

**STATE OF NORTH CAROLINA  
MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION – February 10, 2025**

**Assembly**

The McDowell County Board of Commissioners met in Regular Session on Monday, February 10, 2025, at 5:00 p.m., in the Commissioner's Board Room, 69 N Main St., Marion, NC.

**Members Present**

Chairman, Tony Brown; Vice-Chair, Lynn Greene; David N. Walker, Trisha Garner and Patrick Ellis

**Members Absent**

**Others Present**

Ashley Wooten, County Manager; Sena A. Allison, Clerk to the Board; Fred Coats, County Attorney; William Kehler, EMS Director; Kim Welborn, Board of Elections Director; Lydia Effler, Register of Deeds; Linda Onufrey, Tax Collector and Danny Hampton, Freedom Life Ministries Executive Director.

**Call to Order**

Chairman Brown called the meeting to order at 5:00 p.m. The Prayer was given by Vice Chair Greene. The Pledge of Allegiance was led by Commissioner Ellis.

**Approval of Minutes**

Commissioner Walker made a motion to approve the January 13<sup>th</sup> and January 27<sup>th</sup> 2024 Regular Session minutes; with a second by Commissioner Ellis. By a vote of 5-0, the motion passed.

**Approval of Agenda**

Commissioner Walker made a motion to approve the Agenda, with a second by Commissioner Ellis. Mr. Wooten requested a closed session after the meeting, with an amended motion by Commissioner Walker, with a second by Commissioner Ellis. By a vote of 5-0, the motion passed.

## Helene Update

Chairman Brown welcomed William Kehler to come forth to give an update on Hurricane Helene. Mr. Kehler began with this being day 139 of the EOC Activation for response and recovery efforts related to Helene. Mr. Kehler gave the following updates:

### Current EOC Operation

- EOC currently addressing the citizens needs on: Debris Removal, Human Services, Situation Unit, Finance Section and Public Information.

### Roads

- US 221 North at Mountain Paradise Campground and Hwy 70 W at Curtis Creek: NCDOT has the temporary bridge up for through traffic.
- NC 80 continues undergoing a long repair

### Lakes

- Lake Tahoma: continues work with FEMA and the US Army Corp of Engineers on debris removal.
- Lake James: Duke Energy has one of the three hydro machines on line with the ability to move water, and monitor rainfall. As of this morning, the Lake is right at full pond with a reading of 98, as 100 is full.

### Hope After Helene

- Community Information Events: 3 events for citizens to gather information on disaster recovery. EM Services will provide guidance and information tailored to the needs of each person and give assistance on filing applications.
- Agencies Attending: Health Dept.; Tax Assessing; Building Inspections; Soil and Water; Cooperative Extension; DSS; NCEM; VOAD Groups and FEMA.
- Dates and locations: 2/11/25 – N. Cove Elementary from 5:00 p.m. -7:00 p.m.; 2/15/25 – McDowell EMS Headquarters from 8:30 a.m. – 12:00 p.m. and 2/18/25 – AC “Bud” Hogan Community Center from 5:00 p.m. -7:00 p.m.

### Community Comfort Stations for citizens with water issues

- Old Fort at 135 Water Street and Woodlawn at New Horizon Baptist Church at 5878 US 221 N in Marion.
- These resources continue through NC EM as they are still a need, this includes 24-hour access to showers and laundry in trailers.

## FEMA Disaster Recover Centers (DRC)

- McDowell Senior Center (Lower Level) 100 Spaulding Rd. opened Hours are Mon-Friday 8 a.m. – 6 p.m. and Saturday 9 a.m. – 2 p.m.
- Emergency Management continues to advocate this remain open for face to face assistance.
- Reminder that all FEMA denial letters should be appealed.

## Temporary Housing Update

- TSA Hotel Voucher's – total of 64 thus far
- Direct Housing (Needing FEMA trailer or direct lease) = 6
- EM has conveyed to FEMA the importance of moving faster for citizen responses.

