

**City of Greensboro
North Carolina
Greensboro Minimum Housing
Commission Meeting**

REGULAR MEETING

1:30P.M.

April 12, 2011

Commission Members Present:

Tim Vincent, Chairman
Shermin Ata
Wayne Stutts
Jim Burgess
Angela Harris

Staff Present:

Wanda Hovander, Inspector
Mike Williams, City Attorney
Mary Lynn Anderson, City Attorney's Office
Dan Reynolds, Manager of Inspections Division
Don Sheffield, Commercial Demolitions
Lori Loosemore, Inspections Division
Chris Jones, Inspector
Roy McDougal, Inspector

Staff and persons from the audience were sworn as to their testimony in the following matters for this meeting.

1) APPROVAL OF MINUTES FROM MARCH 8, 2011 MEETING:

Mr. Burgess moved to approve the minutes from the March 8, 2011 meeting as written, seconded by Ms. Ata. The Commission voted unanimously in favor of the motion.

New Cases:

2) 3935 Eastland Avenue – (TMN 3-146-A-499-11) – Heirs of Isabella Moton, Owner – In the Matter of Order to Repair, Alter or Improve the Structure. Inspectors McDougal and Hovander. (CONTINUED UNTIL JULY, 2011 MEETING)

Inspector Hovander stated that 3935 Eastland Avenue is not part of a duplex or apartment complex. The case is being submitted as less than 50% damaged. The case did not start as a RUCO. The title search was completed and the date of inspection was March 27, 2008. The property was reinspected August 11, 2010. The date of the hearing was September 24, 2010 and no one appeared. The Inspector's order was issued October 21, 2010 and expired November 22, 2010. The last date of visual inspection was April 11, 2011 by Inspector Hovander. The City did not have to order the building secured. There are children in the area. There is an elementary and a middle school nearby. There is no history of police complaints and in the opinion of the Inspector; the owner has abandoned their intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was April 11, 2011; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information

Inspector Hovander stated that the list of violations include exterior property or premises unclean, unsafe, vines growing on house; facial boards and window frames have peeling, flaking or chipped paint; exterior metal surfaces subject to corrosion shall be coated to inhibit such, front porch hand and guard rails need coating; exterior walls need to be coated to prevent deterioration; roof and flashing shall be sound, tight, and not admit rain, roof leaking; roof drains, gutters or downspouts in disrepair, downspouts and gutters need to be repaired; overhand extensions: protect metal and wood with weather coating materials, overhand needs to be repaired and weather coated; exterior stairways, decks, porches, or balconies in disrepair, front porch carpet covering in disrepair; windows, skylights, doors or frames unsound, in disrepair, or not weather tight, window frames have rotting wood; glazing: cracks and/or holes, there are broken windows; windows, operable: not easily openable; windows, operable: not held in open position by hardware; exterior doors, assemblies or hardware not in good condition, need to repair front storm door; locks shall secure entrance door to unit or guestroom, bedroom doors need locks; interior structure: structurally unsound, sheet rock has fallen from kitchen ceiling and back enclosed porch ceiling is buckling; interior equipment is in disrepair, bathroom vanity has rotting wood; interior surfaces: unclean, unsanitary, or not in good condition: ceiling fan blades unclean and unsanitary in 2nd bedroom, carpet area in unit is unclean and unsanitary, kitchen surface area and kitchen cabinets are unclean and unsanitary, bathroom tub needs to be reglazed; interior surfaces have paint peeling, chipping, flaking or abraded: front door interior has peeling paint, attic steps and hallway has peeling paint, 1st bedroom walls and ceiling have peeling paint, 2nd bedroom walls and ceiling have peeling paint, bathroom walls and ceiling have peeling paint, kitchen walls and ceiling have peeling paint; interior surfaces: cracked or loose plaster, living room ceiling plaster is falling; interior surfaces have other defective surface conditions: holes in wall of attic walls, and hole in attic door; interior walking surface in unsound condition or disrepair: floor cover in kitchen coming apart and torn, and back enclosed porch floor covering in disrepair; rubbish or garbage accumulated at interior of structure: trash and rubbish in basement; bathroom commode tank top is busted; solid fuel-burning appliance not properly installed and maintained, oil furnace in basement in disrepair and leaking; electrical equipment not properly maintained: front porch light fixture needs to be repaired, electrical receptacle in attic missing cover plate, electrical receptacle missing cover plate in 2nd bedroom, ceiling fan light fixture needs to be repaired (not working); single station smoke alarms required in existing dwelling unit, unit needs working smoke detectors.

