

**STATE OF NORTH CAROLINA
MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – January 13, 2025**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, January 13, 2025, at 5:00 p.m., in the Commissioner's Board Room, 69 N Main St., Marion, NC.

Members Present

Chairman; Tony Brown, David N. Walker, Trisha Garner and Patrick Ellis

Members Absent

Vice-Chair; Lynn Greene

Others Present

Ashley Wooten, County Manager; Sena A. Allison, Clerk to the Board; Fred Coats, County Attorney; Ricky Buchanan, McDowell County Sheriff; Chuck Abernathy, Economic Development Executive Director and William Kehler, EMS Director

Call to Order

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

Approval of Minutes

Commissioner Walker made a motion to approve the December 2nd and 16th, 2024 Regular Session minutes; with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Approval of Agenda

Chairman Brown requested to move Item D. McDowell County Sheriff's Office Update, on the Agenda to Item A., under Appointments. Commissioner Walker made a motion to approve the Agenda with the requested Item change, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Chairman Brown requested to table Item C. Commissioner Committee Assignments, under New Business until all County Commissioners are present. Commissioner Walker made a motion to approve Item C. be tabled, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

McDowell County Sheriff's Office Update

Commissioner Brown introduced Sheriff Ricky Buchanan to give an update to the Board, as well as recognize some of his staff. Sheriff Buchanan began by speaking of a drug seizure that was on November 13, 2024 for 110 pounds of methamphetamine from a major supplier. He told the McDowell County Drug Enforcement made the decision to do a traffic stop on the individual who was a known major supplier, thus seizing 50 Kilograms. They confiscated an additional pound at the residence, along with 20 firearms. The Sheriff told the street value of the methamphetamine was over \$3.8 million. He addressed the problem in McDowell, N.C. and the United States, as well as the tireless efforts of the men and women who put their lives on the line every day and who are not recognized as they deserve. He spoke on the drug cartels who have a total disregard of law enforcement officers, detectives and the lives they destroy. In the spirit of that, he said they like to say "We disrupt and we dismantle". Sheriff Buchanan recognized the collaborative effort of the McDowell County Drug Enforcement, the Marion Police Department, the NC Bureau of Investigation who worked with the Sheriff's office. He proclaimed it was a testament to working together. The other efforts named were the DEA, the Rutherford and Henderson Sheriff Offices and the NC State Highway Patrol. He spoke of the undercover officers do not have the luxury of bullet proof vests, they try to blend in and prove they are someone they are not in order to combat, disrupt and dismantle.

Chairman Brown spoke to the Sheriff and the law enforcement officers in the Board Room with gratitude and high regards to all the efforts they do in protecting McDowell County. The Chairman addressed recognition to the undercover officers who cannot be visible, by declaring they are the unsung heroes. He then read a letter from the Board of Commissioners in tribute to the Sheriff and his staff.

Sheriff Buchanan thanked the Board and gave accolades to the men and women who he works with. He called upon Rodney Coates, who is the Facility Maintenance Coordinator at the Sheriff's Office and acknowledged his work since joining the Office in 2019 as the overseer to the maintenance grounds. The Sheriff told he does a fantastic job in the restoration and up keep of the Sheriff's office, who does not get the gratitude he deserves. He spoke on the accomplishments he did this past year, and told he was awarded "Employee of the Year".

The Board thanked the Sheriff and Mr. Coates for all they do, and had a picture taken to commemorate the good reports given on the drug seizure, the efforts made by all the agencies and staff who work diligently for our County.

Economic Development Public Hearing

Chairman Walker invited Chuck Abernathy (Economic Development Association Executive Director) to address the Board in regards to an Economic Development Project of a 4 story Marriott Hotel with retail shops, being placed on the corner of 4th and North Main Street. Mr. Abernathy and Heather Cotton (Planning and Development Director) stepped up to speak to the Board, with Mr. Abernathy beginning with stating this project has been worked on for a year and a half. He told the timeline of having this property, (the old Bank of America building) under contract for another five weeks, and beyond this it would be lost. Under Statute where local Government is involved, there is an incentive proposal, in which the two units being City and County, purchase property with protective covenants in place. The hotel is proposed to have approximately 10 full time employees, and is a 15 to 20-million-dollar investment. Mr.