## Debris Pickup Totals

- Debris totals as of February 10, 2025: 54,509 cubic yards of debris removed and 36,275 tons of silt.
- Pick up is on right of way on State roads and right of way on private roads and Developments.
- Personal Property Debris Removal (PPDR) that cannot be put within 10 feet of the right of way, can be applied for at [mcdowellgov.com/debris](http://mcdowellgov.com/debris) or in-person at the ES Headquarters Monday – Friday from 9:00 a.m. to 4:00 p.m. This does require a right of entry form.
- Waterway Debris Removal began on February 6<sup>th</sup>, by the US Army Corp of Engineers at Curtis and Newberry Creek. The EOC team submitted over 700 points for waterway debris removal. FEMA determined several of the points were ineligible, in which the EOC team appealed those, and the majority were approved.
- Right of way final pass estimated completion is April 1, 2025, Waterway debris mission estimated completion is June 1, 2023 and Commercial property debris removal estimated completion is June 30, 2025.

## Hazard Mitigation Projects

- FEMA/ NC Emergency Management Program are for residents whose structures were destroyed or heavily damaged by floodwaters to apply to have their structure evaluated to make it more resilient for future floods.
- Another alternative (that is voluntary only) for residents, is to apply for a buyout, which would be evaluated at fair market value one day before the storm, with no commitment until you sign paperwork.
- Residents apply online at [www.NCDPS.gov/HM](http://www.NCDPS.gov/HM)

- This is a Federal program wherein it is not mandatory for residents, but is a last resort, which may be a lengthy process.
- The EOC's task is to identify the structure, the technical process, submit the application and assist through the process.
- Currently 29 Parcels have been applied for in Acquisition buyout, 16 Elevation applications and 8 on Landslides.

#### Private Roads and Bridges

- The Director will meet with the Office State Budget Management (OSBM) this week to determine where this program is, with the last update being the appropriations have not come to them yet to get this program started. These applications have not been released at the State level and there has been a push by the Federal level to get funding for private roads and bridges.
- Persons who have damaged roads, culverts or bridges should apply for FEMA IA, with the recommendation of taking pictures of the damaged area.

#### EOC and VOAD Coordination for Housing

- Emergency Operation Center (EOC) and Volunteer Organization Assisting in Disasters (VOAD) is led by Jerry Lewis and Victoria Geurink who have focused on Emergency – Rapid – Repair to ensure homes are safe, sanitary and secure from damages caused by Helene.
- 25 plus groups have been involved with the housing response. The lead organization is Baptist on Mission, along with other faith based, charity groups who continue to grow and are focused on repairs for citizens to move back in their homes safely.
- These organizations coordinate weekly at the EOC and is growing in numbers.
- Assistance can be sought by the Hotline number of 828-652-3241 or the [mcdowellcares.org](http://mcdowellcares.org) website directing to Baptist on Mission.
- 640 total requests have been made for housing repairs, 442 have been completed, 111 are pending, 13 need adoption and 74 that have not been able to make contact with, whereas the EM team have been out trying to locate.

#### Priorities Next 30 Days:

- Continue addressing critical needs of citizens
- Debris Operations
- Housing Repairs
- Hazard Mitigation
- FEMA Reimbursement/FEMA Building & Parks Repair Projects
- Implement long term recovery strategies

### McDowell County Disaster Hotline at 828-652-3241

- Operating 24/7 for all storm related questions and information where citizens can call and be assisted by a member of the EOC team.
- Calls reported are mostly water, well and septic issues, the need for heaters, FEMA and private bridges and culverts being out.

Mr. Kehler revealed there is hope in seeing all the work that has been completed, with much more to be done. He gave his team praise for their hard work and dedication to this County.

Commissioner Ellis asked if any other County is bringing in their debris to our site, in which Mr. Kehler answered no. The debris is grinded and shipped out with the silt.

Vice Chair Greene asked about the Burnette's Landing area with the dredging of debris, with Mr. Kehler telling the dredging will be looked at in Phase 2 if needed.

Commissioner Ellis requested updates on phone lines that are still hanging throughout the County, in which Mr. Kehler continues to work with the phone companies to recover these as spotted.

Vice Chair Greene asked if there had been an update from the Railroads, to which the Director answered he had not from them or the Parkway but will follow up with them.

### **Board of Elections**

Chairman Brown welcomed Susan Elliott, Democratic Party Chair and Chett Effler, Republican Party Chair to the Board room. The Chairman gave a brief history of how the two parties were established, then welcomed Dean Buff, the Chairman of McDowell County Board of Elections to the podium. Mr. Buff recognized the Board of Election members present and the staff. He spoke on the Board of Elections and Commissioners who will honor 2 gentlemen who are officials that have worked the Elections and dedicated their time for many years. Mr. Buff introduced Joe Quinn, the precinct official of North Cove for 25 years of service and David Morgan, the precinct official of Glenwood for 46 years of service.

