

**City of Burlington
Housing Commission Meeting
July 23, 2019
MINUTES**

MEMBERS PRESENT

Chairman Brian Ireland

Mary Bozeman

John Thorpe

Donna Vanhook ALT

Graciano Velez ALT

MEMBERS ABSENT

Alvin Billings

Barret Brown

Chairman Brian Ireland stated, I would like to call this meeting to order for those of you have not been with our commission before the members of the housing commission are elected by the members of the City Council. It is a quasi-judicial hearing so we would ask that anyone who speaks before us state their name and swear or affirm that anything said will be the truth to the best of their knowledge. Appeals from the decisions from this commission may be taken to superior court. Our first procedure is to ask the city representative to state his position in each case because of his knowledge of the case and the technical codes. Secondly we then ask any property owners or other interested parties to state their positions. Thirdly because this is a public hearing we will provide an opportunity for others from the public to state their opinion or give testimony. After the city, applicant and public have presented all evidence, the commission will discuss evidence and take a vote during this time no additional evidence shall be admitted and no other arguments shall be made unless the commission asks the city or applicant a question pertaining to evidence already presented. A Quorum of the commission must be present which is four out of seven which we have today and at least four like votes is required in order to take action. Anyone who tries to make arguments during the voting time may be deemed out of order. General statutes 143, 318, 517 provides a person who willfully interrupts, disturbs, or disrupts an official meeting and who upon being directed to leave the meeting by the presiding officer and willfully refuses to leave is guilty of a class two misdemeanor. We ask that everyone silence cellphones or electronic devices. Our first order of business will be to review the minutes from our meeting in February, after review I will hear any motions to approve or not.

Firstly I would like to welcome our new members to the commission Ms. Vanhook and Mr. Velez. We appreciate you being here and your willingness to serve this commission and the city of Burlington. Our second order of business will be the approval of the March and June 2019 minutes

With all of the Commission Members having read the minutes from March 26, as well as June 25, 2019, Commission Member John Thorpe made a motion to approve the minutes.

The motion was seconded by Ms. Mary Bozeman.

Passed unanimously.

Mr. Brian Ireland stated, again I want to note the inclusion of our members here, new members I should say I appreciate that. Also I want to appreciate the service of Ms. Ford and Mr. Billings as I understand they are no longer with the commission, just wanted to get on the record for the appreciation of their service as well. Our business here since we are starting in a new calendar year would be to nominate Chairman, vice-chairman and Secretary.

Mr. John Thorpe stated, I would like to nominate Ms. Mary Bozeman for Vice Chairman.
Brian Ireland seconded the motion.

Mary Bozeman is voted in as Vice Chair unanimously.

Chairman Mr. Brian Ireland I would like to make a motion for Ms. Fanelli who is endlessly helpful to us here for secretary.
John Thorpe Seconded.

Ms. Mary Fanelli voted as secretary approved unanimously.

Mr. John Thorpe stated, now I don't mean to get off track, now I did notice a word that is misspelled on page 15 about it says "Ayes Bozeman, Ireland, Ford" Where it is supposed to say "noes" it says "notes" so if we can get that "t" taken out of there.

Mr. Brian Ireland asked, so would we approve this without a motion or a second since we have already approved.

Zoning administrator Mr. Joey Lea stated, yes since you have already made a motion to approve the minutes.

Mr. Brian Ireland stated, so there has been a suggested amendment to page 15 of the minutes which seems like a reasonable change so we will just hear a motion. If someone could just propose a motion to approve the amended minutes as discussed by Mr. Lea and Mr. Thorpe.

Mr. Thorpe made motion to approve the amendment to the minutes.

Mr. Graciano Velez seconded the motion.

Unanimously approved.

Mr. Brian Ireland Stated, so we have the issue of voting a Chairman to the board. That is the last item of business before moving on to the case.

Mr. John Thorpe stated I make a motion that we keep Mr. Ireland as the Chairman of the board.

Mary Bozeman second.

Approved unanimously.