Abernathy told this project would allow the structure to return to the City and County, in the event it fails to materialize. Mr. Abernathy referred to the payment being distributed over 3 years for less of a burden, with a projected 14 month return in tangible tax dollars coming back with indirect dollars on top of that.

Ms. Cotton addressed the Board in appreciation of their attendance at the Marion City Council meeting as well as their support to the project. She acknowledged this incentive agreement was led with the unanimous approval of adopting the agreement.

The Chairman asked Mayor Steve Little if he would like to address the project, whereas he spoke excitedly on having a hotel that will bring in consumers to recognize McDowell as a destination with overnight service to downtown Marion. He stated it is a pleasure to be with the Commissioners, noted Sheriff Buchanan's words of cooperation for agencies working together and recognized the economic opportunity that has been given to the County.

Mr. Abernathy introduced David Bennett and Michael Kern of Benchmade Ventures LLC, the investment and development firm on the project. Mr. Bennett began with an overview of the development side of their company, revealing the downtown Fairfield Marriott in Morganton was their project. He established they work exclusively with Marriott, and like the community and downtown settings where the local economy can grow. Mr. Kern detailed this project as approximately 100 rooms with ground floor retail, parking onsite and stated there would be no street parking. The investment forecast would be around \$15 to 20 million with approximately \$4 million in revenues. He allowed studies have shown for every one dollar a guest to a property spends on their hotel room, they spend another 2 dollars in the community. He went over the impact of economic opportunity on gas, beverage, food, groceries and retail in various returns back to the businesses, City and County. The return would be through tax revenues, sales tax occupancy and valorem taxes. Mr. Kern thanked the Board for entertaining the project, in which Commissioner Walker responded with being satisfied by them having a proven model already in place, in Morganton. Chairman Brown said he is always excited for growth and to see a return back to the County in business opportunities. Commissioner Ellis noted what he has heard sounds favorable, and the smaller businesses opportunity to work with the developers as well as the hopes of giving discounts to people to draw them downtown. He wished the men the best of luck and looks forward to breaking ground soon. The County Manager went over the highlights of the incentive agreement and a correction to the packet on the performance agreement. This entails: performance in exchange for public funding in the means by construction of a hotel with at least 75 rooms by July 1, 2027, which was negotiated again and agreed upon to be December 31, 2027. Mr. Wooten highlighted the agreement was voted on by City Council to have both entities in unison make three payments over three fiscal years including the current fiscal year, on July 1, 2025 and July 1, 2026 to the developer. He specified this would be a performance-based payment, with the property reverting to the City and County if this was not fulfilled. Each entity will pay \$499,000.00 total, with 3 equal payments and the developers purchasing the property in their names.

The Chairman then asked for a motion to go into a public hearing, with Commissioner Walker making the motion and Commissioner Ellis second. By a vote of 4-0, the motion passed.

The Chairman asked if anyone of the right side of the room would like to speak in regards to the project. Kenneth Wegman asked if the Board anticipated a tax increase

because of the funding proposal, whereas the Chairman answered no. Mr. Wegman asked if there is a Performance Bond by the builders of the hotel, in which Mr. Wooten answered the performance was the date promised by the developers, whereas if the obligation was not met, it would revert back to the City and County. Jeff Dreibus asked about the potential traffic congestion, in which Mayor Little responded the City was prepared to deal with this safely. Michael Kern added the hotel expects a total of 65 to 70 cars per day, to be a minimal impact to the City. At that time the Chairman moved to the left of the room for speakers, in which Frank Dean spoke on the opportunity afforded to Marion is second to none and he told of his excitement on the project. Freddie Killough spoke in regards to not every small town gets this opportunity and the Marion Business Association endorses this project fully and thanked the Commissioners for their support. Shannon Odom spoke on proven facts that a hotel would bring vibrancy to the downtown with bringing in locals and out of towners to conduct weddings, meetings and how it would assist other hotels in this area with the increase of business and groups that we may not have room for otherwise. On the economic impact, Mr. Odom stated the proof has been for every \$100.00 spent on lodging, \$220.00 comes back in direct and indirect spending. David Wooten talked on behalf of the McDowell Economic Development in full endorsement of the hotel, as well as welcoming the hotel as being a future neighbor to the bank he works at. Mr. Wooten also thanked Sheriff Buchanan for what he does for our County.

