

CITY OF DURHAM

HOUSING APPEALS BOARD EMERGENCY MEETING MINUTES

November 17, 2021

Board Members Present

Fredrick Davis, II, Chair
Maria Perry
Kevin Davis
Chanel Chambers
Teresa Ray Chicarelli

Staff Members Present

Faith Gardner, Assistant Director
Melanie Gartrell, HAB & Enforcement Performance Strategist
Laurin Milton, Code Enforcement Supervisor; Interim Housing Code Administrator
Dawn Hill-Alston, Sr. Code Enforcement Officer
Crista Curraro, Senior Asst. City Attorney

Visitors Present

None

CALL TO ORDER/ROLL CALL

The Housing Appeals Board emergency meeting was called to Order at 5:30 PM by Chairman Fredrick Davis, followed by the roll call.

APPROVAL OF MINUTES

Kevin Davis motioned to accept the minutes from the October 20, 2021 HAB meeting; Elisabeth Wiener seconded; all were in favor, motion passed unanimously.

ADJUSTMENT TO THE AGENDA

Melanie Gartrell removed from the agenda, Docket No.: FY22-HAB010, 117 Nelson St., Parcel No.: 117095.

HEARING AND DETERMINATION OF CASES

Case 19-0180

DOCKET # FY22-HAB006

1016 Alabama Ave.

PARCEL No.: 103780

OWNER(S)

FULLER RITA G
4985 FULLER RD
MEBANE, NC 27302

Melanie Gartrell opened with the background on this case. The initial inspection was made on **01/15/2019** and revealed a **Duplex** 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 **FULLER RITA G** on **01/16/2019** and **11/25/2019**, 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 via telephone on **01/22/2019** and **12/06/2019** for the scheduled hearing(s).

Findings of Fact and Orders were served on **FULLER RITA G** on **02/18/2019** and **01/07/2020**, directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **02/06/2020**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Dawn Hill-Alston, Code Enforcement Officer Supervisor stated the findings on **case #19-0180**.

1. Foundation elements in disrepair or Engineer's report; evidence of structural integrity in the rear of side A Foundation must be inspected by licensed structural engineer and repairs made per written recommendations.
2. Gutters in disrepair need cleaning
3. Rear exit platform unsafe or not provided in need of repair
4. Paint exterior; porch flooring chipping and peeling
5. Soffit in need of repair front porch; repair/replace all rotted or deteriorated fascia, boxing, soffit, and trim and paint

Officer Hill-Alston stated that "Appendix A" is a true and accurate reflection of the defects as of November 17, 2021. At this time a video was presented of **1016 Alabama Ave**.

Officer Hill-Alston asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **1016 Alabama Ave**.

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 **1016 Alabama Ave. Parcel No.: 103780** 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 \$5,000.00 in Civil Penalties**.

A motion was introduced by Kevin Davis, DOCKET # FY22-HAB006, the administrator be authorized to repair the structure at 1016 Alabama Ave., Parcel No.: 103780 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 Teresa Ray Chicarelli; motion passed 5-0.

HEARING AND DETERMINATION OF CASES

Case 17-5218

DOCKET # FY22-HAB007

810 S Roxboro St.

PARCEL No.: 118625

OWNER(S)

CALLIS CONTRACTORS INC
C/O JESSE T CALLIS, REGISTERED AGENT
1306 BROAD ST
Durham, NC 27705

Melanie Gartrell opened with the background on this case. The initial inspection was made on **10/06/2017** and revealed a **Duplex** 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 **CALLIS CONTRACTORS INC** on **10/09/2017** and **09/18/2019**, that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The owner **did not** appear for the **10/20/2017** scheduled hearing(s), but **did** appear for the **09/30/2019** scheduled hearing(s).

Findings of Fact and Orders were served on **CALLIS CONTRACTORS INC** on **11/14/2017** and **10/24/2019**, directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **11/27/2019**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Michelle Sellers, Code Enforcement Officer II stated the findings on **case #17-5218**.

1. There are several open electrical boxes on exterior of structure not operable or safe
2. Entrances and exits shall be weathertight and in good repair
3. Rear doors lack means of exit
4. Painting, exterior unprotected and peeling
5. Floor members broken, overloaded, decaying or sagging; deteriorated rear band board
6. One crawl space door missing and one is damaged
7. No boarded doors or windows
8. Habitable rooms lack windows or adequate ventilation; repair windows
9. Siding, trims and exterior finishes missing

Officer Michelle Sellers stated that "Appendix A" is a true and accurate reflection of the defects as of November 17, 2021.

Officer Sellers asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **810 S Roxboro St.**

Officer Sellers stated she communicated with the owner Oct. 2017, owner renovating duplex; Jan. 2020 owner phoned and requested permits which were voided in Nov.2019 due to expiration of time. She hasn't spoken with the owner since Jan. 2020.