Mr. Brian Ireland stated, the next item of business is 314 Hale Street. Mr. Velez and Ms. Vanhook this is a case we have been working with for some time. Mr. Lea would you like to speak to any updates or issues regarding 314 Hale St.

Zoning Administrator Mr. Joey Lea stated, my name is Joey Lea, Zoning Administrator for the city of Burlington and I swear that everything I say is the truth to the best of my knowledge. 314 Hale Street came to us through a complaint in June 2015. An order was given by the building inspector on February 9th 2017. This case first came to the commission on May 23rd 2017, as noted in your package on the minimum housing checklist the original date is February 23rd 2016 and there is a current checklist dated July 2019. Substantial progress has been made with only a couple of minor items left to do in order to get this house back to where it needs to be. You have no pictures this time because there only 2 items that do not require pictures. So everything on the original checklist has already been done. Staff is recommending an extension of 30 days in order to get these last few things done. Mr. Brian Corbett will testify to the specifics of the case.

Mr. Brian Ireland stated, thank you very much, does anyone have any questions for Mr. Lea?

Mr. John Thorpe stated, yes I actually do, how many months in total since the time that it was notified, I know like for years that is just a little over 84 months?

Zoning Administrator Mr. Joey Lea stated, well since it first came to the commission it is just a little over 2 years, it first came to us and we started working on it was 2015.

Code Enforcement Officer Mr. Brian Corbett stated, my name is Brian Corbett city of Burlington Code Enforcement Officer and I affirm that everything I say today is the truth to the best of my knowledge. In reference to 314 Hale Street I was allowed to come out to that property by the property owner Ms. Sloan and I re-inspected. I had an updated checklist just a couple of items that need to be taken care of and I can answer any questions about those items. It needs an HVAC final on this property and it did need extermination proof, but I just got that confirmed this morning that's been taken care of. I will be glad to answer any questions about this, just a reminder the HVAC final will be done then there will be a building final by the inspection department downstairs and then that is when I will come in and do my minimum housing inspection and hopefully everything will be done.

Mr. Brian Ireland stated, so there is an HVAC unit present?

Code Enforcement Officer Mr. Brian Corbett stated, yes sir it's been there for a while.

Mr. Brian Ireland and you mentioned you received some information this morning was that an invoice or an extermination report?

Code Enforcement Officer Mr. Brian Corbett stated, an extermination report yes sir it was.

Mr. John Thorpe stated, you have down here that you have repair wiring and make safe and you also have another one here that says provide safe continuous unobstructed exits from interior to exterior and those simply or easily fixed.

Code Enforcement Officer Mr. Brian Corbett stated, hopefully you are looking at an older inspection report it should be the one for 7/17 of 2019.

Mr. Graciano Velez asked, is the property occupied at the site of the safety issues?

Code Enforcement Officer Mr. Brian Corbett stated, it is not occupied, the owner does have saw service there to provide energy for anything that needs to be done but no it is not energized as far as legally from the pole.

Mr. Graciano Velez asked, how long do you think it will be for them to complete the items in the checklist?

Code Enforcement Officer Mr. Brian Corbett stated, that would not be a question for me that would be a question for the property owner I am not the one doing the work. I'm sorry.

Mr. John Thorpe stated, yes I apologize I was looking at one in the previous folder.

Zoning Administrator Mr. Joey Lea stated, there are three checklists including the one that was updated most recently.

Mr. Brian Ireland asked, do we have any other questions for Mr. Corbett? Thank you Mr. Corbett. Do we have any one from the home, Ms. Sloan?

Ms. Anita Sloan stated, My name is Anita Sloan and I live at 911 Lindon Lane in Haw River and I swear that the information I gave this morning is the truth to the best of my knowledge. We are ready, I actually have Mr. David Sanchez in the wings to come do the final but apparently James Heating and Air requested a duct work test, so he has to get somebody out there to do that and I had hoped he would get done, they had to put a dryer vent in. they just haven't done the duct test. Everything else, a few little things they found, they did the rough in they found a couple of things and it was things that actually existed during the rough in but they didn't name them but he has fixed them and we had to put a dryer vent in. Apparently they requested a duct work test but the way the lady talks is that they don't do that so they hire somebody to do that so they haven't gotten them out there yet but the second they show up then David Sanchez can come in and we are ready.