Commissioner Walker made a motion to come out of the public hearing, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Commissioner Walker went over the amount of monies coming back to the community with this investment, along with the City and County's strength on their partnership in working together on this project, and looks forward to the ground breaking.

Commissioner Walker made a motion for adoption to the contract, as per the contractual agreement, with a second by Commissioner Ellis including the date of closure being December 31, 2027. Chairman Brown added from the question of raising taxes to the citizens, that this will create revenue for the County and be a quick return. He remarked this project should help in not raising taxes in the future. The Chairman said the Board endorses this with the reward coming to the City and County. By a vote of 4-0, the motion passed.

Helene Update

Chairman Brown welcomed William Kehler to come forth to give an update on Hurricane Helene. Mr. Kehler began with it being a pleasure to be back to provide an update to the Board, as this being day 111 of the EOC Activation and gave the following updates:

Roads

- US 221 North at Mountain Paradise Campground and Hwy 70 W at Curtis Creek: NCDOT continue working on a temporary bridge, with a projected date to open at the end of January.
- NC 80 does not have a current update or timeline for the school on bus turn arounds to the Blue Ridge Parkway.

Lakes

- Lake Tahoma: continue work with FEMA and the US Army Corp of Engineers on debris removal with sonar testing done to determine the extent of debris under the water.
- Lake James: an update was given to the damage on the hydro station as progress is being made faster than what was predicted, leading to one turbine to be back online in the middle of February. This allows the ability to draw water down prior to a heavy rain event and is monitored closely. The current number of damaged units are 3, with the second and third units scheduled to be online later in 2025.

Water Systems

- Town of Old Fort: he, his staff and the County Manager visited when Governor Stein visited, and they went to the waste water treatment plant which they continue to make improvements.
- City of Marion: reporting no issues.

Utilities and Cell

- Frontier: rebuilding lines to 226A, Hwy 80, Mill Creek, Curtis Creek and other rural areas. The current restoration time is end of January.
- Temporary Cell Trailer from Verizon was placed at Sunnyside Baptist Church off NC 80, to provide a form of access for emergency and 911.

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.

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 were requested from the State and FEMA to include 24-hour access to showers and laundry in trailers, which will remain until there is no need.

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.

NC Executive Order #1

- Governor Stein issued \$15,537,000.00 with the direction for NC Emergency Management to rapidly purchase 1,000 temporary travel trailers as there are significant delays in FEMA providing housing to citizens. There have been more than 11,379 applications submitted thus far.

Mr. Kehler revealed the Operations Division has placed 14 individuals in temporary travel trailers since January 2nd in conjunction with the State program and the assistance of non-profit organizations

The Director reminded the Board of his praises to FEMA's response right after the hurricane to assistance on hundreds of search and rescue missions and the assets they provided, however he stated they need to pick up their game on recovery efforts. He told our citizens need help and answers more quickly as he communicates this daily with the FEMA Representative in the EOC. He established this as why the Executive Order is still out, due to citizens waiting on temporary housing. FEMA has put 127 citizens housed in hotels, with the THA eligibility to end on January 14th, and the need for more certainty and better case management for these citizens. There are currently 22 families in other temporary housing in the County, with 10 continuing to wait as his staff is pushing FEMA to move faster and cut the red tape.

NC Executive Order #2

- Directs NC Emergency Management to work with NC office of State budget management to lift up the private roads and bridges program (OSBM). The OSBM immediately contacted the EM upon adopting the order, in which the EOC gave their damage assessment on the bridges and roads that are out in McDowell. This will be a recovery collaboration in presence at the EOC, with the expectancy of the application process to be revealed in the next 4-6 weeks.

Chairman Brown spoke on drafting a letter to FEMA, in which Commissioner Walker made a motion to send it to FEMA, Ted Budd and Chuck Edwards for the Boards support and need for the program OSBM to be fully funded for the people of WNC, along with the expedience of FEMA in the housing placement, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

EOC Support and Old Fort

- Continued assistance to the Town of Old Fort staff with Disaster Response and Recovery.
- Significant debris removal has occurred and continues

- EM working with property owners in the Town and other communities that were severely affected citizens and what programs are available and the process to apply for assistance.

Operations Section

- EOC has dedicated managers assigned to specific communities in assisting with the community's critical needs, debris applications, information sharing, hazard mitigation and advocating for the County's citizens when communicating with FEMA.