Chairman Brown first asked Susan Elliott (Democratic Party Chair) to speak, in which she thanked the Board and spoke on the position of being an election official being thankless, with long hours. She gave gratitude to both Mr. Quinn and Mr. Morgan for their giving back to the community. Ms. Brown spoke on the integrity and professionalism demonstrated by staff and Board of Elections members during this election, especially with the effects of Hurricane Helene. She recognized the agencies within NC and how their team worked efficiently and tirelessly, with the dedication to maintain election laws, maintain bi-partisanship, accommodating political party liaisons, groups and foreign press. Ms. Elliott also highlighted the paid election workers who served long hours through early voting and on election day, by calling them heroes of our democracy.

Chairman Brown asked Chett Effler (Republican Party Chair) to speak, in which he thanked the 2 honorees as well as all the election workers who have served. Mr. Effler affirmed the intention was to make sure the voter access was protected during this election as well as thanking the Legislators for their assistance. Their sole mission was "access to the vote" and if one voter was given access due to their abilities, it was successful. Mr. Effler stated it was not whether you were Democrat or Republican, but you have access to voting and graciously thanked staff and the County Commissioners for supporting the election.

Chairman Brown requested Joe Quinn, David Morgan come before the Board while he read the plaques for each official. The Board of Elections members, staff and County Commissioners commemorated this with a photo. Mr. Morgan gave accolades to the Election staff.

Commissioner Walker commented on election integrity and echoed the comments of both parties with thanks.

Commissioner Ellis made a motion to approve the lease increase for the Elections Board building by \$300.00 per month with the extension for another 3 years, with a second by Commissioner Walker. By a vote of 5-0, the motion passed.

### **Register of Deeds Updates**

Chairman Brown welcomed Lydia Effler to give an update of the Register of Deeds office. Ms. Effler came forth with her staff and began by thanking her Heavenly Father and the citizens for allowing her to become the 19<sup>th</sup> Registrar of McDowell County. She passed out a preservation record for the Board to see and spoke of being proud she is of the job her staff does to preserve the County's vital records. Ms. Effler introduced her staff to present what the office is responsible for, and had each of them read off details of the preservation process and history. Ms. Effler disclosed the past ten years revenue increase of 51.3%, with the workload increase of 20.3% without a staff increase. Ms. Effler would like to see a part time staff position move to full time, and went over the preservation and technology upgrades since 2020. She gave history of the original deed being dated May 17, 1843, between the Carson's and the County of McDowell for 63 acres that became the county seat (City of Marion Original Boundaries). After the presentation by staff, the Register of Deeds thanked the Board for the working partnership between her office and the County Administration.

### **Tax Collector Items**

Chairman Brown welcomed Linda Onufrey to the Board. Ms. Onufrey disclosed the unpaid 2024 Real Property Tax Liens totaling \$2,332,031.23. She recommended the advertising of tax liens for all unpaid 2024 real property tax bills be on March 18, 2025 in the McDowell News, with a cost of \$4,649.40. The last date to pay would be March 1<sup>st</sup>, disclosing a delinquent notice was sent out on February 1<sup>st</sup>.

Commissioner Walker made a motion to approve all presented tax items, with a second by Commissioner Ellis. By a vote of 5-0, the motion passed.

## **Freedom Life Updates**

Chairman Brown welcomed Danny Hampton, the Director to give an update. Mr. Hampton began with how the organization has been affected by Helene and also thanked the staff and volunteers during this time. He thanked God for the County and citizens, then updated the stages of incarcerated persons and programs. Mr. Hampton told of the classes being taught on how to rebuild and sustain their lives, the housing available, along with recovering staff who are getting certified for this program.

Mr. Hampton spoke of a grant they are writing through the DOJ that will allow pre-release support with the hiring of more staff to be able to do a complete continuum of care. He believes there is a minimum of 95% chance of reincarnation through this program from the success and statistics they have acquired. Commissioner Walker asked the rate of reincarcerated for persons released without programs, in which Mr. Hampton answered from data received across the state it is a 45-52% chance. He followed up saying the current rate is 12.5%, with the goal being below 5%.

