MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
SPECIAL (QUASI-JUDICIAL MEETING)

The Burke County Board of Commissioners held a special meeting on Monday, November 17, 2025, at 5:00 p.m. in the Commissioners' Meeting Room, Burke County Services Building, 110 N. Green Street, Entrance E, in Morganton, N. C. The purpose of the special meeting was to hold a quasi-judicial hearing, receive an update on compliance progress as it relates to the Affirmed & Modified Order to Vacate issued by the Chief Building Inspector for property owned by the Marshallese New Beginnings Church located at 8123 George Hildebran School Road, Connelly Springs, PIN No. 2659-35-1635, and to consider an extension, if deemed necessary. The special meeting notice was executed by Chairman Jeffrey C. Brittain and published on November 13, 2025. The meeting was streamed live on the County's YouTube channel, BurkeCountyNC. 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 Mike Stroud
COMMISSIONER EXCUSED:	Randy Burns (Note: Commissioner Burns was absent on the date of the original hearing due to illness, and upon advice from counsel, he was not allowed to participate in this hearing.)
STAFF:	Brian Epley, County Manager Kay Draughn, Clerk to the Board Dylan Laws, Wilson, Lackey, Rohr & Hall P.C. - (County Attorney - Counsel for staff.) Kenneth (Kenny) Greene, Chief Building Inspector Alan Glines, Planning Director/Deputy County Manager
OTHERS PRESENT:	Martha Thompson, Outside Legal Counsel, Representing the Board Curt Abee, Contractor Pastor Tommy Laibwij, Petitioner Barbara Fisher, Interpreter Media

CALL TO ORDER

CHAIRMAN BRITTAIN: Good afternoon, ladies and gentlemen. Welcome to our meeting today. I'll call this meeting to order. It's the quasi-judicial meeting of the Burke County Board of Commissioners for Monday, November 17, 2025, at 5:00 p.m. I'd like to welcome you. I'll note that all the commissioners are present, with the exception of Mr. Burns, who is unable to participate in this hearing as he was unavailable during the first hearing, so he will not be participating today. The county manager is present, along with the county finance officer, clerk,

and some other county staff as well. Also, have Martha Thompson, our outside counsel in this matter, present today to my right. Have Pastor Tommy Laibwij and his legal representative, Tommy, do you have any legal representative today?

TOMMY LAIBWIJ: [Inaudible.] (Note: No legal representative was present.)

CHAIRMAN BRITTAIN: OK, thank you. And also, Curt Abee, general contractor, present and interpreter, Barb Fisher. I'll ask you to silence all your mobile devices at this time, please, and I'll ask all speakers, as you come and present testimony today, please come to the lectern, be sure the microphone is turned on. Press the button on the right. The red light should come on when you're speaking.

APPROVAL OF AGENDA

CHAIRMAN BRITTAIN: All right. This brings us to Item No. 2, the agenda. Gentleman, you've had this agenda in advance. I'll entertain a motion to approve the agenda as presented.

VICE CHAIRMAN SMITH: Mr. Chair, I make a motion to approve the agenda.

CHAIRMAN BRITTAIN: Thank you, Vice Chair. All those in favor signify by uplifted hand. 4-0 Madame Clerk.

Motion: To approve the agenda as presented.

RESULT:	**APPROVED [UNANIMOUS 4-0]**
MOVER:	Phil Smith, Vice Chairman
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, and Mike Stroud
EXCUSED:	Randy Burns

ITEMS FOR DECISION

BOC - CONSIDERATION OF EXTENSION RELATED TO THE AFFIRMED & MODIFIED ORDER TO VACATE

CHAIRMAN BRITTAIN: We have one item that we'll be hearing today. This item is a consideration of extension related to the actions taken earlier in April and then again in May, and so we'll be entertaining evidence relating to this matter. Today, we'll hear a compliance progress update and also receive any other additional information that may come before the board for decision. At this time, I'd like to call county staff Kenny Greene to the stand. We will administer the oath. Mr. Greene, if you will come forward, Madam Clerk will administer the oath.

