

## AGENDA

### COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:30 p.m., Tuesday, October 11, 2016

COMMITTEE ROOM

Room 239, City Hall

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*COMMITTEE MEMBERS: Council Member Molly Leight, Chair  
Council Member Jeff MacIntosh, Vice Chair  
Council Member Denise D. Adams  
Council Member Dan Besse*

#### GENERAL AGENDA

- G-1. ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED DEVELOPMENT ORDINANCES TO CREATE THE USES BREWERY OR DISTILLERY AND SPECIAL EVENTS CENTER - (UDO-271) - *Proposal of the City-County Planning And Development Services Staff. [Recommended by Planning Board.]*
- G-2. ORDINANCE REVISING CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES* TO AMEND REGULATIONS FOR ACCESSORY DWELLINGS - *UDO-267 - Proposal of the City-County Planning and Development Services Staff [Recommended by Planning Board. Item continued from the August meeting of the Community Development/Housing/General Government Committee.]*
- G-3. RESOLUTION SUPPORTING THE ELIGIBILITY OF PROPERTY FOR THE NATIONAL REGISTER OF HISTORIC PLACES - *Oak Crest Historic District.*
- G-4. RESOLUTION REGARDING THE LEAGUE'S 2016 CITY VISION ANNUAL CONFERENCE AND 2017-2018 ADVOCACY GOALS.
- G-5. PRESENTATION REGARDING STAR COMMUNITY LEADERSHIP PROGRAM

CONSENT AGENDA

## C-1. CONSIDERATION OF ORDINANCES RESCINDING AN ORDINANCE ORDERING THE DEMOLITION OF A DWELLING:

- a. Winston Salem Presbytery 117 Dellabrook Road

C-2. 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. Myrtle B. Grant, Heirs 801 Twenty-Fifth Street (North Ward)
- b. Ricky Boston 1051 E. Devonshire Street (Southeast Ward)
- c. Gwendolyn S. Bell 1807 E. Fourth Street (East Ward)
- d. Christopher Antonio Jordan 1901 E. Third Street (East Ward)
- e. Lula H. Harris, Heirs 2835 Rowell Street (East Ward)
- f. Conrex Keystone Residential, 3508 N. Cherry Street---Cuncho Jerome Brown (North Ward)
- g. Ada M. Page 506 Alexander Street (East Ward)
- h. Edna J. Glenn 224 Terrace Avenue (East Ward)
- i. James Edgar Turner 110 N. Jackson Avenue (East Ward)
- j. Devon W. Jones-Patterson Lyles 670 Glenbrook Drive (East Ward)

C-3. 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. Ray & Judy Joyner 810 Rich Avenue (EAST WARD)
- b. Marie Cole and Nathan Littlejohn, Heirs, 1220 North Jackson Avenue (East Ward)
- c. Martha Alvarez Silva 1347 Dunleith Avenue Accessory Building (East Ward)

- d. Michel Hernandez 1917 E. Third Street (East Ward)
  - e. Eric Stephen Kirkman 4538 Shattalon Dr. Accessary Building (Northwest Ward)
- C-4. ORDINANCE ORDERING THE COMMUNITY AND BUSINESS DEVELOPMENT 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. James E. Hayden, Sr. 1139 E. 25th Street (Northeast Ward)
  - b. Lyfe Enterprises, LLC 745 Barney Avenue (Southeast Ward)
  - c. William Douglas Babbitt Jr., Heirs 3313 Urban Street (Southeast Ward)
- C-5. REPORT ON VACANT UNFIT HOUSING UNITS.
- C-6. RESOLUTION AUTHORIZING SUBMISSION OF YOUTH HOMELESSNESS DEMONSTRATION PROGRAM APPLICATION AND EXECUTION OF AGREEMENTS.
- C-7. RESOLUTION AUTHORIZING A COMMITMENT OF FUNDS TO S. G. ATKINS COMMUNITY DEVELOPMENT CORPORATION FOR THE ENTERPRISE CENTER. [*\$165,000*]
- C-8. ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK - *The John L. And Emma J. Gilmer House, 605 West Cascade Avenue, Winston-Salem and a Portion of an Unopened Alley. [Item continued from the September meetings of the Finance and Community Development/Housing/General Government Committees.]*
- C-9. PRESENTATON OF THE FISCAL YEAR 2015-16 M/WBE ANNUAL REPORT.
- C-10. DISCUSSION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCGUIRE WOODS CONSULTING, LLC.
- C-11. INFORMATION ON WINSTON-SALEM CITY COUNCIL'S LEGISLATIVE PRIORITIES FOR 2017.
- C-12. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *September 13, 2016.*



**ACTION REQUEST FORM**

**DATE:** September 8, 2016  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, Director of Planning and Development Services

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by City-County Planning and Development Services Staff

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by City-County Planning and Development Services staff to revise Chapters A and B of the *Unified Development Ordinances* to create the uses Brewery or Distillery and Special Events Center (UDO-271).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** GEORGE BRYAN, TOMMY HICKS, ARNOLD KING,  
CLARENCE LAMBE, PAUL MULLICAN, BRENDA SMITH,  
ALLAN YOUNGER  
**AGAINST:** MELYNDA DUNIGAN



**UDO-271**  
**AN ORDINANCE REVISING**  
**CHAPTER A AND CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO ADD REGULATIONS FOR MICRO-BREWERY OR MICRO-DISTILLERY USE**  
**AND SPECIAL EVENTS CENTER USE**

Be it ordained by the Winston-Salem/Forsyth County Planning Board, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter A, Article II of the *UDO* is amended as follows:

## **Chapter A – Definitions Ordinance**

### **Article II – Definitions**

**MICRO-BREWERY OR MICRO-DISTILLERY.** A facility, no larger than twelve thousand (12,000) square feet of gross floor area, for the brewing of beer or the distilling of alcoholic beverages. Said facility may include a tasting room or taproom, as well as a retail space to sell the beer or liquor to patrons on site.

**SPECIAL EVENTS CENTER.** A facility that may be rented by individuals or groups for private functions including banquets, fundraisers, weddings, parties and other events. Said facility may be no larger than twenty thousand (20,000) square feet of gross floor area and may include on-site food preparation or catering facilities.

**ENTERTAINMENT FACILITY, LARGE. (W)** Any facility which has a permitted occupancy of three hundred (300) or more and is established primarily to provide entertainment activity (indoor and/or outdoor) to the general public or to a private membership and not otherwise classified as Restaurant (without drive-through service); Adult Establishment; Stadium, Coliseum, or Exhibition Building; Special Events Center or Club or Lodge. Such entertainment activities shall include dancing, live music performances, amplified music, musical entertainment provided by a disc jockey, karaoke, and any similar entertainment related activities.

**Section 2.** Chapter B, Article II of the *UDO* is amended as follows:

## **Chapter B – Zoning Ordinance**

### **Article II - Zoning Districts, *Official Zoning Maps*, and Uses**

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.  
 UDO-271 September 2016

## **2-4 PERMITTED USES**

### **2-4.1 TABLE B.2.6**

Table 2.6 displays the principal uses allowed in each zoning district and references uses conditions. Table B.2.6 should be read in conjunction with the definitions of principal uses and other terms in Section A.2. Land, buildings, and structures shall only be used in accordance with the districts shown on the Official Zoning Maps, and subject to all requirements and conditions specified in this Ordinance.



Section 3. Chapter B, Article II of the *UDO* is amended as follows:

## **Chapter B – Zoning Ordinance**

### **Article II - Zoning Districts, *Official Zoning Maps*, and Uses**

#### **2-5 USE CONDITIONS**

##### **2-5.51.1 MICRO-BREWERY OR MICRO-DISTILLERY**

- (A) **Size.** A micro-brewery or micro-distillery shall be no larger than twelve thousand (12,000) square feet of gross floor area.
- (B) **Taproom or Tasting Room.** A taproom or tasting room must be included in micro-breweries or micro-distilleries located in the PB, LB, NSB, HB, CB, MRB-S, E and MU-S districts. A taproom or tasting room must account for a minimum of ten percent (10%) of the gross floor area devoted to this use.

##### **2-5.74.1 SPECIAL EVENTS CENTER**

- (A) **Size.** A special events center shall be no larger than twenty thousand (20,000) square feet of gross floor area.
- (B) Special events center uses in the YR, AG, RS-40, RS-30, RS-20, PB, LB, NSB, HB, GB, MRB-S, LI, C and MU-S districts shall be subject to the following requirements:
  - (1) **Access.** A special events center shall have direct vehicular access to a major or minor thoroughfare or collector street as defined in the *Transportation Plan*. For facilities created by converting existing structures, the maximum distance from a thoroughfare or collector street shall not exceed fifteen hundred (1,500) feet. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the special events center is to be located to the accessed major or minor thoroughfare or collector street.
  - (2) **Setback.** No activity areas associated with this use, including, but not limited to, the special events center structure, outdoor event space or parking shall be located less than forty (40) feet from neighboring residentially zoned property.
  - (3) **Buffer.** All sites containing special events centers shall be buffered from adjacent residentially zoned property by a Type III bufferyard.

NOTE: Items to be deleted are indicated with a strikethrough; items to be added are indicated with an underscore.  
UDO-271 September 2016

## 2-5.74.2 STADIUM, COLISEUM, OR EXHIBITION BUILDING

- (A) Size. A stadium, coliseum or exhibition building shall be larger than twenty thousand (20,000) square feet of gross floor area.
- (B) Stadium, coliseum or exhibition building uses in the PB, HB, GB, C and MU-S districts shall be subject to the following requirements:
- (1) Access. A stadium, coliseum or exhibition building shall have direct vehicular access to a major or minor thoroughfare or collector street as defined in the *Transportation Plan*. For facilities created by converting existing structures, the maximum distance from a thoroughfare or collector street shall not exceed fifteen hundred (1,500) feet. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the stadium, coliseum or exhibition building is to be located to the accessed major or minor thoroughfare or collector street.
  - (2) Setback. No activity areas associated with this use, including, but not limited to, the stadium, coliseum or exhibition building structure, outdoor event space or parking shall be located less than forty (40) feet from neighboring residentially zoned property.
  - (3) Buffer. All sites containing a stadium, coliseum or exhibition building shall be buffered from adjacent residentially zoned property by a Type III bufferyard.

Section 4. Chapter B, Article III of the *UDO* is amended as follows:

## Chapter B – Zoning Ordinance

### Article III – Other Development Standards

#### 3-3 PARKING, STACKING AND LOADING AREAS

##### 3-3.2 OFF-STREET PARKING REQUIREMENTS

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.  
UDO-271 September 2016

<b>Table B.3.8 MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS</b>		
PRINCIPAL USES (Legend at end of table)	MOTOR VEHICLE PARKING SPACES	BICYCLE PARKING SPACES— Applicable to Growth Management Areas (GMAs) 1, 2, and 3 only.
	MINIMUM REQUIREMENTS NOTES: (Supplemental landscaping required if parking exceeds 175% of minimum requirements.)	REQUIREMENTS If not exempt: (Minimum—2 spaces, Maximum—20 spaces No supplemental landscaping required.)
<b>RETAIL AND WHOLESALE TRADE</b>		
<u>Micro-Brewery or Micro-Distillery</u>	<u>1 space per 100 SF for Taproom/Tasting Room + 1 space per 575 SF of brewing or distillery space</u>	<u>1 space per 5,000 SF GFA, 2 space minimum</u>
<b>INSTITUTIONAL AND PUBLIC USES</b>		
<u>Special Events Center</u>	<u>1 space per 225 SF GFA</u>	<u>1 space per 20,000 SF GFA, 2 space minimum</u>

**Section 5.** Chapter B, Article VI of the *UDO* is amended as follows:

## **Chapter B – Zoning Ordinance Article VI – Administration and Amendments**

### **6-1 ADMINISTRATION**

#### **6-1.4 BOARD OF ADJUSTMENT**

(A) Special Use Permits Authorized by the Board of Adjustment

- (1) Board of Adjustment Review. ....The Board of Adjustment shall review all request for permits as designated in Table B.2.6 and Section B.2-5.
- (2) Planning Board Report. ....Applications for special use permits may be approved by the Board of Adjustment after such board receives a report from the Planning Board and holds a duly advertised public hearing in each case, except that the Planning Board shall not be required to review and report on applications for:
  - (a) Riding Stables per Table B.2.6;
  - (b) Kennels Outdoor per Table B.2.6;
  - (c) Shooting Ranges, Outdoor per Table B.2.6;
  - (d) Manufactured Homes Class A, Class B and Class C per Table B.2.6;
  - (e) Expansion or Conversion of a Nonconforming Use per Sections B.5-2.3(B) and B.5-2.4(A);

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.  
UDO-271 September 2016

- (f) Accessory Uses as follows:
  - (i) Dwelling, Accessory (Detached) per Section B.2-6.4(C);
  - (ii) Separation, Processing, Storage or Wholesale Sale of Materials in LCIDs per Section B.2-5.41(N); or
  - (iii) Home Occupations in Rural Areas (GMAs 4 and 5) per Section B.2-6.4(D)(2)(b);
- (g) Accessory Structures as follows:
  - (i) Exceeding size limits for accessory structures per Section B.3 1.2(E);
  - (h) Parking reductions for churches per Sections B.2-5.21(D) and B.2-5.22(C);
  - (i) Veterinary Services per Table B.2.6;
  - (j) Reserved.
  - (k) Keeping of horses, mules, donkeys, goats, sheep, or cattle (**W**) per Section B.3-11.4;
  - (l) Child Daycare, Large Home;
  - (m) Transmission Towers per Table B.2.6;
  - (n) Campground;
  - (o) Special Events Center.

**Section 6.** This ordinance shall be effective upon adoption.



## STAFF REPORT

DOCKET # UDO-271

STAFF: [Walter Farabee](#)

### REQUEST

This UDO text amendment is proposed by City-County Planning and Development Services staff to amend Chapters A and B of the *Unified Development Ordinances* (UDO) to create regulations for the uses “Micro-Brewery or Micro-Distillery” and “Special Events Center”. The text amendment is a follow-up to the report Planning Staff presented to the Planning Board in April, 2016 concerning these uses.

### BACKGROUND

Micro-breweries and micro-distilleries are facilities that brew beer or distill alcoholic beverages and that often have other complimentary activities in the same structure such as a taproom or tasting room. The number of these establishments has grown considerably in recent years across the nation and locally in Winston-Salem. Events centers are another type of business that has experienced significant interest recently as individuals desire more unique options to host functions such as banquets, weddings, parties and other events. The proliferation of such uses is a recent trend, and specific land use regulations for these uses have not been established in many municipalities. Our *Unified Development Ordinances* (UDO) currently lack specific use classifications or regulations for breweries, distilleries and event centers. However, a number of these businesses already exist in our community, and Inspections staff has had to classify these businesses as the closest use in the UDO at the time of permitting.

Currently there are more than half a dozen breweries and distilleries operating in Winston-Salem. Most of these operations have been classified as the principal use “restaurant without drive-through” with the breweries or distilleries being considered accessory uses. One of the breweries is classified as Manufacturing A due to its larger size and location within an industrial park. Several additional breweries are planned to open within the coming year in Winston-Salem and Forsyth County.

Similarly, many existing event centers have been classified under the “stadium, coliseum or exhibition building” use which was originally intended for larger scale venues such as the LJVM Coliseum. This use is permitted only in more intense commercial, entertainment, industrial and mixed use districts; however, some existing event centers exist in residential or institutional zoning districts as part of churches or clubs/lodges.

Lacking appropriate use classifications and regulations for these new uses is a common problem for many municipalities across North Carolina. When comparing the five largest cities in the state, Durham, Greensboro and Charlotte are the only municipalities with use regulations for micro-breweries, while Durham is the only one with existing micro-distillery regulations. Of the largest municipalities in the state, Greensboro is the only one with a special events facilities use.

**ANALYSIS**

Planning Staff believes that the creation of new use specifically for these business types is necessary given recent trends. The new use classifications will eliminate the uncertainty for businesses seeking to establish these uses, and allow Inspections staff to properly designate and regulate the uses. Staff recommends the creation of two new UDO uses: “micro-breweries or micro-distilleries” and “special events centers”.

Given the similarities between breweries and distilleries they have been classified together and limited to a maximum gross floor area of twelve thousand square feet to limit the impact of such facilities on adjacent neighborhoods. In addition to these facilities brewing beer and distilling alcoholic beverages, they may also include a tasting room or taproom, as well as a retail space to sell their goods to patrons on site. This use would be permitted by right in business, entertainment, mixed-use and industrial districts. Due to the need to retain street-level activity in business, entertainment and mixed-use districts, micro-breweries or micro-distilleries in these districts must include a taproom or tasting room of at least 10% of the gross floor area of the establishment. Lastly, parking is required at a rate of one parking space per 100 square feet of taproom or tasting room space plus one parking space per 575 square feet of brewing or distilling space.

Special events centers are defined in this amendment as rentable facilities for private functions with a maximum gross floor area of twenty thousand square feet. Such facilities may include on-site preparation or catering facilities and host functions such as banquets, fundraisers, weddings and parties. They are proposed to be permitted by right in business, entertainment, industrial, campus and mixed-use districts. Given the current demand for rural or country-style event venues, this use is also proposed to be allowed in agricultural and large lot residential zoning districts with a Special Use Permit from the Board of Adjustment. Parking would be required at a rate of one parking space per 225 square feet for the use.

Due to the need to protect nearby residential properties from potential negative impacts of this use, additional requirements are proposed for special events centers in business, campus and mixed-use districts. New facilities must have direct vehicular access to a major or minor thoroughfare or collector street. If the special events center is located in a converted existing structure, it must be located no more than 1,500 feet from a thoroughfare or collector street. All activity areas, including the structure, any outdoor event space and parking must be located no closer than 40 feet from neighboring residentially zoned property. Additionally, a Type III bufferyard is also required adjacent to residential zoning. These requirements for access, setbacks and bufferyards are also proposed to be applied to the larger stadium, coliseum or exhibition building use to reflect the similar impacts of these two similar uses.

Breweries, distilleries and event center uses are likely to become even more common in the future and it is important that we are prepared to accurately classify and regulate such uses. These uses have the potential to greatly benefit the local economy but also have the potential to impact established community character if not appropriately located or designed. Staff believes the proposed use regulations, size limitations and other standards will ensure the proper placement of these businesses and the preservation of the character of the community around them.

**RECOMMENDATION****APPROVAL**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR UDO-271  
SEPTEMBER 8, 2016**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

Melynda Dunigan asked if the zoning districts that allow restaurants and bars are the same as the ones that would allow microbreweries, or would there be some difference? Aaron King, stated that restaurants are no longer allowed in General Industrial. Neighborhood Business does allow restaurants, but is not proposed in this text amendment as a district that would allow microbreweries.

George Bryan asked if extending the changes to the current uses make the regulations for stadium, coliseum or exhibition buildings tighter? If so, in what ways, in terms of setbacks and buffers? Kirk Ericson stated the setbacks of 40 feet do exist for these uses and other commercial uses currently against all residential zoning districts. The difference is that this text amendment goes above and beyond that, in that it also includes setback provisions for outdoor areas. A lot of these newer event centers (the coliseum both on the large and small scale) now have things going on outside, like tables, dining and various things happening. This actually provides extra protection beyond what would be applied in both the current larger coliseum use and others uses in the ordinance by requiring that 40 feet setback from all those outdoor activity areas as well. Also, the Type III buffeyard is more intense than what would be required for standard commercial uses. The goal with this was where there is residential adjacent to this use, is to acknowledge the impact this use can have and provide some screening and separation.

Melynda Dunigan expressed her concern that the special event center use is proposed to be allowed in large lot residential districts and she felt that a Board of Adjustment special use permit does not give a serious enough level of consideration for those uses adjacent to other residential zoning.

MOTION: Clarence Lambe moved approval of the UDO Amendment.

