

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

5:00 P.M., TUESDAY, OCTOBER 12, 2010

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Mayor Allen Joines
Council Member Dan Besse, Chair
Council Member James Taylor, Jr.
Council Member Molly Leight

MEMBER ABSENT: Council Member Denise D. Adams, Vice Chair

OTHERS PRESENT: Council Member Derwin L. Montgomery
Council Member Robert Clark (in at 5:27 p.m.)

Chair Besse called the meeting to order and stated that, without objection, the Committee would consider the Consent Agenda and requested to pull Items C-1 (c and d) as those properties had been brought into compliance. Council Member Taylor requested to pull Item C-4. No other items were removed for consideration.

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

CONSENT AGENDA

- C-1. 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) six months]*.
- a. Tyrone and Marion Scales 1625 Rockford Street
 - b. Donald and Marcelene Scales 2376 Greenway Avenue
- C-2. 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]*.

- a. Rebecca Kovalich 105 Anita Drive
 - b. Charles and Sabrina Atchley 756 Old Hollow Road Accy. Bldg.
- C-3. ORDINANCE ORDERING THE NEIGHBORHOOD 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)].*
- a. A. Stanley and Carol Mitchell 507 N. Dunleith Avenue
 - b. Charles and Sabrina Atchley 756 Old Hollow Road
 - c. Thomas Ore 825 Barney Avenue
 - d. Derry A. White 1029 Nancy Lane
 - e. Taryn M. White 2325 Dunbar Street
 - f. Katherine Arrington 4595 Garden Street
- C-5. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *September 14, 2010.*
- C-1. 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) six months].*
- c. Benjamin and Sylvia Coleman 5041 Butterfield Drive Apt. A
 - d. Benjamin and Sylvia Coleman 5041 Butterfield Drive Apt. B

These properties were removed from consideration as they have been brought into compliance.

C-4. REPORT ON HOMELESS PROGRAMS.

Mr. Derwick Paige, Deputy City Manager, noted that there were questions about the performance measures of the Salvation Army and Hosanna House at a previous presentation. The Salvation Army was tracking all participants rather than those just enrolled in the program, which skewed its figures and its true measure is around 54% rather than the reported 27%. Hosanna House had a measure of 45% but it is dealing with a population that is difficult to place in housing. Many of the women participating in its services were not willing to participate in the ongoing counseling required by the program. Going forward, they will reference those individuals seeking short-term housing to other

programs. There will be a more accurate report in Fiscal Year 2011-2012 given these changes.

In response to Council Member Taylor's question regarding homeless panhandlers, Mr. Paige stated that staff can ensure that the Homeless Council and other service providers in the area are aware of locations where panhandlers may be homeless.

Mr. Tim West, Housing and Neighborhood Development Program Supervisor, noted that the Homeless Council is aware of the number of panhandlers in the community and upon further discussions with these individuals, they found out that many of them are not homeless nor are they from this area. He also noted that there are several street outreach programs in the community and suggested that locations be provided to these organizations so they may reach out to those individuals. He further noted that the Bethesda Center has a staff member dedicated to street outreach as well as a program operated through Wake Forest University to refer these individuals to temporary or permanent housing.

Mayor Joines noted that the Ten-Year Plan to End Chronic Homelessness is making strides in helping to end homelessness in the community. He also noted that the Veterans' Administration has approved a \$926,000 grant that will help develop housing for homeless veterans. He further took the opportunity to thank BB&T for its recent commitment of \$500,000 to aid in this effort.

Council Member Taylor noted that there are some basic programs offered in the City that some homeless individuals may not be aware of, and he encouraged staff to ensure everyone is made aware of these opportunities.

In response to Council Member Leight's question, Mr. West noted that given the current economic situation, staff has noticed that the homeless population has seemed to maintain or rise slightly. He also noted that progress has been made with helping the chronically homeless to find housing but there are also many first-time homeless individuals who do not know what programs are available.

Chair Besse noted that some of those individuals placed in temporary housing are still counted as being homeless, so the statistical report is somewhat skewed.

Council Member Leight expressed concern that some panhandlers and newspaper sellers may be using that as a façade for other activities, such as selling drugs, and questioned if anything was being done to address that. She requested that the Public Safety Committee discuss a permitting process for those individuals not residing in the City, but wishing to solicit in the City.

Mr. West noted that there is a new program called Homelessness Prevention and Rapid Rehousing, which helps those individuals who are facing eviction. He also noted that he had heard that some panhandlers and newspaper sellers may be engaging in unsavory activities, but the majority of those individuals are performing those tasks in a sincere effort to improve their situations.

