

CITY OF DURHAM

HOUSING APPEALS BOARD MINUTES

June 16, 2021

Board Members Present

Fredrick Davis, II, Chair
Kevin Davis
Maria Perry
Chanel Chambers
Madeline Miller
Elisabeth Wiener

Staff Members Present

Faith Gardner, Housing Code Administrator
Melanie Gartrell, Code Enforcement Supervisor
Clarence Harris, Code Enforcement Supervisor
Michelle Sellers, Code Enforcement Officer
Robb Damman, Code Enforcement Officer
Dawn Hill-Alston, Code Enforcement Officer
Rodolfo Toledo, Cod Enforcement Supervisor
Senior City Attorney, Sofia Hernandez, Via Teams

Visitors Present

Rosemarie and Bobby Tuck
Steve Macko and David Peoples
Marvenia Page and Jamison White
Flavia Nava Tenorio and Kevin Barbour

CALL TO ORDER/ROLL CALL

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

APPROVAL OF MINUTES

Fredrick Davis made a correction to the minutes for 1001 Buxton St., Case No. 17-5755. The motion was introduced by Maria Perry to demolish, not repair. Chanel Chambers motioned to accept the minutes from the May 19, 2021 HAB meeting with corrections; Maria Perry seconded; all were in favor, motion passed unanimously.

ADJUSTMENT TO THE AGENDA

Melanie Gartrell removed from the agenda, the appeal for 2300 S Alston Ave., Parcel No.: 132977, Case 19-0308.

HEARING AND DETERMINATION OF CASES

Case 18-1494
DOCKET # FY21-HAB012
1804 Vale St.
PARCEL No.: 112271

OWNER(S) HAROLD N TUCK, INDIA SUE TUCK & RICKY T TUCK
3702 ALAMEDA ST.
Durham, NC 27704

Melanie Gartrell opened with the background on this case. The initial inspection was made on **03/27/2018** 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 **HAROLD N TUCK, INDIA SUE TUCK & RICKY T TUCK** on **03/28/2018, 06/15/2018, 07/29/2019 and 01/06/2020**, 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 **04/09/2018, 06/26/2018, 08/08/2019 or 01/17/2020** scheduled hearing(s).

Findings of Fact and Orders were served on **HAROLD N TUCK, INDIA SUE TUCK & RICKY T TUCK** on **05/01/2018, 09/04/2019 and 01/20/2020** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **02/21/2020**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Clarence Harris, Code Enforcement Officer Supervisor stated the findings on **case #18-1494**.

1. Crawl space access missing door
2. Foundation elements in disrepair or Engineer's report; multiple areas of cracking, separation and missing bricks from the foundation
3. Handrails needed on one side for any steps above 4 or more
4. Stair and steps contain hazards, rear steps in disrepair
5. Soffit in multiple areas loose and in disrepair; trim and fascia boards in disrepair in multiple areas; areas of siding in disrepair; on right side of property – large portion of the foundation missing

Mr. Harris asked the Board to receive and accept "Appendix A" into the record as testimony. Mr. Harris stated that the property appears to be vacant. At this time a video was presented of **1804 Vale St.**

Bobby and Rosemarie Tuck; brother and sister-in-law of owner appeared. Rosemarie Tuck spoke and stated that the owner, is currently in an Alzheimer facility and that she and her husband are taking an active role in the property. She further stated that the additional owners listed on the property, India Sue Tuck and Ricky T Tuck, are deceased and Carolyn Vargo, sister of the owner, has been the guardian for Harold Tuck for the last 90 days. Mrs. Rosemarie Tuck asked for a 60-day extension to unload the property.

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 **1804 Vale St. Parcel No.: 112271** 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.**

Faith Gardner stated the civil penalty is a penalty against owner who is cited and can appeal to the Director of NIS to have penalties cancelled and the guardian would not be notified unless the guardianship information appears on a title search. She also stated that the City of Durham will work with the family to give a reasonable extension of time for the sale of the property.

A motion was introduced by Maria Perry, DOCKET # FY21-HAB012, the administrator be authorized to repair the structure at 1804 Vale St. Parcel No.: 112271 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 Kevin Davis; motion passed 5-0.

HEARING AND DETERMINATION OF CASES

Case 13-5374

DOCKET # FY21-HAB013

101 E Enterprise St.

PARCEL No.: 118715

OWNER(S)

**MARVENIA M PAGE
2900 E PETTIGREW ST
Durham, NC 27703**

Melanie Gartrell opened with the background on this case. The initial inspection was made on **7/17/2013** 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 MARVENIA M PAGE on **07/18/2013 and 05/14/2018**, 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 **08/22/2013** scheduled hearing(s). The owner's representative, Jamison White **did** appear for the **05/24/2018** scheduled hearing, reviewed extension request due **06/14/2018**.