SECOND: Paul Mullican

VOTE:

FOR: George Bryan, Tommy Hicks, Arnold King, Clarence Lambe, Paul Mullican,  
Brenda Smith, Allan Younger

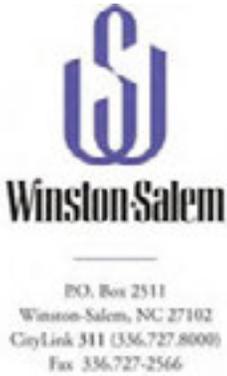
AGAINST: Melynda Dunigan

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning and Development Services





**TO:** Mayor Allen Joines and Members of the City Council  
**FROM:** A. Paul Norby, Director of Planning and Development Services  
Angela I. Carmon, City Attorney  
**DATE:** September 19, 2016  
**SUBJECT:** Revisions to Accessory Dwelling Provisions (UDO-267)

Planning and Development Services staff gave a presentation on UDO-267 (a text amendment to revise accessory dwelling regulations) at the May 10 Community Development/Housing/General Government Committee meeting. This amendment is necessary to ensure that our accessory dwelling provisions reflect current case law, community desires, and Legacy 2030 recommendations. The Committee continued its discussions on this item at the August 9 CD/H/GG meeting. Four research requests arose during this meeting which staff were asked to answer prior to the October Committee meeting. Planning and Development Services staff collaborated with the City Attorney's Office to provide the answers below:

Requests and Answers

- **What single-family residential building design elements are able to be legally regulated through a Neighborhood Conservation Overlay (NCO) District rezoning?**

S.L. 2015-86 became effective in North Carolina on June 19, 2015, and prohibits, with certain exceptions, the regulation of "building design elements." The law provides a list of what cannot be regulated, including:

- 1) Exterior building color;
- 2) Type or style of exterior cladding material;
- 3) Style or materials of roofs or porches
- 4) Exterior nonstructural architectural ornamentation;
- 5) Location or architectural styling of windows and doors, including garage doors;
- 6) Location of rooms; and
- 7) Interior layout of rooms.

The law specifically excludes the following items as "building design elements", allowing for regulation:

- 1) Height, bulk, orientation on the lot, location of structure on a lot;
- 2) Use of buffering or screening to minimize visual impacts, to mitigate impacts of light or noise, or to protect the privacy of neighbors; and
- 3) Regulations governing permitted uses of land or structures.

- **Are subdivisions or neighborhoods within a community legally able to either vote-in or vote-out of allowing accessory dwelling units in that area (similar to City Code provisions currently in place for front yard parking in residential areas)?**

It is legally permissible to create a vote-in or vote-out mechanism for allowing accessory dwelling units in an area. However, the City Attorney's Office recommends exercising extreme caution if this avenue is chosen, as it could be possible to accumulate signatures of properties and "draw" the boundaries of an area so that the resultant character of a neighborhood or neighborhoods would be split or divided.

Another option would be to allow the "opting out" of said use by virtue of adoption of a Neighborhood Conservation Overlay (NCO) District for a neighborhood wishing to initiate such an overlay which prohibits accessory dwellings. Similarly, parallel zoning districts could be created, for example RS9 and RS9-ADU (Accessory Dwelling Unit), whereby Council through a rezoning could determine if said use is appropriate for a particular parcel of property, or even a neighborhood which applies for that zoning.

- **Prepare a graphic showing an example of how a 7,000 square foot residential lot could accommodate a detached accessory dwelling meeting the requirements of UDO-267.**

Staff has prepared two graphics to illustrate how a detached accessory dwelling could be accommodated on a 7,000 square foot RS-7 lot. **Exhibit A** shows the minimum setbacks for an accessory unit proposed in UDO-267 as well as the minimum UDO setbacks for the RS-7 district. **Exhibit B** shows how an accessory dwelling could be accommodated on an actual RS-7 zoned lot in Winston-Salem.

- **Research how many new detached accessory units have been approved in Winston-Salem since staff was directed to stop enforcing the current UDO kinship provisions by the City Attorney.**

Based on legal advice from the City Attorney, the Board of Adjustment and staff stopped enforcing the kinship provisions in the current attached dwelling ordinance in May 2013. Since that time 14 new detached accessory dwellings have been approved by the Board of Adjustment. This averages to 4-5 new detached units per year. The attached map (**Exhibit C**) shows where these units are located.

Staff will be available at the October 2016 Community Development/Housing/General Government Committee meeting to assist the Committee in its continued discussion on this item.

### Proposed Accessory Dwelling Unit Setbacks for a 7,000 Square Foot Single Family Residential Lot (RS-7 Zoning)

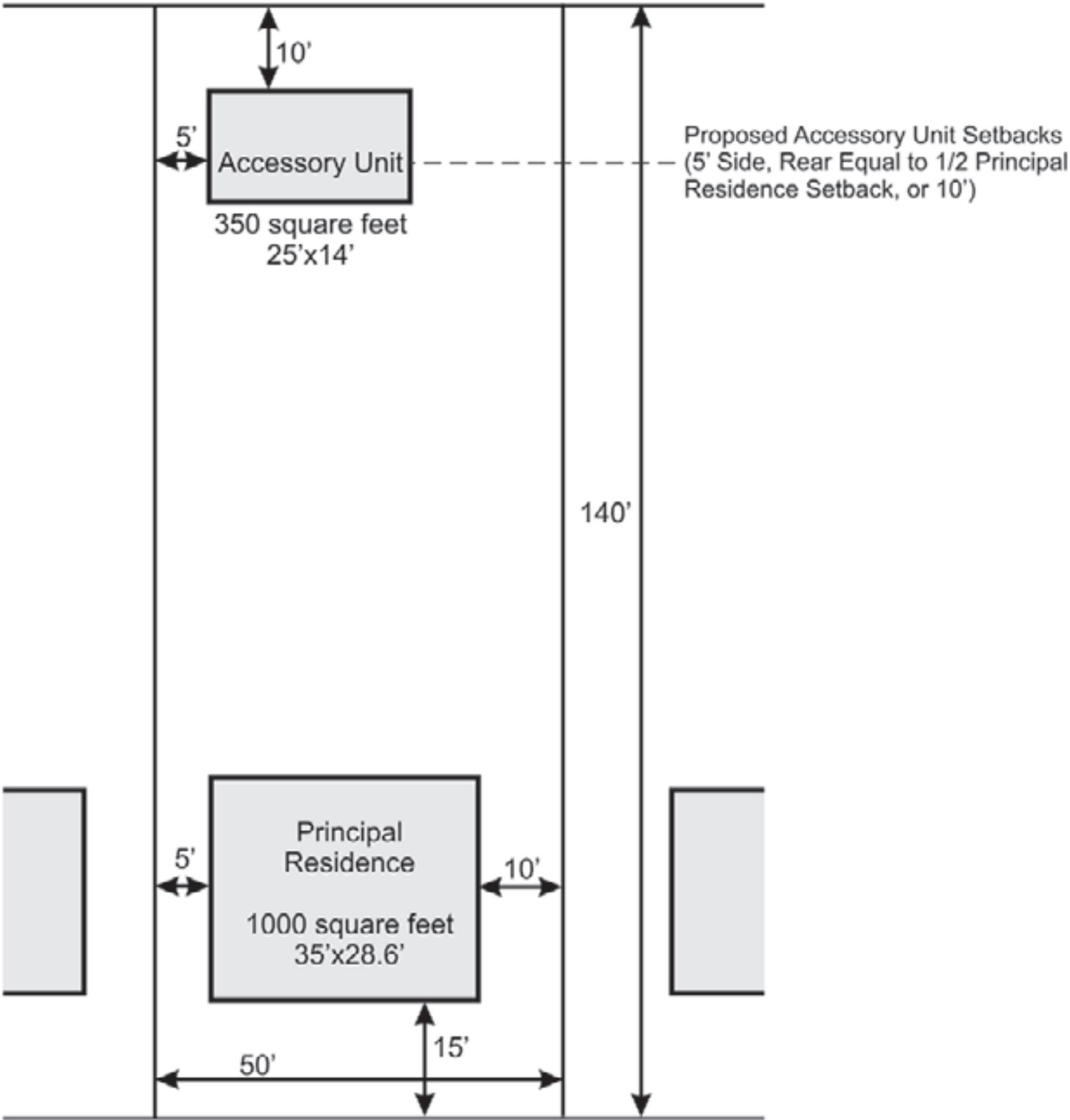


Exhibit B

RS-7 Accessory Unit Example

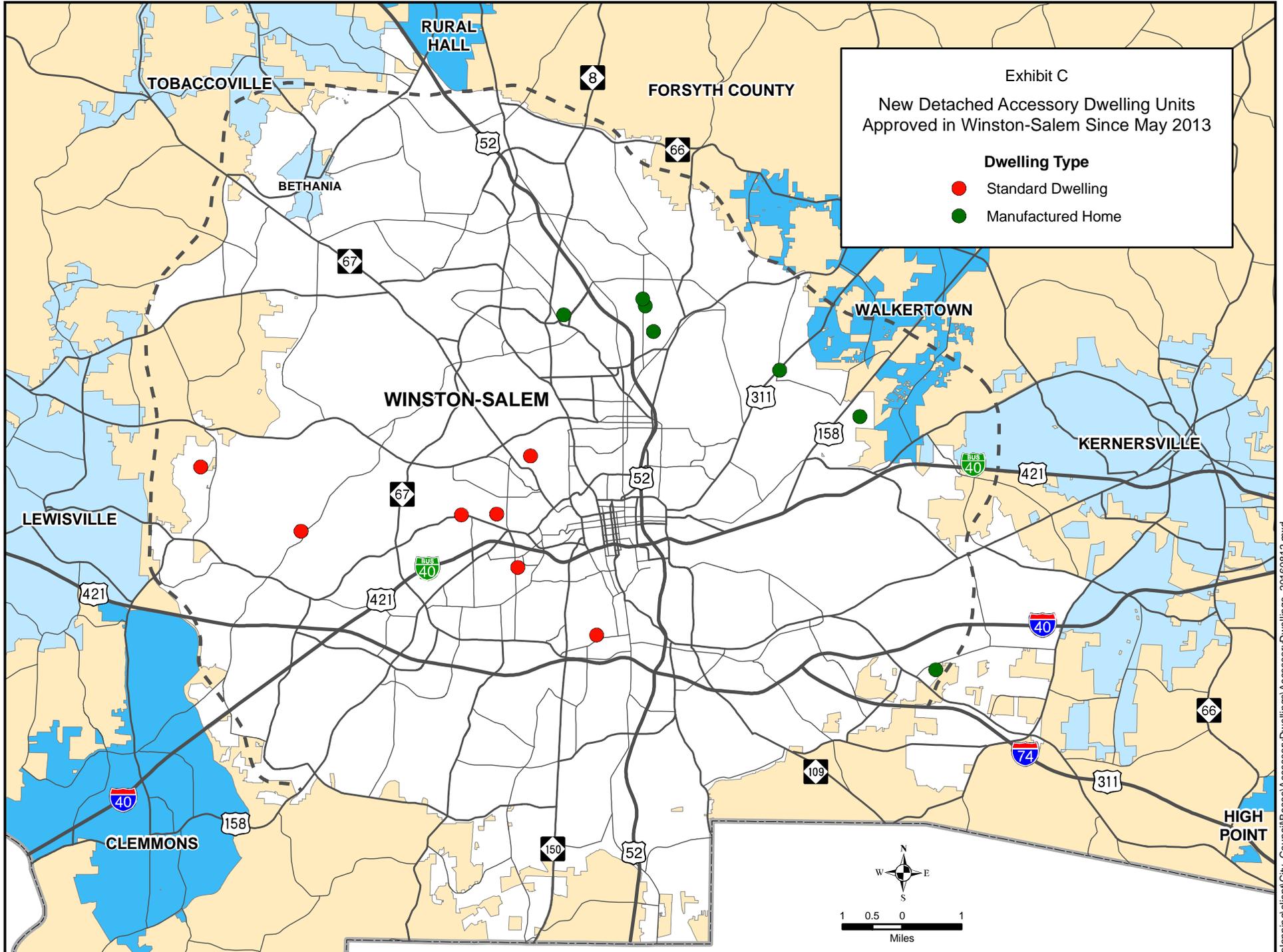
Lot Size: 7,000 sf  
Maximum Accessory Unit Size: 350 sf

G-2.  
DRAFT



N JACKSON AV

N GRAHAM AV







# Memorandum

**TO:** Mayor Allen Joines and Members of the City Council  
**FROM:** A. Paul Norby, Director of Planning and Development Services  
**DATE:** August 2, 2016  
**SUBJECT:** Revisions to Accessory Dwelling Provisions (UDO-267)

Bryce A. Stuart Municipal Building  
 100 E. First Street  
 P.O. Box 2511  
 Winston-Salem, NC 27102  
 CityLink 311 (336.727.8000)  
 Fax 336.748.3163

Planning and Development Services staff gave a presentation on UDO-267 (a text amendment to revise accessory dwelling provisions) at the May 10 Community Development/Housing/General Government Committee meeting. This amendment is necessary to ensure that our accessory dwelling provisions reflect current case law, community desires, and *Legacy 2030* recommendations. Following the May 10 meeting, Committee Chair Leight asked that Council be provided a list of key decisions regarding specific provisions of the proposed ordinance, to help focus discussions at the August CD/H/GG meeting. Questions regarding key ordinance provisions are as follows:

## General Questions

- Allow detached accessory dwellings at all, or prohibit entirely?
- If detached accessory dwellings are allowed, should a Special Use Permit from the Board of Adjustment be required (as in both the existing and proposed draft ordinance)?
- Set a maximum number of people who may live in an accessory unit? (The proposed ordinance prohibits more than two adults from living in a unit.)

## Minimum Lot Size

- Only allow detached units on lots larger than 9,000 square feet in size, or a different minimum lot size?
- Only allow detached units on lots where the principal residence occupies no more than 30% of the total lot area, as the current proposal suggests?

## Maximum Size of Accessory Units

- Set the maximum size limit for accessory units at 1,000 square feet as proposed?
- Allow a maximum accessory unit size of 1,500 square feet in Growth Management Area 3 (Suburban Neighborhoods) on lots with at least 40,000 square feet (almost 1 acre) as proposed?

**City Council:** Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Beise, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Jeff MacIntosh, Northwest Ward; Darwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

**Fourth County Commissioners:** David R. Pyles, Chairman; Don Martin, Vice Chair; Ted Kaplan; Richard V. Loville; Walter Marshall; Gloria D. Whiteshaft; Erneste Witherspoon; County Manager: Dudley Warr, Jr.

**City-County Planning Board:** Arnold G. King, Chair; Allan Year -23- Chair; George M. Bryan, Jr.; Melinda Domingue; Tommy Hicks; Clarence R. Lamb, Jr.; Darryl Link; Paul W. Malican; Brenda J. Smith

Setback Requirements for Accessory Units

- Set a minimum rear setback for detached accessory units at 50% of the required rear setback for the primary residence, as proposed?
- Require a setback of 20 feet between the principal residence on the lot and an accessory dwelling as proposed?  
(Note: Existing accessory structures with less than the required setbacks must request a variance from the Board of Adjustment, according to the draft ordinance)

Other Requirements

- Set an accessory unit height limit of 24 feet as proposed? (accommodates a unit above a detached garage, for example)
- Only allow variances from certain ordinance requirements to be granted for lots which are more than 9,000 square feet in size, as proposed?
- If variances are allowed, limit variances only to structures existing prior to the adoption of UDO-267, as proposed?

Staff will be available at the August 9, 2016 Community Development/Housing/General Government Committee meeting to assist the Committee in its discussion on this item.



# Memorandum

**TO:** Mayor Allen Joines and Members of the City Council  
**FROM:** A. Paul Norby, Director of Planning and Development Services  
**DATE:** April 27, 2016  
**SUBJECT:** Revisions to Accessory Dwelling Provisions (UDO-267)

Bryce A. Stuart Municipal Building  
 100 E. First Street  
 P.O. Box 2511  
 Winston-Salem, NC 27102  
 CityLink 311 (336.727.8000)  
 Fax 336.748.3163

At the August 2015 Community Development/Housing/General Government Committee (CD/H/GG) meeting, Planning and Development Services staff gave a presentation on a potential amendment to current standards regulating accessory dwelling units in Winston-Salem, prompted by some recent court decisions. Residential accessory dwelling units have been allowed in Winston-Salem since the 1930s, and these structures may be either detached stand-alone buildings, or units attached to the principal residence which exists on a property. A number of accessory units can be found within the older neighborhoods surrounding Downtown Winston-Salem, and they are also found in some of the more outlying areas of the City and County jurisdictions.

The *Unified Development Ordinances* (UDO) currently permits accessory dwellings, but limits occupancy of these units to relatives, adopted persons, dependents or servants of the property owner. Existing provisions also extend occupancy rights for attached dwelling units to individuals over the age of 55 and handicapped persons. As staff discussed last August, the City Attorney's Office has expressed concerns regarding the enforceability of the current occupancy provisions in the UDO. Recent North Carolina case law suggests that although municipalities have the authority to regulate the use of property, they do not have the authority to limit the use of land based on the identity or status of the users or owners of the property. The Attorney's Office has recommended revising our current ordinance provisions to prevent them from being challenged in court.

Planning Staff agrees that removing ordinance language that runs counter to case law is necessary, but recommends adding additional regulations governing building placement and size to ensure accessory units fit within neighborhoods. After researching other municipalities across the state, staff found that the large majority of cities, both large and small, currently allow accessory dwellings in single family neighborhoods. In fact, only 4 of the state's 30 largest municipalities prohibit accessory residential units. *Legacy 2030* also recognizes that accessory dwellings can provide creative housing options to accommodate a growing population within existing municipal limits, and allow for greater opportunities for aging in place and affordable housing.

After gaining input from Council at the August 2015 CD/H/GG meeting, staff held two public meetings to provide interested citizens an opportunity to learn about proposed changes and provide feedback in September 2015. A number of issues were discussed at these meetings including setbacks of accessory units, unit size limitations, design issues, and the impact of the ordinance on the local Tiny House movement. Based on these discussions and our research, staff

City Council: Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Beise, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Jeff MacIntosh, Northwest Ward; Darwin I. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

Forsyth County Commissioners: David R. Pyles, Chairman; Don Martin, Vice Chair; Ted Kaplan; Richard V. Loville; Walter Marshall; Gloria D. Whiteshaft; Ezerene Witherspoon; County Manager: Dudley Warr, Jr.

City-County Planning Board: Arnold G. King, Chair; Allan Year -25- Chair; George M. Bryan, Jr.; Melinda Davigan; Tommy Hicks; Clarence R. Lamb, Jr.; Darryl Link; Paul W. Malican; Brenda J. Smith

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 citylink@cityofws.org

prepared an initial draft ordinance proposal which was presented to the City-County Planning Board at its October 2015 work session.

This initial staff proposal eliminated kinship provisions and added the following accessory dwelling requirements:

- Parking for the unit must be provided and served by the same driveway as the principal residence, unless the accessory unit is on a corner lot or accesses an alley
- Detached accessory units must be behind the front façade of the principal residence
- Accessory units may only be permitted in association with single-family residential uses
- Detached units have a maximum height of 24 feet
- Accessory dwelling have a maximum area of 1,000 square feet, plus:
  - Attached units may be no more than 30% of the floor area of the principal structure
  - Detached units may be no more than 5% of the total lot area
- Detached units would require a greater setback than for other accessory structures but would allow minimum rear setbacks equal to 50% of the required rear setback for primary structures in the zoning district (for residential districts). Side setbacks for these units would be the same as the required side setbacks for primary structures in the zoning district.
- Detached units in non-residential districts must have minimum rear setbacks of 12.5 feet and side setbacks of 7 feet
- Existing accessory structures with less than these required setbacks must request a variance from the Board of Adjustment

In addition to the proposed requirements detailed above, accessory dwellings would still be approved in the same fashion as they currently are. Attached dwelling units would be permitted by right with the issuance of a zoning permit from staff, while detached dwelling units would continue to require a Special Use Permit from the Board of Adjustment (BOA). To receive a Special Use Permit, an accessory unit must meet all conditions of the ordinance, as well as meet four findings of fact related to the impact of a unit on its neighborhood. The BOA process also requires a public hearing allowing neighbors to voice their concerns about the impact of such structures on their neighborhoods.