Mr. Brian Ireland stated, I bet we as a board of commission are eager to resolve this, I bet you are all the more.

Ms. Anita Sloan stated, I had hoped I was not coming to this meeting.

Mr. Brian Ireland stated, so do you envision any additional work to the HVAC unit needing to be done before this final?

Ms. Anita Sloan stated, no its just a matter of once we can get some power in there and fire it up everything is brand new in this house the windows, the sheet rock, the wiring and the plumbing. It's just a matter of them firing it up. I don't know what they do for final HVAC inspections but he has come out there once.

Mr. Brian Ireland stated, okay I got you so you don't need additional supplies or anything like that?

Ms. Anita Sloan stated, no I hope not.

Mr. Brian Ireland stated, so I'm not sure but if we were to have a meeting in the next month but if we did what is the likelihood that you would be here.

Ms. Anita Sloan stated, I'm not coming if I have to figure how to go do a duct test myself, I have thought about looking it up online. I have also asked the HVAC inspector what is that. Even if I have to hire somebody on my own or if the city does that.

Mr. Brian Ireland stated, I have one other question for the record this has nothing to do with you and holds no bearing to my vote. In the past you have testified your plans in this home, you and your husband described health issues to return to the home is that still your intension? We just want to wish you well.

Ms. Anita Sloan stated, we are hanging in there so we will see, a lot of it depends on him, on his condition, and his health has gotten a little worse over the last couple of months.

Mr. John Thorpe asked, let's say in two weeks you don't hear anything, what is your plan?

Ms. Anita Sloan stated, well he hasn't gotten paid yet, I have learned a few things since I started this. He hasn't gotten paid so if he wants his money I imagine he will get someone out there doing the duct work.

Mr. John Thorpe stated, right so two weeks that part is going to be done and then by next month everything will be completed.

Ms. Anita Sloan stated, well I had kind of hoped that they had called for that inspection today but when I called yesterday he was actually off and his reception didn't know what he had done on it so I didn't have any information.

Mr. John Thorpe asked, so you have a backup plan?

Ms. Anita Sloan stated, Oh yea I will find somebody.

Mr. Brian Ireland stated, I do have one other question, is it your understanding with what you presented Mr. Corbett with the extermination stuff that-that covers the entire basis there for the property maintenance.

Ms. Anita Sloan stated, there are some building supplies left but I actually want to use part of those on the building that is on the property for shelves and stuff like that. We just haven't focused anything on the building other than I put a brand new door on it.

Mr. Brian Ireland stated, just so you know when your HVAC stuff is passed you will have to get that debris up before Mr. Corbett's minimum housing inspection.

Ms. Anita Sloan stated, well actually what I have is a large trailer that has a huge tarp over it, part of it is in a trailer. The rest of it, I'm going to see if they can pick some of that up because I had originally saved a lot of the old molding that was inside of the house but it was too much work to redo so I just bought new.

Mr. Brian Ireland stated, yea I encourage you to speak to city staff about disposal, you know whatever you got.

Ms. Anita Sloan stated, yes that shouldn't be a problem.

Mr. Brian Ireland asked, are there any additional questions for Ms. Sloan or Mr. Corbett? Mr. Lea just for a point of order we are still operating for this meeting under the parameters of extent 30, 60, 90 day extensions. So this point we can either discuss or make motions for actions in the form of 30, 60 or 90 day reviews or an order for demolition. Those are our options and any motion requires a second.

Mary Bozeman made a motion for a 30 days extension.

Mr. John Thorpe stated, I'm conflicted between the 30 and 60 days. I know they said it is going to be done in the 30 days but 60 is kind of like no excuse but I just don't want them to come back and say "oh it is just the yard that needs to be cleaned up or something of that nature but I will second that.

Mr. John Thorpe seconded the motion for 30 day extension.

Approved unanimously.

