LYNN	8/29/2025	LOUISE JOHNSON	1/7/2026	173.58	173.58	0.00
0024092233-2025-2025-0000-00-REG	HERNANDEZ GARCIA, ROSARIO	8/29/2025	LOUISE JOHNSON	1/27/2026	33.31	33.31	0.00
0024093389-2025-2025-0000-00-REG	THURMAN, MELISSA DIANE	8/29/2025	LOUISE JOHNSON	1/30/2026	28.75	28.75	0.00
0024093545-2025-2025-0000-00-REG	RODRIGUEZ, VICENTE MICHEL	8/29/2025	LOUISE JOHNSON	1/27/2026	183.76	183.76	0.00
Subtotal					**1,145.02**	**1,145.02**	**0.00**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Release LFUF**						
0000043412-2021-2021-0000-01-REG	CRUMP, HAROLD E	7/1/2021	LINDA WILBUR	1/14/2026	130.78	76.00	54.78
0000043412-2022-2022-0000-01-REG	CRUMP, HAROLD E	7/1/2022	LINDA WILBUR	1/14/2026	136.78	82.00	54.78
Subtotal					**267.56**	**158.00**	**109.59**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Exempt Property**						
0000021379-2025-2025-0000-00-REG	HUFFMAN, DAVID M	7/1/2025	AMANDA CONLEY	1/5/2026	591.72	591.72	0.00
0000027302-2025-2025-0000-00-REG	HUFFMAN, DAVID M	7/1/2025	AMANDA CONLEY	1/5/2026	271.43	271.43	0.00
0000033793-2025-2025-0000-00-REG	HUFFMAN, DAVID M	7/1/2025	AMANDA CONLEY	1/5/2026	207.94	207.94	0.00
0000057322-2025-2025-0000-00-REG	HUFFMAN, DAVID M	7/1/2025	AMANDA CONLEY	1/5/2026	98.56	98.56	0.00
Subtotal					**1,169.65**	**1,169.65**	**0.00**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Not in Burke County**						
0000057716-2025-2025-0000-03-REG	CORTEZ, CECILIA	7/1/2025	LINDA WILBUR	1/14/2026	111.47	111.47	0.00
0024008427-2016-2016-0000-00-REG	TALLENT, CRYSTAL RENEE	7/1/2016	LINDA WILBUR	1/12/2026	452.59	452.59	0.00
0024008427-2017-2017-0000-00-REG	TALLENT, CRYSTAL RENEE	7/1/2017	LINDA WILBUR	1/12/2026	416.35	416.35	0.00
0024008427-2018-2018-0000-00-REG	TALLENT, CRYSTAL RENEE	7/1/2018	LINDA WILBUR	1/12/2026	374.72	374.72	0.00
0024008427-2019-2019-0000-00-REG	TALLENT, CRYSTAL RENEE	7/1/2019	LINDA WILBUR	1/12/2026	337.26	337.26	0.00
0024008427-2020-2020-0000-00-REG	TALLENT, CRYSTAL RENEE	7/1/2020	LINDA WILBUR	1/12/2026	303.54	303.54	0.00
0024008427-2021-2021-0000-00-REG	TALLENT, CRYSTAL RENEE	7/1/2021	LINDA WILBUR	1/12/2026	273.20	273.20	0.00
0024008427-2022-2022-0000-00-REG	TALLENT, CRYSTAL RENEE	7/1/2022	LINDA WILBUR	1/12/2026	273.20	273.20	0.00
0024008427-2023-2023-0000-00-REG	TALLENT, CRYSTAL RENEE	7/3/2023	LINDA WILBUR	1/12/2026	198.11	198.11	0.00
0024008427-2024-2024-0000-00-REG	TALLENT, CRYSTAL RENEE	7/15/2024	LINDA WILBUR	1/12/2026	198.11	198.11	0.00
0024008427-2025-2025-0000-00-REG	TALLENT, CRYSTAL RENEE	7/1/2025	LINDA WILBUR	1/12/2026	196.34	196.34	0.00
Subtotal					**3,134.89**	**3,134.89**	**0.00**
TAX DISTRICT: BURKE COUNTY	**RELEASE REASON: Value Change**						
0000001246-2025-2025-0000-00-REG	WHISENANT, COURTNEY RENEE	7/1/2025	LINDA WILBUR	12/31/2025	1,072.44	436.08	636.36
0000052962-2025-2025-0000-00-REG	ZARRO, FREDERICK MICHAEL	7/1/2025	AMANDA CONLEY	1/8/2026	823.02	823.02	0.00
Subtotal					**1,895.46**	**1,259.10**	**636.36**
Total					**8,496.99**	**6,938.70**	**1,558.29**

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:	Jeffrey C. Brittain, Phil Smith, Brian Barrier, Randy Burns, and Mike Stroud

CM – RESOLUTION AUTHORIZING PRIVATE SALE TO A NONPROFIT

Brian Epley, County Manager, presented a resolution for consideration declaring surplus library books and authorizing their sale to the Library Foundation for $1. Proceeds from the Foundation's resale of the books would support library operations and other public purposes.