Over the next three months, Planning staff answered further Planning Board questions related to the draft ordinance, and briefed the Board again at its January 2016 work session. A Planning Board public hearing was held on a revised draft ordinance on February 11, 2016. In addition to the provisions listed above, the February 2016 ordinance proposed the following requirements:

- One parking space must be provided per bedroom in an accessory unit
- Detached units may only be located on lots at least 9,000 square feet in size
- Detached units are only allowed on lots where the principal residence occupies no more than 30% of the total lot area
- A maximum unit size of 1,500 square feet is allowed in Growth Management Area (GMA) 3 on lots with at least 40,000 square feet
- No maximum unit size exists in GMAs 4 or 5, except that the accessory unit must be smaller than the principal residence on the lot

- Detached units must be set back at least 20 feet from the principal residence on the lot
- No more than two adults are allowed to live in an accessory unit

During discussion at the February Planning Board meeting, some Board members and citizens voiced concerns over the impact of proposed parking requirements on neighborhoods which lacked adequate off-street parking, as well as concerns relating to variances from the proposed standards. The Board continued discussing the ordinance at its February 2016 work session, and staff added the following provisions to the draft ordinance:

- Parking for accessory units must be provided in the form of off-street parking
- Variances may not be granted for lots which are less than 9,000 square feet in size
- Variances may only be granted for structures existing prior to the adoption of UDO-267

The Planning Board continued discussions on the revised ordinance at its March 10, 2016 meeting. After substantial discussion, a motion to approve the ordinance as presented by staff was made, and was denied unanimously, with Planning Board members citing opposing reasons that it was either too lenient or too restrictive. Another motion, which would have completely removed accessory dwelling provisions from the ordinance, failed with a 2-6 vote. A motion to simply remove the legally questionable occupancy provisions from the current ordinance passed on a 6-2 vote. All three ordinance versions considered and voted on by the Planning Board are attached to this memo for Council consideration.

Staff will discuss UDO-267 at the May 10, 2016 Community Development/Housing/General Government Committee. Following the presentation, staff will be available to answer questions.



**ACTION REQUEST FORM**

**DATE:** April 27, 2016  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, Director of Planning and Development Services

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning text amendment proposed by City-County Planning and Development Services staff

**SUMMARY OF INFORMATION:**

An ordinance amendment proposed by City-County Planning and Development Services staff to revise Chapter B of the *Unified Development Ordinances* to amend regulations for Accessory Dwellings (UDO-267).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL WITH CHANGES  
**FOR:** TOMMY HICKS, ARNOLD KING, CLARENCE LAMBE,  
DARRYL LITTLE, PAUL MULLICAN, BRENDA SMITH  
**AGAINST:** GEORGE BRYAN, MELYNDA DUNIGAN  
**SITE PLAN ACTION:** NOT REQUIRED



## STAFF REPORT

**DOCKET #** UDO-267

**STAFF:** [Walter Farabee](#)

### **REQUEST**

This UDO text amendment is proposed by City-County Planning and Development Services staff to amend Chapter B of the *Unified Development Ordinances* (UDO) concerning regulations for accessory dwelling units.

### **BACKGROUND**

Accessory dwelling units are structures that may be detached or attached to a principal structure on the same lot and are sometimes referred to as granny flats, in-law apartments, guest houses, carriage houses or laneway/alley housing. Accessory dwelling provisions have existed in the UDO for many years, and before that, were in the Winston-Salem Zoning Ordinance as early as 1930. Accessory dwellings are commonly allowed in single-family zoning districts in many cities under certain conditions.

*Legacy 2030* highlights the importance of accessory dwelling. Allowing for accessory dwellings allows the integration of some of our future housing needs within existing neighborhoods making use of existing infrastructure while retaining the character of residential neighborhoods. Accessory dwellings provide creative housing options that can accommodate the growing population within municipal limits, and can offer a number of additional community benefits: they are likely smaller and more affordable than other housing options in the market, they utilize existing infrastructure, can generate income for the owner of the principal structure, and provide for aging in place for the elderly, sick or those on fixed-incomes.

Presently, the *Unified Development Ordinances* (UDO) sets forth regulations for accessory dwelling units which limits occupancy of these units to relatives, adopted persons, dependents or servants of the property owner. Existing provisions also extend occupancy rights to individuals over the age of fifty-five (55) and handicapped persons in attached dwellings only.

Based on recent North Carolina case law, the City Attorney's Office has identified concerns regarding the enforceability of these occupancy provisions of the UDO. While municipalities have the authority to regulate the use of property, case law suggests that they do not have the authority to limit the use of land based on the identity or status of the users of the property. The Attorney's Office has recommended revising our current ordinance provisions to prevent them from being challenged in court. When looking at other municipalities across the state, the large majority of cities both large and small currently allow accessory dwellings in single family neighborhoods.

## ANALYSIS

Planning Staff agrees that revising the current accessory dwelling regulations is necessary. Staff is recommending that a number of new restrictions be included in the accessory dwelling regulations to ensure the appropriate placement and design of units and to protect the character of single-family neighborhoods. These revisions to the regulations begin with refining the definition of attached and detached accessory dwellings. Attached accessory units would have to be completely contained within the same conditioned building structure as the principal residence or share at least 15 feet of an external wall with the principal residence. Detached accessory units could not be physically connected or attached to the principal structure and must be no less than 20 feet from the side or rear of the principal residence.

Several proposed ordinance revisions have been included for both attached and detached accessory units:

- Accessory dwellings are only permitted in association with single-family residential uses, and only one accessory unit is allowed per lot.
- The elimination of the kinship provisions, as suggested by recent case law.
- A requirement that no more than two adult individuals may inhabit an accessory dwelling, whether attached or detached, to limit the impact of noise, light, traffic and other measures on neighbors.
- Parking for the unit must be provided and served by the same driveway as the principal dwelling in most cases.
- One parking space per accessory unit bedroom shall be provided. Units without a bedroom must have one space provided. Given the size limitations further discussed, the number of spaces will remain low.

The following proposed revision applies only to attached accessory units:

- The accessory dwelling can't be more than 30% of the heated floor area of the principal building, not to exceed 1,000 square feet

Given the greater impact that detached accessory units pose to single-family neighborhoods, additional unique restrictions have been proposed for these units, which include:

- Detached accessory dwellings could only be placed on lots with a minimum lot size of 9,000 square feet and which have a principal structure that occupies no more than 30% of the lot area.
- The accessory unit would have to be located behind the front façade of the principal structure. If located on a corner lot then the detached unit must be located behind the building line of both street-facing facades.
- Unit limitations are based on the Growth Management Area (GMA) in which the accessory unit is located in:
  - In GMAs 1, 2 and 3 the detached accessory dwelling could not exceed 5% of the lot area with a maximum size of 1,000 square feet, except that lots in GMA 3 greater than 40,000 square feet in size allow units up to 1,500 square feet.
  - In GMAs 4 and 5, the square footage of the accessory dwelling could not be greater than that of the principal residential structure on site.

- Detached accessory dwellings in single-family residential districts would require a minimum rear setback equal to 50% of the required rear setback for the zoning district. The minimum side setback for the district remains and there must be 20 foot of spacing between the detached unit and the principal residence on the lot.
- Accessory dwellings in non-residential districts would require rear setbacks of at least 12.5 feet and side setbacks of at least 7 feet on one side and 20 feet combined.
- Maximum height would be increased to 24 feet to allow for the high-pitch rooflines found in the design of many homes today.
- A separate driveway for a detached accessory unit could only be created if the unit is located on a corner lot or served by an alley.

Beyond these regulatory changes to the ordinance, accessory dwellings are still proposed to be permitted in the same fashion as they currently are. Attached dwelling units would continue to be permitted by right with the issuance of a zoning permit from staff, while detached dwelling units would continue to require a Special Use Permit from the Board of Adjustment (BOA). The Special Use Permit process requires a public hearing allowing neighbors the opportunity to share their concerns about the impact of such structures on their neighborhoods. To receive approval from the BOA, an accessory unit must meet all conditions and requirements of the ordinance, as well as four findings of fact. This deliberate process reflects the importance of protecting the character of single-family neighborhoods while continuing to allow this limited housing option.

Over the past months, staff has engaged the public in the revision process by giving presentations and holding public input sessions. Based on public input, several additional ordinance provisions were created to reduce the potential for negative impacts from accessory units.

Overall, the proposed regulations for accessory dwelling units balance the need for providing appropriately designed accessory dwellings that will benefit the greater community with preserving neighborhood character. Most of our peer cities in North Carolina already have similar provisions for accessory dwellings. However, the provisions of this proposed ordinance are more restrictive than most peer city ordinances and provide for better design and placement. The City Attorney's Office has reviewed the proposed amendments and has confirmed that the proposed language is within the bounds of the land use regulation authority granted municipalities by the State. This text amendment should promote new affordable housing options, encourage gentle density, and provide diverse housing options for a growing community while maintaining the character and appearance of single-family neighborhoods.

## **RECOMMENDATION**

## **APPROVAL**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR UDO-267  
FEBRUARY 11, 2016**

Walter Farabee presented the staff report. Kirk Ericson addressed concerns expressed in an email received earlier today from Carolyn Highsmith with the Konnoak Hills Community Association.

**PUBLIC HEARING**

FOR: None

AGAINST:

Bonnie Crouse, 2001 Boone Avenue, Winston-Salem, NC 27103

- ✦ My concern is with off-street parking in the Ardmore area. Some homes in Ardmore already have to have parking permits to park and that is in large part due to the pressure put on them by businesses and the medical complex. The potential exists for all of Ardmore to become duplexes which would generate phenomenal parking issues. A lot of homes already have no off street parking, so I request that you consider requiring any home that wants to put in an accessory building to first provide off street parking for the primary residence and then provide additional off street parking for the accessory building.
- ✦ One of the charms of Ardmore is the quiet of our backyards. Under this proposal people could build close to our homes on all sides of our yards destroying that atmosphere.
- ✦ The setback requirements should be increased. Why should a nonresidential area have more rigorous setback requirements than a residential neighborhood?
- ✦ Manufactured homes would be appalling. Please prohibit them or at the least put very tight restrictions on them.

Carol Eickmeyer, 500 Magnolia Street, Winston-Salem, NC 27103

- ✦ I appreciate the need for quality gentle density increase in our urban areas.
- ✦ However, I share the same concerns about parking and setbacks.
- ✦ There needs to be an off-street parking space for each driving age resident of the accessory dwelling. Stacked parking should not be counted since people will park on the street rather than use stacked parking.
- ✦ The 50% setback for a new dwelling is inappropriate. Anyone wishing to add a new accessory dwelling should have to go to the Zoning Board of Adjustment to get a variance because they should have to meet the same setback requirement.

- ✦ Our ordinance has greater setback requirements for a chicken coop than for accessory dwellings. Having lived next door to a rental unit for over 20 years, sometimes I would rather live next door to chickens than to people.

Eric Bushnell, 2113 Walker Rd, Winston-Salem, NC 27106

- ✦ I represent the Winston-Salem Neighborhood Alliance (WSNA).
- ✦ These are significant, sweeping changes.
- ✦ A number of our members are concerned about the stability of their neighborhoods and unintended consequences.
- ✦ This proposal replaces something we felt we understood with something which is rather complicated and which is untested and unproven.
- ✦ This version of the proposal only came out a couple of days ago and WSNA members are just beginning to try to understand how these changes would apply to their neighborhoods. Ardmore has followed this more closely for a longer time and studied it more.
- ✦ Most of our members are far from ready to endorse this. They aren't comfortable that it can achieve the benefits it is supposed to achieve and that it can safely prevent unintended consequences.
- ✦ Without the previous kinship provision, limiting the number of adults living in accessory dwellings is crucial.
- ✦ They are concerned about such unintended consequences as drastic increases in the number of people and cars so I am very pleased to see that there is something to address that in this latest version.
- ✦ When accessory dwellings were proposed during the *Legacy 2030* preparation the concept was not embraced by everyone. Many neighborhoods were not comfortable with it.
- ✦ Combining an increase in accessory dwellings with the aftermath of the owner-occupancy court case makes this more difficult for the neighborhoods to accept, not easier.
- ✦ Setbacks are an issue we hear over and over. Preserving those setback requirements is a point of contention for many of our neighborhoods.
- ✦ Short-term rentals needs to be addressed somehow. Otherwise this proposal has the potential to bring back some previous problems associated with short-term rentals.
- ✦ There is a lot here. It will require neighborhood associations to spend a lot of time to figure out what is here, what the changes are, and how those changes will apply to them.

Sunny Stewart, 106 Gloria Avenue, Winston-Salem, NC 27127

- ✦ We share all the concerns which have already been expressed, especially about setbacks and parking because Washington Park, like Ardmore, has issues with in-street parking already.
- ✦ We would like to suggest that temporary structures be prohibited and that structures be placed on permanent foundations so that we don't have tiny homes on wheels.
- ✦ My neighbors are concerned about enforceability and how the owners are using it especially when you are dealing with rentals.
- ✦ We are even more concerned with the use of units for short-term rentals such as one-night and B&Bs. How will that be enforced? We don't feel that is addressed currently.

**WORK SESSION**

During discussion by the Planning Board, the following points were made:

Melynda Dunigan: Manufactured housing is already in the ordinance. It isn't new. If someone wants a manufactured home, is it allowed by right? Staff responded that it would require a Board of Adjustment (BOA) Special Use Permit unless it was located in a manufactured home park or if the property is already zoned MH. Both would include consideration of whether it blended in with the neighborhood including whether or not there were any other manufactured homes in the area.

Currently the draft ordinance specifies one parking space per bedroom with one space minimum for an accessory dwelling unit. Off street parking is not a requirement. Chris Murphy explained that if you have road frontage sufficient to park the required number of cars but don't have off-street parking, a Special Use Permit could still be granted.

In response to comments about the appearance of manufactured homes, Kirk Ericson stated that particularly with some of the 2015 State Enabling Legislation, unless a structure is in a locally designated historic overlay district or a designated historic district, materials and things of that nature cannot be regulated.

Chris Murphy explained that a lot of manufactured homes would a) be too large to meet the required setbacks or b) be too large to meet the size of the secondary dwelling which could be placed on the lot.

Property owners in GMA3, GMA4, and GMA5 could potentially subdivide their lots to facilitate an additional dwelling. However in the more rural areas sewer may not be available and subdividing lots would then require room for septic and repair areas which may prohibit dividing the land. In addition, accessory dwellings in the County are often used for aging relatives and it is easier to have all expenses such as taxes on one bill. Paul Norby reminded the Board that the ordinance is written to accommodate both urban and rural situations which are very different.

George Bryan: Mr. Bushnell, there are so many neighborhoods that haven't shown up to speak about this. What kind of penetration has occurred to the neighborhoods about a text amendment which will impact their property? Eric Bushnell: We've tried to keep our member neighborhoods up to date with what's happening but the ordinance has been fluid and some changes have only occurred recently. So as I said in my presentation, neighborhoods are only now beginning to be able to figure out what this means to them.

Discussion was held about ways to convey information about upcoming text amendments to potentially impacted parties. Paul Norby noted that text amendments are listed on our web site with the same information about getting more information concerning them as the zoning items. We held two community/stakeholder meetings on this particular text amendment in the fall. If someone will provide staff with a list of contacts we will be glad to send a draft of an amendment out to them. However the faster way is probably by email to those folks who know who each other are as Mr. Bushnell was talking about.

Paul Norby reminded everybody that accessory dwellings are allowed now and have been since 1930. The difference is that State case law has caused cities to look at accessory dwellings differently about who is allowed to live there. Also, allowing accessory dwellings in single family districts is a typical thing even in smaller communities. Each time we've discussed accessory dwellings we've added more and more restrictions. We are getting close to being the most restrictive community in the State other than prohibiting accessory dwellings altogether.

Adjusting the height restriction for accessory structures from a 17' maximum to a 24' maximum is primarily for things like garages which may have apartments above them or have space which is to be used for storage. This is for the RS Districts which have a height limit of 40'. Also, modern buildings have steeper pitched roofs which are reflected in these calculations. So even with this height change from 17' to 24', it's still preserving the relationship with the principal structure being the larger, more impactful.

Melynda Dunigan asked if a lot which was too small to meet the minimum lot size requirement would be eligible for a variance? Due to some vague language in the variance section of the UDO, staff will confer with the City Attorney's office and have that answer at the work session.

Kirk Ericson noted that when we were looking into this, in the urban area zoning districts lot sizes primarily ranged from 6,000 square feet to 15,000 square feet. RS9 was seen as a standard single family lot, which would probably have enough room to accommodate an accessory structure, meet setback requirements, and not negatively impact neighbors. We also didn't want to encourage smaller lots in older neighborhoods to add accessory structures feeling that neighbors in those circumstances would be too negatively impacted, so RS9 seemed like a good compromise. Paul Norby: That's not to say that any lot of 9,000 square feet or more would automatically be okay - it's still up to the BOA and there could be a compatibility problem.

Arnold King: The plan is to work on this at work session and have what we hope is a finished document at the March 10th meeting.

Neighborhoods can still write comments which we will consider at work session or the next meeting on March 10th. The Board can decide to incorporate some of those, even deciding to continue the amendment at that point if desired.

MOTION: Clarence Lambe moved continuance of the text amendment to March 10, 2016.

SECOND: Brenda Smith

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Clarence Lambe, Darryl Little, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR UDO-267  
MARCH 10, 2016**

Kirk Ericson summarized the history of this item.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

During discussion by the Planning Board, the following points were made:

George Bryan asked about the process for placing a manufactured home on a lot and whether that would involve a separate hearing or be done at the same time as the approval for the accessory dwelling. Chris Murphy responded that the request would be processed as a Special Use Permit through the Board of Adjustment and not require a separate hearing unless it also required a variance. It would not go on to the Elected Body.

George Bryan asked about off-street parking, notably variances, parking on front lawns and stackability. Staff responded that parking could not be considered for a variance, the site plan would define the parking area and explain what the parking surface material would be, and if there were concerns with issues such as the design of the proposed parking that could certainly be considered as part of the Special Use Permit approval. Staff further noted that the Board of Adjustment is going to consider the site plan holistically and any aspect of the site plan that could cause a problem would have to be worked out before a Special Use Permit would be granted.

Melynda Dunigan asked for clarification about which structures would not be eligible for a variance. Staff explained that any structure, whether it was or was not used as an accessory dwelling at the time of adoption of this ordinance, would be eligible for a variance. Any structure constructed after the adoption of this ordinance would not be eligible for a variance.

Clarence Lambe asked if it is likely that more accessory dwellings would be developed under this proposed ordinance than under the existing ordinance? Kirk Ericson responded that more accessory dwellings could potentially be developed with the removal of the kinship situation currently mentioned in the UDO. However the additional restrictions would result in more thoughtful development.

Chairman King asked how this proposed ordinance compares with those of other communities? Kirk Ericson responded that with all the latest restrictions this is probably the most restrictive ordinance other than those which completely prohibit accessory dwellings altogether. Chairman King then asked if that is where we want to be? Paul Norby answered that from a Planning perspective you want to have the right balance.

Melynda Dunigan expressed concern about allowing accessory dwellings to be as large as 1,500 square feet in lots of 40,000 square feet in GMA 3. Staff explained that this ordinance applies to City and County jurisdictions and needs for both urban and outlying environments must be addressed.

Melynda Dunigan also asked about short-term rentals of accessory dwellings and how those could be controlled. She expressed concern that they could be used in a similar manner to a Bed and Breakfast and shared the opinion that they should go through a separate approval process from accessory dwellings. Chris Murphy reminded the Board that we don't currently regulate short-term rentals, either in an existing single family house or accessory dwelling or a multifamily condo. Melynda Dunigan stated she would like us to find a mechanism by which we might address the issue. Paul Norby stated that the really tough part is to find an effective way of enforcing any type of short term rental mechanism, since an alleged violation may not be in existence by the time it is reported to zoning enforcement staff and they have the opportunity to investigate it. Melynda Dunigan stated that she finds it very difficult to make a decision on this ordinance with that big gaping hole about whether or not or how we might regulate the short term rentals.

Paul Mullican noted that short-term rentals are not regulated now and passing this ordinance would not change anything.

Melynda Dunigan objected to the comparison being made repeatedly between the existing ordinance that we can't enforce and what we are proposing now. There is a third possibility which is to not allow accessory dwellings at all. We are not even looking at that option. The existing ordinance is moot. We have to do something else. We have to change it. Clarence Lambe responded that we don't have to change it.

MOTION: Clarence Lambe moved approval of the text amendment.