[Clerk administers the oath, and the witness is sworn in.]

CHAIRMAN BRITTAIN: All right, Kenny, if you'll just take your place right there. At this time, as you know, we've placed an order for this matter to be continued until some progress has been made, and this time we'd like to hear whatever that you might have that would provide a progress report.

CHIEF BUILDING INSPECTOR GREENE: [Inaudible.]

CLERK DRAUGHN: Turn on your microphone.

ATTORNEY LAWS: Yes. Well, Mr. Greene, please state your full name if you don't mind.

CHIEF BUILDING INSPECTOR GREENE: Kenneth Greene.

ATTORNEY LAWS: And Sir, what is your role here in Burke County?

CHIEF BUILDING INSPECTOR GREENE: I'm the chief building inspector with Burke County.

ATTORNEY LAWS: And what sort of experience do you have in that role or similar roles?

CHIEF BUILDING INSPECTOR GREENE: I've been the building inspector for the last five (5) years, and then I've been a licensed contractor for the 20 years previous.

ATTORNEY LAWS: And here, let me hand you your [inaudible.] And Mr. Greene, I'm showing you what's been marked as exhibit No. 1. Do you recognize that?

CHIEF BUILDING INSPECTOR GREENE: Yes.

ATTORNEY LAWS: And what is that?

CHIEF BUILDING INSPECTOR GREENE: That's a report and some pictures from last Wednesday, November the 12th, when I visited the site.

ATTORNEY LAWS: So, you prepared this exhibit?

CHIEF BUILDING INSPECTOR GREENE: Yes, Sir.

ATTORNEY LAWS: Is it an accurate representation of your presentation and the information contained therein?

CHIEF BUILDING INSPECTOR GREENE: Yes, Sir.

ATTORNEY LAWS: And do you want to use that today to speak on this matter?

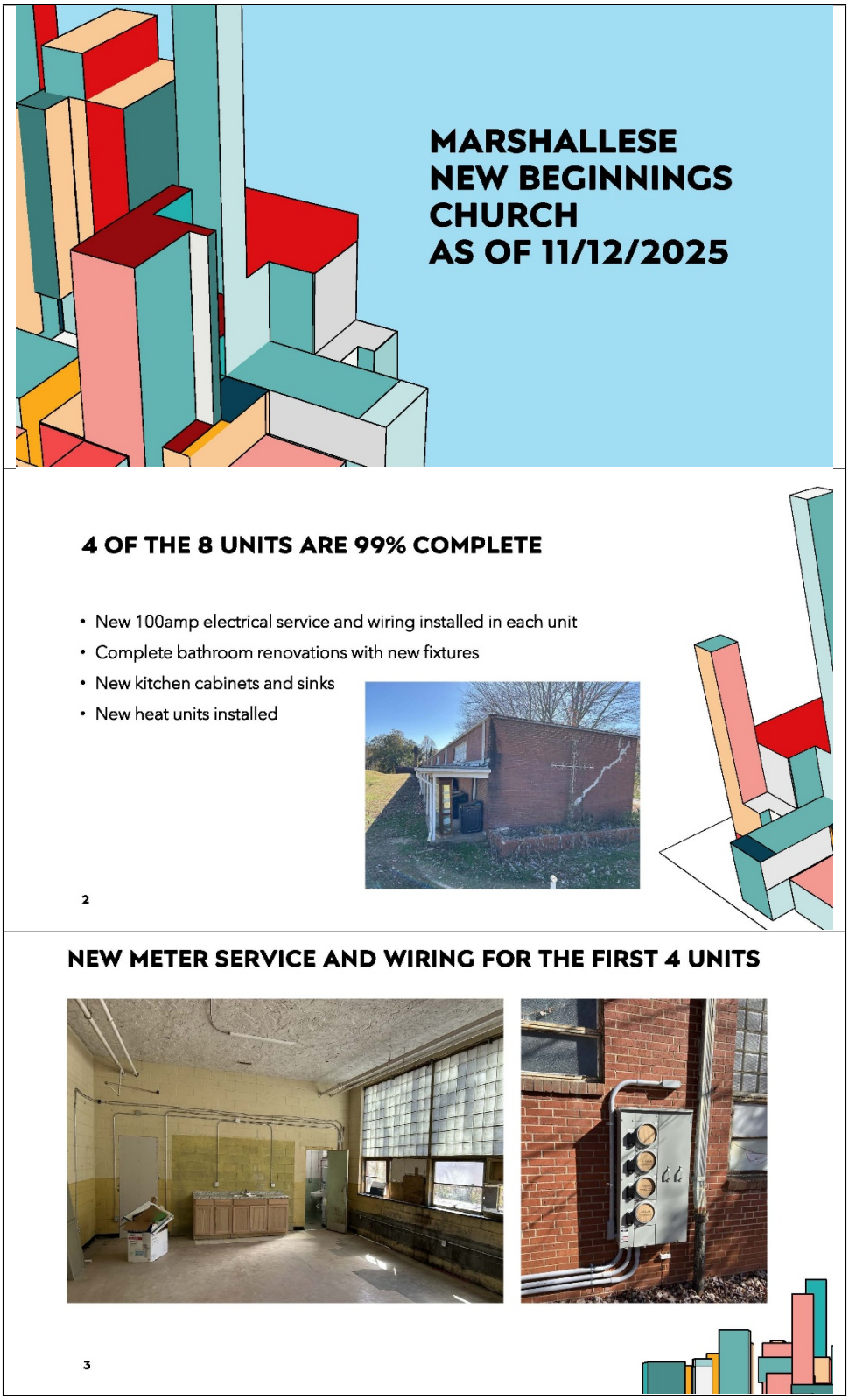
CHIEF BUILDING INSPECTOR GREENE: Yes, Sir. Please.

