

**McDowell County Planning Board**  
**Regular Meeting**  
**7/27/2015**  
**Minutes**

The McDowell County Planning Board met in regular session on July 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, N.C.

**Members Present:**

C.B. Edwards, Chairman  
Arvin Hicks  
Bob Brendle  
Chris Allison  
Eric Adams  
Benny Stamey

**Members Not Present:**

Dennis Whitson, Vice Chairman  
Sam Dotson  
Dan Thornton  
Tommy Stamey  
Van Boyd

**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 members. Eric Adams was seated on the Board for the meeting.

The next item was approval of the July 27<sup>th</sup> agenda. Motion to approve the agenda was made by Benny Stamey, second from Sam Dotson, vote taken agenda was approved. The next item was approval of the June 22<sup>nd</sup> meeting minutes. Chairman Edwards asked for a motion to approve the June minutes. Motion to approve was made by Benny Stamey, second from Sam Dotson, vote taken minutes approved.

**Abandoned Ordinance Discussion:**

Chairman Edwards turned the floor over to Ronald Harmon for an update and discussion of the Abandoned Structure Ordinance. Ronald explained to the Board that he had made contact with Rich Ducker with the NC School of Government, who explained that authority to deem

structures as abounded already rested with the county Building Inspector. Ronald stated that he specifically asked Mr. Ducker if the county could go exclusively after burned structures and not be discriminatory in nature. Ronald explained that Mr. Ducker stated that you could prioritize and make burned structures highest priority and then address other issues once burned structures were addressed. Ronald stated that Building Inspections in its current state is already under staffed and over worked trying to keep up with all state mandated housing inspections.

Ronald stated that as he understands the enabling statute only a licensed Building Inspector had the authority to deem as building as uninhabitable. Ronald stated that he felt it would be best to have input from the Building Inspector on what is involved with declaring a building uninhabitable. Ronald also stated that one idea on protocol after the inspector deemed a home uninhabitable would be to send a recommendation to staff who then copies the Board with the information and moves forward with making contact with the owner. Once the owner is contacted and all appeals are exhausted, the Board of Adjustment would make the final determination on how to proceed with demolition of the structure.

Chairman Edwards asked any appeal would go before the Board of Commissioners. Bob Brendle stated that only if the owner appeals the decision from the Board of Adjustments. Arvin Hicks asked why the Inspector doesn't currently enforce the condemnation statute. Ronald stated that the county hadn't given him the authority to do so, and there were no priorities set in place for enforcement. Ronald stated that currently what the Inspector does when a complaint comes in, he will go out and look and the structure and if it is unsafe for habitation he can have electrical service removed.

Ronald further explained to the Board that a home could not be removed for aesthetic reasons per NC General Statutes. Ronald stated that in their priorities the Board could include distances an abandoned structure had to be from occupied buildings or dwellings, and state that structures were only to be removed where a danger to life and safety were present. The Board discussed how the mechanism to determine an abandoned structure would work. Ronald stated that the Board of Commissioners would have final say in when and if the priorities went into place.

Eric Adams asked if the statute had guidelines and definitions. Ronald explained that he had copied the Board with those items from N.C.G.S 160A-441. Benny Stamey stated that leaving issues up for interpretation could lead to issues down the road. He stated that things needed to be well defined so there was no questions about the intent. Ronald explained that a certain percentage of the abandoned structures end up in tax foreclosure due to non-paid taxes. In many cases these properties are bought and the structure demolished.

The Board had discussion about issues related to enforcement and priority setting, as well as what constitutes a burned and/or abandoned home. Ronald turned the floor over to Phoenix Buathier for an update on information she gathered after talking with insurance companies regarding how they pay out burned structure claims. She stated that pay varied between companies, some may make you go through a contractor in order to get a claim and some would require the owner pay a small percentage upfront before monies were reimbursed. She stated it was really a case by case issue.

The Board discussed the tenets of N.C.G.S 160A-441 and how they might be interpreted. Ronald stated that he would try again to get clarification of the charge and what would be expected in a document. Benny Stamey stated that he had spoken with Commissioners and not all were onboard for the document. He stated that he would like to see question be posed to the Commissioners and a letter be sent back to the Board for clarification.

**Updates and Communications:**

Chair Edwards turned the floor over to Phoenix for an update on the Abandoned Mobile Home Ordinance. Phoenix stated that she had spoken to incoming County Manager Ashley Wooten and stated five abandoned homes were ready to move forward with demolition. She stated that Ashley told her he hoped to work a line item in next fiscal year's budget to allow for removal of some homes. Bob Brendle asked if Phoenix had already been through the procedure to have the homes removed. Phoenix explained the general condition of the homes and stated that she stopped just shy of sending violation letters out, until she had an understanding of how much money was budgeted for removal.

Ronald stated that he had a tower request inquiry for Lake Tahoma. The tower would be for use with broadband internet and not telecommunications. He stated that currently the company was in the information gathering stage but this issue might come before the Board in the future.

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

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