

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:00 P.M., TUESDAY, OCTOBER 9, 2007

COMMITTEE ROOM

ROOM 239, CITY HALL

COMMITTEE MEMBERS: Council Member Nelson L. Malloy, Jr. Chair
Council Member Dan Besse, Vice Chair
Council Member Evelyn A. Terry
Council Member Molly Leight

OTHERS PRESENT: Council Member Joycelyn V. Johnson
Council Member Robert Clark (in at 5:05 p.m.)

Chair Malloy called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda.

Council Member Johnson requested to pull Item C-3 and staff requested to pull Items C-5 (a, b, and d).

A motion was made by Council Member Besse to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Leight and unanimously carried.

CONSENT AGENDA

C-1. RESOLUTION CONSIDERING AND ADOPTING APPROPRIATE AND VERIFIABLE PERCENTAGE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN OWNED BUSINESSES FOR THE CONSTRUCTION OF THE STROLLWAY AT THE SOUTHEAST GATEWAY.

C-2. RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A PROPOSAL TO THE PROJECT SAFE NEIGHBORHOODS (PSN) COMMITTEE TO FUND A COMMUNITY RESOURCE SPECIALIST POSITION TO HELP COORDINATE SAFE NEIGHBORHOOD INITIATIVES IN THE CITY.

C-4. REPORT ON MARYLAND AVENUE APARTMENTS, LAKESIDE APARTMENTS AND SKYLINE VILLAGE APARTMENTS.

C-5. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES:

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: *[Repairs more than 50% of value of structure (+50) six months.]*

c. William & Gloria Tibbs

1110 Leona Street

ORDINANCE ORDERING THE HOUSING SERVICES DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: *[Repairs more than 65% of value of structure (+65)]*

e. Elmo Reece Linton, Jr. 3001 N. Glenn Avenue

C-3. RESOLUTION APPROVING A REQUEST BY WINSTON-SALEM STATE UNIVERSITY TO DEDICATE AND NAME THE MEDICAL/SPORTS MEDICINE ROOM IN THE NEW FIELD HOUSE AT BOWMAN GRAY STADIUM FOR DONORS TO THE ATHLETIC DEPARTMENT.

Council Member Johnson requested that Dr. Malloy be recognized within the medical complex of Winston-Salem State University for his many years of service.

Mr. Gregory Hairston, Alumni Director, 1566 Squires Lane, Kernersville, noted that the facility being named is part of the Athletic Field House and that recognition of Dr. Malloy would be more appropriate in the student health center.

Council Member Johnson requested that the Committee Chair send a letter of recommendation to Mr. Hairston for recognition of Dr. Malloy.

C-5. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES:

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: *[Repairs less than 50% of value of structure (-50)]*

<u>Property Owner</u>	<u>Location</u>
a. Richard & Anne Clay	2841 St. Claire Road

Mr. Bruce Bailiff, Code Enforcement, gave an overview of the property.

Mr. Ritchie Brooks, Director, Neighborhood Services, noted that the cost to repair the dwelling is small and falls within the In-Rim Repair category.

Mr. Oscar Stewart, 2891 St. Clair Road, stated that the dwelling had been abandoned for over 20 years and the estimated repair amount is unreasonable, due to the fact that internal repairs would bring that estimate to approximately \$80,000. He also stated that one of the property owners still lives in the area, while the other is deceased.

In response to Council Member Besse's question, Mr. Stewart commented that while the house does not

look to be in disrepair, the interior is in disrepair.

Mr. Lee Garrity, City Manager, commented that the estimate Mr. Stewart was referring to would bring the dwelling to market value.

Mr. Brooks stated that staff would need an administrative warrant to inspect the interior of the house and there was nothing on the exterior that would convince them of that need.

Council Member Leight commented that it would be worth In-Rim costs to repair the dwelling.

Mr. Bailiff stated that staff was contacted by the son of the property owner who noted a willingness to repair the dwelling.