ATTORNEY LAWS: Mr. Chair, at this time, I would move to accept this presentation as a reference, Exhibit No. 1, and I'll provide copies if that works.

CHAIRMAN BRITTAIN: All right. Thank you very much.

Exhibit No. 1:

This space is intentionally left blank.


MARSHALLESE
NEW BEGINNINGS
CHURCH
AS OF 11/12/2025
4 OF THE 8 UNITS ARE 99% COMPLETE
• New 100amp electrical service and wiring installed in each unit
• Complete bathroom renovations with new fixtures
• New kitchen cabinets and sinks
• New heat units installed
2
NEW METER SERVICE AND WIRING FOR THE FIRST 4 UNITS
3



[Planning Director Glines distributed copies of Exhibit No. 1 to the Board, the Clerk, and Tommy Laibwij.]

PLANNING DIRECTOR GLINES: Do you have one (1) more of those?

ATTORNEY LAWS: Yeah.

PLANNING DIRECTOR GLINES: I can get them. It's fine. [Inaudible.]

ATTORNEY LAWS: Oh, OK. Mr. Greene, if you wouldn't mind speaking about that exhibit at this time, and sort of what you've seen at the properties that caused you to create this presentation, or anything relevant since then.

CHIEF BUILDING INSPECTOR GREENE: OK. This is just an update. I visited the site, as I said last Wednesday, which was November the 12th. When I visited the site, the first four (4) units were about 99% complete. All the units had a new 100-amp electrical service run throughout. They had all new bathroom fixtures, new kitchen cabinets and sinks, and new heat units. If you just want to look through the pictures, you can kind of see the electrical service in the first two (2)

pictures. There's 100-amp service been run to each unit, which is a minimum required by code. Everything, all the old, unsafe wiring has been removed, and the first four (4) units have been brought up to date. The second, which is page four (4), are the bathroom pictures. Each bathroom has been installed with all new fixtures. They've added showers. They've got a new commode and vanities, and each unit has a new hot water heater in every bathroom, which is then tied to the kitchen area, which is outside the bathrooms, for a kitchen sink. They've made provisions for a cook stove, and the two (2) required small appliance circuits, and then they have installed heat and air units in each unit. So, you know, the progress he's made has brought the first four (4) units up to code. We are waiting right now on power to be connected so we can C-O[1] the first four (4) out, and they can move the residence back in and start on the next floor.

