

**MINUTES OF THE
CITY OF GREENSBORO
MINIMUM HOUSING STANDARDS COMMISSION
REGULAR MEETING
MARCH 8, 2018**

The regular meeting of the City of Greensboro Minimum Housing Standards Commission (MHSC) was held on Thursday, March 8, 2018 in the Council Chambers of the Melvin Municipal Office Building, commencing at 1:30 p.m. The following members were present: Ellen Sheridan, Chair; Peter Isakoff; Quentin Brown; and Suzanne Nazim. Staff present included: Elizabeth Benton, Code Compliance Division Manager; Cheryl Lilly; Mark Wayman, Housing Supervisor; Jarod LaRue, Code Compliance Administrator; and Inspectors Don Sheffield, Roddy Covington, Brad Tolbert, Larry Roach, Logan Rustan and Kenny Taylor. Also present was Terri Jones, Attorney for the Commission, and Mary Lynn Anderson, City Attorney's Office.

Chair Sheridan explained the rules and procedures of the Minimum Housing Standards Commission.

1. SWEARING-IN OF CITY STAFF TO TESTIFY:

City staff was sworn as to their testimony in the following matters.

2. SWEARING-IN OF OWNERS, CITIZENS AND ALL OTHERS TO TESTIFY:

Property owners and citizens were sworn as to their testimony in the following matters.

3. APPROVAL OF MINUTES FROM FEBRUARY 8, 2018 MEETING:

Mr. Isakoff moved approval of the February 8, 2018 meeting minutes as written, seconded by Ms. Nazim. The Commission voted 4-0 in favor of the motion. (Ayes: Sheridan, Isakoff, Brown, Nazim. Nays: None.)

4. REQUEST OF STAFF OF ANY CHANGES TO THE AGENDA:

Staff noted no changes to the agenda.

CONTINUED CASES:

- 5. 1911 McKnight Mill Road** (Parcel #0079220) Adolfo Espitia, Jr., Owner. In the Matter of Order to Repair, Alter or Improve Structure. **Requesting an Order to Repair.** Inspector Jarod LaRue. Continued from February 9, 2017; June 8, 2017; September 14, 2017; October 12, 2017; November 9, 2017 and January 11, 2018 meetings.
(CONTINUED UNTIL APRIL 12, 2018 MEETING)

Code Compliance Division Manager Benton stated that this case was initially inspected on November 18, 2015. The hearing was held on May 17, 2016 and the Order to Repair was issued on that day. The Order expired on June 16, 2016. The property did not have to be secured. There are children living in the area where the property is located. There is not a history of police complaints. Based on the estimated cost of repairs compared to the current tax value of the structure, staff is requesting an Order to Repair.

Code Compliance Administrator LaRue said that he has not heard from the owner. He was at the property last week and left contact information requesting the owner to call him back. Based on the video taken in January, 2018, it does not appear that any updates have been made to the exterior of the property. However, it does appear that some work is being done but he was not able to enter the property to evaluate the progress being made. The owner plans to reside in the property once it has been completed.

Inspector Sheffield said that all of the permits for the property are up to date and only the finals are outstanding. The entire house was gutted and it has now been put back together.

Members commented that the repairs could easily be made within a month.

Mr. Isakoff moved to continue the case until the April 12, 2018 meeting, seconded by Chair Sheridan. The Commission voted 4-0 in favor of the motion. (Ayes: Sheridan, Isakoff, Brown, Nazim. Nays: None.)

6. **1812 Sherwood Street** (Parcel #0014765) Thomas E. McFadden, Owner. In the Matter of Order to Repair, Alter or Improve Structure. **Requesting an Order to Demolish.** Inspector Logan Rustan. Continued from October 12, 2017; November 9, 2017; and January 11, 2018 meetings.
(CONTINUED UNTIL APRIL 12, 2018 MEETING)

Code Compliance Division Manager Benton stated that this case was initially inspected on January 27, 2016. The hearing was held on February 16, 2016 and the Order to Repair was issued on June 20, 2016. The Order expired on July 20, 2016. The property did not have to be secured. There are children living in the area where the property is located. There is not a history of police complaints. Based on the estimated cost of repairs compared to the current tax value of the structure, staff is requesting an Order to Demolish.

