

AGENDA ITEM COVER SHEET

Agenda Item Title:

Approve a Demolition Ordinance for 612/614 Bern Street.

Date of Meeting **Ward # if applicable** Ward 1**If multiple, list:****Department** Develop. Services**Person Submitting Item:** **Call for Public Hearing** No**Date of Public Hearing** **Explanation of Item:**

Staff is seeking approval of an ordinance to demolish the structure located at 612 and 614 Bern Street. This item was continued at the 11/8/2106 Board of Alderman meeting to allow the owner time to meet with staff and determine a viable timeline to bring the structure into compliance. As of 12/06/2016 the owner has not contacted staff nor replied to any staff correspondence.

The structure is a duplex and initially suffered substantial wind and water damage related to Hurricane Irene. The Owners were first notified of the issues in May of 2012. Staff proactively worked with the owner on bringing the structure into compliance until May of 2014. Since May of 2014 staff has routinely checked in on the owner's progress. Staff has met with the owner numerous times and has issued multiple extensions to allow time for the required work to be completed. To date only the roof has been repaired while the interior has continued to deteriorate due to sever water damage.

Actions Needed by Board:

Adopt a Resolution Approving a Demolition Ordinance for 612/614 Bern Street

Is item time sensitive? Y / N**Will there be advocates/opponents at the meeting?** Select...**Backup Attached:**

memo, email, Ordinance, cost estimate, location maps, Chronology of events

Cost of Agenda Item: **If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director :** Select...**Additional notes:**



MEMORANDUM

TO: Mayor Dana Outlaw, City of New Bern Board of Aldermen

FROM: Jeff Ruggieri, Director Development Services 

DATE: 2016-12-06

SUBJECT: Demolition of the Dwelling Located at 612-614 Bern

Staff is seeking approval of an ordinance to demolish the structure located at 612 and 614 Bern Street. This item was continued at the 11/8/2106 Board of Alderman meeting to allow the owner time to meet with staff and determine a viable timeline to bring the structure into compliance. As of 12/06/2016 the owner has not contacted staff nor replied to any staff correspondence.

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A complete list of chronological events related to the property is attached.

AN ORDINANCE TO ORDER THE DEMOLITION OF A DWELLING UNFIT FOR HUMAN HABITATION LOCATED AT 612-614 BERN STREET IN THE CITY OF NEW BERN, NORTH CAROLINA

THAT WHEREAS, the City of New Bern properly served Thelma R. Davis (“Owner”), on December 18, 2012, pursuant to Section 38-30 of the Code of Ordinances for the City of New Bern, complaining and alleging that the dwelling owned by Owner located at 612-614 Bern Street in the City of New Bern, North Carolina (Craven County parcel identification number 8-007-347), is unfit for human habitation; and

WHEREAS, the Owner of the certain dwelling located at 612-614 Bern Street in the City of New Bern, North Carolina (“Subject Property”) was ordered to remove or demolish the dwelling located on the Subject Property and clear the debris therefrom, or to repair, alter, or improve said dwelling to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern by August 13, 2013; and

WHEREAS, the Owner has been given a reasonable opportunity to comply with the aforementioned Order of the Building Inspector; and

WHEREAS, the Owner has failed to remove or demolish the dwelling and clear the debris therefrom, or to repair, alter or improve said dwelling to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern, as directed in said Order.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

Section 1. That the Building Inspector of the City of New Bern is ordered to remove

or demolish the dwelling located on the Subject Property at 612-614 Bern Street in the City of New Bern, North Carolina, more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO.

Section 2. That the Building Inspector of the City of New Bern is ordered to sell the materials of the accessory structure that are salvageable and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited with the Clerk of Superior Court of Craven County.

Section 3. That this ordinance shall be in full force and effect from and after its adoption.

ADOPTED THIS 13th DAY OF DECEMBER, 2016.