ATTORNEY LAWS: So, at this time, do you believe that there has been, you know, substantial work done that moved this project in the right direction?

CHIEF BUILDING INSPECTOR GREENE: Yes, Sir. I believe Mr. Abee is definitely moving in the right direction.

ATTORNEY LAWS: And have you discussed a possible extension, as is being requested, with other staff members?

CHIEF BUILDING INSPECTOR GREENE: Yes, we have.

ATTORNEY LAWS: And overall, what would you say the opinion of Burke County, yourself, and the staff is on this matter?

CHIEF BUILDING INSPECTOR GREENE: We would, they, definitely approve any extensions that he would ask for.

ATTORNEY LAWS: Is there anything further you'd like to say about, you know, your observations?

CHIEF BUILDING INSPECTOR GREENE: No, not this time.

ATTORNEY LAWS: I have no further questions, Mr. Chair.

CHAIRMAN BRITTAIN: All right, thank you very much. We have accepted this Exhibit 1 as evidence in the hearing. I'll ask the board this time, are there any questions to be presented?

CHAIRMAN BRITTAIN: All right, seeing, hearing no questions, I'll ask the plaintiff, Tommy, or if you'd like to appoint Mr. Abee, I suppose you could do that, to ask questions. Anyone from the plaintiff's side have questions or cross-examination for this witness?

TOMMY LAIBWIJ / BARBARA FISHER: I don't have any.

CHAIRMAN BRITTAIN: OK. Seeing, hearing none, you may be dismissed, Mr. Greene. Thank you very much. Any other evidence to present from you?

[1] C-O: Certificate of Occupancy is the official authorization issued after required inspections are completed, allowing a building or unit to be legally occupied.

ATTORNEY LAWS: Mr. Chair, none at this time. That would be all we have.

CHAIRMAN BRITTAIN: All right, thank you very much. All right, at this point, we'll call witnesses then from the petitioner to come forward. Tommy, if you'll come, and Curt, if you'll come, to be sworn in, please. And also, the interpreter will need to be sworn in.

[Clerk administers the oath, and the witnesses are sworn in.]

CHAIRMAN BRITTAIN: All right, thank you very much. This time we'll receive evidence. Tommy or Mr. Abee, would you like to provide any comments on the matter?

GENERAL CONTRACTOR ABEE: I'm sorry.

CHAIRMAN BRITTAIN: Would you like to provide any statements at this time on your progress?

GENERAL CONTRACTOR ABEE: About moving forward or…?

CHAIRMAN BRITTAIN: Yeah.

GENERAL CONTRACTOR ABEE: I do. I would like to thank Mr. Greene for coming out, but I also, y'all may not realize we actually didn't get our building permit until October the 9th, so all the work that we've done, we've done since October the 9th, really. And so, you know we need a little more time to finish, but since we've done these first four (4), we know what we're looking at and what we're going to have to do because we're a little bit you know, in some gray area to start with because we didn't know how the plumbing all was going to work and everything so, everything worked out well. So, I think the next four (4) should go pretty smoothly. We've, we did the first four (4) plus the laundry room. We've still got to get the electrical on the laundry because that comes from a different place, but once we get the people moved out, temporary housing into these four (4) units, and get the other four (4) emptied out into the temporary housing, I think we can move pretty quickly. I don't know, you know, we're going into possible wintertime weather, and we don't know, you know, if that could hold up anything or what, but you know, if we can extend to March 31st, that's probably more than enough time that we would need. My goal was to have it finished by Christmas, but it, that's going to depend on how soon we get those people out of the four (4) units we have to, the four (4) other units, we have to upgrade. So that's kind of where we stand.

CHAIRMAN BRITTAIN: All right, thank you very much. Any other additions you'd like to make as far as evidence goes?

GENERAL CONTRACTOR ABEE: I'm sorry.

CHAIRMAN BRITTAIN: Any other evidence you would like to present?

GENERAL CONTRACTOR ABEE: I don't, I guess.

