

McDowell County Planning Board
Regular Meeting
3/23/2015
Minutes

The McDowell County Planning Board met in regular session on March 23, 2015 at 7pm. The meeting was held at the McDowell County Administration Building in the Commissioners Room located at 60 East Court Street, Marion, NC.

Members Present:

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

Members Not Present:

Dennis Whitson, Vice-Chairman
Benny Stamey
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 seating of Alternate Members, Eric Adams and Van Boyd were seated on the Planning Board.

The next item on the agenda was approval of the February meeting agenda. Motion to approve was made by Dan Thornton, second from Chris Allison, vote taken motion carried. Ronald stated on the third page, third paragraph of the February minutes that phone calls should be changed to false alarm calls. Chairman Edwards made a motion to approve the change to Februarys meeting minutes, motion to approve minute changes was made by Chris Allison, second from Van Boyd, vote taken motion carried.

The next item on the agenda was approval of the February 23rd meeting minutes. Motion to approve minutes was made by Bob Brendle, second from Chris Allison, vote taken motion carried.

Abandoned Structure Ordinance:

Chairman Edwards turned the meeting over to Ronald to explain the abandoned structure ordinance. Ronald explained that General Statute 160A-441 talks mainly about cities, but there is one sentence that references city or county. Ronald checked with the NC School of Government about G.S. 160A-441 and they explained that because the county was referenced, it gives the county the right to go after unsafe, hazardous or otherwise abandoned structures. Ronald stated that the Planning Board has been assigned to look at specifically burned out buildings and dilapidated buildings in the county by the Board of Commissioners.

Chairman Edwards asked Ronald if it included houses, Ronald stated that it would include any structure, housing, commercial property, businesses, sheds, etc in the County that fell under G.S. 160A-441. Ronald referenced the example of an Old Tire store located by Mackey's Creek on US 70 West. Ronald stated that the structure was bowing in, and that around the back it had caved in. Ronald explained that structures like this were of a concern to the County Commissioners. Ronald explained that it is especially important since there is a mobile home park across the street where a significant amount of children live. Ronald stated that it could potentially cause harm to a child. Ronald also stated the Old Gibbs motel at the corner of US 70 West and Lake Tahoma Rd is also an example of an abandoned structure. Both structures have absentee owners who are located out of state.

Ronald stated that he spoke with Craig Walker about getting the number of burned structures in the county. Mr. Walker informed Ronald that he would check with all fire chiefs to get a rough estimate regarding the number of abandoned or burned structures in each of the townships within the county. Ronald presented the Town of Trent Woods ordinance for housing standards as an example of what the possible abandoned structure ordinance could look like. Ronald stated that the board is looking for a very specific ordinance that would address dilapidated, collapsing, burned out building, and other types of unsafe structures. Ronald stated that the most important thing for the board to do, is to define what an abandoned structure is.

Ronald stated that he checked with surrounding counties asking if they had any abandoned structure ordinance, he found that most of the counties zoning took care of it, or that they relied on building code to enforce standards.

Mr. Thornton asked Ronald about any abandoned structures that in 20 to 30 years would be considered historical landmarks. Ronald replied that would be an issue for the Board to consider as they draft a document.

Mr. Hicks asked Ronald if the building was located on private property, how that building could be considered a public nuisance. Chairman Edwards stated that whoever is next to the dilapidated building has to look at it, and that that is a nuisance for that person. Ronald stated that the majority of abandoned structures are on private property. Ronald stated that the Planning Boards main concern was not to go after private property owners, but to address structures that are a concern to public safety and to the public's health. Ronald explained the reason that a building like the example on U.S. 70 West by Mackey's Creek was such an issue, was due in part to children living across the street, that it poses a threat to children. Ronald also explained

that a lot of these structures could become a concern because drug deals, meth labs and other illegal activity can take place at such locations.

Mr. Thornton expressed a concern for older barns in the area that could be historical landmarks. Ronald explained that if the board decides that a barn could be saved and deemed historical, it could be exempted from the abandoned structure-building ordinance. Ronald also explained that whatever was written up would have to be approved by the county attorney.

Ronald also informed the board that the City of Marion has an ordinance addressing standards for old dilapidated buildings. Ronald stated that he would look over it and get more information from the city before the next meeting to present to the board. Ronald stated that the city ordinance has taken down thirty structures since adoption.

Chairman Edwards asked about the cost of tearing down a building. Ronald explained that he believed the city paid the cost of removal and issued the debt in the form of a tax lien against the property. Ronald explained that it would be very similar to the abandoned mobile home ordinance. Ronald explained that the cost is recovered the next year when the owner pays their taxes, or at the sale of the property if it goes to auction.