SECOND: Paul Mullican

George Bryan: We're just not close enough at this point to approve this item. We're just a few modifications away from making this a lot more sellable. It's got a long ways to go in front of the governing bodies and I think we have some necessity to pursue those elements so that those kinds of issues will be already worked out as it moves to the County Commissioners and to others. I think when we're talking to neighbors and saying in single family neighborhoods that we're going to make it fairly clear in a very delineated way so that instead of having a single family dwelling next to you, you will have a two-family dwelling next to you is a radical change in what the expectation is of people who elected to go to a single family neighborhood and make a purchase. On the other hand, I feel that we haven't engendered as a Board enough discussion from low-income neighborhoods about how this might benefit or not benefit them and I would love to hear that discussion because it may be totally different dynamics than I've been hearing from the other neighborhoods.

Melynda Dunigan: We've made a lot of positive changes but I think it's just out of balance, tilted too far against the concerns of neighbors.

Arnold King: If I understand Ms. Dunigan and Mr. Bryan, you're opposed to this where it is right now. I'm going to agree with you. I'm going to vote against it because I think it goes too far.

VOTE:

FOR: None

AGAINST: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Clarence Lambe, Darryl Little, Paul Mullican, Brenda Smith

EXCUSED: None

MOTION FAILED.

Discussion ensued that simply leaving the current UDO language in place creates a conflict with current case law, which does not allow regulation of accessory dwellings based on who owns, or occupies the property.

MOTION: Clarence Lambe moved to deny the ordinance as proposed but to approve a revised version of the proposed ordinance with the only change being to modify or eliminate the kinship and other relational requirements to come into compliance with current case law (eliminating subsections (B)(1) and (C)(1) from the current ordinance).

SECOND: Paul Mullican seconded the motion.

Melynda Dunigan: I don't agree with striking the kinship requirement and leaving it at that. The ordinance obviously needs to be changed, but striking the kinship requirement does not go far enough.

Chairman King noted that the Planning Board could place this on next year's work program and begin again and get input from the communities which may not have been involved so far so we can still work on this, but for right now this would bring us into compliance with case law.

Clarence Lambe: And that addresses the initial issue. We've not come up with a satisfactory accessory dwellings ordinance but we've addressed the initial issue.

Staff explained how the proposed motion would relate to the language in staff's draft ordinance.

SUBSTITUTE MOTION: Melynda Dunigan moved to approve an ordinance amendment with the elimination of Accessory Dwellings altogether (Sections B.2-6.4(B) and (C) to the end).

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan

AGAINST: Tommy Hicks, Arnold King, Clarence Lambe, Darryl Little, Paul Mullican, Brenda Smith

EXCUSED: None

SUBSTITUTE MOTION FAILED.

VOTE ON MAIN MOTION by Clarence Lambe to approve a revised version of the proposed ordinance with the only change being to modify or eliminate the kinship and other relational requirements:

FOR: Tommy Hicks, Arnold King, Clarence Lambe, Darryl Little, Paul Mullican,  
Brenda Smith

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning and Development Services



## UDO-267

<p><b>PLANNING STAFF PROPOSAL RECOMMENDED FOR DENIAL BY PLANNING BOARD</b></p>
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**AN ORDINANCE REVISING  
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*  
TO AMEND REGULATIONS FOR ACCESSORY DWELLINGS**

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter A, Article II of the *UDO* is amended as follows:

**Chapter A - Definitions Ordinance  
Article II – Definitions**

**ADULT.** An individual who has attained eighteen (18) years of age, or if under the age of eighteen (18), is either married or has been emancipated under applicable state law.

**Section 2.** Chapter B, Article II of the *UDO* is amended as follows:

**Chapter B - Zoning Ordinance  
Article II – Zoning Districts, Official Zoning Maps, and  
Uses**

**2-6 ACCESSORY USES**

**2-6.4 USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES**

**(B) Dwelling, Accessory (Attached).** ~~.....The Zoning Officer shall issue a zoning permit if the following requirements are met:~~

**(1) Occupancy Requirements.** ~~.....A zoning permit for an attached accessory dwelling shall be conditioned upon the property owner signing a statement verifying that one of the occupancy requirements is being met. The zoning permit shall automatically terminate when the occupancy requirement is no longer met. No more than two (2) adult individuals shall be allowed to inhabit any attached accessory dwelling.~~

**(a) At Least Fifty-Five (55) or Handicapped.** ~~.....The principal or accessory dwelling unit shall be occupied by a person at least fifty five (55) years of age or handicapped; or, [Reserved]~~

- (b) ~~Relation. ....The principal dwelling unit or the attached accessory unit shall be occupied by the following categories of persons: [Reserved]~~
  - (i) ~~Relative. ....Any relative under the civil law of the first, second, or third degree of kinship to the head of the household owning and occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~
  - (ii) ~~Adopted Person. ....A son or daughter by legal adoption, or the adoptive parents of the head of the household or such person's spouse, whether spouse is living or deceased; [Reserved]~~
  - (iii) ~~Other Dependent. ....A dependent of the head of the household or of such person's spouse as defined by the North Carolina Department of Revenue; or, [Reserved]~~
  - (iv) ~~Servant. ....A servant employed on the premises and the servant's family, but only if such servant receives more than one half of his/her annual gross income in return for services rendered on the premises. [Reserved]~~
- (2) **Structure.** ....The principal building shall not be altered in any way so as to appear from a public street to be multiple family housing.
  - (a) **Prohibited Alterations.** ....Prohibited alterations include, but are not limited to: multiple entranceways, multiple mailboxes, or multiple nameplates.
  - (b) **Access.** ....Wherever feasible and consistent with the State Residential Building Code, access to the accessory dwelling unit shall be by means of existing doors.
  - (c) **Stairways.** ....No new stairways to upper floors are permitted on any side of a building which faces a public street.
  - (d) **Utilities.** ....Electric and/or gas utilities shall be supplied to both units through a single meter.
  - (e) An attached accessory dwelling must be completely contained within the same conditioned building structure as the principal residence on the lot or share an external wall of no less than 15 feet in length with the principal residence.
- (3) **Size of Unit.** ....An attached accessory dwelling unit shall occupy no more than ~~fifty percent (50%)~~ thirty percent (30%) of the heated floor area of the principal building, but in no case shall the accessory dwelling unit be greater than one thousand (1,000) square feet. The sum of all accessory uses, including home occupations, in a principal residential building shall not exceed ~~fifty percent (50%)~~ thirty percent (30%) of the total floor area of the building.
- (4) **Parking.** ....Parking for the attached accessory dwelling shall be served by the same driveway as the principal dwelling. One off-street parking space per accessory unit bedroom shall be provided. In no case shall less than one off-street parking space be provided per accessory unit. It shall be demonstrated through a scaled site plan how parking will be provided.

- (5) **Number of Accessory Dwellings.** .....No more than one accessory dwelling, whether attached or detached, shall be located on a lot.
- (6) Accessory dwellings are only permitted on the same zoning lot as single-family residential uses.
- (C) **Dwelling, Accessory (Detached).** ..... A Special Use Permit shall be issued if the following conditions are met:
- (1) **Occupancy Requirements.** .....~~A Special Use Permit for the detached accessory dwelling must be approved by the Board of Adjustment in accordance with the requirements of Section B.6-1.4. In addition, the applicant must submit a statement verifying that the occupancy requirements of this section are being met. The permit shall automatically terminate with the termination of occupancy by such persons. The principal dwelling unit or the detached accessory unit shall be occupied by the following categories of persons. No more than two (2) adult individuals shall be allowed to inhabit any detached accessory dwelling.~~
- (a) ~~Relative (F) . . . . .Any relative under the civil law of the first, second, or third degree of consanguinity to the head of the household owning or occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~
- ~~Relative (W). Any relative under the civil law of the first, second, or third degree of kinship to the head of the household owning or occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~
- (b) ~~Adopted Person. . . . .A son or daughter by legal adoption, or the adoptive parents of the head of the household or such person's spouse, whether spouse is living or deceased; [Reserved]~~
- (c) ~~Other Dependent. . . . .A dependent of the head of the household or of such person's spouse as defined by the North Carolina Department of Revenue; or, [Reserved]~~
- (d) ~~Servant. . . . .A servant employed on the premises and the servant's family, but only if such servant receives more than one half of his/her annual gross income in return for services rendered on the premises. [Reserved]~~
- (2) **Dimensional Requirements.** .....Any detached accessory dwelling shall occupy no more than five percent (5%) of the lot area and shall not be greater than one thousand (1,000) square feet. However, in GMA 3, accessory dwellings on lots greater than 40,000 square feet may have a maximum size of 1,500 square feet. In GMAs 4 and 5, the square footage of the accessory dwelling shall be no greater than the principal residential structure on the lot. Detached accessory dwellings shall comply with all dimensional requirements applicable to accessory structures in Sections B.3-1.2(F) and (G). Any proposed detached accessory dwelling exceeding the dimensional requirements of this section may be considered through the Special Use District Zoning process.

- (3) **Building Requirements.** .....Any detached accessory dwelling shall comply with all building, plumbing, electrical, and other applicable codes, other than a manufactured housing unit.
- (4) **Manufactured Home (F).** .....A Class A or B manufactured home may be used as a detached accessory dwelling; a Class C manufactured home may be used as a detached accessory dwelling in those zoning districts where a Class C manufactured home is permitted as a principal use according to Table B.2.6.  

Manufactured Home (W). A Class A or B manufactured home may be used as a detached accessory dwelling.
- (5) **Number of Accessory Dwellings.** .....No more than one accessory dwelling, whether attached or detached, shall be permitted on the same lot.
- (6) **Parking.** .....Parking for the detached accessory dwelling shall be served by the same driveway as the principal dwelling. One off-street parking space per accessory unit bedroom shall be provided. In no case shall less than one off-street parking space be provided per accessory unit. It shall be demonstrated how parking will be provided through the site plan submitted for the Special Use Permit process. If the detached accessory dwelling is located on a corner lot or served by an alley, a separate driveway may be provided from the side street or the alley.
- (7) **Location of Unit.** .....The detached accessory dwelling may not be physically connected or attached to the principal residence on the same lot. The detached accessory dwelling shall be located behind the front facade of the principal structure. For corner lots the detached accessory dwelling must be located behind the building line of both street-facing facades. The detached accessory dwelling must be set back no less than 20 feet from the side or rear of the principal residence.
- (8) **Setbacks.** .....An accessory structure must comply with all dimensional requirements applicable to accessory structures in Sections B.3-1.2(F) and (G), except as listed below:
  - (a) Accessory dwellings may be erected in any single-family residential district with a minimum rear setback equal to fifty percent (50%) of the required rear setback for the district. The minimum side setback for the district remains the same.
  - (b) Accessory dwellings in non-residential districts shall have rear setbacks of at least twelve and a half (12.5) feet and side setbacks of at least seven (7) feet on one side and twenty (20) feet combined.
- (9) Accessory dwellings are only permitted on the same zoning lot as single-family residential uses.
- (10) **Lot Requirements.** .....Accessory dwellings must meet the following conditions:
  - (a) A minimum lot size of 9,000 square feet exists.
  - (b) The principal dwelling structure on the lot occupies no more than 30% of the lot area.
  - (c) In GMA 3, accessory dwellings on lots greater than 40,000 square feet may have a maximum size of 1,500 square feet.



- (d) In GMAs 4 and 5, the square footage of the accessory dwelling shall be no greater than the principal residential structure on the lot.

**Section 3.** Chapter B, Article III of the *UDO* is amended as follows:

## **Chapter B – Zoning Ordinance**

### **Article III – Other Development Standards**

#### **3-1 - DIMENSIONAL REQUIREMENTS**

##### **3-1.2 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS**

The following supplementary dimensional requirements shall apply to all buildings and structures not subject to the general dimensional requirements of Section B.3-1.1.

##### **(F) Accessory Structures Permitted in Required Yards**

- (1) Interior Lots. ....An accessory structure ~~seventeen (17)~~ twenty-four (24) feet or less in height and structurally detached from the principal structure on the zoning lot may be erected on any interior lot in either the required side or rear yards, if no part of said structure is less than seventy-five (75) feet from the front lot line nor less than three (3) feet from a side or rear lot line.
- (2) Corner Lot. ....An accessory structure less than ~~seventeen (17)~~ twenty-four (24) feet in height and structurally detached from the principal structure on the zoning lot may be erected on a corner lot, provided that:
  - (a) Said structure shall be erected in the required side yard not abutting the street, and no part of said structure is less than seventy-five (75) feet from the front line nor less than three (3) feet from a side or rear lot line; or,
  - (b) Said structure shall be erected in the required rear yard and shall not project beyond, or nearer to, the street than the front setback line of the district, as extended, of the adjacent lot whose front yard abuts the corner lot in question.
- (3) Height. ....For purposes of this section, the height shall be measured from the average grade of the midpoint of the front wall to the ridge of the roof of the accessory building.

##### **(G) Size Limits for Accessory Structures**

- (1) Maximum Area. ....The total area of all accessory structures on a lot ~~Accessory structure~~ may not exceed five percent (5%) of the actual size of the zoning lot or the minimum permitted lot size of the zoning district, whichever is larger. However, an accessory structure up to five hundred seventy-six (576) square feet in area shall be permitted in all districts.
- (2) Board of Adjustment. ....Requests for structures containing greater area than prescribed in Section B.3-1.2(G)(1) may be considered under the special use permit process through the Board of Adjustment.

- (3) Required Yard. ....Accessory structures may not occupy more than twenty-five percent (25%) of the area of the required yard.
- (H) **Accessory Structures Prohibited in Required Yards** .....An accessory structure any part of which is within three (3) feet of the principal building or which is more than ~~seventeen (17)~~ twenty-four (24) feet in height shall comply with all the zoning regulations applicable to the principal building.
- (I) ~~Special Yard Requirements for Older Neighborhoods~~.....~~Alternative dimensional requirements are available for neighborhoods which were originally platted or developed prior to March 3, 1948, and where at least fifty percent (50%) of the other lots on the block in question are developed. See Section B.3-8.~~

Section 4. Chapter B, Article III of the *UDO* is amended as follows:

## **Chapter B – Zoning Ordinance**

### **Article III – Other Development Standards**

#### **6-1 ADMINISTRATION**

To accomplish the purposes of this Ordinance and to insure compliance with these regulations, the following administrative responsibilities are assigned:

##### **6-1.4 BOARD OF ADJUSTMENT**

###### **(B) Variances**

- (1) Authority. ....No provision of this Ordinance shall be interpreted as conferring upon the Board of Adjustment the authority to approve an application for a variance of the conditions of a permitted use except with respect to the specific waiving of requirements as to:
- (a) General Dimension Requirements for Zoning Districts listed in Sections B.2-1.2, B.2-1.3, B.2-1.4 and B.2-1.5 and shall only include minimum zoning lot area and width, minimum setbacks, maximum impervious surface cover, or maximum height;
  - (b) Floodplain regulations as specified in Section C.2-2.7;
  - (c) Vehicular use landscaping requirements as specified in Section B.3-4;
  - (d) Bufferyard requirements as specified in Section B.3-5;
  - (e) Setback and landscaping requirements of the TO District as specified in Section B.2-1.6(B);
  - (f) Width of private access easements where such easement is for single family residential uses and where said private access easement was established prior to April 17, 1978;

- (g) Off-street parking and loading as specified in Section B.3-3;
- (h) Delay of building permits within designated Transportation Plan corridors as specified in Section B.3-7.1;
- (i) Residential infill setback requirements as specified in Section B.3-8; (W); ~~and~~
- (j) Conservation Standards for the NCO District as specified in Section B.2-1.6(A); and
- (k) Accessory dwelling requirements as specified in Section B.2-6.4, excluding the minimum lot size requirement of Section B.2-6.4(C)(10)(a), and Section B.3-1.2. A variance of these accessory dwelling requirements shall only be granted for structures existing prior to [date of adoption of UDO-267].

**Section 5.** This ordinance shall be effective upon adoption.

## UDO-267

**PROPOSAL TO COMPLETELY REMOVE  
ACCESSORY DWELLING PROVISIONS  
RECOMMENDED FOR DENIAL BY THE PLANNING BOARD**

**AN ORDINANCE REVISING  
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*  
TO AMEND REGULATIONS FOR ACCESSORY DWELLINGS**

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B, Article II of the *UDO* is amended as follows:

## **Chapter B - Zoning Ordinance**

### **Article II – Zoning Districts, Official Zoning Maps, and Uses**

#### **2-6 ACCESSORY USES**

##### **2-6.4 USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES**

###### **(B) Dwelling, Accessory (Attached). [Reserved]**

- (1) ~~**Occupancy Requirements.** .....A zoning permit for an attached accessory dwelling shall be conditioned upon the property owner signing a statement verifying that one of the occupancy requirements is being met. The zoning permit shall automatically terminate when the occupancy requirement is no longer met. [Reserved]~~
- (a) ~~**At Least Fifty-Five (55) or Handicapped.** .....The principal or accessory dwelling unit shall be occupied by a person at least fifty five (55) years of age or handicapped; or, [Reserved]~~
- (b) ~~**Relation.** .....The principal dwelling unit or the attached accessory unit shall be occupied by the following categories of persons: [Reserved]~~
  - (i) ~~**Relative.** .....Any relative under the civil law of the first, second, or third degree of kinship to the head of the household owning and occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~
  - (ii) ~~**Adopted Person.** .....A son or daughter by legal adoption, or the adoptive parents of the head of the household or such person's spouse, whether spouse is living or deceased; [Reserved]~~

- (iii) ~~Other Dependent. ....A dependent of the head of the household or of such person's spouse as defined by the North Carolina Department of Revenue; or, [Reserved]~~
- (iv) ~~Servant. ....A servant employed on the premises and the servant's family, but only if such servant receives more than one-half of his/her annual gross income in return for services rendered on the premises. [Reserved]~~
- (2) ~~**Structure.** ....The principal building shall not be altered in any way so as to appear from a public street to be multiple family housing. [Reserved]~~
  - (a) ~~Prohibited Alterations. ....Prohibited alterations include, but are not limited to: multiple entranceways, multiple mailboxes, or multiple nameplates. [Reserved]~~
  - (b) ~~Access. ....Wherever feasible and consistent with the State Residential Building Code, access to the accessory dwelling unit shall be by means of existing doors. [Reserved]~~
  - (c) ~~Stairways. ....No new stairways to upper floors are permitted on any side of a building which faces a public street. [Reserved]~~
  - (d) ~~Utilities. ....Electric and/or gas utilities shall be supplied to both units through a single meter. [Reserved]~~
- (3) ~~**Size of Unit.** ....An attached accessory dwelling unit shall occupy no more than fifty percent (50%) of the heated floor area of the principal building, but in no case be greater than one thousand (1,000) square feet. The sum of all accessory uses, including home occupations, in a principal residential building shall not exceed fifty percent (50%) of the total floor area of the building. [Reserved]~~
- (4) ~~**Parking.** ....Parking for the attached accessory dwelling shall be served by the same driveway as the principal dwelling. [Reserved]~~
- (5) ~~**Number of Accessory Dwellings.** ....No more than one accessory dwelling, whether attached or detached, shall be located on a lot. [Reserved]~~

**(C) Dwelling, Accessory (Detached). [Reserved]**

- (1) ~~**Occupancy Requirements.** ....A Special Use Permit for the detached accessory dwelling must be approved by the Board of Adjustment in accordance with the requirements of Section B.6 1.4. In addition, the applicant must submit a statement verifying that the occupancy requirements of this section are being met. The permit shall automatically terminate with the termination of occupancy by such persons. The principal dwelling unit or the detached accessory unit shall be occupied by the following categories of persons.—[Reserved]~~
  - (a) ~~Relative (F). ....Any relative under the civil law of the first, second, or third degree of consanguinity to the head of the household owning or occupying the principal~~

~~dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~

~~Relative (W). Any relative under the civil law of the first, second, or third degree of kinship to the head of the household owning or occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~