Chair Besse requested to know the number of those individuals selling newspapers who are homeless, those who have housing and are supplementing their income and how many of those are local residents.

Mr. West stated that there is a report that addresses Council Member Besse's questions, but it is outdated so staff will review it and report back.

Chair Besse noted that those individuals who are genuinely in need should have the ability to participate in the programs offered but he does not want the City to be taken advantage of.

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

GENERAL AGENDA

G-1. RESOLUTION AUTHORIZING IMPLEMENTATION OF A SECOND PHASE OF THE CITY'S REVITALIZING URBAN COMMERCIAL AREAS PROGRAM WITH ADDITIONAL GUIDELINES.

Mr. Ruben Gonzales, Development Director, distributed additional information regarding Revitalizing Urban Commercial Areas (RUCA) as requested at Monday's Finance Committee meeting and provided a summary of the item.

Council Member Taylor stated that it is important to identify new areas for revitalization but he encouraged staff to complete the work already begun so as not to lose those funds already put into the community.

Mr. Gonzales noted that the new guidelines for the second phase of funding stipulated that those properties awarded funding during the first phase are eligible for funding during the second phase as well.

Chair Besse noted that this resolution will authorize the implementation of the second phase of RUCA funding and incorporate additional guidelines, but will not approve any specific area.

In response to Council Member Leight's question, Mr. Gonzales stated that as requests for funding are received, previously determined RUCA areas will be taken into consideration as well, but all requests will be reviewed together. Applicants who were considered tier one in the first phase may not necessarily be placed highest on the list in the second phase.

Chair Besse stated that RUCA ratings are based on a sliding scale, whereby one area could be in such distress that it would rate more than 100% in comparison to an area that is so thoroughly utilized that it may score 0%. The tier one and two areas score 50% or lower. One of the factors in evaluating proposals is the strength of the application, based upon the involvement of businesses and community groups within the affected area and the likelihood that RUCA funding will help.

Mr. Paige noted that staff will review all applications and determine which ones will be brought forward to the City Council as recommendations. Tier one properties from the first phase will get extra credit for that designation and if all other criteria are met, they will have a better chance of being funded.

Council Member Clark in at 5:27 p.m.

Council Member Montgomery reiterated his request from the Finance Committee meeting that staff aim to find a balance between funding for façade improvements and operational assistance.

Chair Besse noted that it was determined at the Finance Committee meeting that staff will compile a report on other programs available to small businesses outside of RUCA funding, whether for façade or operational improvements.

Mayor Joines noted that the Small Business Loan Program has a rather small pool of funding to draw from and suggested that staff review additional methods of supplementing that program.

Mr. Lee Garrity, City Manager, stated that staff will provide a report regarding loan applicants who have met the specified criteria, what those criteria are, success stories of the program and possible changes for funding allocations and eligibility.

Chair Besse requested that staff find a balance between the level of need and the ability of funding recipients to utilize funding to truly revitalize an area.

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

G-2. ORDINANCE AMENDING CHAPTER 10, ARTICLE V OF THE CITY CODE ENTITLED "HOUSING CODE". [*Vacant Nonresidential Building Structure Code.*]

Mr. Ritchie Brooks, Neighborhood Services Director, provided a summary of the information as presented in the Agenda book. The ordinance will apply to all nonresidential structures, whether abandoned, occupied or vacant. Abandoned and occupied nonresidential structures will be subject to interior and exterior inspections based upon complaints received or an unfit violation observed by an inspector. Vacant nonresidential structures are subject to exterior inspection only, unless one or more of a specific set of conditions are present. Interior maintenance standards will not apply to vacant nonresidential structures unless a violation is present. In response to Chair Besse's question, Mr. Brooks stated that the factors triggering an inspection are not present within the body of the ordinance, rather it is a procedure that inspectors will follow.

In response to Mayor Joines' inquiry, Mr. Bruce Bailiff, Code Enforcement Supervisor, noted that staff has not heard of any difficulties or resistance regarding the enforcement of a similar ordinance in the City of Greensboro. Its ordinance has been in place for one year, utilizing the International Building Code as an extension of its housing code. He also noted that each community can implement the ordinance as they see fit, and the City of Charlotte's housing code was built through feedback from local stakeholder meetings.

In response to Council Member Clark's question, Mr. Brooks stated that interior conditions of those structures affected by this code will need to be maintained to a safety standard, but not necessarily to Housing Code standards. For example, if there was exposed wiring within the structure, as long as it was capped off, it would not be a violation. Similarly, the absence of wiring would not classify as a violation either. An additional example would be that a non-functioning toilet would not be a violation, as long as it was capped off.