EOC and VOAD Coordination for Housing

- Emergency Operation Center (EOC) and Volunteer Organization Assisting in Disasters (VOAD) is led by Jerry Lewis from Grace Community Church which focuses on Emergency – Rapid – Repair to ensure homes are safe, sanitary and secure from damages caused by Helene.
- 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 website directing to Baptist on Mission.
- The EOC has a “rapid response team” who will respond to families in need, to ensure no one suffers during the cold weather.
- The EOC staff is able to link Veterans with Veterans Services.

Debris Pickup

- Direct Federal Assistance via FEMA through the Army Corp of Engineers, who contracted Ashbritt Contractor for this service to the County. Local contractors can contact Ashbritt directly to place bids for debris removal.
- Debris totals as of January 13, 2025: 40,104 cubic yards of debris removed and 20,812 tons of silt.
- Temporary Debris Management Site was inspected by NCDEQ. The site was in compliance and received no violations. The field is being kept as neat as possible.
- Pickup is on the right of way on State roads, private roads and developments.
- Personal property debris removal (PPDR) can be applied for at the mcdowellgov.com/debris website, or in person at the ES Headquarter Monday – Friday 9:00 a.m.- 4:00 p.m. with the required Right of Entry form.
- Waterway Debris Removal: McDowell County was the first County to complete all the required assessments which was a collaboration through the Emergency Management, FEMA/ and Army Corp of Engineers. The eligible areas will go through Army Corp of Engineers to write a scope of work to begin the bidding

process for cleaning the waterways. The EM staff will work with the contractor to determine entry points.

- First phase of waterways will be bank to bank clearing of debris posing a risk to critical infrastructure.
- Second phase will be working with soil and water (NRC) on the debris outside the banks as well as creek bank restoration.

Hazard Mitigation

- The Deputy Director is leading this program
- 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
- 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.
- Infrastructure grants for Local Government for generator projects Hazard Mitigation grants have already been in the process for a couple of years with some of the fire departments and the senior center.

Mr. Kehler noted the difficulty of getting information out to the public on programs that are available. The EM is working on door hangers for people who cannot be contacted as well as pushing media and social media

Financial Reimbursement for County Organizations

- The EOC is working diligently in applying for multiple applications for reimbursement from FEMA by capturing all the costs to the different agencies that are eligible such as: materials, equipment costs, damaged facilities, labor costs related to emergency protective measures.
- The EOC is in the final stages of all the costs for the Fire/Rescue Departments.
- Helene is reimbursable and comes back to the County, and is tracked by the EOC under FEMA Category Z-Mgt Costs. Capped at 5% of total project worksheets.

Mr. Kehler recognized the individual and group donations, Marion Rotary Club's significant money donations as well as various non- profit organizations who have donated campers and supplies. Lastly, he thanked the team in our community banding together to push the recovery mission and stated he and his staff will continue to advocate.

Chairman Brown thanked Mr. Kehler and his staff for all they accomplish. Mr. Wooten noted in line with the update from the Director, to calls he has received in regards to tax values of homes that were damaged. The tax appraisals went out a month after the storm, with the list changing as they find out properties that were impacted. He said the EM staff has been able to

assist with this by giving the tax staff addresses to reflect and update the values. He addressed the Board as being able to change the value if someone did not get modified. Mr. Wooten spoke on the CDBGDR Program which is federal money approved by Congress to go to the State for citizens to renovate or receive a new home. The requirement is to be over the CDBG income level of 120% for eligibility to apply. Mr. Wooten will attend a meeting on the 15th in regards to this program.

Water System Projects

Mr. Wooten highlighted these as: Nebo Phase 1 as complete and activated last week; Hoppy Tom Hollow project complete; Phase A and 2B on Memorial Park Rd project started; East End lake club area has bids out and may timeline move back; Exit 90 Project plans are under review and Phase 3 is under review with local and state staff. Lastly the West Marion Project survey is complete with a February 15th date to receive a 60% plan.

Broadband Update

Mr. Wooten told the Spectrum (GREAT) and Skyrunner (CAB) grant funded projects are in progress, with some delay in repairs due to Helene response. Spectrum project is scheduled for completion at the end of this year and Skyrunner has until the end of 2026 to complete their project. Skyrunner has addressed that date is not their intention with hopes to be done at the end of the calendar year. A second round of CAB has been posted and is State and Federally funded.