- ~~(b) Adopted Person. ....A son or daughter by legal adoption, or the adoptive parents of the head of the household or such person's spouse, whether spouse is living or deceased; [Reserved]~~
  - ~~(c) Other Dependent. ....A dependent of the head of the household or of such person's spouse as defined by the North Carolina Department of Revenue; or, [Reserved]~~
  - ~~(d) Servant. ....A servant employed on the premises and the servant's family, but only if such servant receives more than one half of his/her annual gross income in return for services rendered on the premises. [Reserved]~~
  - ~~(2) Dimensional Requirements. ....Any detached accessory dwelling shall comply with all dimensional requirements applicable to accessory structures in Sections B.3-1.2(F) and (G). [Reserved]~~
  - ~~(3) Building Requirements. ....Any detached accessory dwelling shall comply with all building, plumbing, electrical, and other applicable codes, other than a manufactured housing unit. [Reserved]~~
  - ~~(4) Manufactured Home (F). ....A Class A or B manufactured home may be used as a detached accessory dwelling; a Class C manufactured home may be used as a detached accessory dwelling in those zoning districts where a Class C manufactured home is permitted as a principal use according to Table B.2.6. [Reserved]~~
- ~~Manufactured Home (W). A Class A or B manufactured home may be used as a detached accessory dwelling. [Reserved]~~
- ~~(5) Number of Accessory Dwellings. ....No more than one accessory dwelling, whether attached or detached, shall be permitted on the same lot. [Reserved]~~

**Section 2.** This ordinance shall be effective upon adoption.



## UDO-267

**PLANNING BOARD RECOMMENDED PROPOSAL  
TO ELIMINATE KINSHIP PROVISIONS**

**AN ORDINANCE REVISING  
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*  
TO AMEND REGULATIONS FOR ACCESSORY DWELLINGS**

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B, Article II of the *UDO* is amended as follows:

**Chapter B - Zoning Ordinance  
Article II – Zoning Districts, Official Zoning Maps, and  
Uses**

**2-6 ACCESSORY USES**

**2-6.4 USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES**

**(B) Dwelling, Accessory (Attached).** ~~.....The Zoning Officer shall issue a zoning permit if the following requirements are met:~~

- (1) ~~Occupancy Requirements.~~** ~~.....A zoning permit for an attached accessory dwelling shall be conditioned upon the property owner signing a statement verifying that one of the occupancy requirements is being met. The zoning permit shall automatically terminate when the occupancy requirement is no longer met. [Reserved]~~
- (a) ~~At Least Fifty Five (55) or Handicapped.~~ ~~.....The principal or accessory dwelling unit shall be occupied by a person at least fifty five (55) years of age or handicapped; or, [Reserved]~~
- (b) ~~Relation.~~ ~~.....The principal dwelling unit or the attached accessory unit shall be occupied by the following categories of persons: [Reserved]~~
- (i) ~~Relative.~~ ~~.....Any relative under the civil law of the first, second, or third degree of kinship to the head of the household owning and occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~
- (ii) ~~Adopted Person.~~ ~~.....A son or daughter by legal adoption, or the adoptive parents of the head of the household or such person's spouse, whether spouse is living or deceased; [Reserved]~~

- ~~(iii) Other Dependent. ....A dependent of the head of the household or of such person's spouse as defined by the North Carolina Department of Revenue; or, [Reserved]~~
    - ~~(iv) Servant. ....A servant employed on the premises and the servant's family, but only if such servant receives more than one-half of his/her annual gross income in return for services rendered on the premises. [Reserved]~~
  - (2) Structure.** ....The principal building shall not be altered in any way so as to appear from a public street to be multiple family housing.
    - (a) Prohibited Alterations. ....Prohibited alterations include, but are not limited to: multiple entranceways, multiple mailboxes, or multiple nameplates.
    - (b) Access. ....Wherever feasible and consistent with the State Residential Building Code, access to the accessory dwelling unit shall be by means of existing doors.
    - (c) Stairways. ....No new stairways to upper floors are permitted on any side of a building which faces a public street.
    - (d) Utilities. ....Electric and/or gas utilities shall be supplied to both units through a single meter.
  - (3) Size of Unit.** ....An attached accessory dwelling unit shall occupy no more than fifty percent (50%) of the heated floor area of the principal building, but in no case be greater than one thousand (1,000) square feet. The sum of all accessory uses, including home occupations, in a principal residential building shall not exceed fifty percent (50%) of the total floor area of the building.
  - (4) Parking.** ....Parking for the attached accessory dwelling shall be served by the same driveway as the principal dwelling.
  - (5) Number of Accessory Dwellings.** ....No more than one accessory dwelling, whether attached or detached, shall be located on a lot.
- (C) Dwelling, Accessory (Detached).** .... A Board of Adjustment Special Use Permit shall be issued if the following conditions are met:
- (1) Occupancy Requirements.** ....~~A Special Use Permit for the detached accessory dwelling must be approved by the Board of Adjustment in accordance with the requirements of Section B.6 1.4. In addition, the applicant must submit a statement verifying that the occupancy requirements of this section are being met. The permit shall automatically terminate with the termination of occupancy by such persons. The principal dwelling unit or the detached accessory unit shall be occupied by the following categories of persons.—[Reserved]~~
    - (a) ~~Relative (F) . ....Any relative under the civil law of the first, second, or third degree of consanguinity to the head of the household owning or occupying the principal~~

~~dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~

~~Relative (W). Any relative under the civil law of the first, second, or third degree of kinship to the head of the household owning or occupying the principal dwelling on the lot, or to the spouse (whether living or deceased) of the head of the household; [Reserved]~~

- ~~(b) Adopted Person. ....A son or daughter by legal adoption, or the adoptive parents of the head of the household or such person's spouse, whether spouse is living or deceased; [Reserved]~~
  - ~~(c) Other Dependent. ....A dependent of the head of the household or of such person's spouse as defined by the North Carolina Department of Revenue; or, [Reserved]~~
  - ~~(d) Servant. ....A servant employed on the premises and the servant's family, but only if such servant receives more than one half of his/her annual gross income in return for services rendered on the premises. [Reserved]~~
- (2) Dimensional Requirements.** ....Any detached accessory dwelling shall comply with all dimensional requirements applicable to accessory structures in Sections B.3-1.2(F) and (G).
- (3) Building Requirements.** ....Any detached accessory dwelling shall comply with all building, plumbing, electrical, and other applicable codes, other than a manufactured housing unit.
- (4) Manufactured Home (F).** ....A Class A or B manufactured home may be used as a detached accessory dwelling; a Class C manufactured home may be used as a detached accessory dwelling in those zoning districts where a Class C manufactured home is permitted as a principal use according to Table B.2.6.
- Manufactured Home (W). A Class A or B manufactured home may be used as a detached accessory dwelling.
- (5) Number of Accessory Dwellings.** ....No more than one accessory dwelling, whether attached or detached, shall be permitted on the same lot.

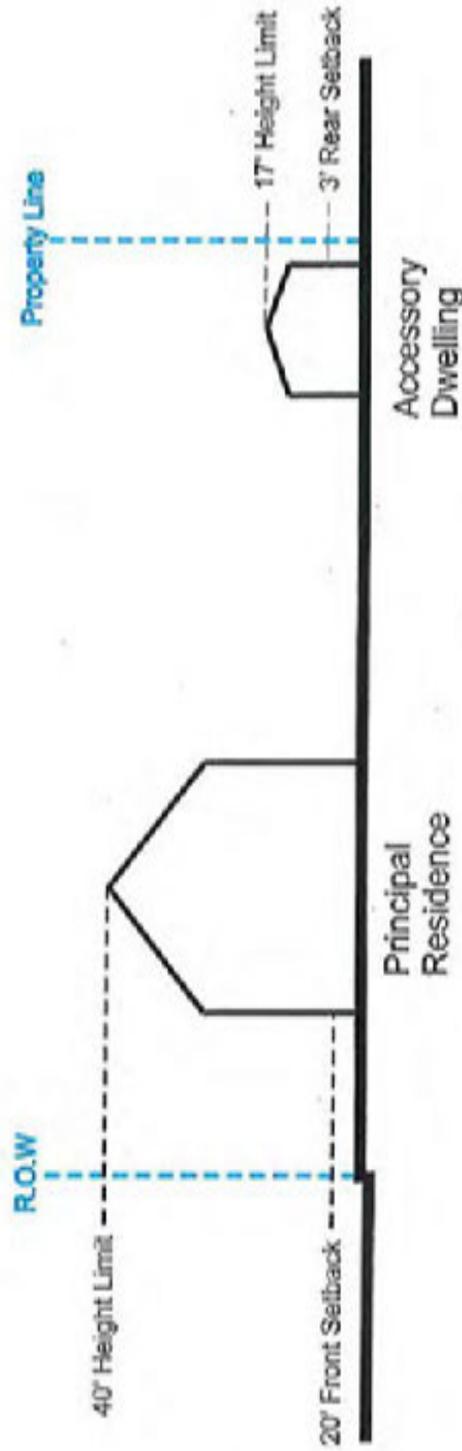
**Section 2.** This ordinance shall be effective upon adoption.



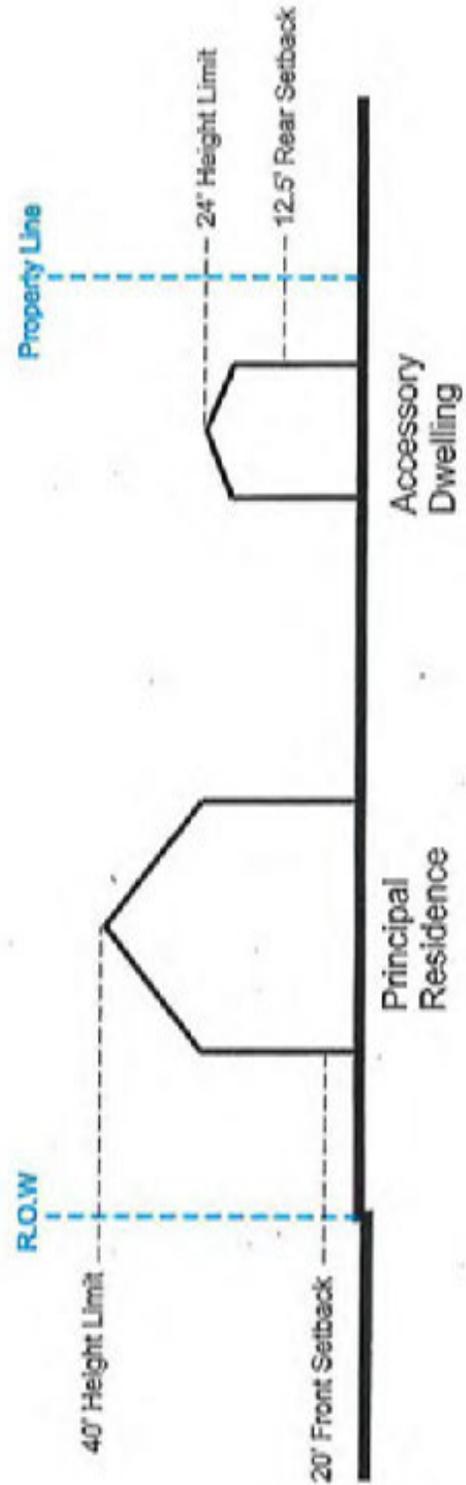
<b>Accessory Dwelling Provisions in the 30 Largest North Carolina Municipalities</b>			
	<b>Municipality</b>	<b>Acc. Dwellings Permitted in Single-Family Zoning</b>	<b>Allowed by Right or Another Process</b>
1	<b>Charlotte</b>	Yes	By Right
2	<b>Raleigh</b>	No	N/A
3	<b>Greensboro</b>	Yes	By Right
4	<b>Durham</b>	Yes	By Right
5	<b>Winston-Salem</b>	Yes	By Right (attached); BOA (detached)
6	<b>Fayetteville</b>	Yes	By Right
7	<b>Cary</b>	Yes	By Right
8	<b>Wilmington</b>	Yes	By Right
9	<b>High Point</b>	Yes	Special Use Permit, City Council
10	<b>Greenville</b>	Yes	By Right
11	<b>Asheville</b>	Yes	By Right
12	<b>Concord</b>	Yes	Special Use Permit, Planning & Zoning Commission
13	<b>Gastonia</b>	Yes	By Right
14	<b>Jacksonville</b>	No	N/A
15	<b>Rocky Mount</b>	Yes	By Right
16	<b>Chapel Hill</b>	No	N/A
17	<b>Burlington</b>	Yes	By Right
18	<b>Wilson</b>	Yes	By Right
19	<b>Huntersville</b>	Yes	By Right
20	<b>Kannapolis</b>	Yes	By Right
21	<b>Hickory</b>	Yes	By Right
22	<b>Apex</b>	Yes	By Right
23	<b>Goldsboro</b>	Yes	By Right
24	<b>Salisbury</b>	Yes	By Right
25	<b>Indian Trail</b>	Yes	By Right
26	<b>Monroe</b>	No	N/A
27	<b> Mooresville</b>	Yes	By Right
28	<b>Wake Forest</b>	Yes	By Right
29	<b>New Bern</b>	Yes	By Right
30	<b>Sanford</b>	Yes	By Right



# Cross-Section of existing and proposed Accessory Dwelling Unit setbacks for a lot in RS-9 zoning



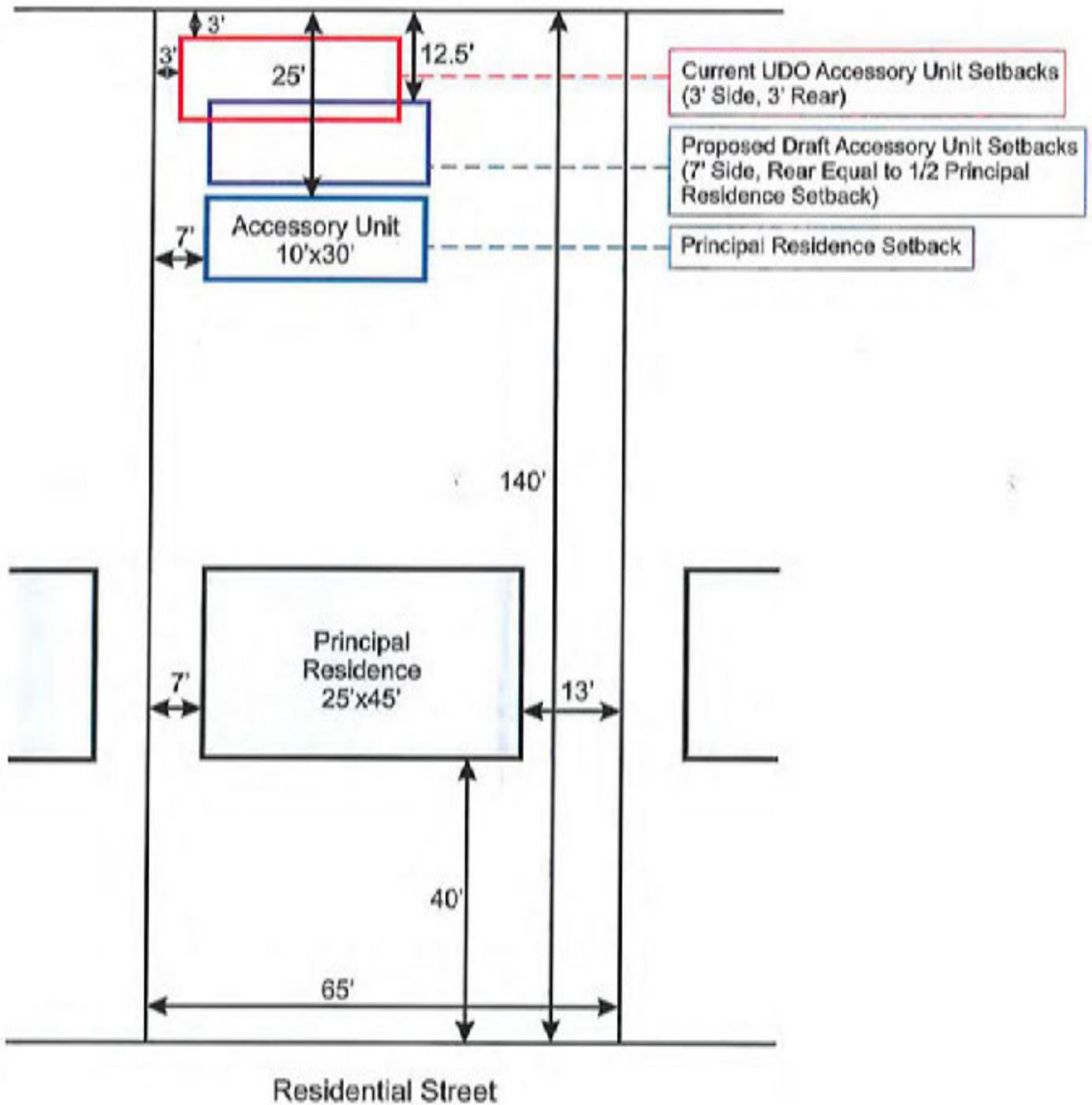
Existing Ordinance



Proposed Ordinance

**G-2. DRAFT**

**Comparison of Potential Accessory Dwelling Unit Setbacks  
for a 9,100 Square Foot Single Family Residential Lot  
(RS-9 Zoning)**



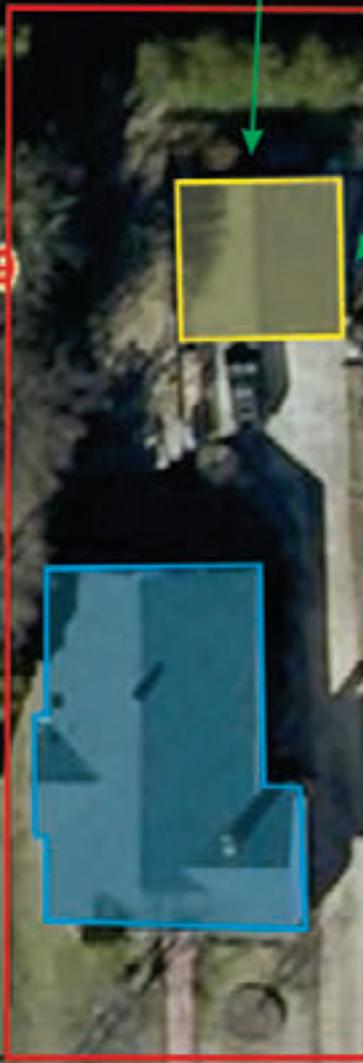
### Existing Conditions Example

Lot Size: 10,454 sf  
Accessory Unit Size: 435 sf  
Lot Coverage of Principal Residence: 20.8%  
Lot Coverage of Accessory Unit: 4.2%

Rear Setback: 28'

Side Setback: 5'

RS9



### Existing Ordinance Example

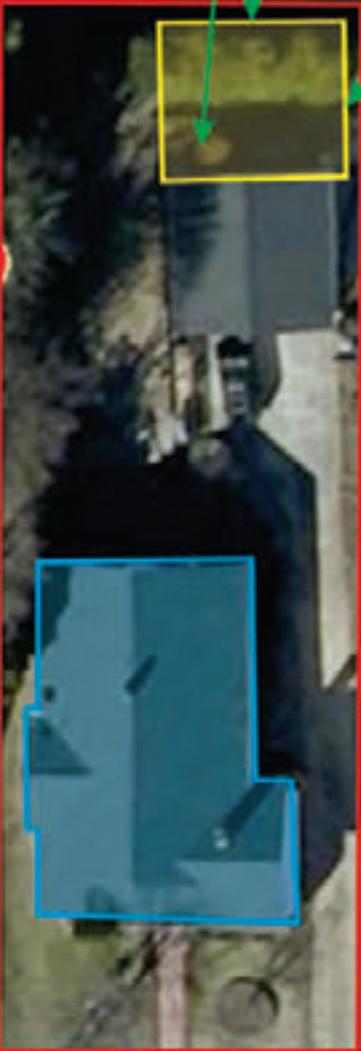
Lot Size: 10,454 sf  
Accessory Unit Size: 522 sf  
Lot Coverage of Accessory Unit: 5%

Potential Building

Rear Setback: 3'

Side Setback: 3'

RS9



GASTON ST

### Proposed Ordinance Example

Lot Size: 10,454 sf  
Accessory Unit Size: 522 sf allowed, 522 actual  
Lot Coverage of Principal Residence: 20.8%  
Lot Coverage of Accessory Unit: 5%

Potential Building

Rear Setback: 12.5'

Side Setback: 7'

20' Setback

RS9



S MAIN ST

### Existing Conditions Example

Lot Size: 16,552 sf  
Accessory Unit Size: 435 sf  
Lot Coverage of Principal Residence: 18.4%  
Lot Coverage of Accessory Unit: 2.6%

W RHYNE AV

ANDERSON DR

Side Setback: 7'

Rear Setback: 2'