Don Vaughan, Attorney, 612 West Friendly Avenue, stated that he was asked at the January, 2018 meeting to provide an affidavit from Ian McFadden who is the guardian for Thomas McFadden. Thomas McFadden started this project but has since been declared incompetent by the Court. Mr. Vaughan presented the affidavit to the Commission for their review. Mr. Vaughan said that they actually met on the property with a construction company that was recently contracted to do the work. Estimates for the work have been made and the contractor is in process of securing subcontractors to complete the project. Mr. Vaughan estimated that it could take 60 days to bring the property up to code. He requested a continuance until the April meeting.

Inspector Rustan was at the property on February 22, 2018 with Mr. Vaughan and the contractor. The contractor was in receipt of a copy of the plans clarifying Mr. McFadden's intention for the interior of the property. He asked the contractor to provide a timeline for the work.

Inspector Sheffield said that no permits have been taken out on the property. He has been in contact with the contractors and referred them to Minimum Housing for the list of repairs to be made.

Mr. Vaughan explained that there is an ongoing dispute with Disaster One over the initial work that was done. He hopes the situation will be resolved in a few weeks.

Mr. Brown moved to continue the case until the April 12, 2018 meeting, seconded by Mr. Isakoff. The Commission voted 4-0 in favor of the motion. (Ayes: Sheridan, Isakoff, Brown, Nazim. Nays: None.)

7. **5009 Mackay Road** (Parcel #0095170) SBBH Developments 2, LLC, Owner. In the Matter of Order to Repair, Alter or Improve Structure. **Requesting an Order to Demolish.** Inspector Don Sheffield. Continued from November 9, 2017; and February 8, 2018 meetings.
(INSPECTOR UPHELD)

Code Compliance Division Manager Benton stated that this is a commercial property. The case was initially inspected by Inspector Sheffield on April 7, 2017. The hearing was held on August 16, 2017 and the Order to Repair was issued on that day. The Order expired on October 27, 2017.

Inspector Sheffield was in contact with the owners less than a month ago and informed them of this meeting. He has not heard back from the owners. The building is secure.

Mr. Isakoff asked staff if there has been a change of ownership with the Register of Deeds. Counsel Jones stated that as of this morning, there has been no change in ownership.

Mr. Brown moved to uphold the Inspector, seconded by Ms. Nazim. The Commission voted 4-0 in favor of the motion. (Ayes: Sheridan, Isakoff, Brown, Nazim. Nays: None.)

Counsel Kelly asked Code Compliance Division Manager Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; and the last time the property was inspected was the first week of February, 2018.

Inspector Sheffield said that the violations of the building code that resulted in this being condemned are as follows: (1) The building was open to vagrants and being used by vagrants and (2) The property is a nuisance. He confirmed that this is a commercial property.

Code Compliance Division Manager Benton stated that this is an abandoned commercial property that meets one or more of the following conditions: (a) Constitutes a fire or safety hazard; (b) Is dangerous to life, health, or other property; (c) Is likely to cause or contribute to blight, disease, vagrancy, or danger to children; and (d) Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

Chair Sheridan stated that the property involved in this matter is located at **5009 Mackay 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 is (1) In such a state of disrepair and dilapidation that the property is dangerous to life, health and surrounding properties; (2) The conditions of the walls, floors and roof are in such a state of disrepair that the property will continue to constitute a health or safety hazard; and (3) The cost to repair said violations is greater than 65 percent of the value of the structure. The continuation of this building 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.

At the request of Counsel Jones, Inspector Sheffield clarified that this property was condemned through Chapter 168 of the State Statue rather than the City's Nuisance Ordinance.

Counsel Jones stated that the Order is different for condemnation through Chapter 168 versus the City's Nuisance Ordinance and therefore, Chair Sheridan read the appropriate Order into the record.

Chair Sheridan stated that the property involved in this matter is located at **5009 Mackay 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 been condemned by the City's Building Inspector as being unsafe because the building or structure is in the condition that meets one or more of the following conditions: (a) Constitutes a fire or safety hazard; (b) Is dangerous to life, health, or other property; (c) Is likely to cause or contribute to blight, disease, vagrancy, or danger to children; (d) Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance. The continuation of this building or structure in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unsafe for human occupation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described building or structure is dangerous and unfit for human habitation; and the Order of the Building Inspector is proper in all respects. Therefore it is **Ordered, Resolved and Decreed** by vote of the Commission that the Inspector Order to Repair or Demolish is upheld.