MAYOR

CITY CLERK

EXHIBIT A

All that certain tract or parcel of land lying and being situate in Number Eight (8) Township, Craven County, North Carolina, being more particularly described as follows:

All that certain tract or parcel of land in the City of New Bern on the East side of Bern Street, between Queen Street and Cedar Street adjoining the lands of Carrie Brown and others, viz: Beginning at a point in the eastern line of Bern Street, which is 140.7 feet northward of the northeastern intersection of Queen Street and Bern Street, and runs from thence with the eastern line of Bern Street northwardly 43 feet to Carrie Brown's line; thence with her line, eastwardly and parallel to Cedar Street 95 feet; thence southwardly and parallel with Bern Street 28.5 feet to the northeastern corner of a brick building; thence with the northern face of said building southwestwardly 30.7 feet; thence westwardly parallel with Cedar Street 69 feet to the beginning. A portion of the above described property bearing the number 612-614 Bern Street according to the postal enumeration of the City of New Bern.

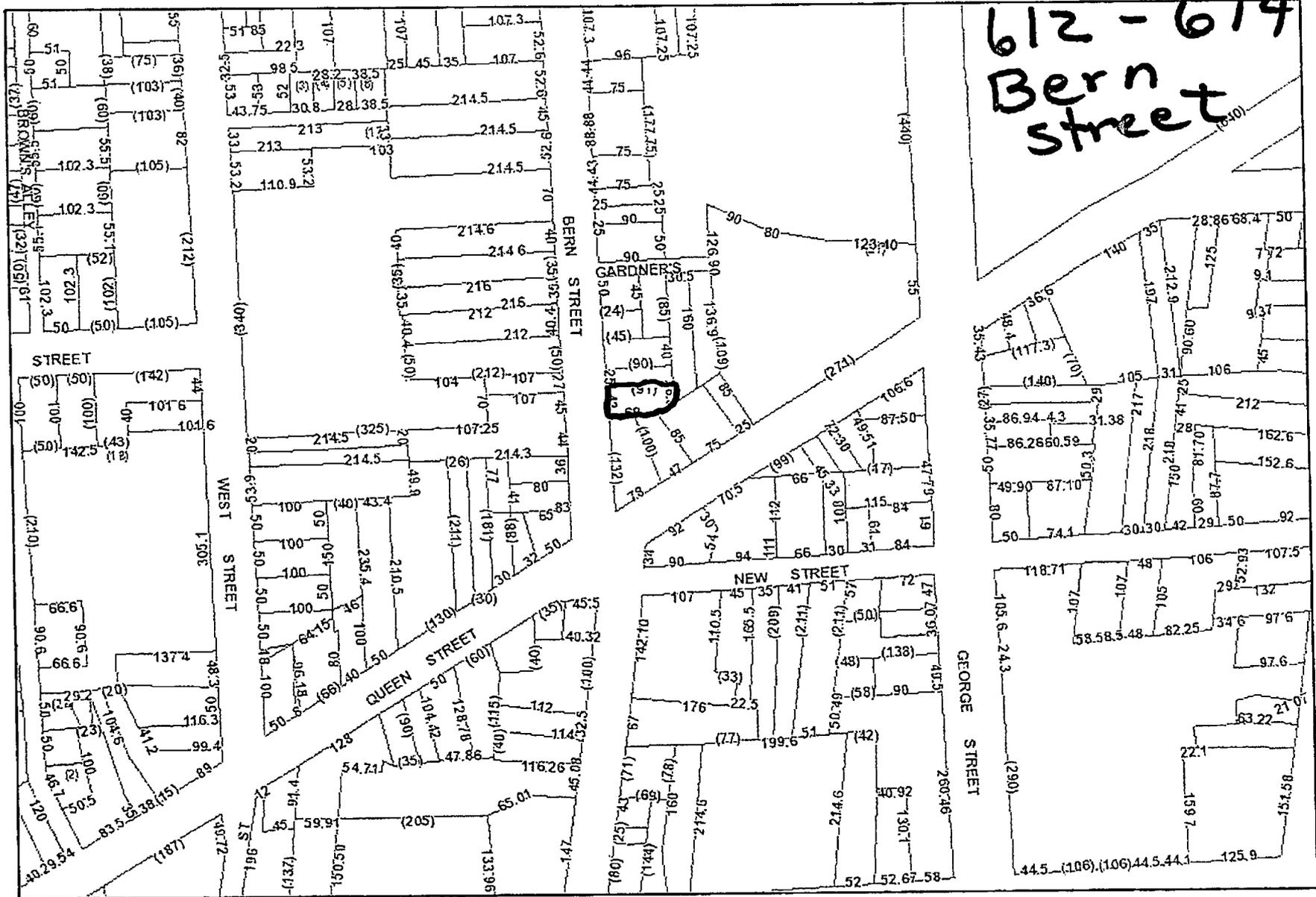
Being the same tract or parcel of land conveyed to Alice G. Bordeaux by deed recorded December 28, 1940 in the Office of the Register of Deeds of Craven County, NC in Book 348, Page 498.