RS9



# Existing Ordinance Example

Lot Size: 16,552 sf  
Max Accessory Unit Size: 827 sf  
Lot Coverage of Accessory Unit: 5%

W RHYNE AV

S MAIN ST

ANDERSON DR

RS9

Potential Building

Rear Setback: 3'

Side Setback: 3'

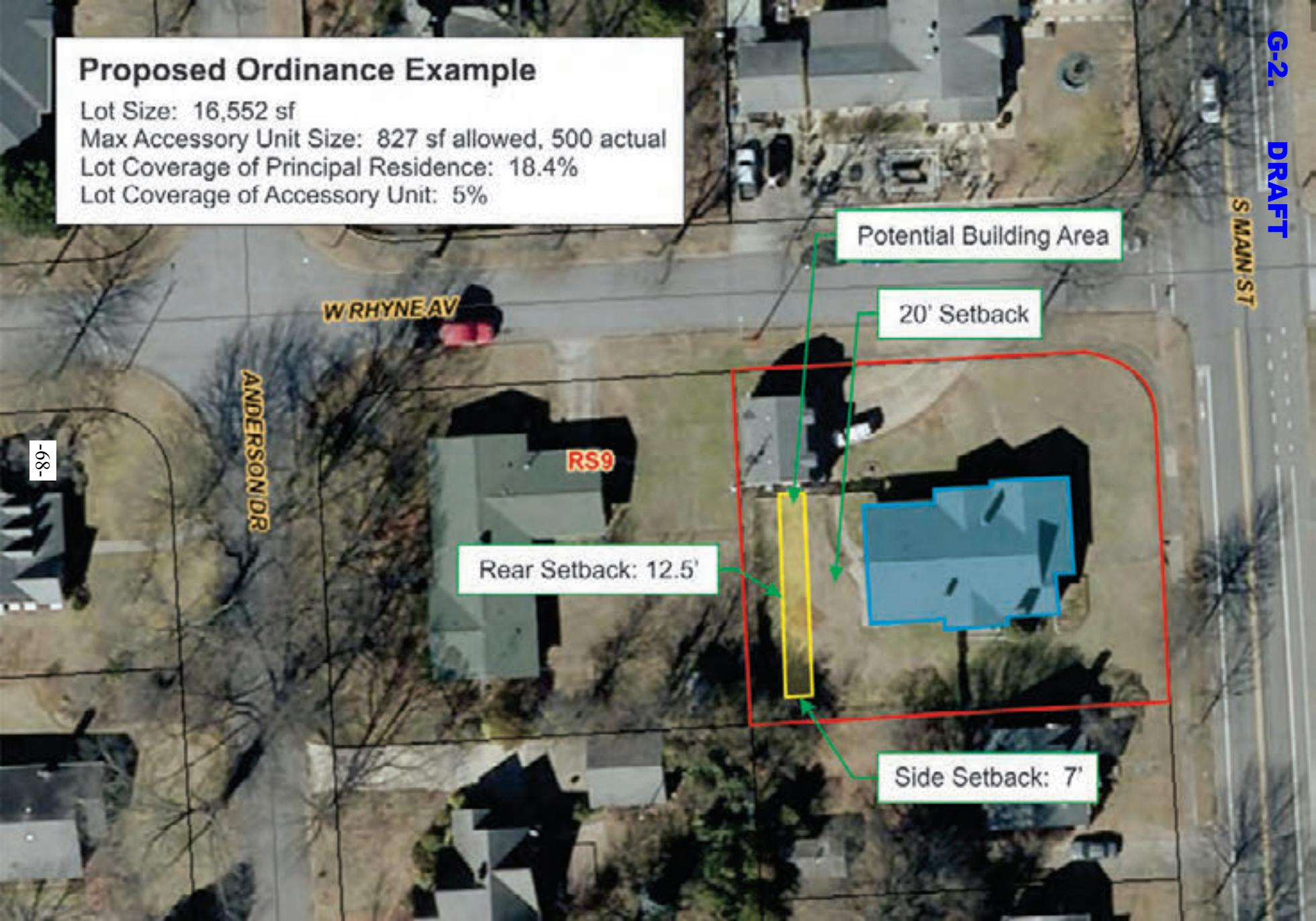
-67-

G-2. DRAFT



### Proposed Ordinance Example

Lot Size: 16,552 sf  
Max Accessory Unit Size: 827 sf allowed, 500 actual  
Lot Coverage of Principal Residence: 18.4%  
Lot Coverage of Accessory Unit: 5%



Potential Building Area

20' Setback

Rear Setback: 12.5'

Side Setback: 7'

W RHYNE AV

ANDERSON DR

S MAIN ST

RS9

## Planning and Development Services Staff Responses to Questions Related to Accessory Units

### Questions Posed at 10/22/15 Planning Board Work Session

Does the NC Building Code require a minimum amount of square footage per person in a residential unit? **The building code does not require this. However, the Winston-Salem City Code requires at least 120 square feet of floor space in habitable rooms to be provided for the first occupant in each housing unit, and at least 100sf of additional space for each additional occupant (excluding children under 1 year of age).**

How would housing be treated in conjunction with a nonresidential use in zoning districts that allow both uses (i.e. LO, PB, etc.)? **Both uses would be considered principal uses where the uses were in separate structures on the zoning lot. Where these uses existed within the same building, the use would be considered “Combined Use” per the UDO.**

Can you limit the number of people who live in an accessory unit to a number smaller than the limits of family in the UDO (i.e. can you allow a maximum of 2 people per accessory dwelling)? **The City’s Code of Ordinances already places occupancy limits on units based on the square footage of the units. Absent a rational basis for doing so, picking an arbitrary number as an occupancy limit would be met with a strong legal challenge, especially considering the variety of sizes of accessory dwellings that could potentially exist (up to 1,000 square feet).**

Can you require there be only one “family” (maximum of 4 unrelated persons) per zoning lot where an accessory residential unit exists? **The Attorney’s Office believes that in theory you could require the two units to be used by a single “family” living together as a single housekeeping unit. This, however, would be very difficult to oversee and enforce (making sure all parties have keys to both units, a free flow of traffic within the units, etc.). Given that the accessory dwelling has its own separate entry, the argument would be made that it is its own separate household and cannot be arbitrarily lumped in with the primary dwelling. In addition, the current definition of family refers to a single dwelling unit, so that would conflict and would require an amendment. As a result of these several issues, the Attorney’s Office would not recommend going this route.**

**Additionally, one could not limit the total number of unrelated persons to 4 between both the primary and accessory dwelling, even though the 2 units are not operating as a single housekeeping unit. Courts have stricken down zoning definitions of "family" which are so narrowly drawn as to exclude certain family members or families which are not biologically related or are non-traditional.**

Is an accessory unit connected by an open-air, non-heated or cooled covered breezeway considered attached or detached? The UDO would actually consider this example an attached unit. Additionally, the UDO considers two totally disconnected structures as attached if they are within 3 feet or less of each other, regardless of the fact that their exteriors do not touch. Structures which are separated by more than 3 feet are considered detached.

If the Planning Board is concerned about certain accessory units being considered attached rather than detached, an option would be to propose a different, more restrictive definition of what constitutes an attached or detached unit for use with accessory dwellings (this would be located within the definitions section of the UDO).

What was the purpose of the registration list for rooming houses put in place a few years ago? Regulations were put in place in 2004 to prohibit the conversion of single-family homes into rooming houses. However, amortization of existing rooming houses was not undertaken at the time due to challenges in determining when rooming houses were established. In 2007, a text amendment was adopted which required all RS- and RSQ-zoned rooming houses which existed prior to adoption of the 2004 amendment to become subject to amortization. Rooming houses which existed prior to 2004 were required to register with the City during calendar year 2008. Those rooming houses were allowed to exist until January 1, 2012 after which time the use was to be discontinued. Units which failed to register by January 1, 2009 were in violation of the ordinance and were subject to zoning enforcement. Rooming houses established after 2004 had to cease immediately (UDO Section B.5-2.9(B)).

Questions from George Bryan on the Proposed Accessory Dwellings Ordinance – 10/26/15

Confirm that this revision will affect Town and Country, Sherwood, Greenbriar and other single family homes. The proposed ordinance, like the current ordinance, will affect single family neighborhoods in all Growth Management Areas, including those listed above. The current and proposed ordinances permit accessory dwellings on the same zoning lot as single-family residential uses (the regulation is based on use, rather than zoning). Therefore, if there is a single family residential use on a lot, it has the potential to be approved for an accessory unit, under both current and proposed regulations.

I am particularly interested in how it will affect an RSQ zoned neighborhood like WE (West End). What is your thought? We have several properties with garage apartments - in fact one is for sale this week. Zoning has been conservative on allowing duplex conversions yet as attached this revision is essentially a duplex. What are your thoughts? WE has a lot of on street parking. In the lots that can be adapted to off street (this could happen through alleys) how do you assure that the main residence has two or more parking places while allowing one for the accessory dwelling? The ordinance will affect RSQ zoned properties containing single family uses, but not those with multiple-family dwellings. Unlike duplex units, where both units are usually the same size and are treated equally, accessory unit provisions establish a principal residence and a significantly smaller accessory unit. Parking for accessory units will be

demonstrated through the site plan required for review by staff (for attached units) or the Board of Adjustment (for detached units).

How many structures are allowed on a lot in the WE. We have a recent example of a main house, garage and now another structure being built. Can three and four structures be built on one lot? The ordinance permits only one accessory *dwelling* per lot. However, multiple accessory *buildings* may exist on a zoning lot, as long as the total square footage for all of these buildings is no more than 5% of the total lot area (however, this maximum may be no less than 576 square feet regardless of lot size). Existing accessory structures not meeting the dimensional requirements of the proposed ordinance have the potential to be permitted as legally nonconforming structures through the Board of Adjustment review process. Additionally, since the West End is a historic overlay district, accessory structures in this neighborhood would also need to be reviewed by the Historic Resources Commission (HRC) and receive a Certificate of Appropriateness (COA). In these cases, the HRC would review the design of the accessory dwelling unit prior to its review by the Board of Adjustment.

It seems, per this revision, that someone could develop a property and then be a non-owner occupied property simply rented out. (Be aware that the WE was created the second time out of many split larger houses. The neighborhood is already 45% rental) Can this be limited? The City Attorney's office believes that we cannot legally limit occupancy of the primary or accessory residential units based on ownership status.

How are you going to keep property owners from getting around the ZBA by simulating "attached"? Please refer to staff's response to a question asked at the October work session.

How is the "tiny house" inclination going to affect a neighborhood like WE and others? Tiny houses would be allowed in all situations that would allow other accessory dwelling units, as long as such tiny houses met all building code and UDO requirements. All accessory dwellings must be on permanent foundations. They must also be connected to water and sewer and meet all applicable building, plumbing, electrical and other codes. Therefore, mobile tiny homes on a trailer/wheels would not fit these requirements. Our building code and the local minimum housing code require a dwelling to meet specific size and room requirements – to satisfy these requirements, an accessory dwelling would need to be over 200 square feet in size. Also, for West End, any proposed "tiny house" would be subject to a requirement to get a COA from the HRC.

What is referred to under "special yard requirements for older neighborhoods" in Section B 3-8.? This reference is a remnant of a former version of this UDO section and as such will be removed in the draft ordinance heard by the Planning Board in December.

Will storm water be affected by any of this? Should it be, as more property is impervious? No change is proposed to current stormwater regulations as part of this amendment. While there are currently no impervious surface limits for single family districts, the ordinance already limits accessory structures (both residential and non-residential) to occupying no more than 5% of the total lot area of a single family lot – this limit is not proposed for change under this ordinance.

As a result, any additional stormwater impacts generated by an accessory dwelling unit would be minimal.

What types of manufactured homes would be allowed? WE almost had a manufactured garage recently. Manufactured units could be allowed within the City of Winston-Salem or Forsyth County as an accessory unit, as both our current and proposed ordinance do not specify building construction or materials. Depending on the zoning district and the jurisdiction (i.e. City or County) other restrictions may also apply as to what class of manufactured housing is allowed. Manufactured homes require a Special Use Permit from the Board of Adjustment (BOA). If someone in any neighborhood proposed to construct a manufactured home as an accessory detached unit then it would go through the BOA public hearing process. Neighbors would have that opportunity to speak against the proposal if they desired. However, in the West End, such a proposal would be subject to the additional requirement that it go through the COA approval process with the HRC.

Does the "new Stairway" regulation mean anywhere on the front of the accessory building - even if it is located behind a main home or almost behind? This requirement is existing and has been enforced in the past. It means that no new stairways may be on any side of the structure facing the public street. Therefore, a stairway located behind or to the side of the structure would work as long such a stairway was not visible from the street.

The "non-relative" occupancy of accessory structures has been ignored in the WE and other neighborhoods. It needs to be corrected but how to do this without mass allowing accessory structures. Our City Attorney's Office has raised concern over the enforceability/legality of the kinship occupancy provisions and recommended they be removed based upon recent case law. Some property owners may have already been in violation of this in the past. Staff has revised the ordinance in a manner that allows accessory dwelling units to be used in accordance with current legal standards, but which also included a number of additional dimensional, setback, parking and other requirements intended to reduce the impact of these units on neighborhoods. Detached units must be approved through the Special Use Permit process which provides public notification and a public hearing where affected citizens may state any concerns on the proposed units.

Isn't this Revision a new zoning area rather than the single family zoning that was purchased by owners? The proposed ordinance will not lead to any zoning changes. Accessory residential units are currently allowed in single family neighborhoods under prescribed conditions, and they will continue to be allowed in the same neighborhoods, simply under different conditions.

Can this be done without changing any setbacks? Again owners bought with the expectation of certain setbacks. Different setbacks currently exist in the UDO for principal structures and for accessory structures. Currently, accessory buildings may be 3 feet from any property line. Principal residences may be as close to a side property line as 7 feet and 25 feet from a rear property line in RS-9 zoning. This ordinance attempts to create setbacks for occupied accessory structures that are significantly more restrictive than those of unoccupied accessory structures, but more flexible than those for principal residences. The ordinance proposes detached accessory units have a minimum rear setback equal to half of the required rear setback for the

district. The minimum side setback would remain the same as that of the principal residence on the lot. Attached accessory dwellings would be subject to existing residential setbacks, as they are part of the residence.

If the current allowance and definition of a "family" is 4 unrelated people - how will this control the number of people in the accessory dwelling? A family meeting the UDO definition of "family" will be allowed in the principal dwelling on a lot, and a second "family" meeting this UDO definition will be allowed to occupy the accessory dwelling, subject to square feet/occupant requirements of the City Code as addressed further in another question.

Two of the overlays in our city have been passed because they control the size of the lot in the neighborhood. This Revision seems to negate that if accessory buildings are allowed. As stated, the two Neighborhood Conservation Overlay Districts (NCOs) currently approved in Winston-Salem limited minimum lot size within the neighborhoods. However, those NCOs did not limit the presence of accessory residential units. The standards of the NCO would remain in place and would not be affected by the proposed text amendment. The City Attorney's Office does believe that a neighborhood could choose to prohibit accessory dwellings as part of a NCO request.



## Planning and Development Services Staff Responses to Questions Related to Accessory Dwelling Units

*Comments, responses, and additional staff recommendations from the 11.12.15 CCPB Meeting*

1. Consider basing parking requirements for accessory dwelling units on the number of bedrooms in the accessory unit. Staff agrees that a parking standard of 1 space per bedroom but no less than 1 space per accessory unit would make sense. The location of the parking space would be determined through the required staff or Board of Adjustment site plan review process.
2. Would it be legal to revise the definition of family to be “an unlimited number of people related by blood or marriage plus 4 unrelated people” and allow this definition to cover all residential units on a lot (It was also proposed to remove the “single housekeeping unit” language in the existing ordinance, which may have consequences in how we regulate other UDO uses). The definition could be revised in such a manner, but would require further policy decisions on how other uses in the UDO are treated going forward (for example, boarding or rooming houses). The City Attorney’s staff would caution against doing such, as equal protection concerns could be triggered upon the imposition of separate family standards. Planning staff would also not recommend this
3. Consider requiring accessory units to have the same minimum rear and side setbacks as those of the principal residence on the lot. Staff has prepared an illustration comparing current UDO setbacks, proposed draft ordinance setbacks, and setbacks equal to those of the principal residence. It is attached to these responses. Because use of the principal residence setbacks for accessory dwellings would make the backyard less useable, Planning staff would not recommend this additional restriction.
4. Is it possible to prohibit single night rentals of accessory units? The Attorney’s Office believes it would be legally permissible to prohibit single night rentals (short term rentals) in principal as well as accessory single family dwellings. However, such a provision would be very difficult to enforce, and Planning staff would not recommend its addition to the ordinance.
5. What would be the complaint process for problems with accessory units? The process for registering complaints against accessory dwelling units would be the same as the current complaint process for other land uses. If a citizen suspected an accessory dwelling unit was operating illegally, they could contact the Inspections Division. Zoning enforcement staff in Inspections would research the complaint, and if an issue was found, staff would require it to be corrected. Where the proper action was not taken by the property owner, enforcement steps would be followed per the UDO. It is worth pointing out that some issues (such as noise complaints) are not within the purview of Inspections, and would need to be addressed by the police department.

6. Should we restrict what constitutes attached vs. detached further than the existing UDO definition? It would be possible to develop a unique definition of “attached” and “detached” for accessory dwelling units. A possible definition for an attached unit could be “An accessory dwelling unit that is completely contained within the same conditioned building envelope or that shares an external wall of at least X feet in length with the principal residence on the lot”. A potential definition for a detached unit could be “An accessory dwelling unit that is not physically connected or attached to the principal residence on the lot”. It is worth noting that from a building code perspective, if an exterior wall of a principal structure and an accessory structure are within less than 3’ of each other, these walls must be fire-rated, regardless of whether such a relationship is defined as attached or detached in the UDO. Planning staff could support a requirement that an attached accessory unit must be either contained within the existing principal residence or share an exterior wall of no less than 15 feet in length.

7. Is it possible to limit accessory structures to only being allowed in conjunction with principal residences that are at least 5 years old? Conversely, can you limit accessory units to only being used in conjunction with new subdivisions? The Attorney’s Office believes such regulations would not be on solid legal ground. Additionally, Planning and Development Services staff believes such limitations may not be good policy, as situations exist where accessory units would be appropriate in both new and pre-existing subdivisions. For example, the “smart growth” and “new urbanism” movements of more recent times encourage accessory dwellings with alley access as a means of allowing more affordable housing options with little impact on neighborhood character. Planning staff would not recommend a restriction based on the age of principal residence.