8. **2610 McConnell Road** (Parcel #0022963) Victor Barriga and Martha Sosa, Owners. In the Matter of Order to Repair, Alter or Improve Structure. **Requesting an Order to Demolish.** Inspector Jarod LaRue. Continued from November 9, 2017 and January 11, 2018 meetings.
(CONTINUED UNTIL JUNE 14, 2018 MEETING)

Code Compliance Division Manager Benton stated that this case was initially inspected on May 11, 2016. The hearing was held on May 30, 2017 and the Order to Repair was issued on the same day. The Order expired on July 20, 2017. The property did not have to be secured. There are children living in the area where the property is located. There is not a history of police complaints. Based on the estimated cost of repairs compared to the current tax value of the structure, staff is requesting an Order to Demolish.

Martha Sosa, 2610 McConnell Road, said that she communicated with the Inspector last Monday. They are in process of cleaning up the property. Windows have been put in and/or repaired in several places where necessary. They have closed off the basement access as they do not plan to use the basement. They have also removed the window bars to bring the windows up to code. She indicated that some of the walls are bad and once they are sheet-rocked, they will be painted. The property is secure.

Mr. Brown moved to continue the case until the June 14, 2018 meeting, seconded by Mr. Isakoff. The Commission voted 4-0 in favor of the motion. (Ayes: Sheridan, Isakoff, Brown, Nazim. Nays: None.)

9. **1815 Larkin Street** (Parcel #0007906) Heirs of Julia E. Gray, Owner. In the Matter of Order to Repair, Alter or Improve Structure. **Requesting an Order to Demolish.** Inspector Carla Harrison. Continued from October 12, 2017; December 14, 2017; and February 8m 2018 meetings.
(CONTINUED UNTIL APRIL 12, 2018 MEETING)

Code Compliance Division Manager Benton stated that this case was initially inspected on May 11, 2015. The hearing was held on March 8, 2016 and the Order to Repair was issued on April 12, 2016. The Order expired on May 12, 2016. The property did not have to be secured. There are children living in the area where the property is located. There is not a history of police complaints. Based on the estimated cost of repairs compared to the current tax value of the structure, staff is requesting an Order to Demolish.

Code Compliance Division Manager Benton stated that the owner has applied with the City's Housing and Rehabilitation Program. This is heir property and there are issues resolving the title work to be able to move forward. She read an email into the record from Jennifer Freeman responding to this case. Ms. Freeman is the City of Greensboro Housing Services Supervisor.

The email from Ms. Freeman indicated that the title issues will take some time to resolve due to the number of heirs of this property. It is not certain which sibling will be inheriting the property; however, Ernest Gray, Jr. has submitted an application to the program and will most likely become the owner of the property.

Chair Sheridan felt this case should be continued until the next meeting so that Ms. Freeman can provide an update at that time.

Chair Sheridan moved to continue this case until the April 12, 2018 meeting, seconded by Mr. Brown. The Commission voted 4-0 in favor of the motion. (Ayes: Sheridan, Isakoff, Brown, Nazim. Nays: None.)

10. **815 Pearson Street** (Parcel #0008308) Kelly Sigle and George Marple, Owners. In the Matter of Order to Repair, Alter or Improve Structure. **Requesting an Order to Demolish.** Inspector Roddy Covington. Continued from June 10, 2014; August 12, 2014; January 13, 2015; August 13, 2015; September 10, 2015; December 10, 2015; February 11, 2016; May 12, 2016; November 10, 2016; January 2, 2017; July 13, 2017; October 12, 2017; and December 14, 2017.
(CONTINUED UNTIL JUNE 14, 2018 MEETING)

Code Compliance Division Manager Benton stated that this case was initially inspected on December 7, 2012. The hearing was held on January 7, 2013 and the Order to Repair was issued on the same day. The

Order expired on February 7, 2013. The property did not have to be secured. There are children living in the area where the property is located. There is not a history of police complaints. Based on the estimated cost of repairs compared to the current tax value of the structure, staff is requesting an Order to Demolish.

George Marple, 411 McAdoo Street, updated the Commission on progress that is being made. At the last meeting he was working on the interior of the house as far as stripping away the paint. He has been working on the weekend with part-time employees. There were a lot of employees who were out due to illness and they are about three or four weeks behind schedule. He hopes to be finished with the sanding around the first week of April. Mr. Marple has a contract with Double Hung Windows to use this as a fill-in site so the windows can remain off site. Double Hung Windows will be working on the windows on March 26. The doors and windows will remain off site and plywood has been placed over the openings to keep the property secure. They are working on rezoning the property and also securing Landmark status for the house.

