

CITY OF DURHAM

HOUSING APPEALS BOARD MINUTES

May 18, 2022

Board Members Present

Fredrick Davis, II, Chair
Kevin Davis
Chanel Chambers
Darren Chester

Staff Members Present

Melanie Gartrell, Performance Strategist
Laurin Milton, Supervisor
Bobby Matthews, Code Enforcement Officer
Michelle Sellers, Code Enforcement Officer

Visitors Present

None

CALL TO ORDER/ROLL CALL

The Housing Appeals Board meeting was called to Order by Fredrick Davis, Chair at 5:35 PM, followed by the roll call.

APPROVAL OF MINUTES

Kevin Davis motioned to accept the minutes from the April 6, 2022 emergency meeting and the March 16, 2022 meeting; Darren Chester seconded; all were in favor, motion passed unanimously.

HEARING AND DETERMINATION OF CASES

Case 19-0315

DOCKET # FY22-HAB019

2006 Fayetteville St.

PARCEL No.: 117060

OWNER(S)

**BERRY STAFFORD C JR
664 1/2 E HEATHER DR
BLOOMINGTON, IN 47401**

Melanie Gartrell opened with the background on this case. The initial inspection was made on **01/24/2019** and revealed a **Single Family** was not in compliance with the City of Durham **Housing Code**. The inspection revealed conditions that are listed in the proposed Order which has been prepared in reference to this matter.

Complaint and Notices were served on **BERRY STAFFORD C JR** on **01/28/2019, 02/18/2020, 08/25/2020 and 10/20/2021** that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The owner **did not** appear for the **02/07/2019, 03/02/2020, 09/17/2020 or 11/04/2021** scheduled hearing(s).

Findings of Fact and Orders were served on **BERRY STAFFORD C JR** on **02/26/2019**, directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **04/02/2019**. Findings of Fact and Orders were served on **BERRY STAFFORD C JR** on **03/19/2020**, directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **04/22/2020**. Findings of Fact and Orders were served on **BERRY STAFFORD C JR** on **09/21/2020**, directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **10/23/2020**. Findings of Fact and Orders were served on **BERRY STAFFORD C JR** on **11/23/2021**, directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **12/27/2021**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Michelle Sellers, Code Enforcement Officer stated the findings on **case #19-0315**.

1. Exterior painting throughout
2. Repair, replace or remove the damaged awning
3. Repair damaged door trim

Officer Sellers stated that "Appendix A" is a true and accurate reflection of the defects as of May 18, 2022.

Officer Sellers asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **2006 Fayetteville St.**

Ms. Gartrell stated she sent the owner via email the remaining violations. Additionally, owner didn't appear interested in a compliance agreement. Ms. Gartrell directed owner to Officer Sellers on 8/18/2021, but he never contacted Officer Sellers.

Ms. Gartrell proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Repair** the structure at **2006 Fayetteville St., Parcel No.: 117060** in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) and (1) and that the Owner of the dwelling, except an Owner who occupies the dwelling as his or her principal place of residence, be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. (see Durham City Code Section 10-241 (b)). As of today, the owner has accumulated a **\$250.00 Administrative Fee and \$4,800.00 in Civil Penalties**.

A motion was introduced by Kevin Davis, DOCKET # FY22-HAB019, the administrator be authorized to repair the structure at 2006 FAYETTEVILLE ST., Parcel No.: 117060 in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) (1) and (2).

The owner of the dwelling, except an owner who occupies the dwelling as his or her principal place of residence, shall be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance in accordance with the Durham City Code Section 10-241. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. The motion was seconded by Fredrick Davis; motion passed 4-0.

HEARING AND DETERMINATION OF CASES

Case 19-0308

DOCKET # FY21-HAB020

2300 S Alston Ave.

PARCEL No.: 132977

OWNER(S)

**DALE NOEL A
2300 S ALSTON AVE
DURHAM, NC 27707**

Melanie Gartrell opened with the background on this case. The initial inspection was made on **01/24/2019** and revealed a **Single Family** was not in compliance with the City of Durham **Housing Code**. The inspection revealed conditions that are listed in the proposed Order which has been prepared in reference to this matter.

Complaint and Notices were served on **DALE NOEL A** on **01/28/2019, 08/08/2019, and 12/19/2019** that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The owner **did** appear for the **02/14/2019 and 08/23/2019** scheduled hearing; the owner **did not** appear for the **01/03/2020** scheduled hearing(s); however, the owner's Attorney Frank Bullock **did** appear in his place.