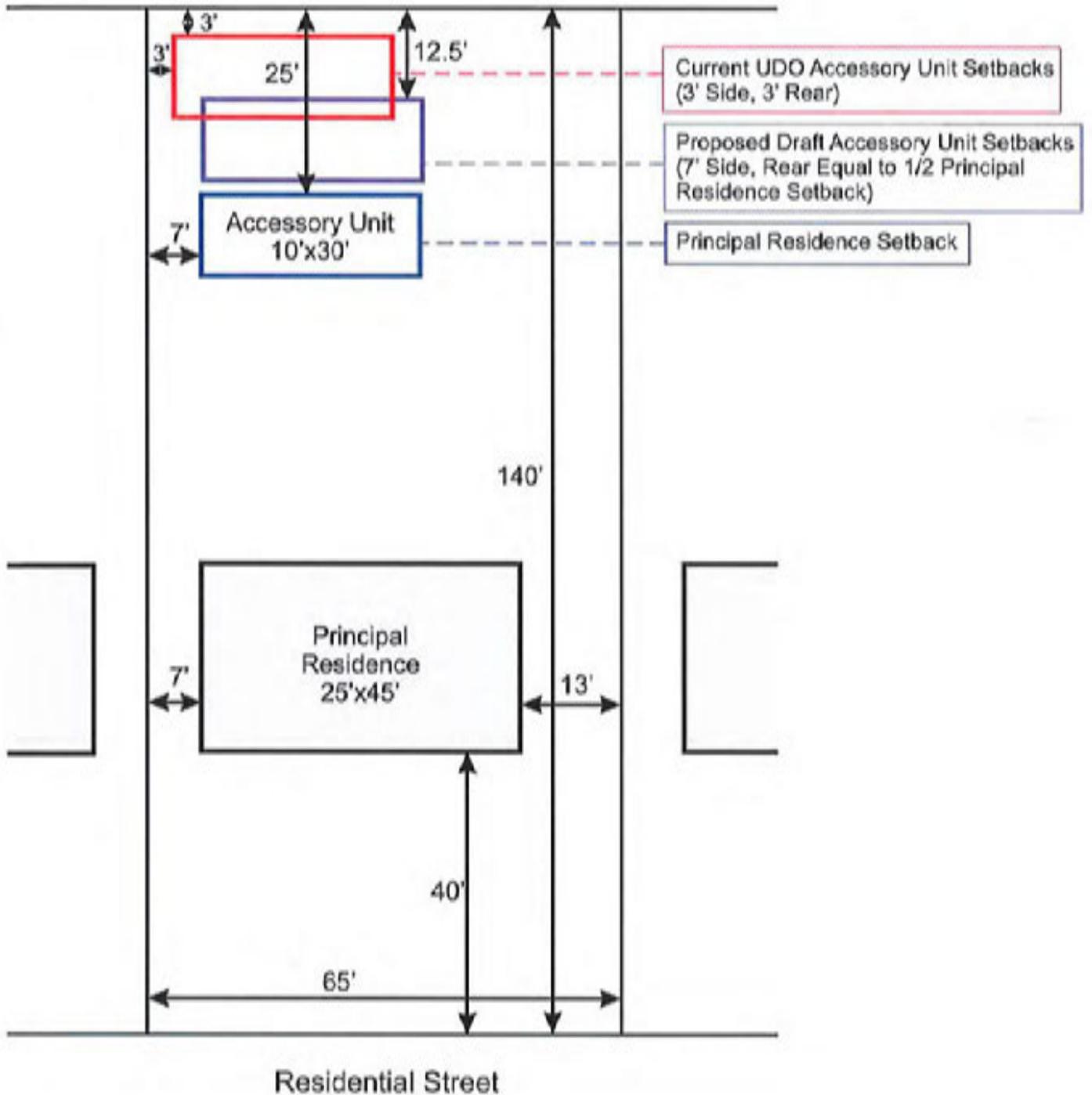
*In addition to the parking requirement and attached accessory dwelling limitations discussed in questions 1 and 6 above, the Planning staff could support the following additional measures as ways to minimize the impacts of accessory dwellings:*

- If a minimum 9,000 square foot lot requirement existed for detached accessory units, many lots in Growth Management Areas (GMAs) 1 and 2 would not be allowed to include these units. Under this requirement, it would eliminate all but the larger lots in several neighborhoods, including Boston Thurmond, Greenway, East Winston, Waughtown, Sunnyside, Washington Park, West Salem, and West End. Other areas, such as Ardmore and Konnoak would have pockets where detached accessory units could not be constructed. Neighborhoods in the northwest part of GMA 2, such as Buena Vista and Country Club Estates, would be largely unaffected by this requirement. A map showing the residential lots that are larger than 9,000 square feet in GMAs 1 and 2 is attached to this memo.

- In addition to a minimum lot size requirement for detached accessory dwellings, a no more than 30% principal residence lot coverage requirement to qualify for a detached accessory dwelling may be a suitable cutoff. Lots where the principal residence occupies more than 30% of the lot may be unsuitable for adding a detached accessory unit, and this would be a way of ensuring lot coverage is not too high. However, in most cases, lots larger than 9,000 square feet would not generally have problems accommodating both a principal residence and an accessory unit plus adequate open space, regardless of the lot coverage of the principal residence.
- A third additional restriction which Planning staff could support would be to provide a 10' or 20' separation requirement between a principal residence and a detached accessory unit. This in some cases would make it harder for lots to qualify for accessory unit development, would ensure more open space on a lot, as well as greater separation between buildings on the lot.



### Comparison of Potential Accessory Dwelling Unit Setbacks for a 9,100 Square Foot Single Family Residential Lot (RS-9 Zoning)









**Representative Single Family Lot Size Ranges for Selected Neighborhoods in GMA 2**

<i>Neighborhood Name</i>	<i>Representative Lot Size Ranges</i>
Ardmore	8,000-11,000 SF
Buena Vista	16,000-22,000 SF
East Winston	5,500-8,000 SF
Greenway	7,500-11,000 SF
Konnoak	7,500-13,000 SF
Washington Park	7,000-10,000 SF
Waughtown	7,500-10,000 SF
West End	6,500-14,000 SF
West Salem	5,000-9,000 SF



Section 6-1.4 (A) (3) of the UDO (Special Use Permits)

(3) **Required Findings**. .....

The Board of Adjustment shall issue a special use permit only when the Board of Adjustment makes an affirmative finding as follows:

(a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

(b) That the use meets all required conditions and specifications;

(c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

(d) That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy.

Except with regard to the conversion of nonconforming uses in Section B.5-2, no provision of this Ordinance shall be interpreted as conferring upon the Board of Adjustment the authority to approve an application for a special use permit for any use unless authorized in Table B.2.6. In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. If the Board of Adjustment denies the application for the issuance of a special use permit, it shall enter the reasons for denial in the minutes of the meeting at which the action was taken.



Statement from Melynda Dunigan regarding UDO-267

For years single family neighborhoods have coexisted in a reasonable manner with accessory dwellings, due to an important safeguard: limitations on who is allowed to occupy them. Up until now we have required that the occupants be caregivers, older adults or relatives of the owner of the principal dwelling. Our attorneys have concluded that we must eliminate these protections due to a court decision, so we are faced with the issue of how to reestablish a balance in order to maintain the quality of life in single family neighborhoods. It is clear that simply removing the kinship/caregiver requirement without additional changes will create problems. Our existing regulations are minimal and treat detached accessory units in the same manner as garages or other outbuildings. Without regulations on the number of occupants, the size of the dwellings and their location on lots, and without provision for adequate parking, neighborhoods will be unfairly burdened.

UDO-267 was designed to provide the necessary rules to accommodate the expanded availability of accessory dwellings. The ordinance goes a long way toward meeting these goals, but I believe that it still needs some additional revision, which is why I voted to recommend denial. However, it is unacceptable and unreasonable in my opinion to abandon the attempt at further regulation altogether, as the board has effectively done in its recommendation.

Like speakers at the public hearing, I am concerned about the setbacks allowed for detached accessory dwellings. I am also concerned about the provisions to allow for larger than 1,000 square foot accessory dwellings on larger lots. However, the principal issue that I think needs to be addressed in the text amendment is that of short term rentals. The internet and companies such as AirBnB have made it easy to rent out property on a short term basis, and this is a growing trend across the country. If we have no limits on short term rentals, an accessory dwelling could essentially be turned into a backyard motel. The constant coming and going of a transient clientele is simply not compatible with single family living, and if carried out on a wide scale would significantly change the character of single family neighborhoods.

In the course of our discussions, it has been stated that limits on short term rentals would be too hard to enforce or that the matter should be addressed separately as a policy for all residential property. What would happen, however, if it turns out later that we conclude that it is impractical to regulate short term rentals at all? Eliminating the kinship requirement on accessory dwellings would significantly widen the scope of the short term rental problem, because it would expand the availability of rental units in neighborhoods. Therefore, I believe that we need to know up front as we evaluate how to treat accessory dwellings how short term rentals will be regulated.

Because we are legally prohibited from placing safeguards on accessory dwellings that require the owner or a relative to live in a home with a rented unit, we should carefully evaluate whether accessory dwellings should be allowed at all in single family neighborhoods. If it becomes clear that it is impractical to regulate short term rentals, then I believe it would be better to prohibit accessory dwellings altogether, as some municipalities have done.



Email received Thursday, February 11, 2016, 12:01 p.m.

I want to speak at today's meeting on the matter of accessory buildings. I'm a property owner and resident of Ardmore. Many of our lots are small. My setback concerns are that cutting them in half will put huge sight barriers on all sides of existing homes. Off street parking is another concern I will speak to if given the chance. Some homes in Ardmore have no off street parking and before getting a permit to add an accessory building, they should be required to construct off street parking for the primary residence.

Bonnie Crouse 682-4804

**From:** "Carolyn A. Highsmith" <[carolyn\\_highsmith@outlook.com](mailto:carolyn_highsmith@outlook.com)>  
**Date:** February 11, 2016 at 4:00:45 PM EST  
**To:** "[planning@cityofws.org](mailto:planning@cityofws.org)" <[planning@cityofws.org](mailto:planning@cityofws.org)>  
**Cc:** Walter Farabee <[walterf@cityofws.org](mailto:walterf@cityofws.org)>, "[pauln@cityofws.org](mailto:pauln@cityofws.org)" <[pauln@cityofws.org](mailto:pauln@cityofws.org)>  
**Subject:** UPDATE--New MAJOR OBJECTION to Proposed Changes to UDO 267...Re: Public Comment regarding UDO 267--Amending Regulations to the Accessory Dwellings Ordinance--Unable to attend Public Hearing

**Dear Planning Board Members:**

Again, I regret that no one from the **Konnoak Hills Community Association** will be able to attend today's Public Hearing on UDO 267.

However, I just found out that the Planning Board Staff has identified the Konnoak Hills Neighborhood area as having many properties that **would be ineligible for Accessory Dwellings because they would not meet the minimum lot size.** Other neighborhoods affected would be West Salem and Washington Park.

**The Konnoak Hills Community Association** understands the need to protect the integrity of these older neighborhoods but **individual properties should not be penalized from using their Accessory Building because of an overly restrictive minimum LOT size--not counting the fact--this data is not currently being correctly entered into the Forsyth County Tax database for all LOTS.**

So, how is the Planning Staff obtaining the correct LOT size for the Konnoak Hills Community area? LOTS on many of the streets in Konnoak Hills have "0" listed as their LOT square footage and acreage. Therefore, how can the Planning Staff accurately know if house LOTS in the Konnoak Hills area meet or do not meet the minimum LOT size? If the LOT square footage and acreage are missing, then the only square footage being listed is for the actual buildings on the property. So, how is the Planning Staff accurately determining the size of the properties in the Konnoak Hills area to consider making minimum LOT sizes in the proposed UDO 267 revisions?

As such, **the Konnoak Hills Community Association CANNOT SUPPORT this current version of the proposed UDO 267 for Accessory Dwellings** until other ideas are considered for this UDO 267 to create a better balance that does not exclude entire neighborhood areas. Plus, the absolute need to have CORRECT and UPDATED DATA on ALL PROPERTIES in the Forsyth Co. Tax Property database in order for all parties to know how the Planning Dept. is obtaining their data about LOT SIZES.

Thank you.

Sincerely yours,

Carolyn A. Highsmith  
President, Konnoak Hills Community Association, [konnoak\\_hills@outlook.com](mailto:konnoak_hills@outlook.com)  
Vice President, New South Community Coalition, [newsouthcommunitycoalition@outlook.com](mailto:newsouthcommunitycoalition@outlook.com)  
336-788-9461; [carolyn\\_highsmith@outlook.com](mailto:carolyn_highsmith@outlook.com)

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**From:** Carolyn A. Highsmith <[konnoak\\_hills@outlook.com](mailto:konnoak_hills@outlook.com)>  
**Sent:** Thursday, February 11, 2016 2:20 AM  
**To:** [planning@cityofws.org](mailto:planning@cityofws.org)  
**Cc:** Walter Farabee; [pauln@cityofws.org](mailto:pauln@cityofws.org)  
**Subject:** Public Comment regarding UDO 267--Amending Regulations to the Accessory Dwellings Ordinance--Unable to attend Public Hearing

**Dear Members of the City-County Planning Board:**

The **Konnoak Hills Community Association** has a few technical concerns and questions regarding the proposed revised **UDO-267 Accessory Building Ordinance**. We understand that there have been major concerns brought up about the exploitation of the use of Accessory Buildings especially in older, established neighborhoods. And, the Konnoak Hills Community Association **does** want to see any major loop holes addressed that would permit predator developers from exploiting the use of Accessory Dwellings in established older neighborhoods.

However, some of the size limitations appear to be excluding the use of entire groups of Accessory Buildings, especially in older neighborhoods. So, the Konnoak Hills Community Association wants to know if that's the intent of these new size regulations, because it appears to go against the desire to permit "gentle density" in some older neighborhoods. The Konnoak Hills Community Association is not sure if a true balance has been reached between permitting "gentle density" in older neighborhoods and total elimination of any chance for older neighborhoods to use their Accessory Dwellings.

For example, in many GMA 1 and 2 neighborhoods--these neighborhoods are older and have irregularly-sized Detached Accessory Buildings. The Konnoak Hills neighborhood area has several such Detached Accessory Buildings--such as 2- and 3-car garages that are irregularly-sized--and are GREATER in SIZE than the stated REQUIRED MAXIMUM SIZE of 1000 square feet for Detached Accessory Units in the current UDO 267 revisions.

If the purpose of these revisions is to permit "gentle density" in older neighborhoods, this

requirement will effectively exclude such Accessory Buildings in many older neighborhoods from being used as an Accessory Dwelling. **Is there not a less restrictive approach that would place some size restrictions without totally excluding entire neighborhoods from using their Accessory Buildings?**

Would a better solution be to have a higher maximum size limit for houses built before 1950? Or, 1965? Etc.

Or, should older neighborhoods with irregularly-sized Accessory Buildings (say before 1950 or 1965, etc.) be grandfathered in and permitted to have a maximum size greater than 1000 square feet provided that the Accessory Building was built when the original house was originally built?

The Konnoak Hills Community Association is unsure of the best balance for this concern and suggests that all possible solutions be addressed to achieve the best possible balanced solution for all neighborhoods in this UDO revision.

**2. REGARDING A DETACHED ACCESSORY BUILDING THAT SHOULD ONLY BE PLACED ON A MINIMUM LOT SIZE of 9000 square feet--the Konnoak Hills Community Association has found a major inconsistency in the Forsyth County GIS Property Tax database for the recording of the land square footage and acreage. That is, it appears that if a house has not been sold in recent years, there is no recording of the land square footage and acreage on the Forsyth Co. TAX PROPERTY CARD.**

The Konnoak Hills Community Association decided to look up several properties in the Forsyth County GIS Property Tax database to get a better idea about how large 9000 square feet of land really is. As such, we found that the system has a new online TAX PROPERTY CARD. Then, when several TAX PROPERTY CARDS were looked at for houses on various blocks in the Konnoak Hills Community--**we found that the system is NOT SHOWING TOTAL LOT SQUARE FOOTAGE OR ACREAGE for many of these houses. The area on the TAX PROPERTY CARD is as listed as "0" for land square footage and acreage.** Then, for other houses in the Konnoak Hills area and nearby neighborhoods the land square footage WAS NOTED on the TAX PROPERTY CARD.

**HOW IS THE CITY and COUNTY GOING TO REGULATE the minimum square footage of lots for Accessory Dwellings via UDO 267 if this vital information is not even listed consistently on all of the Forsyth County Tax Records?** That is, how can minimum lot sizes be regulated for Accessory Dwellings if this information may not be on the Property Tax Record. And, the Konnoak Hills Community Association does not think that the property owner should have to bear the burden of obtaining this information to satisfy UDO 267 required minimum lot sizes for Accessory Dwellings--when the Forsyth Co. Tax Office should already have this data in their records and properly recorded. As such, this entire issue needs to be addressed in relationship to revising UDO 267.

Thank you for reading these concerns from the Konnoak Hills Community Association regarding revising UDO 267, and we regret that some of our members are unable to attend the Feb. 11th City-County Planning Public Hearing on UDO 267.

Sincerely yours,

Carolyn A. Highsmith

President, Konnoak Hills Community Association, [konnoak\\_hills@outlook.com](mailto:konnoak_hills@outlook.com)

Vice President, New South Community Coalition, [newsouthcommunitycoalition@outlook.com](mailto:newsouthcommunitycoalition@outlook.com)  
336-788-9461; [carolyn\\_highsmith@outlook.com](mailto:carolyn_highsmith@outlook.com)



<b>City Council – Action Request Form</b>	
<b>Date:</b>	September 21, 2016
<b>To:</b>	The City Manager
<b>From:</b>	Michelle M. McCullough, Historic Resource Officer, Historic Resources Commission
<b>Council Action Requested:</b>	
<p>Resolution Regarding the Eligibility of the Following Properties for the National Register of Historic Places: Oak Crest Historic District (The district is centered on Polo Road, which runs east-west. The other district streets are located on either side of Polo Road. North of Polo Road are Friendship Circle, Freds Road, and Idlewilde Drive. South of Polo Road are Crepe Myrtle Circle, Harmon Avenue, Hobart Street, and Rosedale Circle) located in the North and Northwest Wards.</p>	
<b>Summary of Information:</b>	
<p>The National Register is a federal program administered by the National Park Service and is the nation's official list of historic buildings worthy of preservation. Listing on the Register is predominantly an honor and does not affect the rights of a private property owner. The owner of this property initiated preparation of the nomination amendment and supports having the property listed on the National Register. Unlike Local Historic Landmark designation, there is no local property tax deferral associated with the National Register program. However, National Register listing does allow a property owner to utilize federal and state investment tax credits for qualified rehabilitation work to a property.</p> <p>Federal and State guidelines for the Certified Local Government Program require that Winston-Salem participate in the process of nominating properties to the National Register. This participation involves the review of nominations by the Historic Resources Commission (HRC) and the City Council. The Commission and the City Council are required to submit comments to the State Historic Preservation Office relaying their findings as to the eligibility of the properties under consideration for listing in the National Register. The HRC and City Council are to comment as to whether they believe a property meets the criteria for National Register listing. The National Register Criteria for Evaluation have been included for information.</p> <p>(CONTINUED ON NEXT PAGE)</p>	
<b>Committee Action:</b>	
<b>Committee</b>	<b>Action</b>
<b>For</b>	<b>Against</b>
<b>Remarks:</b>	

**SUMMARY OF INFORMATION CONTINUED:**

The Oak Crest Historic District meets National Register Criterion C for its local architectural significance, because it possesses a strong collection of middle-income houses and one gasoline station that span five decades and exhibit architectural styles popular in Winston-Salem and North Carolina from the 1920s through the 1960s. The district's period of significance spans the years from 1925, when the first house was built, to 1968, two years after the general fifty-year requirement. The district meets Criterion Consideration G, because the three houses built in 1967 and 1968 continue a pattern of design characteristics seen in a group of small Ranch-style houses built in the district in 1966. After 1970, house construction in the district diminished significantly, and those houses that were built adopted new approaches to design, making 1968 an appropriate end to the period of significance.

During the 1910s and 1920s, Winston-Salem, North Carolina, experienced phenomenal population growth due to the success of its tobacco and other industries. This growth necessitated the construction of countless houses and, aided by the rise in automobile usage, suburban neighborhoods began to develop in all sections of the city. After the 1917 completion of Reynolda House and the building of a concrete road from the center of town northwestward to their estate and beyond, subdivisions began to take shape in that area of town. At the same time, there was also a need for new middle- and working-class neighborhoods in Winston-Salem and, as it developed, Oak Crest addressed that need.

In the midst of this overall residential expansion, prominent entrepreneurial brothers John W., Francis H., and Henry E. Fries in 1923 commissioned civil engineer J. E. Ellerbe to plat a subdivision on the approximately 150 acres they owned in the country northwest of the Reynolda Estate. They called it Oak-Crest.<sup>1</sup> At first, there were only two streets in the lushly wooded development – the already-present road bisecting the development in an east-west direction that was initially called Oak-Crest Drive (now Polo Road) and Friendship Circle that formed a broad arc north of Oak-Crest Drive. Twenty-seven lots, ranging in size from one acre to just over sixteen, were laid out on either side of Oak-Crest Drive. Promotional literature suggested that Oak-Crest was the place for those who enjoyed the spaciousness of life in the country but also enjoyed having nearby neighbors. According to the advertisements for Oak-Crest, the range in lot sizes catered both to those who simply wanted to build a house on a lot of ample proportions and to those who not only wanted to build a house but also wanted the space to grow their own vegetables and perhaps keep livestock on their property. Over time, lots were subdivided and streets with such idyllic names as Rosedale Circle, Crepe Myrtle Circle, and Idlewilde Drive were added. By 1937, when the Nading Addition added Crepe Myrtle Circle to the southwest quadrant of Oak-Crest, this middle-class suburban development had largely acquired its present configuration with smallish, middle-sized, and expansive lots that allowed for the variety the Fries brothers had envisioned.