CHRONOLOGICAL ORDER OF EVENTS

612-614 BERN STREET

Prepared on 1-23-14 updated 10-26-16 By NJR

DATE	EVENTS
5-8-12	Complaint of the mast pulled off the house and a tarp on the roof for quite some time (storm related) GIS information shows Thelma Davis as the owner.
5-14-12	MH Letter sent regular and cert mail to the owner. Regular mail served. Certified mail returned unclaimed.
5-22-12	Ms. Thelma Davis was in the office. She knows that it needs to be repaired. She wants until the 1 st of July to find a contractor to hire. (Granted). Requested to keep us up to date on her progress.
9-20-12	Hurricane Irene Storm letter sent stating it has been over a year since the storm and damages have not been repair to this date. Sent regular mail only.
10-31-12	Mike Quinn requested a bldg. permit be issued to repair the roof of the house by submitting a building application.
11-2-12	Ms. Davis and the contractor, Mike Quinn came in the office and requested that we meet on site to access the damage done by Hurricane Irene. We met on site at 3pm on the same date with Mr Quinn, Ms Davis & Ms Davis' s Daughter
12-3-12	A letter was sent certified mail and hand delivered to Ms. Davis reminding her of the history of the dwelling since the hurricane damage. Included Mr. Clark, CBI described the extent of damage to the duplex. "Extensive water damage throughout both dwellings. The sheetrock on the walls and ceilings had deteriorated to such a point that the sheetrock was literally falling down. What appeared to be mold and mildew was so terrible, we actually never went to the second floor due the unsafe conditions .there was so much work to be done than just the replacing the roof. Due to the water damage, the electrical system, HVAC system and framing must thoroughly check/repared/replaced throughout the house ". The letter continued with a definition of Deteriorated and Dilapidated as set forth by the city ordinance and defining the property as Dilapidated. He suggested that she have a licensed contractor to give her a bid to do the work and reminding her she needed to include the cost of an asbestos report and abatement if required. He briefed her as to the hearing date & time and told her what to expect to take place at the hearing.
12-18-12	Complaint Lis Pending/ Notice of hearing filed at the courthouse, posted on the dwelling, and mailed certified and regular mail to the owner. Regular mail served, certified mail returned unclaimed. GOOD SERVICE
1-8-13	Hearing was held with Glinda Davis, daughter to owner, Reginald Davis, Son of the owner and Ms. Thelma Davis, owner all present. Johnny Clark and Nancy Riegelsperger, present representing the city. We discussed the status of the dwellings, formally determined it was Dilapidated, and discussed licensed contractor. Ms. Davis was very ill and we continued the hearing for one month to look into contractors and get together numbers and decide what direction to take Repair or demo.
2-13-13	Hearing was held with all present listed above. They plan to hire Joe Anderson Builders to repair the structure & keep it two duplexes. They requested approx. 8-10 weeks to repair; however, it would take approx. 2 months before he could start on the job. The order to read: Dilapidated, vacant, 6 months to comply. Order to expire 8-13-13.



Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes.