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

motion.

Motion: To adopt Resolution No. 2026-04.

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

Resolution No. 2026-04 reads as follows:

BURKE COUNTY
NORTH CAROLINA

RESOLUTION AUTHORIZING CONVEYANCE OF USED LIBRARY MATERIALS TO LIBRARY FOUNDATION OF BURKE COUNTY, INC.

WHEREAS, Burke County, North Carolina (the "County") routinely acquires books for use by the library operated by the County, known as the Burke County Public Library (the "Library"); and

WHEREAS, the Library periodically removes from circulation certain books and other library materials that are obsolete, worn, damaged, duplicative, or otherwise no longer needed for Library purposes; and

WHEREAS, N.C.G.S. § 153A-176 authorizes the County to dispose of personal property and to use the procedures set out in Chapter 160A, Article 12 of the North Carolina General Statutes; and

WHEREAS, N.C.G.S. § 160A-279 authorizes the County to convey personal property by private sale to a nonprofit corporation if the County is authorized by law to appropriate money to the corporation; and

WHEREAS, N.C.G.S. § 153A-449(a) authorizes the County to "contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in"; and

WHEREAS, The Library Foundation of Burke County, Inc. (the "Library Foundation") is a nonprofit corporation whose mission includes supporting the Burke County Public Library, providing public access to information for a diverse community, and offering lifelong learning opportunities through innovative and educational programming; and

WHEREAS, N.C.G.S. § 153A-261 provides that "it is the policy of the State of North Carolina to promote the establishment and development of public library services throughout the State"; and

WHEREAS, N.C.G.S. § 153A-263 authorizes the County to "[a]ppropriate funds to carry out the provisions of" Article 14 of the North Carolina General Statutes ("Libraries"); and

WHEREAS, the County is permitted to appropriate funds to the Library Foundation because the Library Foundation exists for the purpose of promoting library services in Burke County, which is a public purpose, and the County is therefore permitted to convey personal property to the Library

Foundation by private sale; and

WHEREAS, the procedural provisions of N.C.G.S. § 160A-267 apply to the sale of personal property by the County to nonprofit corporations carrying out public purposes; and

WHEREAS, the Board of Commissioners wishes to authorize the appropriate County officials to dispose of used library materials by conveying them to the Library Foundation by private sale.

NOW, THEREFORE, THE BURKE COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The County Manager and/or the Library Director are each authorized to convey by private sale to the Library Foundation any personal property owned by the County meeting the following description:

   Books, magazines, journals, periodicals, and other similar library materials acquired by the County for use by the Burke County Public Library that are not in regular circulation in the Library as of the date of this resolution (the "Used Library Materials").

2. The Used Library Materials shall be conveyed by private sale at a negotiated price. The Used Library Materials may be conveyed pursuant to one single transaction or pursuant to a series of transactions.

3. The Library Foundation shall use the Used Library Materials to support library services and programming for the public in Burke County, as well as for any other public purposes.

4. The County Clerk shall publish a notice summarizing the contents of this resolution once after its adoption, and no sale shall be consummated hereunder until 10 days after its publication.

Adopted this 16th day of February 2026.

/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

REPORTS AND COMMENTS

Chairman Brittain shared information on upcoming meetings and community events, then encouraged people to get out and vote. He invited youth groups to sign up to lead the Pledge of Allegiance at Commissioners' meetings, religious leaders to sign up with the Clerk to deliver the invocation and encouraged citizens to spay or neuter their pets. Further, he issued friendly reminders to not litter, to pick up trash, and to cover your loads when transporting trash to the

landfill or a convenience site.

Commissioner Stroud encouraged the public to participate in upcoming America 250 activities and events. Commissioner Burns expressed appreciation for Planning Director Alan Glines' service to Burke County and announced that he had recently been sworn in as Chairman of the Western Piedmont Council of Governments Policy Board and to a third term on the Board of Directors of the North Carolina Association of County Commissioners. Commissioner Burns also shared that his family was anticipating the arrival of a new grandchild.

Chairman Brittain, Commissioners Smith and Barrier, County Manager Epley, and Clerk Draughn all expressed their appreciation for Mr. Glines' service and extended their best wishes on his upcoming retirement.

VACANCY ANNOUNCEMENTS

CLERK - BOARDS & COMMITTEES VACANCY REPORT
Kay Draughn, Clerk to the Board, announced the following vacancies on county boards or committees as follows:

- 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
- Council on Aging
- Library Board of Trustees - Hildebran Resident
- Local Emergency Planning Committee (LEPC)
- Burke Senior Center Advisory Council

Chairman Brittain encouraged citizens to participate and get involved.

RESULT:	**NO ACTION TAKEN.**

CLOSED SESSION - NONE

RESULT:	**NOT NEEDED, NOT HELD.**

ADJOURN
Motion: To adjourn at 8:21 p.m.

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

Approved this 15th day of June 2026.

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

Attest:

_____
Morgan Buchanan
Clerk to the Board of Commissioners