

McDowell County Planning Board
Regular Meeting
06/23/2014
Minutes

The McDowell County Planning Board met in regular session on June 23, 2014 at 7pm. The meeting was held at the County Administration Building located at 60 East Court Street, Marion, NC.

Members Present:

C.B. Edwards, Vice Chairman
Arvin Hicks
Benny Stamey
Dan Thornton
Bob Brendle
Dennis Whitson

Members Absent:

Max Boyd, Chairman, Medical Leave
Tony Brown
Sam Dotson
Tommy Stamey

Staff Present:

Jim Edwards, IPDC
Ronald Harmon, Board Secretary

Other Present:

Jonathan Yates, Representing AT&T
John Terry
Gwen Straub
Susan Menard
Elizabeth O’Nan

Call to Order:

Vice Chairman C.B. Edwards called the meeting to order and announced that a quorum was present. The next item on the agenda was approval of the agenda. Vice Chairman Edwards asked for a motion to approve the agenda as presented. Motion to approve was made by Benny Stamey, second from Dan Thornton, vote taken motion carried.

The next item on the agenda was approval of the April 28th meeting minutes. Vice Chairman Edwards asked for a motion to approve the minutes as presented. Motion to approve was made by Bob Brendle, second from Dan Thornton, vote taken motion carried.

Morgan Lake Tower Request:

The next item on the agenda was a presentation by Jonathan Yates for the Morgan Lake Tower site. Vice Chairman Edwards turned the floor over to Ronald Harmon to introduce the item. Ronald gave the board a brief overview of the parameters of the tower and explained that all requirements met the McDowell County Telecommunications Tower Ordinance, no variance was sought, and staff's recommendation was for approval of the tower as presented. Ronald turned the floor over to Jonathan Yates representing AT&T to answer any questions the Board may have. Mr. Yates explained that the tower was for AT&T and to be built by American Tower, he also explained that there was a gap in coverage in the area of the tower and the proposed tower would help fill that gap in coverage.

Dennis Whitson asked if the tower would help provide better coverage up Hwy 80. Mr. Yates explained that it would help. With no further questions Vice Chairman Edwards asked for a motion to approve the tower as presented. Motion to approve was made by Dennis Whitson, second from Dan Thornton, vote taken motion carried unanimously.

Ole Moose Frontier Phase I:

Vice Chairman Edwards asked Ronald to introduce the next item on the agenda. Ronald introduced John Terry surveyor for the project and stated that Ole Moose Frontier had been before the Board several months earlier. Ronald explained that the earlier presentation by the Moose Lodge had been for a major subdivision. Ronald stated that the current proposal was in Phases and Phase I represented 20 lots, which had an average lot size of 1.01 acres and that none of the lots were under half an acre in size and roads met subdivision standards. Ronald also explained that technically this was a minor subdivision and could be approved at staff level, but since the development was phased and the Board had seen the overall design earlier he felt the Board should see this presentation as well. Bob Brendle asked if the homes that face the road will have any buffer between them and the road. Mr. Terry stated that to his knowledge there would be no buffer between homes and the roadway. Dan Thornton asked what the time frame was for development. Mr. Terry explained that Phase I was complete and logging and roads being laid out had begun for Phase II. With no further questions Vice Chairman Edwards asked for a motion to approve the plat as presented. Motion to approve Phase I of Ole Moose Frontier was made by Dan Thornton, second from Benny Stamey, vote taken motion carried unanimously.

Tethering Discussion:

Ronald began by giving the Board background information on the topic. Ronald explained that the Board of Commissioners had charged the Planning Board with looking at the existing rules governing tethering and make a recommendation regarding whether what was in place was sufficient or if more regulations needed to be put in place.

Vice Chairman Edwards stated that the Planning Board worked over a year on the current ordinance, and felt that the version they present the BOC that was adopted was a very good document. Vice Chairman Edwards turned the floor over to Gwen Straub for public comment. Mrs. Straub began by saying she represented McDowell Animal Welfare Alliance. She passed out information to Planning Board on issues she would discuss. Mrs. Straub stated that the grand wish of most animal advocates was to see the practice of tethering become unlawful. She further stated that McDowell County was currently not ready for that type of change. Mrs. Straub stated that Paws and Claws was now donating welded wire to dog owners that couldn't otherwise afford fencing, to be able to build fencing in their yards to allow their dogs to run tether free.

Mrs. Straub asked that the Planning Board make a recommendation to the BOC to set a standard for tethering. Mrs. Straub discussed the issues animals face by being tethered and not having socialization. She stated that many tethered dogs were neglected and not taken care of, "out of sight, out of mind" she stated. Mrs. Straub stated that tethering was first and foremost a safety issue. She explained that a tethered dog became agitated and very protective of the small space that they had, and would become aggressive.