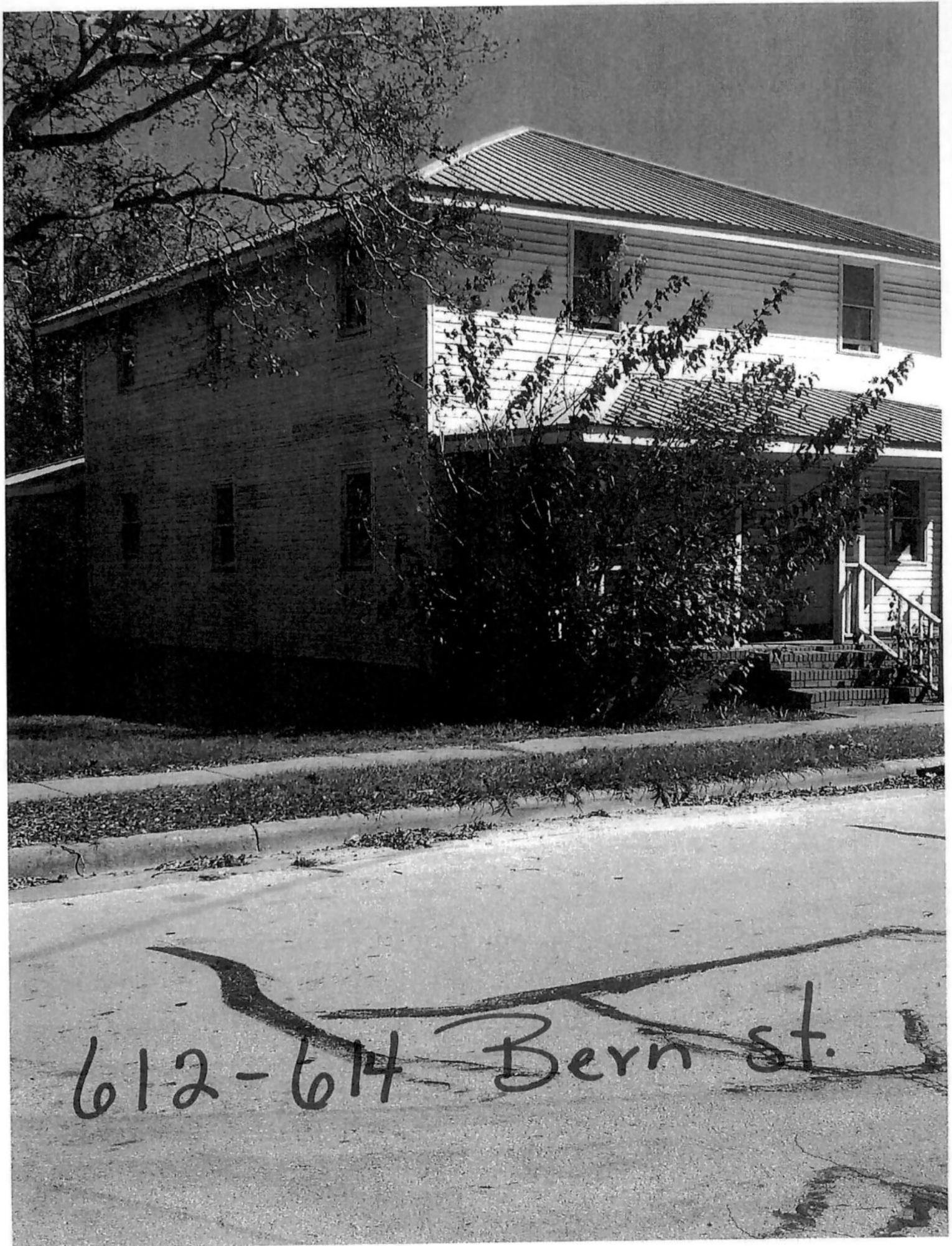
1 inch equals 179 feet



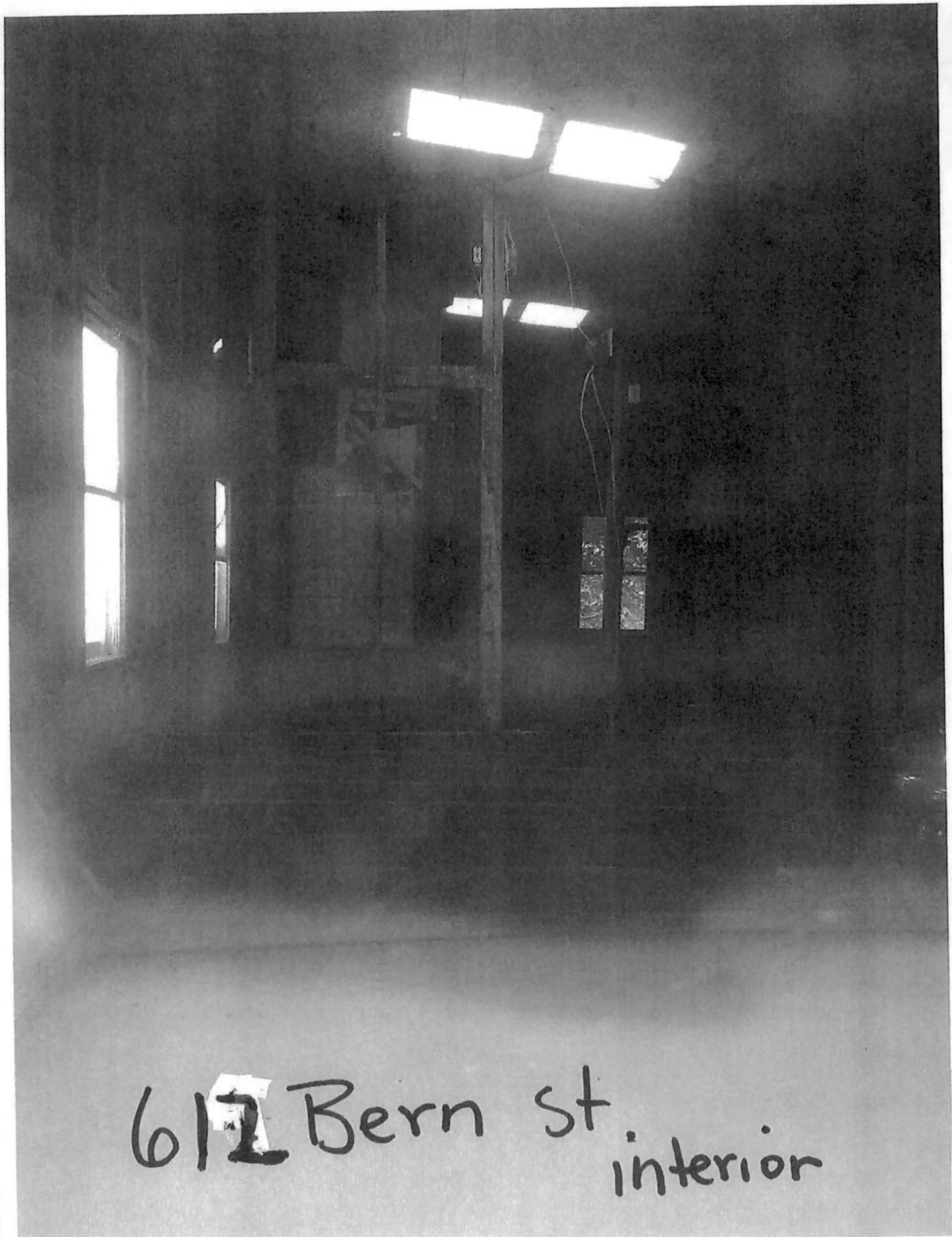
Quote to
Demolish
612-614 Bern St

PW - \$ 5400.⁰⁰

No Asbestos Found when
Tested (by owner)



612-614 Bern st.



611 Bern St
interior



614 Bern St
interior

NORTH CAROLINA
CRAVEN COUNTY

12 DEC 18 PM 1:26
CRAVEN COUNTY, N.C.
BY _____

FILE# 12M718
COPY

THE CITY OF NEW BERN,
Plaintiff
-VS-
THELMA R. DAVIS
Defendants

BEFORE THE BUILDING INSPECTOR
OF THE CITY OF NEW BERN

COMPLAINT - (DWELLING
UNFIT FOR HUMAN HABITATION)
AND
NOTICE OF HEARING/
NOTICE OF LIS PENDENS

THE CITY OF NEW BERN ALLEGES AND SAYS THAT:

1. In accordance with North Carolina General Statutes Section 160A, Article 19, Part 6, and Section 38-29 of the Code of the City of New Bern, the undersigned Building Inspector for the City of New Bern has done a preliminary investigation to determine if the dwelling identified is unfit for human habitation.
2. The preliminary investigation has disclosed that there is a basis for believing that the dwelling bearing postal enumeration 612-614 Bern Street Map 8-007-347, New Bern, North Carolina, is unfit for human habitation.
3. A hearing will be held on the 8th day of January, 2013, at 10:00 a.m. in the office of the City Building Inspector at the first floor of the Dunn Building on the corner of Craven and Pollock Streets 248 Craven Street

4. You have the right to file an answer to this Complaint with the Building Inspector in person at the hearing or by writing to the Building Inspector of the City of New Bern, PO Box 1129, New Bern, North Carolina, 28563-1129.

5. You have the right to appear at the above-scheduled hearing, in person or otherwise, and give testimony.

6. Following the hearing, the undersigned Building Inspector may issue an order to repair, alter or improve the dwelling, to vacate and close the dwelling, or to remove or demolish the dwelling and clear the debris therefrom, as appears appropriate. At the expiration of the Order of the Building Inspector a civil penalty in the amount of \$50.00 for each day that the structure does not comply with the Order of the Building Inspector will be imposed as provided in Section 38-5 of the Code of the City of New Bern.

THIS 18 th DAY OF December, 2012.



Nancy J. Riegelsperger
Building Inspector
City of New Bern
(252) 639-2947

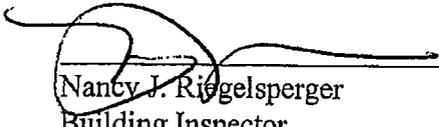
CERTIFICATE OF SERVICE

Re: **612-614 Bern Street**

I hereby certify that on the 18th day of December, 2012, I served a copy of the foregoing Complaint upon the following by placing a true copy thereof in an envelope with proper postage affixed thereto for mailing by Certified Mail, Return Receipt Requested, and depositing said envelope in a regular depository for the United States mail addressed to:

THELMA DAVIS
1302 Main Street
New Bern NC 28560

And in another envelope in a regular depository for the United States mail addressed to: N/A


Nancy J. Riggelsperger
Building Inspector
City of New Bern

NORTH CAROLINA
CITY OF NEW BERN
GRAVEN COUNTY, C.S.C.

FILED

13 FEB 19 AM 10:09

FILE # 12M 718

BEFORE THE BUILDING INSPECTOR
OF THE CITY OF NEW BERN

THE CITY OF NEW BERN
Plaintiff,
-VS-
THELMA DAVIS
Defendants

COPY
ORDER OF THE BUILDING
INSPECTOR OF THE
CITY OF NEW BERN

THIS MATTER came on to be heard and was heard before the undersigned Building Inspector of the City of New Bern, at a hearing in the office of the Building Inspector of the City of New Bern on the 13th February, 2013; and

UPON HEARING evidence and testimony in this matter, the Building Inspector of the City of New Bern found the following facts:

1. Nancy J. Riegelsperger, Building Inspector, Johnny Clark, Chief Building Inspector appeared on behalf of the City of New Bern.

The following were properly notified and were present: Thelma Davis..(She is Single no Spouse)

Observers: Reginald Davis, Son & Glenda Davis, Daughter

The following were properly notified but were not present: N/A

2. Thelma Davis own the real property identified as Tax Map Designation **8-007-347**
3. The dwelling located at **612-614 Bern Street**, New Bern, North Carolina does not meet the Minimum housing standard set forth in Chapter 38 of the City of New Bern's Ordinance due to deterioration and defects, increasing the hazard of fire, accidents, or other calamities.
4. The dwelling is presently a 2 story structure containing side by side apartments which are currently vacant.
5. It is the opinion of the Inspections Department of the City of New Bern that the dwelling cannot be repaired, altered, or improved to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern at a cost less than seventy-five (75%) percent of the

value, and, therefore, it is a **dilapidated dwelling** as defined by Chapter 38 of the Code of the City of New Bern. As a result thereof, no one shall reside in or occupy said dwelling.