Chairman Brown asked since the start of Freedom Life in 2012, what is number of people they have been able to assist, in which he answered pre-release has been over 7,000 and post-release over 4,000. Mr. Hampton told of a survey done by Cornell University where 70% of high school drop outs are connected to someone incarcerated, to which God spoke to him on a continuum program. He spoke of other grants written to assist to have the capacity to focus on this. He disclosed McDowell County rates 13<sup>th</sup> out of the 100 Counties in NC where children result in foster care due to having a family member who is incarcerated as well as having 150 students in McDowell that are in the criminal justice system. Their goal is to put their God given ability into preventing anyone from entering prison and the prevention of going back into prison.

Mr. Hampton told of the goal to open a new office by next October to work with students giving them the ability to separate them from the adults. This will be done by partnering with other agencies who work with youth and mentoring.

Vice Chair Greene applauded what he and the organization has done and will continue to do. Mr. Hampton thanked the Board for their heart to support them and be a part of McDowell County as well as thanked God for making the way for generations to come. Chairman Brown acknowledged the Director's desire to lead people down the right path through God's mercy.

Mr. Hampton updated a housing project on 70 that will have a ground breaking in March for an apartment complex to hold 44 long term transition persons who were incarcerated in McDowell. This will be program housing, income-based rent, stages of obtaining jobs, building credit and to eventually buying their own homes. Case managers will be on site 24/7 who will administer drug testing, housing inspections, obtain accountability and assist with classes to obtain goals. In order to stay, they have to have a job, keep a job, stay under the restrictions of the program or they cannot stay there. There will be another grant to write for an opportunity to purchase a neighboring acreage to build a Stage One House with 20-bed's, as there is a need and the continuance of a waiting list.

Bids for clearing the site for the Freedom Life Project:

<u>Company</u>	<u>Base Bid</u>
GEM	\$114,771.80
Father & Son	\$124,488.16

Commissioner Walker made a motion to approve the low bidding grade by GEM, with a second by Vice Chair Greene. By a vote of 5-0, the motion passed.

Mr. Wooten revealed the Community Development Block grant will pay for the grading as well as the subsequent work.

### **Transfer Station Bid**

Mr. Wooten spoke of the repairs the County's Transfer Station has been required by the State to complete. He went over the bids submitted and disclosed HNA had a limited contractor's license and Tag was not a low bid after HNA, in which the recommendation is Blum. The County Manager told of using a small federal grant that was received a couple of years ago with the remaining balance to be paid by ARPA funds.

Bids for Transfer Station Repairs:

<u>Company</u>	<u>Base Bid</u>
HNA	\$1,258.115 (not eligible)
Tag	\$1,649,745 (alternates not included)
Blum	\$1,934,748

Commissioner Walker made a motion to approve the recommended bid of Blum presented by staff, with a second by Vice Chair Greene. By a vote of 5-0, the motion passed.

### **Water System Projects**

Mr. Wooten requested the East End Project be awarded to Hyatt Pipeline, LLC as low bidder, in the amount of \$2,556,117.50, whereas the County will use a grant they received to pay for this.

Vice Chair Greene made a motion to award the bid to Hyatt's Pipeline, LLC, with a second by Commissioner Walker. By a vote of 5-0, the motion passed.



## RESOLUTION OF TENTATIVE AWARD

**WHEREAS, McDowell County, North Carolina** has received bids, pursuant to duly advertisement notice therefore, for construction of the **East End Water System Improvements (SRP-D-ARP-0320)**, and

**WHEREAS, McGill Associates, PA, the County's Consulting Engineers** have reviewed the bids; and

**WHEREAS, Hyatt Pipeline, LLC** was the lowest bidder for the **East End Water System Improvements** construction contract, in the total bid amount of **\$2,556,117.50**, and

**WHEREAS, the consulting Engineers** recommend **TENTATIVE AWARD** to the lowest bidder(s).

**NOW, THEREFORE, BE IT RESOLVED** that **TENTATIVE AWARD** is made to the lowest bidder, Hyatt Pipeline, LLC in the Revised Total Bid Amount of **\$2,556,117.50**.

Name of Contractor	Amount
1. Hyatt Pipeline, LLC	\$2,556,117.50
2. Huntley Construction Company	\$2,793,720.00
5. Teraflex Group, LLC	\$3,450,406.00

**BE IT FURTHER RESOLVED** that such **TENTATIVE AWARD** be contingent upon the approval of the North Carolina Department of Environmental Quality – Division of Water Infrastructure.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the above **RESOLUTION** was unanimously adopted.