Mr. Brian Ireland stated, Ms. Sloan if that work is completed prior to that 30 day extension please get in contact with Mr. Corbett, if it is completed and approved you will not need to attend that future meeting.

Mr. Brian Ireland asked, what is the exact date of the next meeting on the extension?

Ms. Mary Fanelli stated, August 27th.

Mr. Brian Ireland stated, okay thank you. Thank you Mr. Corbett. I think that concludes our business, before I close the meeting I just want to thank the city staff for there on going work. I also want to thank Mr. Beal's work with the commission over the years and then again thank you to our new members we thank you for being here with there being no further business.

Zoning Administrator Mr. Joey Lea stated, Mr. Chairman we have a couple of items.

Zoning administrator Mr. Joey Lea stated, in front of you I have given you a copy of 2 things. The first one comes out of our code of ordinances, chapter 2, that explains to you the requirements for all boards and commission is the first part, the second part of this is also out of chapter 2 are the requirements for the Housing Commission. I have highlighted both, so that is something that you need to make yourself familiar with. There is one discrepancy in here and it has to do with the quorum and I will explain that in just a second. The second part I have given to you is chapter 14. This is the section that the inspectors go by to make the determination as what the status of a particular house maybe. Everything that is marked in red, these changes were made back in October of last year. We are currently reviewing both of these sections again. Some more changes may be coming. The main thing that I explained to some of you last time is that you are now a 5 member board instead of a 7 member board. You are 5 members with 2 alternates, Ms. Vanhook and Mr. Velez are our alternates, so the only reason we have a quorum today is because of them. That's the reason that alternates are extremely important because you never know who is not going to be here from the regular board. The other major change is the way that this board operates. Any new items that come here on the board will come as an appeal.

When the inspector or whoever gives the order to repair or demolish and gives them a time frame they will have 10 days to appeal that decision to the Commission. If they do not appeal then the inspectors will either work with them or send it to council to have an order to demolish the dwelling. It had to automatically come before the commission in order to effectuate the order. So basically when you are giving someone an extension you have over turned the order of inspector. In the future, you can do that but it has to be based on findings of fact. There has to be facts in the record that would give you some information to say that the inspector was incorrect. If you find that then you can over turn it or alter it. Otherwise you are acting in what is called the nature of certiorari. it is a Latin term, that means a review of the record and your job is either to uphold that decision of the inspector or make findings of fact to overturn it, so it is a little bit different to how you were operating in the past. The only thing that is going to come to you is going to be on appeal. We are looking for some changes that will make this process a lot clearer in the ordinance to give us a little better understanding. We are also giving some consideration for the process under which we operate to determine whether something is substandard or it has been condemned we are working on that now, and I expect some changes to be coming soon. One other thing that I want to mention to you is that Barrett Brown has moved out of the city and is no longer on the commission so we are down one person. We are down to 6 so we are working on getting that filled. Why that is important to you two is as long as we are working on 4 regular members we are going to be needing an alternate and generally the way we do that with that set is that we rotate so if you sit one month and then you will set the next month and the next meeting so that's how that operates. Since both of you sat this month, next month we will flip a coin. Almost forgot again, we are sending you a hard copy of your information, we are also sending these to you electronically. I would like to suggest to the commission and this is totally up to you to receive your information only by electronic means through email. What we will do and this is the way most of our boards and commissions work, you are only looking at 8.5 by 11 pages and some pictures, so we will have you a hard copy on the dais when you come in for the meeting but you will be reviewing this electronically. Now if you still want a hard copy let us know and we will do it. What is happening is that we are spending resources getting this to you. Our inspector's time and gas driving around town handing these to you and we the last two meetings we have been sending it to you electronically. Our preference, again this is your decision, would be to send it to you electronically and then just hand you a hard copy on the day of the meeting. If you are amenable to that then that is the way we will start processing the meetings.

Mr. John Thorpe stated, I have a couple of questions on that. First you said that we are a 5 member board working with 2 alternates but I only counted 3 members especially with the exit of Barrett Brown. We only have 3 members currently with 2 alternates that will give us 5.

