

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

**REGULAR MEETING**

**1:01 P.M.**

**February 9, 2010**

**Commission Members Present:**

Larry Standley, Chairman  
Jeff Nimmer  
Tim Vincent  
Wayne Stutts  
Jim Burgess

**Staff Present:**

Wanda Hovander, Inspector  
Mike Williams, Esq., City Attorney  
Jennifer Smith-Sutphin, City Attorney's Office  
Mary Lynn Anderson, City Attorney's Office  
Dan Reynolds, Manager of Inspections Division  
Butch Simmons, Director of Engineering and Inspections  
David Jones, Chief Building Inspector  
Lori Loosemore, Ordinance Enforcement Supervisor  
Don Sheffield, Commercial Demolitions  
Roddy Covington, 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 JANUARY 12, 2010 MEETING:**

Mr. Nimmer moved to approve the minutes from the January 12, 2010 meeting, seconded by Mr. Vincent. The motion was unanimously approved 4-0. (Ayes: Standley, Nimmer, Stutts, Vincent. Nays: None.)

**New Cases:**

**2) None.**

**Continued Cases:**

**3) 510 Julian Street – (TMN 31-2-2) – Diane and Marion Smith, Owners – In the Matter of Order to Repair or Vacate and Demolish Structure. Continued from the August 11, 2009, December 8, 2009, and January 12, 2010 Housing Commission meetings. Inspectors Covington and Hovander.**

Inspector Hovander stated that this case was repaired by the owner and she requested that it be removed from the agenda.

**4) 1602 McConnell Road – (TMN 102-8-14) – T. P. Sebastian III, LLC, Owner – In the Matter of Order to Repair, Alter or Improve the Structure. Continued from the January 12, 2010 meeting. Inspectors Covington and Hovander. (INSPECTOR UPHELD)**

Inspector Hovander stated that 1602 McConnell Road is a continued case from the January 12, 2010 meeting. The owner is T. P. Sebastian III, LLC. The date of the hearing was September 14, 2009 and the Inspector's order expired October 19, 2009. 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 February 8, 2010; 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 as stated.

Inspector Hovander stated that the list of violations includes ceiling finish susceptible to falling; drop/extension cord exceeds 10 feet; electrical unsafe to operate; leaking roof covering; missing UL listed smoke detector; rotten flooring; water closet loose.

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

Brad Deaton stated his business address as 2309 West Cone Blvd., Suite 150. He is manager of the company that owns the property, T. P. Sebastian, LLC. Mr. Deaton has obtained a repair estimate along with a cost to demolish to the property. The owner's intent is to tear down the property; however, a loan is in place that must be satisfied first. He requested 60 days to raise the money to pay off the mortgage, 30 days to satisfy a deed of trust on the property, and 30 days to do the asbestos survey and demolish the structure. He proposed that the property would be demolished by June 15, 2010. Members discussed that the simplest way to proceed would be to uphold the Inspector allowing the owner to have sufficient time to dispose of the property.

Mr. Stutts moved to uphold the Inspector, seconded by Mr. Nimmer. The motion was unanimously approved 4-0. (Ayes: Standley, Vincent, Nimmer, Stutts. Nays: None.)

Chair Standley stated that the property involved in this matter is located at 1602 McConnell Road 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.

Mr. Burgess joined the meeting at 1:11 p.m.

**5) 442 Gorrell Street – (TMN 29-8-1) – Samuel & Kimberly Pass, Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Continued from the December 8, 2009 Housing Commission meeting. Inspectors Covington & Hovander. (CONTINUED UNTIL MAY, 2010 MEETING)**

Inspector Hovander stated that 442 Gorrell Street is a continued case. The owners are Samuel and Kimberly Pass. The matter was brought before the Housing Commission at the December 8, 2009 meeting. The property is not part of a duplex and the case is being submitted as the order being expired and no work being done. A title search was completed in May, 2009. The date of the

inspection was May 11, 2009 and reinspected July 27, 2009. All parties were notified by certified mail. The date of the hearing was September 2, 2009 and the order was issued September 2, 2009.