Chair Vincent asked if anyone was present wishing to speak on this matter.

Mr. William Benjamin, 101 West Friendly Avenue, Suite 500, is the attorney representing the administrator of the estate of Isabella Moton. A Baptist church was named beneficiary in the will and the minister of the church has become the administrator of the estate. The expectation was to sell the house after the estate was closed; however, issues have prevented more funds being put into this property. The church would like to sell the house

to give a buyer the opportunity to decide if they want to remove or improve the property. He asked the Commission for 6 months to market and sell the property. Inspector Hovander confirmed that the property is secure. Inspector McDougal stated concern regarding the number of children in the area and complaints by neighbors. In addition, there is a large hole in the back yard. Commissioners indicated they would prefer to have an update in two to three months rather than continue the hearing for six months. Mr. Benjamin stated that the hole in the backyard would be covered immediately and the church would cut the grass and attend to safety hazards. He agreed to come back in three months with an update on progress being made on the property. Ms. Ata expressed her concern for the safety of the children in the neighborhood.

Mr. Burgess moved to continue the case for 90 days until the July, 2011 meeting, seconded by Ms. Ata. Ms. Ata made a friendly amendment to add to the motion that the hole in the backyard be covered, the porch area be secured, and the property cleaned up. Mr. Burgess agreed to accept the friendly amendment. The Commission voted unanimously in favor of the motion.

3) 1312 Lombardy Street – (TMN 195-3-20) – Habitat for Humanity of Greater Greensboro, Inc., Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Inspectors McDougal and Hovander. (CONTINUED UNTIL MAY, 2011 MEETING)

Inspector Hovander stated that 1312 Lombardy Street is not part of a duplex or apartment complex. The case did not start as a RUCO. The case is being submitted as less than 50% damaged. The title search was completed on the property. The date of inspection was December 15, 2009 and all parties were notified. The date of the hearing was November 29, 2010 and no one appeared. The Inspector's order was issued December 3, 2010 and expired December 3, 2011. The last date of visual inspection was April 8, 2011 by Inspectors Hovander and McDougal. The City did have to order the building secured and the City secured it in December, 2009. There are children in the area but no school nearby. There is a bus stop across the street and a community center two blocks away. There is no history of police complaints. In the opinion of the Inspector; the owner has abandoned their intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was April 8, 2011; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information

Inspector Hovander stated that the list of violations include vacant structure unclean, unsafe, unsecured, or unsanitary, unit has no power and no water; unit has broken window panes; locks shall secure entrance door to unit or guestroom, front door has been kicked in and the lock for the front door cannot secure unit; interior surfaces unclean, unsanitary, or not in good condition, animal droppings are in the tub and on the floor in both bathrooms of the unit, animal droppings are on the carpet in the second bedroom, carpets in the unit are unclean and unsanitary; molding around the front door is in disrepair; light fixture in master bathroom not properly maintained, back porch light fixture not properly maintained.

Chair Vincent asked if anyone was present wishing to speak on this matter.

Phil Barbee with Habitat for Humanity, 617-B North Elm Street, described the history of the property. He stated Habitat's intention to either rehab and re-tenant the property, sell it to a sister nonprofit, or sell it in the open market. He is in process of making arrangements to have the unsanitary conditions resolved. He indicated that 30 days would be a sufficient time to connect City Water and Sewer to the property to clean the house.

Mr. Burgess moved to continue the case for 30 days until the May, 2011 meeting, seconded by Ms. Ata. The Commission voted unanimously in favor of the motion.