Zoning Administrator Mr. Joey Lea asked, who are we missing Sandra?

Mr. Brian Ireland stated, yes Ms. Ford and Mr. Billings.

Ms. Mary Fanelli stated, their terms are done and they didn't reapply.

Mr. John Thorpe stated, yes they are off.

Mr. Brian Ireland stated, yes I was wondering about the alternate status if it was indefinite.

Zoning Administrator Mr. Joey Lea stated, no but they have to be voted in as a regular member. Let's see ford is gone and Joshua left so he isn't even on here.

Mr. John Thorpe stated, there is also a question of receiving it electronically on the boards and members, I'm trying to find it but I promise that I read somewhere that the information will have to be left at the door step of the persons residence, I don't mind whether it is done that way or not I just wanted to make sure that it is corrected in the packet that we have here as well.

Zoning Administrator Mr. Joey Lea asked, okay was that information that was given to you by staff?

Mr. John Thorpe stated, yes I just read that earlier today going through the packet reviewing it. I can't remember where exactly I read it but I will re-read it again and point it out to you.

Zoning Administrator Mr. Joey Lea stated, it sounds like a procedure that was given to you that was done by staff; I don't think it is in the code but still noted that is a good point.

Mr. Brian Ireland stated, Mr. Lea I just want to clarify the code that was given to us is this the existing code?

Zoning Administrator Mr. Joey Lea stated, that is the current approved code and what is in red is what was changed and approved back in October.

Mr. Brian Ireland stated, I just wanted to make sure it wasn't like draft language or something like that.

Zoning Administrator Mr. Joey Lea stated, just keep in mind there are some more changes coming, some of that you are reading is probably going to be changed as well.

Mr. Brian Ireland asked, does anybody else have any other questions for Mr. Lea. Mr. Velez and Ms. Vanhook it sounds like there is a possibility, potentially transitioning from an alternate member of the commission to a sitting member due to our quorum of existing sitting members is just the 3 of us here to the extent that you are interested or that is feasible. It sounds like the city council would have to approve an altered status. I guess just speak with Joey.

Zoning Administrator Mr. Joey Lea stated, well they will remain alternates until they are approved by council as a full time member and as soon as we get someone in here we can get that done but their status doesn't really make much of a difference they are still sitting here when we need them.

Mr. Brian Ireland stated, we just want to encourage you guys to pursue that.

Zoning Administrator Mr. Joey Lea stated, we really need to get someone in here, we only have 3 I thought we had 4.

Mr. John Thorpe stated, so we really need 3 more people.

Zoning Administrator Mr. Joey Lea stated, well what we do is since you 2 are already here, and if we are down 2 then as long as the council agrees then we will suggest that you 2 be voted in as regular members and then we will get 2 new alternates in here.

Mr. Brian Ireland stated, there are some voting and procedural changes as well in terms of it are no longer a majority vote it requires four fifths.

Zoning Administrator Mr. Joey Lea stated, that is correct, just to make sure I'm reiterating what you are saying it was a majority vote and now it is 4 out of 5. Now administratively if you are doing the election, if you are creating procedures those are administrative things, you can do that with majority but any quasi-judicial hearing has to be by four fifths vote.

Mr. Brian Ireland stated, okay I appreciate that, that cleared it up. Is there any further questions? We all have a little reading to do I guess.

Mr. John Thorpe stated, yes it looks like we just have to read.

Zoning Administrator Mr. Joey Lea stated, if you have any questions just let me know.

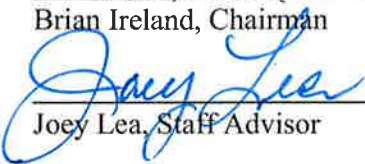
Mr. Brian Ireland stated, thank you so much Mr. Lea we appreciate your help and guidance in helping explain these changes. With that if there are no further questions or no further changes I will adjourn the meeting and again thank you all for being here.

With no further business, Chairman Ireland thanked city staff for their continued hard work and adjourned the meeting at 10:37am.



Brian Ireland, Chairman

Attest:



Joey Lea, Staff Advisor