CHAIRMAN BRITTAIN: All right, thank you. Any cross-examination, Mr. Laws?

ATTORNEY LAWS: We wouldn't have anything—

[Overlapping speakers.]
CHAIRMAN BRITTAIN: —All right—
ATTORNEY LAWS: —Mr. Chairman.
CHAIRMAN BRITTAIN: Thank you very much. Any questions from the board to the, to Mr. Abee or to Tommy?

COMMISSIONER STROUD: Yes, Chairman, I've got a question. Curt, thank you, Mr. Abee, for all you've done. I know that, you know, between Phil Smith and everybody else has really stepped in to really be a bridge for you guys.

GENERAL CONTRACTOR ABEE: Yeah.

COMMISSIONER STROUD: And you know, those kinds of things, so I'm glad for that. It's kind to keep people off the street. You know, I think these are great options. I'm wondering as we're moving forward, down the road, we're kind of in an incubation system right now, with the housing. I like to see us kind of move into some nicer housing. You know, those kinds of things, and you know, this to me is kind of great for camp standards and mission standards. In a pinch, this is great. You know, I want to get a, see that we get to residential ways for the Marshallese people in this situation. Glad they got people like you working with and the community. And like I said, once again, thank God for Phil Smith, for him stepping up to really put this forward, doing a good job on everybody on the inspections, and everything looks good. That's all.

GENERAL CONTRACTOR ABEE: Yeah, we actually are looking at using this kind of like a steppingstone—

COMMISSIONER STROUD: Sure,

GENERAL CONTRACTOR ABEE: —for families once they get on their feet good, can move out, like you're saying.

COMMISSIONER STROUD: Absolutely.

GENERAL CONTRACTOR ABEE: Better housing.

COMMISSIONER STROUD: Great. That's all. Thank you, Mr. Chairman.

CHAIRMAN BRITTAIN: Other questions?

VICE CHAIRMAN SMITH: I've got a question, Mr. Chair. I don't know if I really direct it to Mr. Abee or not, but what, help me remember what is the drop-dead date that we had on this, because he's asking for an extension, maybe to 31 March. Help me remember that.

CHAIRMAN BRITTAIN: Yeah. Our extension had been to November the 14th. That's what brings us back here today to decide whether, how to move from November the 14th. That was our deadline for compliance.

VICE CHAIRMAN SMITH: And you've done the work that you've done so far since what'd you say? 9 October?

GENERAL CONTRACTOR ABEE: October the 9th is when we got our permit issued and we really couldn't, I had my guys ready, but we really couldn't start on doing anything until we, the hold up, I had to wait a while for architect drawings so we could get those drawings and then get those approved and it just, you know, it's just a lot of documentation you have to go through before you get a permit, if you know. So, if we can, you know, if we get these families moved into these four (4) and get the other four (4) emptied out. You know, that's the only holdup we have right now. Yes Sir.

VICE CHAIRMAN SMITH: What would be the legality of instead of extending the 31 March, we just go to like, maybe, 31 December, and then if we have to have another meeting, is there, is to call another one like that or what, ma'am?

COMMISSIONER STROUD: That seems a little short to me, even though I know we're going to move. I mean, because we've got holidays and Christmas—
[Overlapping speakers.]
VICE CHAIRMAN SMITH: —Right, yeah—
COMMISSIONER STROUD: —And all that. I know that, it seems like they're moving—
VICE CHAIRMAN SMITH: —The 31 January.
COMMISSIONER STROUD —Pretty good.

ATTORNEY THOMPSON: There would not be a need for another meeting if they comply within that time, whatever deadline you set.

COMMISSIONER STROUD: Let's give them a little time to get the rest of it there. It's my—
[Overlapping speakers.]
VICE CHAIRMAN SMITH: —Oh, I'm all for that—
COMMISSIONER STROUD: —thoughts—
VICE CHAIRMAN SMITH: —We're not going to throw anybody out in the snow.