This is \_\_ day of February 2025.

\_\_\_\_\_  
(Name and Title of Authorized Representative)  
(Seal)

**Attest:**

\_\_\_\_\_  
(Name, Clerk)

### **Commissioner Committee Assignments**

Mr. Wooten explained that Commissioner's serve on various Committees that are local or regional and they decide which ones to stay on or change. The Board had a replacement this year that left a few options open. Chairman Brown disclosed the Commissioners would stay on their current Committees, with Commissioner Garner to serve on the 4 open ones and Vice Chair Greene to serve on the America250 Board.

Commissioner Walker made a motion to approve the Committees and Boards addition and changes, with a second by Commissioner Ellis. By a vote of 5-0, the motion passed.

### **Budget Update**

Mr. Wooten gave an update of the Property tax collection report showing a 94.22% collection rate and directed the Board to the Sales tax report showing 4 months collections.

Vice Chair Greene made a motion to approve the budget items as presented, with a second by Commissioner Walker. By a vote of 5-0, the motion passed.

### **Ordinance Amendment Request**

The County Manager recognized the appeal for a Zoning Ordinance Temporary Request to the Board for temporary housing placement given by the Planning Board. This ordinance includes temporary housing placement of RV's and campers on personal property.

Commissioner Walker made a motion to send the Planning Board the directive to bring back recommended ordinance language, with a second by Commissioner Ellis. By a vote of 5-0, the motion passed.

### **Administrative Items**

Mr. Wooten presented 1 leak request of the Nebo Water System; a Reimbursement Resolution for \$110,000 that authorizes the purchase of 2 vehicles for Parks and Rec; EMS Write offs of \$48,492.54 in uncollectible transport bills and the finance details for 1 ambulance and 2 Toyota Tacoma's for Building Inspections.

**Resolution Approving Financing Terms**

**WHEREAS:** The County of McDowell, North Carolina ("Borrower") has previously determined to undertake a project for the financing of a 2023 Ford F550 ambulance and upfit equipment, as well as two 2024 Toyota Tacoma trucks (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated February 5, 2025, or as such proposal may be supplemented or amended by Lender and the Borrower verbally or in writing. The amount financed shall not exceed 462,655, the annual interest rate (in the absence of default or change in tax status) shall not exceed 4.13%, and the financing term shall not exceed four (4) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2025

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

SEAL

Commissioner Walker made a motion to approve administrative items as presented and any resolutions that need to be signed, with a second by Commissioner Ellis. By a vote of 5-0, the motion passed.

### **Board Appointments**

The Clerk to the Board presented a request to reappoint Megan Webster, a member of the Transportation Advisory Board whose term is expired.

Commissioner Walker made a motion to approve the reappointment, with a second by Commissioner Ellis. By a vote of 5-0, the motion passed.

### **Tax Matters**

Mr. Wooten spoke to the Board on the releases, rebills, refunds and discoveries for the month of December.

Motor Vehicle Tax Refunds: \$ 2,070.59

Releases over \$100.00: \$ 428.40

Releases under \$100.00 \$ 55.77

Refunds: \$ 425.38

Discoveries: \$ 0

Vice Chair Greene made a motion to approve tax matters, with a second by Commissioner Ellis. By a vote of 5-0, the motion passed.

### **Citizens Comments**

Ginger Webb spoke on Committee Assignments; Darlene Epley spoke on dog concerns; Susan Menard spoke on Animal Shelter and a dog ordinance and Kayla Dicristina spoke on the Transportation Board.

### **Commissioners/Staff Reports**

None

### **Closed Session [NCGS 143-318.11 (a) (6)]**

Commissioner Walker a motion to go into closed session at 6:50 p.m., with a second by Commissioner Ellis. By a vote of 5-0, the motion passed.

Commissioner Walker made a motion to come out of closed session at 7:45 p.m., with a second by Vice Chairman Greene. By a vote of 5-0, the motion passed.

### **Adjournment**

Commissioner Ellis made a motion to adjourn, with a second by Commissioner Walker. By a vote of 5-0, the motion passed.

Attest:

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Sena Allison  
Clerk to the Board

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Tony Brown  
Chairman