In response to Council Member Terry's question, Mr. Brooks stated there were no sanitation liens on the dwelling that staff was aware of.

Council Member Terry requested the son of the property owner meet with neighbors and express his desire to repair the home.

Mr. Subash Sha, 2960 Beddington Court, commented that no one has lived at the property within the last six years. He also commented that the driveway is used by another individual for a landscaping business. He further commented that the estimated repair costs were unreasonable.

Ms. Alice O'Hara, 2861 St. George Road, stated that her husband is the president of the neighborhood association. She also stated that the residence is an eyesore and from the stench surrounding it, she would guess that it is uninhabitable in its current condition. She further stated that the neighborhood association and community would be happy to work with the property owner's son and would appreciate direction from the Committee for next steps.

Council Member Leight noted that the owner does have 90 days to complete any needed repairs to the property to avoid demolition.

Council Member Leight made a motion to approve the item. The motion was duly seconded by Council Member Terry and carried unanimously.

Mr. Brooks stated that staff would meet with the property owner and request interior access, determine any violations, the cost to repair those violations, and would enter into a voluntary demolition agreement with the owner, allowing them to make the needed repairs. If any interior violations bring the cost of repair to more than 65% of the value of the property, it will be demolished. Any repairs made would need to bring the dwelling to the minimum housing code.

Council Member Terry requested staff use this property as a guide for similar situations across the community by working with the owner, neighborhood associations and others to repair the property.

Mr. Brooks noted that the motion will allow time for repairs to be made.

Ms. Bonnie Sims, 5851 St. Claire Road, expressed concern that a large lapse in time may occur before

repairs are made.

Chair Malloy commented that the property owner has 90 days to make any and all needed repairs.

C-5. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES:

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<u>Property Owner</u>	<u>Location</u>
b. Richard Miller	1415 N. Cherry Street

Mr. Bruce Bailiff, Code Enforcement, gave an overview of the property.

Mr. Richard Miller, 626 North Trade Street, stated that repairs had been made to the property but the housing inspector did not complete the paperwork and the painting was the only item not completed.

Mr. Brooks commented that the order to repair the dwelling states that the property must be habitable. Based on the repairs, Mr. Miller brought the violations from unfit status to minor status, but based on the housing code, a citizen could not live in that dwelling. He further commented that after 90 days, staff will re-inspect the property.

Mr. Miller expressed concern that if demolition orders were issued for all properties with minor violations, many more properties would be demolished. He also commented that his staff will paint several houses at one time, rather than painting each individual house along the way as is needed.

Council Member Besse noted that the original demolition order from January stated that the property needed to be painted then.

Mr. Miller stated that his staff tries to repair interior problems first, and that the property in question was recently vacated and is subject to graffiti and vandalism.

Chair Malloy expressed concern that too much time has passed and the property still has not been painted.

Council Member Leight made a motion to approve the item. The motion was duly seconded by Council Member Terry and carried unanimously.

C-5. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES:

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(2) OF THE CODE OF THE CITY OF WINSTON-SALEM: *[Repairs more than 50% of value of structure (+50) six months.]*

d. Brian Page Trustee 1620 N. Cherry Street

Mr. Bruce Bailiff, Code Enforcement, gave an overview of the property.

Ms. Michelle McCullough, Historic Resources Commission (HRC), commented that this property and the property at 1415 N. Cherry Street are a part of the North Cherry Historic Preservation District, and extra documentation will be needed when a demolition order is issued.

In response to Council Member Leight's question, Mr. Brooks stated that no contact had been made with the property owner within the previous year regarding repair of the property.

Chair Malloy expressed concern that the area at the intersection of Cherry Street and 17th Street across from Kimberly Park Elementary contains several dilapidated structures that no one is willing to repair.

In response to Council Member Johnson's question, Mr. Bailiff confirmed that notices were being sent to the property owner's address at Jonestown Road and not to the property address for demolition.

