

1 City of New Bern  
2 Redevelopment Commission Meeting  
3 February 13, 2019 – 6:00 P.M.  
4 Developmental Services Conference Room  
5 303 First Street  
6

7 **Members Present:** Chair Tharesa Lee, Kip Peregoy, Steve Strickland, Co-Chair Jaimee  
8 Bullock-Mosley, John Young, Maria Cho, Leander “Robbie” Morgan, Jr  
9

10 **Members Absent:** Tabari Wallace, Beth Walker  
11

12 **Ex-Officio Members Present:** None  
13

14 **Staff Present:** Jeff Ruggieri, Development Services Director; Amanda Ohlensehlen,  
15 Community and Economic Development Director; Alice Wilson, GIS; Nadia Abdulhadi,  
16 Planner I; Nancy Riegelsperger, Minimum Housing/Residential Inspector, Bradleigh  
17 Sceviour, Planner II  
18

19 **Others Present:** Jennifer Campbell, Recording Secretary  
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21 **1. WELCOME AND CALL TO ORDER**  
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23 Chair Tharesa Lee called the meeting to order at 6:01 P.M.  
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25 **2. APPROVAL OF MINUTES**  
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27 The minutes for the January 23, 2019 Redevelopment Commission meeting were  
28 presented for review and approval. **Commission Member Kip Peregoy made a motion**  
29 **to approve the minutes.** Co-Chair Jaimee Bullock-Mosley seconded the motion. The  
30 motion carried unanimously.  
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33 **3. PUBLIC COMMENT**  
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35 No public comment was made  
36

37 **4. REVIEW AND PRESENTATION OF RESULTF OF 1/23 VISIONING**  
38 **EXERCISE**  
39

40 Before the presentation began Chair Lee announced that her and Co-Chair Bullock-Mosley  
41 will be gathering a speaker list in the coming weeks and included the importance of topic  
42 relevance with speakers that are invited. Chair Lee also pressed the importance of knowing

43 and communicating facts when speaking to community members, especially when they  
44 know that each person is a Redevelopment Commission Member.

45  
46 Staff Member Jeff Ruggieri began by introducing the GIS redevelopment map that will be  
47 used to evolve the Community Redevelopment Plan going forward. He began with the men's  
48 group and their discussion and topics that were covered at the previous meeting. Some of  
49 the topics of conversation were Stanley White Recreation Center, and whether it's current  
50 location or an alternative location was the best option for the center. Mr. Ruggieri went on  
51 to cover conversation regarding transportation improvements. The ideas that were  
52 submitted by the group included removing the curve and Main and Sutton Streets and  
53 extending Third Avenue to create a new five points. Beautifying intersections with sign adage  
54 and a First Street Department of Transportation (DOT) makeover, which would include  
55 signs, landscaping, new lanes, and bike lanes were also discussed among this group. The  
56 group felt they would want to extend the look and feel coming off the bridge onto first street  
57 all the way into the community, which in turn would create some type of economic engine  
58 and synergy within this part of the community, as well as being visually and aesthetically  
59 pleasing.

60  
61 Some other development improvements that would happen included the 80 unit 55+ multi-  
62 family complex installation, and creating a commercial corridor along Main Street, which  
63 currently has challenges due to limited space along the street. Mr. Ruggieri stated that the  
64 group discussed the current status of commercial buildings and the reality of 6-8 commercial  
65 properties that are currently sitting empty along this proposed corridor. He presented the  
66 ideas of the redeveloped corridor, which would include transitioning the street to one-way  
67 traffic with corresponding parking on one side of the street, and using nearby city - owned  
68 lots as satellite parking to support the businesses.

69  
70 He stated that future conversation would be land-use and changes and how to incentivize  
71 commercial development with land-use changes. This was the end of discussion with the  
72 Men's group.

73  
74 Mr. Ruggieri then moved to cover the ideas and topics discussed by the women's group at  
75 the previous meeting. Included ideas were adding new Craven Area Rural Transit System  
76 (CARTS) stops, creating a storm water retention area and locations for retention, building  
77 demolition, removing one road and widen other roads. Discussion around this idea was  
78 regarding a set of three roads and the group proposed removing one of the center roads,  
79 widening the other two and shifting the homes. Other ideas were partnership with minimum  
80 housing developments, utilizing vacant lots in the future planning, reworking roads, and  
81 widen sidewalks, streets and bike paths to make the area pedestrian friendly and more  
82 visually appealing and also adding greenway for pedestrians.

83  
84 Chair Lee opened the floor for questions. Staff Member Nancy Riegelsperger was asked to  
85 explain her staff role. Mrs. Riegelsperger explained her role as a Minimum Housing Inspector.

