

**McDowell County Planning Board**  
**Regular Meeting**  
**4/27/2015**  
**Minutes**

The McDowell County Planning Board met in regular session on April 27, 2015 at 7pm. The meeting was held on the first floor of the McDowell County Administration Building, in the Commissioners Boardroom located at 60 East Court Street, Marion, NC.

**Members Present:**

C.B. Edwards, Chairman  
Dennis Whitson, Vice-Chairman  
Arvin Hicks  
Bob Brendle  
Dan Thornton  
Chris Allison  
Eric Adams  
Tommy Stamey  
Van Boyd  
Benny Stamey

**Members Not Present:**

Sam Dotson

**Staff Present:**

Ronald Harmon, Board Secretary  
Phoenix Buathier, Planning Assistant

**Call to Order:**

Chairman C.B. Edwards called the meeting to order and announced that a quorum of members was present. The next item on the agenda was the seating of Alternate Member Eric Adams on the Board.

The next item on the agenda was approval of the April agenda. Motion to approve was made by Tommy Stamey, second from Benny Stamey, vote taken motion carried.

The next item on the agenda was approval of the March 23<sup>rd</sup> meeting minutes. Motion to approve minutes was made by Tommy Stamey, second from Benny Stamey, vote taken motion carried.

## **Abandoned Structure Ordinance:**

Chairman Edwards turned the meeting over to Ronald for discussion of the Abandoned Structure Ordinances. The first example Ronald presented was Gates County's document. Ronald explained that the Gates County Ordinance determines if a structure is abandoned by bringing the issue of the structure before the designated board. If the board determines the structure meets the qualifications, it will go before the commissioners for approval. If the structure is approved by the commissioners as abandoned upon their recommendation the structure is torn down. Ronald did state that the Planner, who enforces the ordinance, does run into the trouble of finding the owner of the structure at times, which can make it hard for the ordinance to be enforced. Ronald informed the board that Gates County uses General Statute 153A-371 to enforce their ordinance.

Ronald also discussed the City of Marion's Abandoned Structure Ordinance. He informed the board that the City's Ordinance requires a distinct and separate ordinance to be adopted for every structure torn down. Ronald explained that using the City of Marion's ordinance would require a Public Hearing for every structure. Ronald also informed the Board that the City of Marion had torn down over 30 structures since adoption of their rules. .

Ronald suggested that having a board, like the Board of Adjustments to review each case, would help to establish a more transparent process and add an extra layer of checks and balances. Ronald stated the board could determine how many times the Planning Department would contact the owner, how it would be publicized, and how it would be posted on the property. Ronald also suggested that the County Attorney review the document before adoption.

Arvin Hicks asked Ronald what the specific charge was from the BOC. Ronald stated that the BOC were looking to address buildings that had been burnt out, structurally unsound, or were considered a hazard to the community.

Mr. Hicks asked why Rutherford and Burke County did not have an ordinance to address this issue. Ronald explained that both counties have county wide zoning, and that the zoning requirements typically address this issue. Ronald explained that in conversations with these counties, typically their Building Inspections Department addressed these issues.

Tommy Stamey stated that he thought property owners might use this ordinance to call and complain about their neighbors. Benny Stamey expressed a concern for putting the burden of paying for a demolition of a structure on residents who may not be able to afford to do so. Arvin Hicks stated that it does cost a lot of money to tear down houses, and people may not be able to afford to do so.

Eric Adams asked how many official complaints people have issued in the past. Ronald stated that he did not know how many formal complaints had been lodged. He further stated that the Building Inspections Department typically gets several calls a year concerning these type homes.

Arvin Hicks asked if the City of Marion sets aside money each year to deal with abandoned structures. Ronald stated that that the City sets aside \$40,000.00 a year, and that they tear down

as many structures as possible with this amount. Ronald explained that the City stated that asbestos remediation cost the city between \$5,000 to \$8,000 dollars above the amount to tear the structure down.

Bob Brendle stated that he felt abandoned burned homes were more of a safety issue. Ronald informed that board that he spoke with Craig Walker who told him that roughly 1-2 houses in each of the eleven districts were burnt out.

Chairman Edwards asked who would implement this ordinance. Ronald informed the Board that either he or Phoenix would deal with complaints and enforcement.

Ronald explained that a study could be done to show how much it would cost the county to tear down a structure. Vice-Chairman Whitson informed the board that it costs roughly \$5,000 to clean up a drug house, and that it had cost him thousands of dollars to clean up lead before tearing down a house.

Arvin Hicks asked if the Board would agree to send a letter asking the BOC for the specific charge to the Board. Ronald explained that he would talk to Chuck Abernathy and receive more clarification on what the charge was. Chairman Edwards agreed that the Planning Board need further clarification of the charge from the BOC. Chairman Edwards made a motion for Ronald to send a letter to the Board of Commissioners for further clarification on abandoned, dilapidated buildings, along with the Boards concern for the cost and the hardship it may cause on the public. Motion for further clarification on the abandoned structure ordinance from the BOC was made by Arvin Hicks, second from Tommy Stamey, vote taken motion carried.

#### **Other Business:**

Ronald informed the Board that the May meeting fell on Memorial Day, and historically the Board canceled the May meeting. Ronald also stated that the meeting could be moved up, or postponed a week if the Board felt that they should meet. Benny Stamey made a motion to cancel the May meeting, Dan Thornton seconded the motion, vote taken motion approved. Ronald informed the Board that they would meet in June at the regular scheduled time and place.

Bob Brendle asked if Baxter was still planning to continue to ask for a variance. Ronald informed the board that they were, but that it would be sometime before the formal request was submitted.

With no further business or discussion Chairman Edwards asked for a motion to adjourn. Motion to adjourn was made by Benny Stamey, second from Dan Thornton, vote taken meeting was adjourned.