4) 3728 Central Avenue – (TMN 210-3-11) – Jonathan and Mary Odin, Owners, In the Matter of Order to Repair, Alter or Improve the Structure. Inspectors McDougal and Hovander. (CONTINUED UNTIL JULY, 2011 MEETING)

Inspector Hovander stated that 3728 Central Avenue is not part of a duplex or apartment complex. The case is being submitted as less than 50% damaged. The case did not start as a RUCO. The title search was completed in May, 2009. The date of inspection was April 16, 2010. All parties were notified. The date of the hearing was October 22, 2010 and no one appeared. The Inspector's order was issued October 26, 2010 and expired November 29, 2010. The last date of visual inspection was April 11, 2011 by Inspector McDougal. The City did have to order the building secured and the City secured it on April 26, 2010. This has not been a repeat problem. There are children in the area and schools, Faulkner Elementary and Hariston Middle, are nearby. There is no history of

police complaints. In the opinion of the Inspector; the owner has abandoned their intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was April 11, 2011; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information

Inspector Hovander stated that the list of violations include 48-hour: Board, secure or repair building immediately, (the City did have to board the building); vacant structure open and unsecured in rear; house has no water and no power; garage has rotting facial boards with holes in the wood; garage doors have broken glass, garage soffit board needs painting, exterior walls on garage has rotting wallboard; back door porch and handrails unprotected by paint, covering or treatment; exterior paint peeling, flaking or chipped, facial boards on house and window frames; exterior metal surfaces subject to corrosion shall be coated to inhibit such, handrails, guard rails and support poles for front porch overhang need water coating, exterior doors, assemblies or hardware not in good condition, back door has hole in it where it was kicked in, foundation door needs to be replaced or repaired; exterior handrail or guard not firmly fastened, incapable of supporting loads, or not in good condition; exterior stairways, decks, porches, or balconies in disrepair, covering on front porch and steps needs to be repaired or replaced; exterior structural members deteriorated, window frames have rotting wood; exterior walls: holes, breaks, loose or rotting materials, exterior walls and wallboards are rotting; glazing: cracks and/or holes, unit has broken

window panes; interior surfaces: other defective surface conditions, holes in interior walls, unit walls and ceilings, needs painting through out; interior surfaces: unclean, unsanitary, or not in good condition, unit is unclean and unsanitary through out; interior surfaces: paint peeling, chipping, flaking or abraded, interior has peeling and chipping paint; interior walking surface in unsound condition or disrepair, floor covering is unclean, unsanitary and in disrepair throughout unit; rubbish or garbage accumulated at interior of structure, inside this unit and inside garage; electrical equipment not properly maintained, outside and exterior light fixtures need globes, electrical receptacles and electric switches need cover plates, electric panel box ripped out; single station smoke alarms required in existing dwelling unit, needs working smoke detectors and carbon monoxide detectors.

Mr. Stutts asked to be recused from this case due to a conflict of interest. Ms. Ata moved to recuse Mr. Stutts from the case involving 3728 Central Avenue, seconded by Mr. Burgess. The Commission voted unanimously in favor of the motion.

Chair Vincent asked if there was any one present wishing to speak on this matter.

Mr. Kevin Gorham, 101 South Elm Street, is the attorney retained by the Odins who reside in West Virginia. He informed the Commission that the owners are anticipating a tax refund that will allow restoration of the property. They have tried unsuccessfully to sell the property as it is. The owners plan to bring the property back to Code and place it on the market for sale. He requested 180 days for the owners to receive their refund and make the repairs.

Mr. Burgess expressed concern with granting six months for this case. It was suggested that a progress report be given to the Commission in 90 days.

Mr. Burgess moved to continue the case for 90 days until the July, 2011 meeting, seconded by Ms. Harris. The Commission voted 4-0 in favor of the motion. (Ayes: Vincent, Burgess, Ata, Harris. Nays: None. Mr. Stutts abstained from the vote.)