Findings of Fact and Orders were served on **MARVENIA M PAGE** on **08/22/2013 and 02/20/2019** directing that the building in question be **repaired or demolished** so as to bring it into compliance with the **Housing Code** on or before **04/25/2019**. 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 #13-5374**.

1. Ducts and pipes in disrepair

2. Electrical system needs to be checked by licensed electrician – improper installation in crawl space including water heater
3. Missing and damaged electrical covers throughout interior and exterior
4. Rear door is not reasonably weather tight
5. Cabinets are in disrepair
6. Crawl space damp
7. Kitchen range hood or duct needs cleaning and repair
8. Windows/doors need screens
9. Bedroom lacks window that can be opened
10. Plumbing or plumbing fixtures need repair
11. Gutters and downspouts are in disrepair
12. Exterior window sashes deteriorated, living room window and sash not secured to the structure
13. Hall and bedroom closet doors do not open
14. Interior wall has holes or cracks under kitchen cabinet

Officer Michelle Sellers stated that “Appendix A” is a true and accurate reflection of the defects as of June 16, 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 **101 E Enterprise St.**

Jamison White appeared and stated the current repairs: windows, doors, electrical and plumbing is completed and stated he would continue repairs. Mr. White asked for a 90-day extension.

Mr. Harris stated no permits were pulled and NIS would consider a 90-day extension. Ms. Gartrell added that an extension was granted 2/2020.

Ms. Gartrell proceeded with the staff recommendation that the Housing Appeals Board adopt an Ordinance authorizing the administrator be authorized to **Demolish** the structure at **101 E Enterprise St., Parcel No.: 118715** 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 (2) 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 Chanel Chambers, DOCKET # FY21-HAB013, the administrator be authorized to demolish the structure at 101 E Enterprise St., Parcel No.: 118715 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 Maria Perry; motion passed 4-1.

HEARING AND DETERMINATION OF CASES

Case 20-0682

DOCKET # FY21-HAB014

3305 Fayetteville St.

PARCEL No.: 116479

OWNER(S)

**Flavia Nava Tenorio
3305 FAYETTEVILLE ST
Durham, NC 27707**

Melanie Gartrell opened with the background on this case. The initial inspection was made on **02/03/2020** 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 **Flavia Nava Tenorio** on **02/27/2020** that set a hearing date to discuss the violations and determine the course of action for compliance with the Housing Code. The owner **did** appear for the **03/11/2020** scheduled hearing(s). The owner reviewed the violations (via an NIS interpreter) and processed an extension request due **03/26/2020**

Findings of Fact and Orders were served on **Flavia Nava Tenorio** on **03/30/2020** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **05/04/2020**. 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 #20-0682**.

1. Ceilings contain loose materials throughout structure
2. Receptacles, fixtures, or other devices hang loose; bedroom overhead light
3. Entrances and exits shall be weather tight and in good repair
4. Smoke detectors missing or not working throughout structure
5. Flooring is loose throughout structure
6. Deteriorated kitchen and bath cabinets; windows and doors need screens
7. Front storm door needs repair
8. Kitchen and bath sink drain pipe needs repair, toilet not secured to the floor and shower fixture needs repair
9. Bathroom floor and walls not waterproof and there is significant deterioration at the window
10. Excessive dampness or moisture on surfaces in the bath closet
11. Damaged or deteriorated window and door trims and frames, deteriorated front porch roof, foundation wall open and dryer vent needs cover
12. Windows do not easily open or broken panes, holes
13. Wall and interior door has holes or cracks; bath wall next to tub
14. Bedroom door damaged

Officer Michelle Sellers stated that "Appendix A" is a true and accurate reflection of the defects as of June 16, 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 **3305 Fayetteville St.**

Kevin Barbour, representative of owner stated the initial application submitted to the Planning Dept. was denied. The Planning Dept. required a plan and a detailed scope of the work. It was resubmitted May 25, 2021 and denied again due to missing plan with layout. The property is currently gutted and the owners are working to obtain a permit.

Mr. Barbour added it would take a couple of weeks to produce the plan and layout.

Mr. Rameriz, son of owner stated that when the house was initially purchased, there was a case already established with NIS. The decided to gut the property because they wanted to add an additional bathroom and bedroom. They have since decided against adding the additions due to the requirements of the Planning Dept. and the ongoing violations with NIS.