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87 A request was made for information regarding the city easement and length of main street.  
88 Mr. Ruggieri stated that the paving width of Main Street is 22 feet with room for widening.



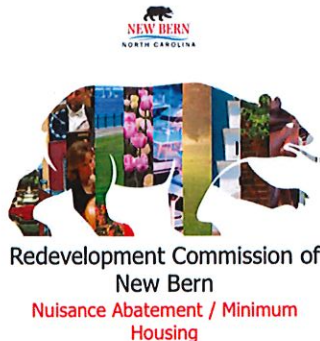
Further discussion was made regarding the challenges and options of Main Street development and changing zoning areas. Commissioner Peregoy mentioned the challenges of Main Street especially in regards to commercial road development. Referencing back to conversation on zoning standards from the January 23, 2019 meeting, an option was presented regarding rezoning streets to create a main thoroughfare entering and exiting the economic center for this area. Commissioner Peregoy pointed to Washington Street and Clark Avenue as possible options for extending the proposed thoroughfare.

Zoning was discussed in regards to Main Street as well. It was stated that the zoning when looking at Main Street is identified as C4/R6 neighborhood commercial, which Mr. Ruggieri stated the ordinance stipulates commercial building excluding drive-thru businesses or dealerships. Other discussion stemming off of this topic involved city owned lots and the possibility for using them to extend a thoroughfare. Mr. Ruggieri stated that a discussion would ensue going forward regarding city owned lots.

Mr. Ruggieri also highlighted the results he was given following an evaluation done by an engineering firm. He stated that Public Works commissioned an engineering company to evaluate the City streets and grade them in regards to a paving plan, which then they could go through and prioritize streets by when they need to be re-paved. While they did this, the engineering firm also supplied information, such as, one - way streets and width of streets. Mr. Ruggieri stated that staff member Alice Wilson was currently transferring that information into the GIS to utilize during redevelopment planning.

## **5. STAFF PRESENTATION ON CURRENT STATUS OF NUISANCE ABATEMENT AND MINIMUM HOUSING ENFORCEMENT IN REDEVELOPMENT BOUNDARY AREA**

Mr. Ruggieri also presented on Nuisance Abatement/ Minimum Housing Enforcement. He started by defining what the code constitutes as nuisance abatement and stated that as the Commission moves forward to think about the possibility of changing the current enforcement rules.



## Nuisance Abatement

### Sec. 26-26. - Conditions Constituting Nuisance.

The existence of any of the following conditions on any lot or parcel of land within the corporate limits of the city is hereby declared to be dangerous and prejudicial to the public health and safety of the inhabitants of the city and to constitute a public nuisance:

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## Nuisance Abatement

- (1) The excessive and uncontrolled growth of grasses, weeds, underbrush, and other growths which may cause hazards which are detrimental to the public health and safety;
- (2) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors emanating therefrom, or by the inhabitation thereof, by rats, mice, snakes, domesticated or wild animals, or vermin of any kind which are or may be dangerous to prejudicial to the public health and safety; or

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## Nuisance Abatement

- (3) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation thereof by rats, mice, snakes, domesticated or wild animals, or vermin of any kind which are or may be dangerous or prejudicial to the public health and safety.
- (4) Clothes lines, wash lines, or the hanging of laundry or garments in the primary area of visual concern of any property. Commonly referred to as front yards, primary areas of visual concern include all of the area between the front of the primary structure and the adjacent street right of way. In the case of corner lots, the primary area of visual concern includes the side yard between the side of the primary residence and the adjacent street right of way.

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## Nuisance Abatement

- (5) Any unauthorized inscription word figure painting or other defacement, heretofore known as graffiti, that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance and prohibited.

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### Nuisance Abatement

- Department Policy
  - Grass/Weeds more than 18" high
  - Lots with old growth that appear to have not been clear cut in many years are exempt
  - Complaint Driven: Reactive not proactive
  - 157 cases in calendar year

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A question was raised about the current construction debris in the Duffyfield area and the City's mandate about discontinuing debris pick-up and what will happen going forward. Mr. Ruggieri stated that he had received confirmation from the Board of Alderman and construction debris would continue to be collected for the time being. Commissioner Morgan requested a possible schedule for pick-up and Mr. Ruggieri agreed to meet following the meeting.

### Nuisance Abatement

- What are the Issues?
  - Litter
  - Overgrown lots
  - Accumulation of junk on lots
- Should enforcement change?

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### Minimum Housing Chapter 38 of Land Use Code

- Current State
  - 250+/- Active Cases
  - 65 Structures Demolished in last 5 years
  - 6 Ready for Demolition Ordinance
  - Proactive and Complaint Driven

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Mr. Ruggieri also stated that the City currently owns nine lots with homes on them through tax foreclosures. Eight of the homes were recommended to be demolished.