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 **810 S Roxboro St.**,

Parcel No.:118625 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 \$5,000.00 in Civil Penalties**

A motion was introduced by Kevin Davis, DOCKET # FY22-HAB007, the administrator be authorized to repair the structure at 810 S Roxboro St., Parcel No.: 118625 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 Elisabeth Wiener; motion passed 5-0.

HEARING AND DETERMINATION OF CASES

Case 19-3746

DOCKET # FY22-HAB008

2408 Otis St.

PARCEL No.: 115832

OWNER(S)

VERSAILLES REALTY PARTNERS LLC
C/O DAVID E GRAHAM
10283 ARIZONA CIRCLE
BETHESDA, MD 20817

Melanie Gartrell opened with the background on this case. The initial inspection was made on **06/28/2019** and revealed a **Single-Family Dwelling** 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 **VERSAILLES REALTY PARTNERS LLC** on **07/01/2019, 10/28/2019 and 01/29/2020** that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The property manager, Shannon Graham, **did** appear for the **07/16/2019 and 02/10/2020** scheduled hearing(s); however, neither the owner or property manager appeared for the **11/12/2019** scheduled hearing(s).

Findings of Fact and Orders were served on **VERSAILLES REALTY PARTNERS LLC** on **08/05/2019, 11/27/2019 and 06/02/2020** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **07/07/2020**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date. GRAHAM SHANNON B.

Michelle Sellers, Code Enforcement Officer II stated the findings on **case #19-3746**.

1. Ceilings contain holes, cracks or deterioration throughout structure
2. Bathroom register not connected to system

3. Front door not weather tight and in good repair
4. Painting exterior unprotected throughout exterior trim
5. Smoke detectors missing or not working
6. Floor members broken, overloaded, decaying or sagging; rear threshold deteriorated
7. Floors, laundry or kitchen not waterproof; damaged flooring in rear room
8. Kitchen cabinets damaged and deteriorated; wires downed on left side of house; storm door handle damaged
9. Bathroom ventilation; loose vent in one bathroom, other bathroom window will not open
10. Plumbing; clean out cap missing
11. Bedroom and rear room has excessive dampness or moisture on surfaces
12. Evidence of roof leaks in bathroom, living room and rear room; gutters and downspouts in disrepair
13. Handrails need at rear door
14. Walls; damage/deterioration throughout. Loose siding, deteriorated windows, loose foundation vents. Excessive interior deterioration in bedroom and rear room due to moisture.
15. Living room window broken and inoperable

Officer Sellers stated that "Appendix A" is a true and accurate reflection of the defects as of November 17, 2021.

Officer Sellers asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **2408 Otis St.**

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 **2408 Otis St., Parcel No.: 115832** 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-HAB008, the administrator be authorized to repair the structure at 2408 Otis St., Parcel No. 115832 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 Darren Chester; motion passed 5-0.

HEARING AND DETERMINATION OF CASES

Case 19-4525

DOCKET # FY22-HAB009

613 Burlington Ave.

PARCEL No.: 116981

OWNER(S)

RUFFIN SHIRLEY FULLER
990 PEACHTREE IND BLVD #2354
SUWANEE, GA 30024

Melanie Gartrell opened with the background on this case. The initial inspection was made on **08/29/2019** and revealed a **Duplex** 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 **RUFFIN SHIRLEY FULLER** on **09/03/2019, 01/22/2020, and 02/14/2020** 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 **09/17/2019, 02/04/2020, 02/27/2020** scheduled hearing(s).

Findings of Fact and Orders were served on **RUFFIN SHIRLEY FULLER** on **10/01/2019 and 3/17/2020**, directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **04/20/2020**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Michelle Sellers, Code Enforcement Officer II stated the findings on **case #19-4525**.

1. Porch and exterior lights do not meet standards
2. Painting, interior/exterior unprotected or peeling
3. Crawl space doors deteriorated
4. Remove boards from windows and doors
5. Storm door damaged
6. Stairways or rails in disrepair; front porch slab needs repair
7. There are damaged window casings, fascia, boxing and siding

Officer Sellers stated that "Appendix A" is a true and accurate reflection of the defects as of November 17, 2021.

Officer Sellers asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **613 Burlington Ave.**

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 **613 Burlington Ave., Parcel No.: 116981** 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 \$5,000.00 in Civil Penalties**.

A motion was introduced by Kevin Davis, DOCKET #FY22-HAB009, the administrator be authorized to repair the structure at 613 Burlington Ave., Parcel No. 116981 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 5-0.

ADJOURNMENT

Fredrick Davis, II motioned to adjourn; Teresa Ray Chicarelli seconded; all were in favor, motion passed unanimously.

The Housing Appeals Board meeting was adjourned at 6:07 P.M.
Yolanda Dye-Robinson, Housing Appeals Board Clerk