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 **3305 Fayetteville St., Parcel No.: 116479** 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 (2) 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 \$3,900.00 in Civil Penalties.**

A motion to continue for 120 days was introduced by Madeline Miller and seconded by Kevin Davis; motion denied.

A motion was introduced by Kevin Davis, DOCKET #FY21-HAB014, the administrator be authorized to repair the structure at 3305 Fayetteville St., Parcel No. 116479 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 Maria Perry; motion passed 5-0.

HEARING AND DETERMINATION OF CASES

Case 20-1595

DOCKET # FY21-HAB015

310 W Corporation St.

PARCEL No.: 105131

OWNER(S)

**SWEET PEA LLC
10534 ARNOLD PALMER DR
RALEIGH, NC 27617**

Melanie Gartrell opened with the background on this case. The initial inspection was made on **03/05/2020** 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 **SWEET PEA LLC** on **03/06/2020**, 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 **03/16/2020** scheduled hearing(s).

Findings of Fact and Orders were served on **SWEET PEA LLC** on **04/29/2020** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **05/28/2020**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Dawn Hill-Alston, Code Enforcement Officer II stated the findings on **case #20-1595**.

1. Repair/replace all rotted or deteriorated fascia, boxing, soffit, and trim and paint
2. Missing address numbers
3. Walls, exterior not sound, weatherproof or vermin proof
4. Various windows broken, missing repair/replace according to NC Building code standards

Officer Hill-Alston stated that "Appendix A" is a true and accurate reflection of the defects as of June 16, 2021.

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 **310 W Corporation St.**

Owners Steve Macko and stated that they are going to demolish the structure; however, they will need 6-9 months to complete the demolition. They are working with Dan Jewel on getting an approval from Planning. The HAB requested that they present NIS with a plan for the 6-9 months stated. The owners submitted a preliminary drawing.

Mr. Harris stated an extension was granted from May 20, 2020 – November 20,2020. A second extension was requested December 4, 2020 and denied.

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 **310 W Corporation St., Exterior, Parcel No.: 105131** 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 \$3,000.00 in Civil Penalties**.

A motion was introduced by Maria Perry DOCKET #FY21-HAB008, the administrator be authorized to repair the structure at 310 W Corporation St., Exterior, Parcel No.: 105131 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 Kevin Davis; motion passed 5-0.

HEARING AND DETERMINATION OF CASES

Case 18-1481

DOCKET # FY21-HAB016

816 Center St.

PARCEL No.: 161035

OWNER(S) **WILLIE LEE THOMPSON**
19 EASTWOOD AVE
LONG BRANCH, NJ 07740

Melanie Gartrell opened with the background on this case. The initial inspection was made on **03/26/2018** 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 **WILLIE LEE THOMPSON** on **03/27/2018, 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** appear via telephone for the **04/05/2018, 09/30/2019 on 9/23/2019** scheduled hearing(s) at which time he requested a Compliance Agreement.

Findings of Fact and Orders were served on **WILLIE LEE THOMPSON** on **05/07/2018, 10/22/2019 and 02/14/2020** directing that the building in question be **repaired** so as to bring it into compliance with the **Housing Code** on or before **03/16/2020**. The Order of the Department of Neighborhood Improvement Services has not been complied with as of this date.

Robb Damman, Code Enforcement Officer II stated the findings on **case #18-1481**.

1. Front entrance decayed plywood ramp
2. Paint-interior/exterior peeling
3. Crawl space access missing door
4. Foundation elements in disrepair or Engineer's report
5. Windows and doors cannot be secured with plywood
6. Heating facilities do not meet standards
7. Fences and accessory structures need repair including abandoned delivery truck, metal shed and well house
8. Drainage conduit
9. Roof covering loose; metal roofing detached at places
10. Roof support or engineer's report
11. Soffits, fascia, front porch ceiling

Officer Robb Damman stated that "Appendix A" is a true and accurate reflection of the defects as of June 16, 2021. At this time a video was presented of **816 Center St.**

Officer Damman asked the Board to receive and accept "Appendix A" into the record as testimony. At this time a video was presented of **816 Center 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 **816 Center St., Parcel No.: 161035** 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 \$4,500.00 in Civil Penalties.**

A motion was introduced by Fredrick Davis, DOCKET #FY19-HAB016, the administrator be authorized to repair the structure at 816 Center St., Parcel No.: 161035 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 Maria Perry and passed 5-0.

ADJOURNMENT

The Housing Appeals Board meeting was adjourned at 7:30 P.M.
Yolanda Dye-Robinson, Housing Appeals Board Clerk