COMMISSIONER STROUD: I know in the—
[Overlapping speakers.]
VICE CHAIRMAN SMITH: —I just don't want—
COMMISSIONER STROUD: —construction business on my end a lot of times—
VICE CHAIRMAN SMITH: —Mr. Abee's doing so good, I don't want us to—

COMMISSIONER STROUD: Right. Give them a little time during the holidays here, because it comes on as quick right now—
[Overlapping speakers.]
VICE CHAIRMAN SMITH: —[Inaudible] too much—
COMMISSIONER STROUD: —[Inaudible.] Absolutely. Thank you.

CHAIRMAN BRITTAIN: All right, this time we'll close this part of the hearing—
[overlapping speakers.]
GENERAL CONTRACTOR ABEE: —I would—
CHAIRMAN BRITTAIN: —and just let you know—
GENERAL CONTRACTOR ABEE: — like to say just thank you. Thank you for allowing us to do this, and thank you for working with us. I really appreciate it. Thank you.

CHAIRMAN BRITTAIN: Would Tommy like to make any comments today?

TOMMY LAIBWIJ / BARBARA FISHER: Yes. Yeah. And actually, that it's great. We're very happy to follow the contractor. He's the one that's doing the work, and we'll do whatever they're telling us to do.

CHAIRMAN BRITTAIN: OK. All right. Thank you very much. All right, with that, I'll close this portion of the meeting. Gentlemen, any other questions, comments before we hear a recommendation on this?

COMMISSIONER BARRIER: Mr. Chairman, I would just like to say thanks to Mr. Abee for all the work. You know my initial concerns early on were about the safety and electrical, and all the things that we talked about in the last hearing, which I felt great about the county staff who went out there and felt that it was safe. Our attorney representing us felt that it didn't leave us with legal liability, and so I'd like to make a motion, if that's OK.

CHAIRMAN BRITTAIN: OK, carry on.

COMMISSIONRT BARRIER: I'd like to make the motion to accept the evidence presented, finding that it demonstrates reasonable progress toward compliance with the Board's April 10, 2025, Order, and to further amend the Order to Vacate to extend the compliance deadline to March 31, 2026. Upon completion of renovations, bringing the building into compliance with applicable local and state laws by the aforementioned deadline, the Order to Vacate is hereby rescinded, null and void, and no additional hearings are required.

CHAIRMAN BRITTAIN: All right, thank you, Commissioner Barrier. Gentleman, you've heard this recommendation by Commissioner Barrier. All those in favor signify by uplifted hand. That's 4-0, Madame Clerk.

Motion: To accept the evidence presented, finding that it demonstrates reasonable progress toward compliance with the Board's April 10, 2025, Order, and to further amend the Order to Vacate to extend the compliance deadline to March 31, 2026. Upon completion of renovations, bringing the building into compliance with applicable local and state laws by the aforementioned deadline, the Order to Vacate is hereby rescinded (null and void), and no additional hearings are required.

RESULT:	**APPROVED [UNANIMOUS 4-0]**
MOVER:	Brian Barrier, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, and Mike Stroud
EXCUSED	Randy Burns

ADJOURN

CHAIRMAN BRITTAIN: All right. So, gentlemen, just understand then, if this matter gets resolved prior to March 31, 2026, then we would not need to have another hearing, and our building officials would make it clear to us that if that's the case, OK. Any other questions, comments on this matter? With that, I'll entertain a motion to adjourn.

COMMISSIONER STROUD: I'll make a motion to adjourn, Mr. Chairman.

CHAIRMAN BRITTAIN: Commissioner Stroud and all those in favor signify with uplifted hand. 4-0. Madame Counsel, anything else we need to do?

ATTORNEY THOMPSON: Nope.

CHAIRMAN BRITTAIN: All right, thank you very much.

Motion: To adjourn the meeting at 5:18 p.m.

RESULT:	**APPROVED [UNANIMOUS 4-0]**
MOVER:	Mike Stroud, Commissioner
AYES:	Jeff Brittain, Phil Smith, Brian Barrier, and Mike Stroud
EXCUSED:	Randy Burns

Approved this 16th day of February 2026.

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

Attest:

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