Continued Cases:

- 5) 1114 Moody Street – (TMN 215-3-4) – Michael Ray and Debra H. Hodgin, Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Continued from the August 11, 2009; October 13, 2009; December 8, 2009; and February 8, 2011 Housing Commission meetings. Inspectors Covington and Hovander. (CONTINUED UNTIL JULY, 2010 MEETING)**

Inspector Hovander stated that 1114 Moody Street is a continued case last presented to the Commission at the February, 2011 meeting. She showed a video taken of 1114 Moody Street and stated that the owner has made progress although he still needs to finalize the mechanical permit.

Mike Hodgin, 4404 Oakmore Drive, is the owner of the property. He described the work that has been done to the property and informed the Commission that the contractor's license recently expired. As soon as the license has been reinstated, the contractor will call to arrange an inspection for the HVAC system. Mr. Hodgin indicated that trim work needs to be finished, the upstairs floor need to be stained, and carpet needs to be installed on the first floor.

Mr. Stutts moved to uphold the Inspector. There was no second to the motion and Mr. Stutts withdrew the motion.

Ms. Ata moved to continue the case 90 days until the July, 2011 meeting, seconded by Ms. Harris. The Commission voted unanimously in favor of the motion.

- 6) 306 Holt Avenue – (TMN 197-4-25) – James B. Fleet, Jr., Trustee of the Irrevocable Spendthrift Trust, Owner -- In the Matter of Order to Repair, Alter or Improve the Structure. Continued from the August 10, 2010; October 12, 2010; and February 8, 2011 Housing Commission meetings. Inspectors Covington and Hovander. (CONTINUED UNTIL JULY, 2011 MEETING)**

Inspector Hovander stated that 306 Holt Avenue is a continued case that was last presented to the Commission in February, 2011. She visited the property on April 11, 2011 and showed video taken at that time.

Mr. Jim Fleet, 425 East Hendrix Street, Trustee, gave an update on the property. He distributed a list of items that have been completed and those remaining to be done for reference. He indicated his willingness to cooperate with the wishes of the Commission.

Inspector Hovander commented that quite a bit of framing has been completed on the floor since February, 2011. Chair Vincent expressed concern that the case has continued for a long time and questioned Mr. Fleet regarding the items on the distributed list.

Mr. Burgess moved to continue the case for 90 days until the July, 2011 meeting, seconded by Ms. Ata. The Commission voted unanimously in favor of the motion.

- 7) 907 Reid Street – (TMN 49-9-7) – Nickel Capital, Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Continued from the December 14, 2010 and March 8, 2011 Housing Commission meetings. Inspectors Covington and Hovander. (REPAIRED BY OWNER)**

Inspector Hovander stated that this property has been repaired by the owner.

- 8) 917 Reid Street – (TMN 49-9-20) – Eugene and Angela Ellison, Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Continued from the December 14, 2010; February 8, 2011 and March 8, 2011 Housing Commission Meetings. Inspectors Covington and Hovander. (INSPECTOR UPHELD)**

Inspector Hovander stated that 917 Reid Street is a continued case and the video being shown was taken on April 11, 2011. She noted that the owner's representative, Mr. Aycock, is not present at the meeting. She said that the property has been cleaned up and broken windows have been repaired; otherwise, the property is in the same state as it was at the last meeting. The property is not habitable because there is still no heat. Inspector Hovander commented that she has not heard from Mr. Aycock and has had no contact with the owner.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was April 11, 2011; this property is not a duplex; and there are more than five separate

types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information.

Inspector Hovander stated that the list of violations include electrical system hazard, inadequate service, no power on at structure; exterior paint peeling, flaking, or chipped; crawl space door needs paint and repair; insect screens required at doors, windows, and openings required for ventilation; plumbing fixtures not capable of performing function, there is no water at the property; windows, skylights, doors, or frames unsound or in disrepair are not weather tight; heating system is incapable of maintaining 68 degrees F on the interior.

Mr. Stutts moved to uphold the Inspector, seconded by Ms. Harris. The Commission voted unanimously in favor of the motion.

Chair Vincent stated that the property involved in this matter is located at 917 Reid Street in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

ADJOURN:

There being no further business before the Commission the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

Tim Vincent, Chairman
Greensboro Minimum Housing Commission
TV:sm/jd