6. The aforesaid dwelling requires work to be performed by subcontractors to bring it into compliance with the minimum standards established by Chapter 38 of the Code of the City of New Bern. All work, such as electrical, plumbing, heating and air conditioning, must be performed by persons licensed by the State of North Carolina to perform such work. Electrical service will only be provided with a temporary service pole or a generator with city noise restrictions applying.
7. The aforesaid dwelling must be repaired, altered, or improved **OR** demolished/removed to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern.
8. After finding the aforementioned facts, the Building Inspector ordered: **Thelma Davis**
 - a. Ensure all permits are obtained prior to work beginning.
 - b. Ensure that all work, such as electrical, plumbing, and heating and air conditioning, be licensed by the State of North Carolina to perform such work, and required inspections are called for.
 - c. Shall, within 6 months from the date of the hearing held on 13th Day of February, 2013 before the Building Inspector to **repair, alter, improve, or remove/demolish** said dwelling to comply with the minimum standards, established by Chapter 38 of the Code of the City of New Bern and to be brought into compliance as a single family dwelling.
 - d. Shall substantially complete the improvements to said dwelling within 6 months from the date of the Hearing before the Building Inspector held on the **13th day of February, 2013** therefore expiring on **August 13th 2013**.
 - e. For purposes of this Order, substantially complete means that said dwelling shall be at least 90% completed
 - All electrical device installed
 - All plumbing fixtures are installed
 - HVAC if any; installed
 - Sheetrock or paneling be installed
 - All exterior repairs shall be completed.
 - f. Approval will be obtained from the Historical Preservation Commission for any exterior work performed, **where applicable**. It will be necessary to conform to replacement in kind on any exterior work.
 - g. Ensure that lead paint present on said dwelling is abated in compliance with the rules and

regulations enforced by the Craven County Health Department.

h. Property and structure (s) to be brought into compliance with Article XVI of the Appendix A of the Land Use Ordinance of the City of New Bern which is commonly called the Flood Plain Ordinance.

i. **A civil penalty in the amount of \$50.00 for each day shall be assessed against Thelma Davis should she fail, neglect or refuse to comply with this Order of the Building Inspector, all as provided in Section 38-5 of the Code of the City of New Bern.**

This 19th Day of February, 2013



NANCY J. RIEGELSPERGER
BUILDING INSPECTOR
CITY OF NEW BERN
252-639-2947

CERTIFICATE OF SERVICE

Re: **612-614 Bern Street Map 8-007-347**

I hereby certify that on the 19th day of February, 2013, I served a copy of the foregoing **Order** upon the following:

Thelma Davis

By placing a true copy thereof in an envelope with proper postage affixed thereto for mailing by Certified Mail, Return Receipt Requested, and depositing said envelope in a regular depository for the United States mail addressed to:

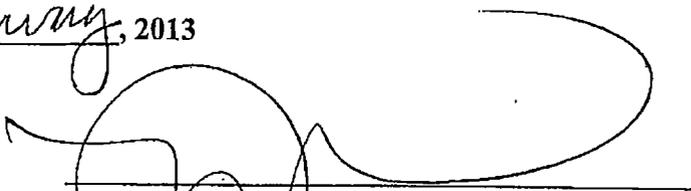
Thelma Davis
1302 Main Street
New Bern NC 28560

And in another envelope as a courtesy, a copy of same was deposited for regular depository for the United States mail addressed to:

Reginald Davis
1302 Main Street
New Bern NC 28560

Glenda Davis
1306 Main Street
New Bern NC 28560

This 19th Day of February, 2013



Nancy J. Riegelsperger
Building Inspector
City of New Bern

U.S. Postal ServiceTM
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information, visit our website at www.usps.com

OFFICIAL USE

2521 694 1752
4869 1752
1000 0510
9008 0150 0001

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To **Thelma Davis**
1302 Main Street
New Bern NC 28560
City, State **MH Order 612-614 Bern**

PS Form 3800