The order expired October 2, 2009. The last date of visual inspection was February 8, 2010. The City did not have to order the property secured. There are children in the area. Bennett College and a day school are located nearby. There is no history of police complaints and in the opinion of the Inspector, the owner has abandoned their intent to make repairs.

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 February 8, 2010; 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 as stated.

Inspector Hovander stated that the list of violations includes aisle widths obstructed; bathroom or toilet room: discharge mechanical ventilation outdoors; bathroom or toilet room: ventilate as for habitable space, or ventilate mechanically; bathtub or shower not provided. Inspector Hovander explained that the entire house is practically gutted and is down to the framing. Additional violations include common halls and stairways: light as required; egress doors not readily openable from egress side; electrical receptacle not provided at bathroom, new GFCI outlet required; electrical receptacle: one grounded or GFCI receptacle required at laundry; electrical receptacles: habitable space requires two, remotely located; electrical system hazard: inadequate service, no power on at time of inspection; electrical system not provided; electrical wiring not properly installed; exterior doors, assemblies or hardware not in good condition; exterior paint peeling, flaking or chipped; exterior property or premises unclean, unsafe; exterior stairways, decks, porches, or balconies in disrepair; exterior stairways, decks, porches, or balconies incapable of supporting imposed loads; exterior stairways, decks, porches, or balconies not properly anchored; exterior structure in disrepair, structurally unsound or unsanitary and not maintained in good condition; exterior walls not weatherproof; exterior walls: coat to prevent deterioration; exterior walls: holes, breaks, loose or rotting materials; foundation walls cracked or broken; foundation walls shall prevent entry of rodents and pests; glazing: cracks and/or holes; heating facility not provided; heating facility, residential: maintain 65 degrees F at habitable rooms, toilets and bathrooms; insect screens required at doors, windows and openings required for ventilation; interior doors shall fit frame and open and close; interior equipment : in disrepair; interior equipment: unsanitary; interior handrail or guard not firmly fastened, incapable of supporting loads, or not in good condition; interior landing in unsound condition or disrepair; interior structural members unsound, incapable of supporting loads; interior structure: in disrepair, structurally unsound; unsanitary; interior surfaces: decayed wood, other defective surface conditions; house has been gutted and permits must be pulled for all trades from the City before work is started; interior surfaces: paint peeling, chipping, flaking or abraded; interior surfaces: unclean, unsanitary, or not in good condition; interior walking surface in unsound condition or disrepair; joints not weather resistant and water tight, masonry; joints not weather resistant and water tight, perimeter of windows, doors and skylights; joints not weather resistant and water tight, siding; kitchen sink not provided; lavatory not provided; light insufficient to permit sanitary conditions, safe occupancy, and safe utilization of appliances, equipment and fixtures; lighting fixture required at bathroom; lighting fixture required at interior stairway; lighting fixture required at kitchen; lighting fixture required at laundry room, public hall, toilet room; path of travel to public way unsafe, discontinuous or obstructed; plumbing system hazard: inadequate service; plumbing system hazard: inadequate venting; premises identification must be 4 inches minimum high, .5 inches minimum stroke width; single station smoke alarms required in existing dwelling unit; smoke alarm power source; provide power from building wiring where required; unfit due to more than five violations; unsafe, unsanitary condition, structures and exterior property controlled by owner; vacant structure or premises unclean, unsafe, unsecured, or unsanitary; no water on at time of inspection; water closet not provided; windows, operable: not held in closed position by

hardware; windows, operable: not held in open position by hardware; windows, skylights, doors or frames unsound, in disrepair, or not weather tight.

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

Samuel Pass, 515 Martin Street, is owner of the property. He has submitted an application to the lender, quotes have been received, and everything is in process of moving forward. He submitted a letter from the lending institution to the Commission. Mr. Pass anticipates that the project can begin in March, 2010 and be completed in the fall of 2010.