Employee Leave Policy

The County Manager addressed the Board's previous discussion on parental leave policy of the County, in which staff has used MTCC's policy as a guideline. Commissioner Walker spoke on the 30-day policy for County employees to begin health insurance and would like for the same eligibility to be for adoptive parents for the parental leave policy. He made a motion to approve the policy as presented by staff, with the change for an employee to be eligible in a 30-day term, not at the 12-month term. Commissioner Ellis remarked he was against the term change and would like the 12-month policy term to stay in place. Commissioner Garner seconded Commissioner Walkers motion to change from the 12-month waiting term to a 30-day term. Commissioner Garner spoke on amending the age from 'younger to age 6' to 'under the age of 18' for the reason of the difficulty of adopting an older child. Commissioner Walker agreed and amended his motion to include both the parental leave policy for County employees to be eligible in 30 days and amending the current age for adoption from under 6 years of age to under 18 years of age, with a second by Commissioner Garner. By a vote of 3-0, the motion passed.

Budget Update

Mr. Wooten spoke on the sales tax report and action items, along with several amendments, which are listed below.

GF 8 - Transfers between line items at the Board of Elections.

GF 9 - Appropriates interest earnings for a software upgrade at the Clerk of Court.

GF 10 - Appropriates grant revenue for Emergency Services.

GF 11 - Transfers between line items in Information Technology.

GF 12 - Allocates grant revenue and prior year reserved funds at Register of Deeds.

GF 13 - Allocates grant revenue, general revenues, and prior year reserved funds from a loan at the Sheriff's Office.

GF 14 - Allocate program and donation revenues at the Senior Center.

GF 15 - Allocates revenue and transfers between line items in various departments.

GF 16 - Allocates program revenue and transfers between line items in Parks and Recreation.

OpioidF1 - Amends the opioid fund to allocate funds to approved programs.

Capital Project Ordinance

Amendment #3

Be it **ORDINED** by the Governing Board of the County of McDowell, North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital Project Ordinance is hereby adopted.

Section 1: The Project authorized is the Nebo Waterline Extension financed by a Department of Environmental Quality, Division of Water Infrastructure grant.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the board resolution and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Engineering/Design/Inspection	\$ 1,000,000
Construction	<u>9,900,000</u>
	<u>\$10,900,000</u>

Section 4: The following revenues are anticipated to be available to complete this project:

ARPA Infrastructure Grant	<u>\$10,900,000</u>
---------------------------	---------------------

Section 5: The finance officer is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7: The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project ordinance shall be furnished to the clerk to the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out this project.

Duly adopted this _____ day of _____ 2025.

Signature, (Authorized Rep)

(Seal)

Attest: _____
Signature (County Clerk)

Commissioner Walker made a motion to approve budget items as presented, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Administrative Items

Mr. Wooten presented 2 leak requests of the Nebo Water System leak requests, a Reimbursement Resolution of 2 vehicles to purchase for the Building Inspections and 2 months of EMS write-offs totaling \$72,644.38 in uncollectible transport bills.

Commissioner Ellis made a motion to approve administrative items as presented, with a second by Commissioner Walker. By a vote of 4-0, the motion passed.

Board Appointments

The Clerk to the Board presented Jonel Brock as an applicant to serve on the JCPC.

Commissioner Walker made a motion to approve the applicant, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

The Clerk presented Betsy Watson as an applicant to serve on the America250 Committee.

Commissioner Walker made a motion to approve the applicant, with a second by Commissioner Ellis. By a vote of 4-0, 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: \$1,137.57

Releases over \$100.00: \$7,970.45

Releases under \$100.00 \$ 114.51

Refunds: \$ 425.38

Discoveries: \$ 0

Commissioner Walker made a motion to approve tax matters, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Citizens Comments

Kenneth Wegman spoke on the election and a dangerous road condition.

Commissioners/Staff Reports

Commissioner Ellis made a motion to request the nonprofit organizations who the County gives money to, come and present the Board how they spent this money as well as an update on what they did in the past year. This should be prior to the budget adoption in June, with a second by Commissioner Walker. By a vote of 4-0, the motion passed

Adjournment

Commissioner Walker made a motion to adjourn, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Attest:

Sena Allison

Clerk to the Board

Tony Brown

Chairman