Mr. Marple estimated that in three months they should be able to assess the bids for electrical, plumbing and mechanical work.

Chair Sheridan moved to continue this case until the June 14, 2018 meeting, seconded by Mr. Brown. The Commission voted 4-0 in favor of the motion. (Ayes: Sheridan, Isakoff, Brown, Nazim. Nays: None.)

NEW CASES:

- 11. 5516 Traders Way (Parcel # 0064988) Joanne S. Brower and Tamara Hutchinson, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Requesting an Order to Repair. Inspector Roddy Covington. (CONTINUED UNTIL JULY, 2018 MEETING)**

Code Compliance Division Manager Benton stated that this property was initially inspected on July 15, 2015. The hearing was held on August 25, 2015 and the Order to Repair was issued on September 3, 2015. The Order expired on October 5, 2015. The property did have to be secured. There are children living in the area where the property is located. There is not a history of police complaints. Based on the estimated cost of repairs compared to the current tax value of the structure, staff is requesting an Order to Repair.

Counsel Jones asked if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was inspected was February 2, 2018; this property is not a multifamily property; and there are more than five separate minimum types of violations or one major type of any of the minimum housing standard codes. Code Compliance Division Manager Benton agreed with these questions.

Code Compliance Division Manager Benton stated that the list of violations include cracked or missing switchplate and electrical outlet covers; power not on at time of inspection; front storm door difficult to operate; missing smoke detector; heat—gas/electric not on at time of inspection; plumbing facilities must be maintained in safe, sanitary and functional condition; water not on at time of inspection; water heater not properly installed or maintained; unclean and unsanitary floors, ceilings and/or walls; floors have loose floor covering that must be repaired or replaced; ceiling contains holes, loose material and/or in disrepair; and plumbing pipes or fixtures are broken, burst, frozen or inoperable.

Code Compliance Division Manager Benton informed the Commission that an email has been received from Jennifer Freeman, City of Greensboro Housing Services Supervisor. She read Ms. Freeman's email into the record. The property owner has applied for assistance and has been approved for the program. A contractor has been selected and the loan is expected to close in March. Work should begin in April if the loan closes in March. The contractor will have 75 days to complete the work at this property. The work should almost be completed by the June meeting.

Inspector Covington stated that no work has been done since the video was taken. He spoke with the owner on February 23 who confirmed that there had been no changes to the property.

Mr. Isakoff moved to continue this case until the July, 2018 meeting, seconded by Mr. Brown. The Commission voted 6-0 in favor of the motion. (Ayes: Sheridan, Isakoff, Kollar, Biggerstaff, Brown, Nazim. Nays: None.)

- 12. 1512 KINDLEY Street (Parcel #0029063) East Market Street Development Corporation, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Requesting an Order to Repair. Inspector Roddy Covington.
(CONTINUED UNTIL APRIL 14, 2018 MEETING)**

Code Compliance Division Manager Benton stated that this property was initially inspected on April 22, 2016. The hearing was held on July 6, 2016 and the Order to Repair was issued on the same day. The Order expired on August 5, 2016. The property did have to be secured. There are children living in the area where the property is located. There is not a history of police complaints. Based on the estimated cost of repairs compared to the current tax value of the structure, staff is requesting an Order to Repair.

Counsel Jones asked if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was inspected was February 28, 2018; this property is not a multifamily property; and there are more than five separate minimum types of violations or one major type of any of the minimum housing standard codes. Code Compliance Division Manager Benton agreed with these questions.

Code Compliance Division Manager Benton stated that the list of violations include electrical panel missing knock-out blanks; unclean and unsanitary floors, ceilings and/or walls; all peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; all cracked or loose plaster, decayed wood or other defective surface conditions shall be repaired or replaced; loose floor covering must be repaired or replaced; heat—glass/electric not on at time of inspection; plumbing facilities must be maintained in a safe, sanitary and functional condition; water not on at time of inspection; all exterior doors and door frames shall be kept in sound condition, good repair and be weathertight; windows are required to have an approved sash locking device; screens required on windows; all windows shall be easily operable and capable of being held in position by window hardware; all windows and window frames shall be kept in sound condition, good repair and be weathertight; all exterior surfaces shall be maintained in good condition and shall be protected from decay by means of paint or other protective covering; exterior walls shall be free of holes, breaks and loose or rotting materials; all exterior property and premises shall be maintained in a clean and sanitary condition; and replace missing or damaged glass.