Mrs. Straub read item I from section IV of the McDowell County Animal Control Ordinance. She stated that Animal Control Officers were given discretion to make determinations regarding animals and their welfare when they respond to calls. Mrs. Straub stated that all they look for when arriving on a call was water, food and shelter, the conditions the animal lives in and the manner in which they were tethered is not part of their determining factor. Mrs. Straub explained that the reason nothing more was enforced was due to the Sheriff's Department having fear of being sued if anything further was enforced. Mrs. Straub stated that the Sheriff told her he instructs his officers to err on the side of the owner not the dog. Mrs. Straub explained that the only way to remedy the situation was to spell out guidelines in the ordinance, giving officers something tangible to enforce.

Mrs. Straub discussed with the Board the Caine Care Proposal Supported by McDowell Animal Welfare Alliance. Mrs. Straub explained the document in detail and how it would help to better protect dogs. Mrs. Straub discussed issues with shelter and how they should be built. Vice Chairman Edwards stopped Mrs. Straub and stated that the issue at hand was tethering not anything else. Mrs. Straub replied that a tethered dog needed adequate shelter. Mrs. Straub also stated that she would like to see metal barrels become unlawful as homes for dogs. Mrs. Straub explained that dogs needed daily socialization, and tethered dogs were more likely to be aggressive than non-tethered dogs. Mrs. Straub read over all recommendations from McDowell Animal Alliance. Mrs. Straub stated that she hoped the Planning Board would recommend the Animal Welfare Alliance's proposal to the BOC for adoption.

Dennis Whitson had two questions for Mrs. Straub. His first question was, how many violations of tethering has animal control had in the last 5 years. Mrs. Straub stated that she had no answer, she stated that she gets nowhere when she calls animal control for the statistics. She further stated that she had asked animal control for bite statistics and could not get a reply. Mr. Whitson's next question was, according to Mrs. Straub's proposal dogs could not be tethered or kept in a pen longer than 3 hours a day. Mrs. Straub stated that it was proposed as a best practice not as a law, she stated it was merely advisory.

Vice Chairman Edwards asked if anyone else would like to speak. Susan Menard with Cozy Critter Inn stated that the county needs to look at the big picture and the future of McDowell County and why people are moving here and what they want. Mrs. Menard stated that it really becomes a public safety issue, and animals are social creatures. She stated they become a danger when penned up and some standards need to be set on tethering. Dan Thornton stated that he had been in situations where he would go up to a house and vicious dogs would come up to him as he got out of his car and look ready to attack. He asked what should we do. Mrs. Menard stated that it is illegal to let a vicious dog roam free. Mrs. Menard also stated that the 2009 Animal Control Ordinance had specific guidelines on how a vicious dog was to be contained. She stated that Animal Control should be called to determine if the dog was indeed vicious. Mr. Thornton asked what ways are you supposed to contain vicious dogs. Mrs. Menard stated that the ordinance lays out what should be done, one such way was to build a fence to contain the animal. Mr. Thornton asked if a vicious dog could be tethered. Mrs. Menard stated that no it could not be. Mr. Thornton stated that in order to contain a vicious dog an owner must spend upwards of thousands of dollars on a fence. Mrs. Menard stated that was one possibility, but that many organizations were willing to help offset the cost to build fencing for dogs.

Michelle Sessomons, Billy Tindel, Elizabeth O'Nan, and her daughter all went on record as stating they wanted to see the practice of tethering either made more humane or become unlawful.

Marilyn Foreman representing Paws and Claws read a letter from a Veterinarian detailing what tethering can do to an animal. Mrs. Foreman stated that Paws and Claws was doing a fencing project, making welded fencing available to dog owners that request it.

Bob Brendle suggested that the Planning Board take time to review the suggestions given to them and have someone from the Sheriff's Department present at the July meeting to discuss issues with enforcement and what might be needed in the ordinance to assist them. Susan Menard suggested that the Board ask the Sheriff for stats on complaint calls and what they were for.

With no further questions Vice Chairman Edwards asked for a motion to table the tethering discussion until the July meeting, or a time that the Sheriff could have representation present. Motion made by Benny Stamey, second from Dan Thornton, vote taken motion carried.

Update and Communication:

Vice Chairman Edwards asked Ronald if he had anything to report. Ronald stated that the Board may possibly hear a new tower request for Misty Mtn in the fall. Ronald explained that the current Misty Mtn tower was maxed out and there is need for more coverage in the area. Ronald stated that the new tower request would be for a 300 foot tower per his conversation with the company. Ronald explained that a 300 foot tower would require a variance request and public hearing.

With no further business Vice 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.