Findings of Fact and Orders were served on **DALE NOEL A** on **07/02/2019, 09/19/2019 and 01/28/2020** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **03/02/2020**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Laurin Milton, Code Enforcement Supervisor stated the findings on **case #19-0308**.

1. Replace rotted porch elements on side porch
2. Repair, replace or remove fallen and/or unsecure window awning
3. Repair or replace rotted fascia and soffit around perimeter of house
4. Repair or replace missing lattice on porch
5. Repair or replace broken glass in windows
6. Repair, replace or remove rotted storage building
7. Clear roof of all rotting vegetation including but not limited to vines on left side of house
8. Remove or replace fallen and/or rotted gutters and downspouts

Officer Milton stated that "Appendix A" is a true and accurate reflection of the defects as of May 18, 2022.

Officer Milton asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **2300 S ALSTON AVE**.

Officer Milton stated he communicated with the owner on 2/11/2019 to discuss violations and a timeline of the repairs. He also sent a compliance agreement on 2/14/2019, the owner didn't return the compliance agreement; structure appears to be vacant.

Ms. Gartrell stated George Miller and Robert Levin were in business together and one passed away

which stalled the case. Additionally, NIS reached out to James Bullock who is 93 and someone assisting him stated the responsibility belongs to Noel Dale.

Ms. Gartrell proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Repair** the structure at **2300 S ALSTON AVE., Parcel No.: 132977** in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) and (1) and that the Owner of the dwelling, except an Owner who occupies the dwelling as his or her principal place of residence, be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. (see Durham City Code Section 10-241 (b)). As of today, the owner has accumulated a **\$250.00 Administrative Fee**.

A motion was introduced by Kevin Davis, DOCKET # FY22-HAB020, the administrator be authorized to demolish the structure at 2300 S ALSTON AVE., Parcel No.: 132977 in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) (1) and (2).

The owner of the dwelling, except an owner who occupies the dwelling as his or her principal place of residence, shall be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance in accordance with the Durham City Code Section 10-241. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. The motion was seconded by Fredrick Davis; motion passed 4-0.

HEARING AND DETERMINATION OF CASES

Case 20-3959

DOCKET # FY22-HAB018

11 Winchester Ct.

PARCEL No.: 122800

OWNER(S)

**BROWN MYKEL aka SEBASTION MYKEL
11 WINCHESTER CT
DURHAM, NC 27707**

Melanie Gartrell opened with the background on this case. The initial inspection was made on **09/03/2020** and revealed a **Single Family** was not in compliance with the City of Durham **Housing Code**. The inspection revealed conditions that are listed in the proposed Order which has been prepared in reference to this matter.

Complaint and Notices were served on **BROWN MYKEL aka SEBASTION MYKEL** on **09/04/2020 and 04/20/2021** that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The owner **did not** appear for the **09/18/2020** scheduled hearing but **did** appear for the **05/04/2021** scheduled hearing(s).

Findings of Fact and Orders were served on **BROWN MYKEL aka SEBASTION MYKEL** on **10/02/2020, 09/22/2021 and 10/27/2021** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **11/30/2021**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Bobby Matthews, Code Enforcement Officer stated the findings on **case #20-3959**.

1. Holes in roof

Officer Bobby Matthews stated that "Appendix A" is a true and accurate reflection of the defects as of May 18, 222.

Officer Matthews asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **11 WINCHESTER CT.**

Ms. Gartrell proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Repair** the structure at **11 WINCHESTER CT., Parcel No.: 122800** in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) and (1) and that the Owner of the dwelling, except an Owner who occupies the dwelling as his or her principal place of residence, be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. (see Durham City Code Section 10-241 (b)). As of today, the owner has accumulated a **\$250.00 Administrative Fee**.

A motion was introduced by Kevin Davis, DOCKET #FY22-HAB018, the administrator be authorized to repair the structure at 11 WINCHESTER CT., Parcel No.: 122800 in accordance with the City's Housing Code found in Chapter 10, Article VI of the Durham City Code including Sections 10-239 (j) (1) and (2).

The owner of the dwelling, except an owner who occupies the dwelling as his or her principal place of residence, shall be subjected to a civil penalty of \$300.00 each month until the dwelling is brought into compliance in accordance with the Durham City Code Section 10-241. However, the maximum cumulative civil penalty shall not exceed \$5,000.00. The motion was seconded by Fredrick Davis; motion passed 4-0.

New Business

Chairman Davis suggested a poll be sent out via email for the date and location of the Annual Retreat.

ADJOURNMENT

The Housing Appeals Board meeting was adjourned at 6:03 P.M.
Yolanda Dye-Robinson, Housing Appeals Board Clerk