Mr. Burgess moved to continue this application until the May, 2010 meeting, seconded by Mr. Vincent. The motion was approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

**6) 311 Leftwich Street – (TMN 25-11-25) – Benjamin A. & Lynn W. Berryhill, Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Continued from the July 14, 2009, October 13, 2009, and December 8, 2009 Housing Commission meeting. Inspectors Covington & Hovander. (CONTINUED UNTIL THE MAY, 2010 MEETING)**

Inspector Hovander stated that 311 Leftwich Street is a continued case and the property is not part of a duplex or apartment complex. The case is being submitted as less than 50 percent damaged. A title search was completed in January of 2008. The date of the inspection was March 7, 2007 and all parties were notified by certified mail. The date of the hearing was March 3, 2009. No one appeared for the hearing. The order was issued April 13, 2009 and expired May 13, 2009. The last date of visual inspection was February 8, 2009 by Inspector Hovander. The City did not have to order the building secured. There are children in the area and Aycock Middle School is nearby. There is no history of police complaints and in the opinion of the Inspector the owner has abandoned the intent to repair the property. Inspector Hovander stated that she could not detect that any progress had been made on the property upon her visual inspection.

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 February 8, 2009 2009; 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 as stated.

Inspector Hovander stated that the list of violations includes broken interior wall structural members; broken glass panes; cracked, damaged foundation walls; cracks in exterior wall; holes in exterior walls; windows inoperable; premises identification missing; rotted boards on exterior walls; unclean/unsanitary ceilings, fixtures, floors, walls; untreated deteriorative surfaces; weather permeable exterior wall/siding; window sills rotten.

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

Benjamin Berryhill, 6600 Dustin Road, Climax, North Carolina, is the owner of the property. He stated that the electrical work has almost been completed. He gave details of circumstances that delayed progress on the property. He hopes to have the project completed by June, 2010.

Mr. Burgess moved to continue this case until the June, 2010 meeting. Members felt that the case should be brought back to the Commission sooner to assess Mr. Berryhill's progress.

Mr. Burgess amended his motion and moved that the case be continued until the May, 2010 meeting, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

Bert Vandervene, 719 Fifth Avenue, spoke in reference to the property located at 311 Leftwich Street. Mr. Vandervene is the president of the Aycock Neighborhood Association. He expressed his concern with the condition of the property. He commented on the amount of trash around the house and added that he has seen no improvement in the condition of the house in ten years.

**7) 604 Summit Avenue – (TMN 27-6-2) – Mindy J. Zachary, Owner – In the Matter of Order to Repair or Otherwise Demolish Structure. Continued from the October 13, 2009 Housing Commission meeting. Inspectors David Jones & Hovander. (CONTINUED UNTIL JUNE, 2010 MEETING)**

Inspector Hovander stated that 604 Summit Avenue is a continued case last heard on October 13, 2009. The property is not part of a duplex or apartment complex. The case was submitted as initially over 50 percent damaged. A title search was completed on the property. The date of the inspection was July 6, 2006 and reinspected September 20, 2006. Chair Standley stated that information on the house had been read into record on numerous occasions and he proceeded with the case.

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

Mindy Zachary, 604 Summit Avenue, is the owner of the property. She updated the Commission with details on her progress and added that the last big item to complete is the windows. She advised the Commission of the problem she is having in the basement relative to storm water back-up from the alley behind her house. The problem has impeded progress and she has requested help from the City and the neighborhood association. Inspector Jones indicated that they are very pleased with the progress Ms. Zachary is making although it will still take some time to finish the house.

Mr. Burgess moved to continue this case until the June, 2010 meeting, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

**REQUESTS TO RESCIND:**

None.

**ADJOURN:**

There being no further business before the Commission the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

Larry Standley, Chairman  
Greensboro Minimum Housing Commission  
LS:sm/jd