Chairman Edwards expressed his concern for requiring the owner to pay for the demolition of a building and not the taxpayer. Ronald explained the taxpayer would only front the money for demolition, eventually the money would be recovered either through a tax lien or public sale of the property.

Chairman Edwards also asked about old barns in the county. Ronald explained that the board could decide how the ordinance was enforced. That the board could require any building before it is demolished to come before the planning board. Ronald explained that this would give the owner ample times to come before the board and appeal, and to make sure that the proper steps were taken.

Mr. Hicks asked about who is going to enforce the abandoned structure ordinance. Ronald informed the board that he and Phoenix Buathier, the planning assistant would address complaints. Mr. Thornton asked if it would be enforced like the abandoned mobile home ordinance. Ronald replied that that would be up to the board's discretion.

Chairman Edwards asked if people would have to call in to report an abandoned structure before the county would go out to the site. Ronald explained that that too was up to the board to decide. Ronald also stated that Orrin Benfield would be a part of the enforcement of this ordinance as well. Mr. Thornton suggested that volunteer fire chiefs could also report abandoned structures in the county. Ronald agreed that using fire chiefs was a good idea.

Mr. Hicks asked if the old Gibbs motel was in a zoned area. Ronald informed Mr. Hicks that the old motel is in a zoned area, but that our zoning only addresses set backs and lot sizes, not appearance standards.

Mr. Brendle suggested that the planning department study the City of Marion's ordinance and bring it before the board next month. Ronald informed the board that there is a checklist that the city goes over before they tear down a structure, and that tailoring it to the counties needs would be a good idea.

Mr. Hicks asked about people who cannot afford to tear down a building. Ronald informed the board that it would be something that the board could be creative in how that issue is addressed. Mr. Brendle stated that maybe the building could be repaired enough that it would not need to be torn down. Ronald informed the board that that too could be a solution and that the board looks into.

Doug Mikel, a concerned citizen addressed his concern about the two abandoned structures and others in the county. Mr. Mikel showed concern for the motel especially, stating that windows were broken, doors wide open, and the owners were absentee owners.

Mr. Hicks made a reference to the old Gibbs motel and asked if anyone had asked the owners to clean up the building. Ronald stated that he did not know, but that he did know that the motel has been for sale for several years. Chairman Edwards commented that some people buy the property for investment purposes. Ronald stated that sending the owners a letter and giving them thirty days to come into compliance is another part of the ordinance that the board could consider doing.

Mr. Hicks asked Ronald how many people have complained about the old motel. Ronald stated that he did not know, that the complaint goes to the building inspector. Ronald explained that the only thing the building inspector had the power to do in the State of North Carolina, is to condemn the building.

Mr. Hicks also asked about the historical reference of the building, since it had been an old bear hunting lodge. Ronald informed Mr. Hicks, that it was also something else the board could consider looking into before demolishing a building, its possibility to be a historical landmark.

Mr. Allison stated that he believed that we needed a different protocol to deal with the ordinance when it came to making it complaint driven. Mr. Allison sited the sheriffs office and dealing with the animal control ordinance, and how the sheriffs department now spends a fourth of its time dealing with animal complaints than with helping people.

Mr. Thornton asked about the number of complaint phone calls the planning department received when the abandoned manufactured home ordinance first went into effect. Ronald replied that the planning department received approximately 10 phone calls a week for the first few months.

Mr. Hicks stated his concern of asbestos in some of the abandoned house. Chairman Edwards stated that someone who was qualified to handle asbestos would need to be hired.

Mr. Brendle stated that the board could always work with the owner to make the building secure and give people adequate time to make the necessary changes.

Chairman Edwards stated that the board should let Ronald talk to the city and report back at the March meeting with the information he gathered. Ronald stated that he would include all of the information that the City of Marion has given him in the next packet.

False Alarm Ordinance:

Ronald informed the board that the Commissioners had their first reading of the false alarm ordinance last month, and that the second reading would take place at the next Commissioners meeting. Ronald also informed the board that since it was not a land-development ordinance, it would not require a public hearing.

Other Business:

Ronald informed the board that Jerry Silvers, head of building inspections met with Baxter's last week because Baxter's has decided to expand their sewer treatment plant. Ronald informed the board that the Board of Adjustments will serve as the board to issue a floodplain variance. Ronald stated that both Baxter's engineer and Jerry Silvers would be at the meeting to answer any questions the board may have. Ronald informed the board that once Baxter came before the board, the planning board would have 30 days to make a decision. Ronald also informed the board that the final decision will be made by FEMA in Raleigh due to Baxter encroachment on the floodplain.

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