144 A question was posed asking if nuisance abatement would be accelerated as a direct effect of  
145 Hurricane Florence. Mr. Ruggieri replied that acceleration would most likely happen and  
146 what is currently being seen by Development Services Staff, are residents who have left and  
147 not returning to the homes.

148  
149 Commissioner Morgan introduced the option of touring the Duffyfield area post Hurricane  
150 Florence to see how the landscape has changed since their previous pre-hurricane tour.

#### Conduct Inspection or Place Residential Property into a Program of Periodic Inspections

The General Assembly has imposed some restrictions on inspections of residential units, but no restrictions are imposed for periodic inspections of nonresidential structures

##### Threshold Conditions (Residential)

- Property has history of more than FOUR verified violations of housing ordinances or codes within "rolling" 12-month period
- Complaint or request for inspection
- Actual knowledge of unsafe condition

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#### "Verified Violations"

A single "verified violation" is the "aggregate of all violations of housing ordinances or codes found in an individual residential rental unit during a 72-hour period" that "have not been corrected by the owner or manager within 21 days of receipt of written notice" from the local government. The 21-day grace period may be withdrawn by the local government if the same violation occurs more than two times in a 12-month period, in which case the repeat violation immediately becomes a verified violation. Violations resulting from tenant behavior shall be deemed corrected if the landlord brings an eviction action against the tenant within 30 days

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#### Conduct Inspection or Place Residential Property into a Program of Periodic Inspections

- Violations of local ordinances or codes are visible from outside the property
- Safety hazard in one unit of multifamily building that poses immediate threat to occupant
- Property located within targeted area designated as blighted (Redevelopment Area)

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#### Inspections cont.

- A local government may designate a "targeted area" in which reasonable cause is not required for periodic inspections. The targeted area may not exceed one square mile or five percent of the area in the jurisdiction, whichever is greater. In order to establish a targeted area, the jurisdiction must do all of the following:
- Ensure the targeted area reflects the jurisdiction's "stated revitalization strategy."
- Determine that the targeted area is "blighted" as that term is defined in Urban Redevelopment Law.
- Hold a properly-noticed public hearing about the proposed periodic inspections plan.
- Develop a plan to address the ability of low-income residential property owners to comply with minimum housing code standards.

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Conversation regarding Periodic Inspections Plan included creating a contingency within the plan to allocate funds for residential properties where the owners are unable to financially comply with the standards. The question was asked if the Community Development Block Grant (CBDG) could be part of the periodic inspections plan and addressing the costs for this plan. Mr. Ruggieri stated that, it does get included in this process, and currently the city was reapplying for the five-year grant and since we fall under the entitled city category, the city is allotted a certain amount of funds annually and the city uses all funds given by the CBDG.

Further conversation centered around standards for periodic inspections and the policy of holding landlords accountable to improving conditions of their properties including time limits of the city inspection process of the properties. It was stated that if a public hearing was held and this plan was introduced, the community members would be in agreement with the plan.

#### Permit and Registration programs for residential rental property

- The statutes impose limits on local government permit programs and registration programs. A permit program (sometimes called a certificate program) requires an owner or property manager to obtain a permit or other form of permission from the local government prior to renting or leasing units. In other words, a unit cannot be rented to a tenant until a permit has been obtained.

#### Permit and Registration Programs for Residential Rental Property

- A registration program requires only that the units be registered with the local government. Registration typically involves providing information about the owner's rental units, such as address, owner's name, and property manager's 24-hour contact information. Only residential rental properties with problems may be placed in a permit or registration program. Eligible rental properties (or rental units) are described next.

#### Permit and Registration Programs for Residential Rental Property

Threshold Conditions	Scope of Property Evaluated and Affected
More than FOUR verified violations of <i>housing codes</i> within "rolling" 12-month period	Individual rental <i>units</i> (not property as a whole)
TWO or more verified violations of <i>housing codes</i> in "rolling" 30-day period	Individual rental <i>units</i> (not property as a whole)
Property is in top 10% of properties with crime or disorder problems as locally defined	Property as a whole



### Properties with Crime or Disorder Problems

The top 10% of properties with crime and disorder problems is a subset of all properties that have experienced at least one crime and disorder problem during the relevant period (usually annual). The process for determining the top 10% is left to the discretion of the local government, but the process must be set forth in a local ordinance. A landlord must be notified of crime or disorder problems being counted against a property and be given an opportunity to correct the problems. When a tenant has been charged with a crime, law enforcement personnel from the jurisdiction must testify in eviction proceedings against that tenant; otherwise the tenant's behavior cannot be counted against the property.