Ms. McCullough expressed concern with the integrity of the neighborhoods in the HRC as several of the properties are dilapidated.

In response to Council Member Besse's inquiry, Mr. Bailiff stated that certified mail is sent notifying the property owner of the demolition order, and a green card receipt is returned to the sender. A first class mail piece is sent to the property owner and the property is posted. As long as the first class mail piece is not returned, staff will assume that the notification was received by the property owner as a signature is required for receipt.

Chair Malloy stated that this property has been used as a rooming house or a drug house and he is concerned that the HRC efforts will not work on properties in this part of Cherry Street.

Mr. Garrity commented that he considers this part of Cherry Street to be one of the top five worst neighborhoods in the City. It has been linked to the illegal drug community and even with the efforts of Operation Impact, the quality of life has not improved for those residents.

Council Member Besse questioned if a block of vacant lots or a block of renovated historic properties would be of more value to these communities.

Chair Malloy noted that staff has made every effort to work with property owners, but the property owners never come to neighborhood meetings and never seem to step forward to make repairs.

Council Member Terry stated that she was sympathetic to the historical value of the neighborhood, but it doesn't appear that the resources exist to repair the properties. She requested that staff work with the private sector to seek out funding for these types of ventures, and that the local community development associations bring the issue to the Committee.

A motion was made by Council Member Terry to approve the item. The motion was duly seconded by Council Member Leight and carried unanimously.

Mr. Garrity commented that the City has no funding for these projects, but he would encourage efforts to locate funding.

Mr. Brooks stated that staff petitioned state legislature for authority to seize these properties so they would become City property, but that request was denied.

Council Member Johnson requested that between now and April 2008 (Fair Housing Month) that staff work with the local community to hold a workshop and locate some resources to repair these properties or possible uses for the properties.

Ms. McCullough stated that many houses in historic districts are smaller, but they could be used as single-family homes or affordable housing. She also stated that some properties or districts may have to be demolished so that the HRC can focus their efforts on others. She further requested that if staff would prefer that the HRC no longer pursue the preservation of the North Cherry Street Historic District that they make staff aware so their efforts can be focused elsewhere.

GENERAL AGENDA

G-1. ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE RELATING TO ANIMALS AND FOWL.

Mr. Brooks stated that the current ordinance required fencing or shelter for certain animals to be 150 feet from the nearest property line. He further stated that in many areas of the City, it is impossible for these requirements to be met. He also stated that the proposed revision to the ordinance would separate nuisance animals such as chickens and fowl from other animals. The nuisance animals would still need to be kept 150 feet from the nearest property line, but other animals would only be required to be kept 50 feet away from the nearest property line. Mr. Brooks also stated that within the inner city, it would still be difficult to meet these requirements, but rural areas could easily meet the requirements.

Council Member Leight described a citizen with show pigeons and questioned if pigeons could be excluded from chicken and fowl.

In response to Council Member Leight's question, Ms. Angela Carmon, Assistant City Attorney, stated that pigeons could be separated from chickens and fowl to be included with other animals if a reasonable distinction could be made. She further stated that since pigeons are encaged in clean housing and do not roam if loose, they could be separated because they are less of a nuisance.

Council Member Terry expressed concern that staff may be altering the ordinance to appease one person.

(Council Member Clark in at 5:05 p.m.)

Council Member Johnson commented that after the recent annexation, the City saw an influx in the number of chicken coops in the community and in the inner-city. This ordinance will address some issues that have been seen in the community involving problems with nuisance animals.

Chair Malloy expressed concern that citizens may see the 50 foot distance from the nearest property line and may try to house horses, mules or cattle on smaller, inner-city lots.

Council Member Leight commented that in many cases, citizens lived outside of the City limits so as to have the ability to house animals on their land. With the recent annexation, there was no grandfathering of those rules, and they can no longer house their animals.

Mr. Glenn Simmons, Planning Department, noted that certain areas can be described geographically, such as Growth Management Areas, and true regulations can apply to that described area that may not apply to more rural areas of the city that were annexed. This is an option to the property boundary regulation that is proposed.