Max Sims was representing the owner of the property, East Market Street Development Corporation. He provided a brief overview of East Market Street Development Corporation, a non-profit organization, and explained that they received this house from Wells Fargo as a donation. They intend to repair this house and have secured estimates for the repairs. The house is probably worth \$45,000 as it stands and they anticipate around \$25,000 worth of repairs. They are mobilizing to try and secure funds to make the necessary repairs.

Mr. Brown commented to staff that the title information was missing from his packet. Code Compliance Division Manager Benton confirmed this and said that they just realized the title information was missing from the packets. Mr. Brown asked staff to describe what should be contained in the packets distributed to members. Code Compliance Division Manager Benton said that there should be a fact sheet giving the history of the case; the title sheet; a sheet from Guilford County GIS showing the deed date, owner and owner's address; a cost estimate; and then the case report which shows notes and violations for that particular case. Sections of minutes from prior cases will also be included if it is a continued case.

Responding to questions, Mr. Sims said that they are a non-profit organization and are trying to raise the necessary money for repairs to avoid the loan process. They are seeking donations and grant money to fund the repairs to make the property into affordable housing which is badly needed.

Mr. Brown stated that there is a paperwork issue with this case that needs to be redone. He said that the designated procedure should be followed and it was problematic that the paperwork for this case was not correct. He felt that a disservice would be done to the property owner if the Commission proceeded with a packet that was not complete.

Mr. Isakoff pointed out that East Market Street Development is noted as the owner on page 6 of the Case Report. He did not feel that this was an issue that required going back to the beginning.

Mr. Brown noted that two owners appear in the Case Report, Irene Palamaris and East Market Street Development. Chair Sheridan clarified that the packet shows that this property was received by East Market Street Development as a donation. She commented that that she was trying to help Mr. Sims figure out the best way to move forward without having to raise a ton of money to make repairs. She commented on the possibility of establishing a revolving fund where the properties could be sold with covenants for income restrictions and for owner-occupancy. Mr. Brown was supportive of helping Mr. Sims but reiterated that the paperwork is still incorrect and it would be proper to start over with the case.

Mr. Isakoff commented that ownership is public record and if the Commission was concerned about the formality of the deed, the information could be pulled up online to verify that East Market Street Development is the owner of record.

Mr. Brown related a situation he encountered in court recently when another court date was set as a result of incomplete paperwork.

Code Compliance Division Manager Benton apologized that the packet was missing the title search. The title search is not a legal requirement for the case although it is normally provided in the packet for Commissioners to view. The title information is supposed to be in the packet but was not included in this packet because of a copier issue. The owner has been documented in staff's case files through proof of legal service. Mr. Brown went on record and said the entire letter of the law should be followed and the Commission owed it to the property owners to have correct paperwork when they appear before the Commission.

Chair Sheridan suggested that Mr. Sims look into the YMCA's fundraising because they need housing to transition their families into. Mr. Isakoff recommended looking into public funds for various rehabilitation programs that might be available.

Chair Sheridan recommended that the case be continued until the April meeting to consider ways to come up with a repair plan.

Chair Sheridan moved to continue this case until the April 14, 2018 meeting, seconded by Mr. Isakoff. The Commission voted 3-1 in favor of the motion. (Ayes: Sheridan, Isakoff, Nazim. Nays: Brown.)

Mr. Brown stated his opinion for the record that the Commission did this individual a great disservice because due process was not followed.

REQUEST TO RESCIND PRIOR COMMISSION RESOLUTION FOR DEMOLITION AND REPAIR CASES:

13. **3313 Immanuel Road** (Parcel #0018158) Herman and Marie Parks, Owners. **Repaired by Owner. (RESCINDED)**

- 14. 3410 Winchester Street (Parcel #0052202) Rex Residential Property Owner, LLC, New Owner.
Repaired by Owner.
(RESCINDED)**

Mr. Isakoff moved to rescind 3313 Immanuel Road and 3410 Winchester Street, seconded by Ms. Nazim. The Commission voted 4-0 in favor of the motion. (Ayes: Sheridan, Isakoff, Brown, Nazim. Nays: None.)

ADJOURNMENT:

There being no further business before the Commission, the meeting adjourned at 2:34 p.m.

Respectfully submitted,

Ellen Sheridan
Chair, City of Greensboro Minimum Housing Standards Commission

ES: sm/jd