Mr. Bailiff noted that certain standards apply to the interior and exterior of a structure, and for vacant nonresidential structures, specific exterior violations would subject that structure to an interior inspection as well.

In response to Council Member Clark's inquiry, Mr. Brooks stated that the definition of abandoned and other terms are provided within the body of the ordinance.

In response to Mayor Joines' question, Mr. Brooks stated that a wall which is not plumb in itself may not be a violation, but if that wall creates an unsafe situation, that may be a violation.

Chair Besse expressed concern that there is no specific statement or section within the ordinance that ties a violation back to unsafe or unhealthy conditions. He requested that staff include a specific reference for those standards as being mandatory and enforceable. If the intent of the ordinance is only to require a repair when one of the standards listed as unfit applies, then that should be clearly stated.

In response to Chair Besse's question, Mr. Brooks stated that if an inspection is performed and the structure does not comply under Section 10-219 of the ordinance, then a conservation officer can require that the structure be brought into compliance for safety and health standards. The intent of the ordinance is for structures to be in compliance.

Council Member Clark noted that for many older structures, interior conditions are basically obsolete, and in some cases, the interior may have been gutted. He expressed concern that there seems to be unclear standards for the interior of nonresidential structures and feels that they should be maintained externally and secured.

Mayor Joines expressed concern that certain portions do not tie back to other definitions that would clarify various areas of the ordinance.

Chair Besse stated that it is unclear whether the standards are applied to render a vacant structure as safe or actively used buildings as safe. He also stated that this draft has been presented to the Committee in two forms, where the present would apply to all nonresidential structures and the previous was applicable only to vacant structures. The Committee must now determine which variance to adopt, if any.

Council Member Montgomery noted that he also sees a lack of clarity in the ordinance as to whether or not it applies to vacant or occupied structures and questioned where the continuity is between what is in practice and what is in the code.

Mr. Brooks noted that enforcement depends upon the seriousness of a violation, the severity of a condition, and how the inspector classifies a violation.

Mr. Garrity noted that staff could review the ordinance again and try to separate what standards apply based upon whether a structure is occupied or not and a resolution outlining the practices of when an inspection is performed and how violations are classified, to help establish some continuity.

Mr. Richard Miller, 626 N. Trade Street, stated that there has been some discussion among state property managers and there appears to be a consensus in opposition of this ordinance due to the negative economic impact it could have. He thought this would be an abandoned building ordinance applying to the most extreme violated structures. He acknowledged six attendees who were present in opposition. He also stated that small businesses are facing a difficult situation due to the current financial crisis, and if they are required to perform various upfits that may or may not be violations, it would be very costly. He further stated that buildings are already inspected yearly by the Fire Marshall, so this ordinance defeats his existence. These types of ordinances and restrictions will continue to stifle economic growth within the community. There are already properties that cannot be sold or leased and additional regulations on occupied properties will exacerbate that issue. Mr. Miller expressed concern for situations where a building is not the property of the landlord and who will absorb the violations and costs.

Ms. Nancy Gould, 195 Executive Park Boulevard, noted that she has collected information and facts regarding this ordinance to share with staff and Council Members at the appropriate time. The local Realtors' Association has taken no final stance on this ordinance but has many of the same concerns as Council Members. She also noted that it was believed that the City wanted to get rid of abandoned, dilapidated buildings in or near neighborhoods and her association would support that. She further noted that she disagrees with applying an ordinance of this detail to occupied, non-residential buildings because there are already enough ordinances and protective mechanisms related to those structures. Ms. Gould pointed out that leases already in place apply as legally binding documents for occupied non-residential buildings and this ordinance may have unwanted legal ramifications.

Council Member Leight requested that staff pull out items that clearly refer to occupied versus abandoned buildings and create a clear delineation between abandoned or vacant structures in comparison to occupied.

Chair Besse requested that staff consider a draft document containing a section of the definitions requested, a section outlining enforcement procedures, and two separate sections with one outlining vacant applications and one outlining occupied applications. He also requested that staff provide options for Council Members to be able to advise or recommend one or the other. By consensus, this item remain in Committee and be further reviewed at the December meeting.

Council member Clark requested that when staff is writing procedures for occupied structures, if there are applications within the current code or elsewhere, please site those within the body of the draft.

Chair Besse requested that staff also provide a listing of current organizations that perform regular inspections of non-residential structures in the City, who performs them, on what basis are they performed, what standards apply and what the enforcement powers of each organization are. These clarifications should help address any gaps in enforcement or duplication of efforts.

ADJOURNMENT: 6:16 p.m.