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173 A question was posed as to what data was available for properties who have tenants, but no  
174 electricity. It was specified that the current information is only available by word of mouth.  
175 There was also discussion about city ordinance and minimum standards and power. It was  
176 stated that the residence is required to have water and sanitary conditions, but the residence  
177 does not have to have power. Mrs. Riegelsperger stated that the city cannot regulate by water  
178 source alone, because the residence could have other corporations provide power or may  
179 use well water. It was also stated that if a landlord is collecting rent and is aware of no  
180 running water, they are in violation of city minimum housing ordinance.

### Permit and Registration Programs for Residential Rental Property

- Can Charge a "Fee" of Residential Rental Properties.
- Levy a Special Fee or Tax on Residential Rental Property (G.S. 153A-364(c); G.S. 160A-424(c)).
- Authorized when Fee is charges to ALL other residential and commercial properties or property meets a condition of Slide 15.
- Fee may no exceed \$500 in 12 month period.

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### Vacant Property Registration Authorized

- VPR has 3 primary components
  - Requires vacant buildings or properties to be registered with local government.
  - Directs inspectors to periodically examine the exterior of registered properties, and as required, conduct interior fire code inspections, and when violations are observable from outside of property.
  - Assesses a fee on registered properties to cover costs of inspections and administration.

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#### Chapter 39 – Non residential Building and Structure Code

- City Ordinance enforces minimum building code standards on Commercial structures.
- Used sparingly
- Complaint based

183  
184 A question was introduced regarding the process of condemning a residence. Mrs.  
185 Riegelsperger stated that the residence has to have more than 75% of its' value identified as  
186 dilapidated and once there is an ordinance from the Board of Alderman to demolish, a  
187 condemned sign can be posted. The conversation then transferred to the goal of eliminating  
188 any evidence of vacancy and what that would look like. The possibility of including an art  
189 project with vacant properties was also introduced during this discussion.

#### Maintenance and Enforcement Actions for Commercial Structures

- Vacant in **Good Condition**
- North Carolina, no statute grants specific authority to regulate these structures. However, North Carolina local governments may employ their general ordinance making authority to design and enforce their own regulations of anything that is "detrimental to the health, safety, or welfare" of residents and the "peace and dignity" of the jurisdiction (G.S. 153A-121 & 160A-174). Vacant buildings are demonstrably detrimental to the community in the literature and therefore the exercise of the police power is appropriate.

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#### Maintenance and Enforcement Actions for Commercial Structures

- Vacant or Not: **Showing signs of Disrepair**
- This authority is the same as described above for "Good Condition" buildings. Some North Carolina towns have adopted ordinances requiring owners to eliminate any "evidence of vacancy" in commercial buildings, such as empty or papered window fronts, visibly vacant spaces, inattention to exterior building appearance, and other deficiencies that impair "character and integrity."
- The costs of abatement or repair incurred by the local government become a low priority lien on the property.

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193 Mr. Ruggieri and Chair Lee ended the presentation by stating that any questions or  
194 suggestions could be sent to Mr. Ruggieri and the Commission will continue to approach this  
195 policy as the Commission moves forward.

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## 197 **6. NEW BUSINESS**

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199 Chair Lee will make a report to Board of Alderman possibly in March and will get the specific  
200 date to the Commission. She requested that Commission Members be in attendance.

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Chair Lee asked a question of staff member Reigelsperger as to why the city doesn't enforce Minimum Housing procedures at Craven Terrace or Trent Court? Mrs. Reigelsperger stated that the city just began working with Craven Terrace as it was privatized. She stated that Trent Court and the Towers are overseen by the Department of Housing and Urban Development (HUD) and are considered federal property the city is unable to enforce city code on federal property.

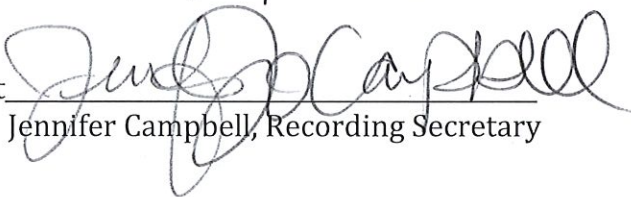
Chair Lee thanked the board members for serving and stated that at the next meeting the commission would begin talking about vacant lots and would also have a guest speaker.

## **7. ADJOURN**

Chair Lee adjourned the meeting at 7:22 p.m.

Date Approved 2/27/2019

Attest

  
Jennifer Campbell, Recording Secretary

  
Theresa Lee, Chair