Chair Malloy suggested that staff review options and bring recommendations back to the Committee in December.

G-2. DISCUSSION OF THE NEW NEIGHBORHOOD STABILIZATION ASSISTANCE PROGRAM AND GRAFFITI REMOVAL PROGRAM.

Mr. Brooks presented the proposed Neighborhood Stabilization Assistance Program and the Graffiti Removal Program. He stated that dilapidated housing and graffiti detract from the beauty of nice neighborhoods in the community, and if the problems are not resolved, other nuisance activity can develop.

In response to Chair Malloy's question, Mr. Brooks stated that the incentive for citizens to install siding rather than paint a dwelling is that the City will offer 50% reimbursement, up to \$2,000, toward the cost of the siding and installation. There is also less upkeep for siding than exterior paint.

In response to Council Member Leight's inquiry, Mr. Brooks stated that the current ordinance only addresses the defacing of public property, not private.

Chair Malloy commented that the Police Department will approach a property owner to repaint the exterior if it has been defaced, but compliance is voluntary and not enforced.

In response to Council Member Terry's question, Mr. Garrity stated that Council considered an ordinance that would fine a property owner if graffiti was not removed from the exterior, but that ordinance was not adopted.

Mr. Brooks noted that there are incentives to investor-owners to remove graffiti from the exterior of the house such as reimbursement. He also noted that the Graffiti Removal Program has been added to the Trash Busters Program where citizens can report instances of graffiti. He further noted that the Neighborhood Stabilization Assistance Program is currently working with one to two elderly property owners to help restore their residence and maintain the integrity of their neighborhood.

Chair Malloy expressed concern that 60 days is too long to complete the needed repairs and proposed a 30 day time period.

Mr. Brooks stated that 30 days would be adequate time to complete the repairs.

In response to Council Member Johnson's question, Mr. Brooks stated the deferred Rehabilitation Loan is provided based on the occupant of the property and their eligibility. He also stated that median income for a family of four is \$40,000 per year.

Council Member Johnson requested that language be changed in the proposal regarding maintenance of the dwelling for those residents who choose to paint their property from 60 days to 30 days.

Mr. Brooks stated that long-term maintenance is a concern but staff will review options for maintenance and report back to the Committee.

Council Member Terry suggested that as neighborhood stabilization is the goal, neighborhoods could be asked to match \$0.50 to each \$1.00 that is spent by the property owner.

In response to Chair Malloy's question, Mr. Brooks stated that one housing inspector completes the entire inspection of a dwelling regarding inspections and code violations, instead of a separate inspector for different areas.

G-3. INFILL DEVELOPMENT REGULATIONS.

Council Member Johnson suggested that this item be held until the November Committee meeting to allow adequate discussion time and that it be placed first on the agenda.

G-4. PRESENTATION OF HUMAN RELATIONS COMMISSION ANNUAL REPORT.

Mr. Renarde Earl, Vice Chair of Human Relations Commission gave the report.

ADDITIONAL ITEMS

Chair Malloy expressed concern that kudzu at the intersection of 14th Street and Cherry Street was supposed to be removed by the end of September and was still present.

Mr. Brooks noted that staff would review that situation and look at alternatives. He also noted that staff was considering the removal of a wall and stairs that will prohibit that area from becoming a problem area for dumping or loitering.

Council Member Johnson stated that although she did not request to pull Consent Item C-4, she would like for the Committee to discuss it in the future.

Chair Malloy noted that developers have broken ground on the new baseball stadium and requested staff review the situation to see if any jobs could be created for the local community within that development.

Mr. Brooks commented that staff will review the situation and also commented that it was suggested to the developers that City staff be given the opportunity to provide demolition services.

Council Member Johnson requested staff follow up with the developer to see if there were any available jobs and report back to the Committee.

ADJOURNMENT: 5:37 p.m.