The Commission considered the eligibility of the Oak Crest Historic District at its meeting on September 7, 2016. At that meeting, the Commission had a majority vote that the Oak Crest Historic District met the criteria for listing on the National Register.

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<sup>1</sup> Initially, the name Oak Crest was hyphenated, but for most of its history, it has not been.

**RESOLUTION SUPPORTING THE ELIGIBILITY OF PROPERTY  
FOR THE NATIONAL REGISTER OF HISTORIC PLACES**

**BE IT RESOLVED** by the Winston-Salem City Council, designated as a Certified Local Government, having reviewed and requested public comment on the National Register Nomination of the:

- **Oak Crest Historic District**

that it hereby finds that the said properties meet the criteria for listing in the National Register of Historic Places.

**BE IT FURTHER RESOLVED** that the Winston-Salem City Council, therefore, recommends that the above finding regarding the:

- **Oak Crest Historic District**

be forwarded and submitted to the appropriate state and federal officials for their consideration and listing on the National Register of Historic Places.

Adopted this the \_\_\_\_ day of \_\_\_\_\_ 2016.



**NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES  
DIVISION OF ARCHIVES AND HISTORY  
STATE HISTORIC PRESERVATION OFFICE  
4617 Mail Service Center, Raleigh NC 27699 4617**

**NATIONAL REGISTER FACT SHEET 2**

**NATIONAL REGISTER CRITERIA FOR EVALUATION**

The following criteria are designed to guide the states, federal agencies, and the Secretary of the Interior in evaluating potential entries for the National Register.

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. that are associated with events that have made significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of persons significant in our past; or
- C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that have yielded, or may be likely to yield, information important in prehistory or history.

Criteria Considerations (Exceptions): Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or

D. a cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

F. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

G. a property achieving significance within the past 50 years if it is of exceptional importance.

#### APPLYING THE CRITERIA

The two principal issues to consider in determining eligibility for the National Register are "significance" and "integrity."

A property may have "significance" for association with important events or patterns of history (criterion A); for association with an important historical figure (criterion B); as an important example of period architecture, landscape, or engineering (criterion C); or for the information it is likely to yield (criterion D, applied to archaeological sites and districts, and sometimes applied to certain types of structures). A National Register nomination must demonstrate how a property is significant in at least one of these four areas. For properties nominated under criterion A, frequently cited areas of significance are agriculture, community planning and development, social history, commerce, industry, politics and government, education, recreation and culture, and others. For technical reasons, criterion B (significant person) nominations are rare. Criterion C (architecture) is cited for most, but not all, nominations of historic buildings. Archaeological sites are always nominated under criterion D, but may also have significance under one or more of the other three criteria.

Properties are nominated at either a local, state, or national level of significance depending on the geographical range of the importance of a property and its associations. The level of significance must be justified in the nomination. The majority of properties (about 70%) are listed at the local level of significance. The level of significance has no effect on the protections or benefits of listing.

Besides meeting one or more of the above criteria, a property must also have "integrity" of "location, design, setting, materials, workmanship, feeling, and association." This means that the property must retain enough of its historic physical character (or in the case of archaeological sites, intact archaeological features) to represent its historic period and associations adequately.

All properties change over time, and in some cases past alterations can take on historical significance in their own right. The degree to which more recent, incompatible, or non historic alterations are acceptable depends on the type of property, its rarity, and its period and area of significance. Buildings with certain types of alterations are usually turned down by the National

Register Advisory Committee. For example, 19th and early 20th century wood frame buildings that have been brick veneered in the mid 20th century are routinely turned down for loss of historic integrity.

### Criteria Exceptions

The criteria exclude birthplaces and graves of historical figures, cemeteries, religious properties, moved buildings, reconstructions, commemorative properties, and properties less than 50 years old, with certain exceptions. The following exceptions are sometimes encountered:

Historic churches that retain sufficient architectural integrity can usually be successfully nominated under criterion C (architecture), sometimes together with criterion A for social or religious history.

Cemeteries may sometimes successfully be nominated under criterion C when they retain important examples of historic stone carving, funerary art, and/or landscaping, and they also may be eligible under criterion A or criterion D. However, both the National Register Advisory Committee and the National Register have turned down nominations of graves when the historical importance of the deceased is the sole basis for the nomination. The National Register was created primarily to recognize and protect historic places and environments that represent how people lived, worked, and built in the historic past. Human burials are recognized and protected under other laws and programs.

Moved buildings may sometimes be successfully nominated under criterion C for architecture when they remain in their historic communities and the new setting adequately replicates the original setting. The point to remember is that the program is called the National Register of Historic Places, not Historic Buildings or Historic Things, because significance is embodied in locations and settings as well as in the structures themselves. Buildings moved great distances, buildings moved into incompatible settings (such as a farmhouse moved into an urban neighborhood or a downtown residence moved to a suburb), and collections of buildings moved from various locations to create a pseudo historic "village" are routinely turned down. In some cases, the relocation of a historic building to a distant or incompatible setting may be the last and only way to save it, and such an undertaking may be worthwhile. However, sponsors of such a project must understand that the property subsequently may not be eligible for the National Register.

If a property is less than 50 years old, it can be nominated only if a strong argument can be made for exceptional significance. For example, Dorton Arena on the State Fairgrounds was completed in 1953. It was successfully nominated to the National Register in 1973 as one of the most important examples of modernism in post WWII American architecture.







**Oak Crest Historic District: Examples of the Architecture**





**City Council – Action Request Form**

**Date:** October 5, 2016  
**To:** The City Manager  
**From:** Angela I. Carmon, City Attorney

**Council Action Requested:**

Adoption of a Resolution Regarding the League’s 2016 City Vision Annual Conference and 2017-2018 Advocacy Goals Conference

**Summary of Information:**

The North Carolina League of Municipalities 2016 City Vision Annual Conference will take place in conjunction with the annual goals conference in Raleigh, North Carolina on October 23-25, 2016. During the conference, League members will review and vote on the 2017-2018 Proposed NCLM Advocacy Goals, which are attached. The attached resolution, which is recommended for your approval, (i) contains a general statement of support for the proposed goals and (ii) designates the city’s voting delegate and alternate voting delegate for the conference.

**Committee Action:**

<b>Committee</b>	_____	<b>Action</b>	_____
<b>For</b>	_____	<b>Against</b>	_____

**Remarks:** \_\_\_\_\_



**RESOLUTION REGARDING THE LEAGUE'S  
2016 CITY VISION CONFERENCE AND 2017-2018 ADVOCACY GOALS**

**WHEREAS**, the North Carolina League of Municipalities (“League”) will hold its 2016 City Vision Annual Conference in conjunction with the 2017-2018 Advocacy Goals Conference (“Conference”) in Raleigh, North Carolina on October 23-25, 2016; and

**WHEREAS**, city staff and several Winston-Salem City Council Members will attend said Conference; and

**WHEREAS**, Mayor Pro Tempore Vivian H. Burke will serve as the City’s voting delegate and Councilmember Denise D. Adams will serve as the City’s alternate voting delegate at said Conference where League members will decide on the League’s advocacy goals for the 2017-2018 biennium legislative session; and

**WHEREAS**, the 2017-2018 Proposed NCLM Advocacy Goals (“ Proposed Goals”) are attached hereto and incorporated herein as Exhibit A; and

**WHEREAS**, the Winston-Salem City Council wishes to provide guidance to Council Members and city staff attending the Conference and representing the City’s interest.

**NOW THEREFORE BE IT RESOLVED** that the Winston-Salem City Council hereby designates Mayor Pro Tempore Vivian H. Burke as its voting delegate and Councilmember Denise D. Adams as its alternate voting delegate; and

**BE IT FURTHER RESOLVED** that the Winston-Salem City Council hereby expresses its general support for the attached goals and advises its voting delegate to cast votes consistent with the City’s interest and legislative priorities.





**Tax & Finance**

- 1. Seek opportunities to support the passage of the federal e-fairness legislation.**

**Background:** A federal effort in recent years has sought to establish a nationwide system for the taxing of purchases made via the Internet. Currently states and municipalities are owed sales taxes for Internet purchases, but they have no authority to collect these taxes. Federal legislation establishing a process for collecting these taxes would provide cities and towns with additional revenue and require that Internet purchases are treated the same as purchases at brick-and-mortar stores.

- 2. Seek legislation to provide municipalities with additional enforcement authority for ensuring the collection of room occupancy taxes owed on short-term rentals.**

**Background:** Short-term rentals of privately-owned properties are becoming increasingly popular in North Carolina and nationwide. Companies such as AirBNB have used their websites to more easily facilitate such rentals. Concerns about the proliferation of these rentals have been expressed by residents and by owners of bed and breakfasts and other similar businesses. There has also been concern expressed by city officials as to whether such rentals are paying the occupancy taxes required under North Carolina law. The committee expressed interest in a legislative goal that provide cities with additional tools for collecting the occupancy tax on short-term rentals.

- 3. Seek legislation to allow room occupancy tax revenues to be used to fund municipal service and infrastructure costs in order to support travel and tourism.**

**Background:** Occupancy taxes in North Carolina are created through local laws. They can vary from jurisdiction to jurisdiction, but the use of occupancy taxes are generally limited to being at least primarily spent on direct tourism promotion. Local governments have expressed interest in having greater flexibility as to how to spend their occupancy tax revenues. When a local bill to allow the City of Jacksonville to spend a greater percentage of its occupancy tax revenues on a capital project was considered in the General Assembly this year, it received pushback from House members and representatives of the tourism development industry. Such legislation may be more likely to receive consideration if any use occupancy tax revenues are expanded to can be directly connected to drawing additional visitors to a jurisdiction.



**4. Seek legislation to provide municipalities with additional locally-controlled revenue options.**

**Background:** Following recent legislative changes, the local property tax is the only municipally-controlled revenue source in North Carolina. That means that if local governing boards determine that there is a need to generate additional revenue for municipal operations, they are left with little choice but raising property taxes. The League has made additional local revenue flexibility a priority in recent years, both as a general goal and with specific proposals for generating additional revenue at the local level.

**5. Seek legislation to modernize and reform local property tax statutes.**

**Background:** As noted above, the property tax is the only locally-controlled revenue source in North Carolina. Many of the statutes related to the property tax in North Carolina were written in the 1970s and have received little revision since then. Properties owned by nonprofit organizations are frequently exempted from paying property tax under the theory that they are providing charitable benefits to the community. Some property owned by nonprofit organizations today may not have as direct a tie to the nonprofit's charitable activities. Reforms to the property tax statutes could help ensure that similar property is taxed similarly and that local governments are receiving all of the property taxes to which they are legally entitled.

**6. Support legislation which defends the fiscal integrity of the Local Government Employees' Retirement System and its defined benefit structure, promotes reasonable pension reforms that are prospective in nature, and meets the needs of local employees, employers, and retirees.**

**Background:** Various aspects of the state and local retirement systems have been discussed at the General Assembly in recent years. In 2015 there were rumors that legislation would be filed that would significantly overhaul the retirement systems in the state. Recently there have been discussions among some legislators and outside observers regarding the allocation of retirement system assets and the assumed rate of return for retirement system investments. The local government retirement system in particular is one of the best-funded in the country, and League members have long viewed a well-funded and stable retirement system as a key tool for attracting and retaining local government employees.

**7. Seek legislation requiring verification that property tax payments are current before any new deed is recorded for a property.**

**Background:** It currently varies from county to county whether it must be verified that property tax payments are current before a new deed for a piece of property is recorded. In



the counties where this is not the case, municipalities are often left with an unpaid tax bill and little recourse for collecting these unpaid taxes from the owner. Standardizing this process across the state would ensure that all municipalities are able to collect the property taxes they are owed before a property is sold.

- 8. Seek legislation to alter the current statutes governing distribution of local sales taxes by requiring a one-year delay in implementation when a county changes its method of distributing sales tax revenue.**

**Background:** Currently counties may decide how sales taxes returned to them by the state are distributed among the local governments in their jurisdiction. They may choose from two methods – population (per capita) and property tax levy (ad valorem). Many, but not all, counties choose the method that results in the most revenue for the county. Oftentimes one method may be more favorable for some municipalities in a county while less favorable for other municipalities.

Counties may change the method of distribution in April of every year. When they make this change, it goes into effect for the fiscal year beginning on July 1. This gives municipalities little time to plan for the impact of such a change.

- 9. Support legislation providing sufficient state-level funding for incentive programs and maintaining grant and tax credit programs related to state and local economic development.**

**Background:** In addition to state-level incentives, a number of state grants and tax credits also help to draw economic development projects to local communities. This goal adds support for those programs generally to a goal regarding state-level economic development incentives.

- 10. Support legislation that invests in a competitive film incentive program, robust state historic preservation tax credits, and the Main Street Solutions fund.**

**Background:** In recent years, significant changes have been proposed to both the state's program for supporting the film industry and for state historic preservation tax credits. On behalf of its members, the League has been a strong supporter of these programs that benefit local economies across the state. The Main Street Solutions fund is another state-level fund which helps fund assistance for economic development in North Carolina's cities and towns. This goal would express specific support for each of these three programs.

- 11. Support legislation providing sufficient incentive funding at the state level to ensure that North Carolina can compete for economic development projects.**



**Background:** State and local incentives are a key part of almost every economic development discussion. Economic development professionals say that state incentives are necessary to help attract major economic development projects that are considering states around the country. The level of incentive funding and the geographic location of where incentives are provided has been a continued source of discussion at the General Assembly in recent years.

### **General Government**

- 1. Support legislation that will provide funding for state-level incentive programs necessary to grow jobs and the economy.**

**Background:** Cities and towns have long supported programs and incentives that grow the economy and grow jobs, such as the Historic Tax Credit, and the Film Incentive grant program. These funds are positive investments that benefit the entire state.

- 2. Oppose legislation that interferes with local management or ownership of local assets.**

**Background:** The Core Municipal Principles address the preservation of municipal authority, but do address the preservation of the management and ownership of local assets. In recent years legislation has removed ownership and control of assets paid for by municipal taxpayers.

- 3. Support legislation that would allow municipalities to supplement ABC law enforcement efforts.**

**Background:** Present law states that "instead of hiring local ABC officers, a local board may contract to pay its enforcement funds to a sheriff's department, city police department, or other local law-enforcement agency for enforcement of the ABC laws within the law-enforcement agency's territorial jurisdiction." This goal proposes changing the law so that a local board may supplement its ABC law enforcement efforts by allowing those Boards with ABC officers to also contract with a local police department to supplement enforcement efforts.

- 4. Support municipal authority over municipal personnel issues.**

**Background:** Some employee organizations have sought changes in the law in the past that would limit a city or town's ability to discharge an employee the town believed needed to be fired. This goal would oppose legislation that would limit a city or town's ability to set its own standards for discharging an employee.



5. **Support legislation that provides for municipal elections to be determined by local municipal authority.**

**Background:** In 2016 the legislature passed a bill (SL 2016-109), which stated that "It is the intent of the General Assembly to provide for even-numbered year municipal elections, effective with the 2020 election cycle". The legislation also authorized a study of how the state might move municipal elections to even-numbered years and to make recommendations to the 2017 General Assembly. Municipal election cycles are set by statute now, and have been since the early 1970's. Present law requires that they be held in odd-numbered years. Some municipalities have asked their legislators to run local bills to change the election year for their municipality. Cities and towns would prefer the legislature not change this law statewide, but only make changes by local bills as requested by the cities and towns.

6. **Support legislation to revise the tier method of measuring levels of economic distress to focus on the causes of distress and taking sub-county data into account.**

**Background:** A tier system is used by the state Department of Commerce to rank the counties that would be deemed to be most in need for grants and investments. There has been proposed legislation that would eliminate the present economic development tier system and propose a new system and similar bills are expected in the future. Under the present system, a county may be ranked as a more prosperous area even though some cities in that county are very poor. Cities and towns believe that, if and when a new tier system is created, sub-county data needs to be utilized so that help can go to those poorer areas within a more prosperous county. Cities and towns would also believe the causes of the economic distress need to be taken into consideration.

7. **Support a formula- based Strategic Transportation Investment program.**

**Background:** This goal does not address what the formula for the STI should be, but focuses on the fact that cities and towns support a formula based program that sets priorities based on what is best for the state, not based on politics. Cities and towns invest money based on the plan that is created by the STI. It is very costly if the General Assembly steps in with legislation to change that plan after planning and investment has begun.

## Planning & Environment

1. **Seek legislative and administrative changes to the STIP process that give local conditions increased weight in the allocation of transportation funds.**

**Background:** This goal seeks both statutory changes and changes made by NC DOT to the state's transportation prioritization process. With the agency wrapping up its fourth round of project prioritization since the Strategic Transportation Investment Prioritization (STIP) legislation made the selection process more data-driven in 2013, calls to reform that process



have increased. Many legislative observers expect proposals to make changes to this law in 2017 that would direct more funding to rural areas than under current formulas.

This goal recommendation intentionally avoids asking to shift the way money is allocated to regions. Instead, the goal seeks to make changes to how projects are scored once the pot of funding has been divided among regions. Of particular importance, the subcommittee stressed that increasing the influence of local officials in project prioritization would benefit all cities and towns in the state, both large and small.

**2. Seek legislation to increase state-level funding for municipal infrastructure needs.**

**Background:** This goal encompasses all state-level funding requests the League members make for infrastructure, including funding for water/sewer, stormwater, transportation, beach renourishment, inlet dredging, and parks. The broad wording allows for a variety of funding mechanisms, such as grant programs or statewide bonds. Therefore, the League would have maximum flexibility to work within the current political environment to secure funding for this broad array of purposes.

**3. Support state programs that encourage entrepreneurs to develop new uses for recyclable materials.**

**Background:** In making this recommendation, the committee acknowledged that in the current political climate, taking an incentive-based approach to encouraging recycling made the most sense for a League policy recommendation. This goal recognizes that for some materials, the recycling markets remain low or non-existent. If recyclable materials had more uses, they would become more valuable. In turn, local government efforts to encourage recycling of those products would increase if the collection grew a municipality's bottom line.

**4. Seek legislative and administrative changes to allow spending of non-entitlement CDBG funds on a wider array of allowable purposes.**

**Background:** This goal seeks to allow the State to direct non-entitlement CDBG funds to more purposes. Right now, North Carolina directs nearly all non-entitlement CDBG funds to water and sewer projects. However, federal law allows CDBG funds to be spent on a larger number of projects than N.C. law allows. If this goal was achieved, some of the State's funds would be diverted to other purposes, such as housing.



## Regulatory

1. **Support legislation that recognizes that management of a public utility is best determined by the local owning entity due to their consideration of financing, engineering, and regulatory responsibilities.**

**Background:** This goal is to support local utility control. In the past, there have been legislative proposals attempting to limit control over a variety of utility decision making. These limits have been in regards to rates, connections, materials, or resulted from enterprise tensions with the development community. (Examples: Asheville Water, piping preference, and legislation requiring Durham to provide water and sewer to a specific development).

2. **Support legislation that gives deference to community water systems in order to support growth and economic development and to address needs established in their 50 year water supply plans.**

**Background:** This goal addresses the topic of water allocation and recognizes that water supply is often a growth planning and economic development tool for municipalities. Additionally, since there is not a legal right to the water utilities use to provide drinking water, this goal states that deference should be given to the withdrawals of community water systems, especially to allow them to address the needs established their required 50 year water supply plans.

3. **Support solutions addressing established use impairments in waters that are based on current site-specific data and analysis, assign responsibility proportionate to the source, and equitably hold accountable all contributors.**

**Background:** This year the Senate proposed measures to continue to study existing State Nutrient Management Strategies, which would have resulted in possible repeal of existing rules. While the final measure that passed only affects the Jordan Lake and Falls Lake rules, this may be an issue that continues to arise. The goal lists factors to consider when addressing nutrient impairment of waters on a statewide level. The committee determined it also provides a clear stance for when existing strategies are called into question. The goal strikes a good balance by stating that policymaking to address nutrient impairment should:

- Be specific to a water body
- Be based on actual impairment
- provide solutions that are scientifically proven to work
- hold everyone that contributes to the problem accountable



### **Goals Recommended by the NCLM Board of Directors**

- 1. Support legislation to bolster the state's mental health treatment resources, including resources and solutions to lessen the strain on sworn law enforcement officers when providing custody of individuals in crisis.**
- 2. Support providing cost of living adjustments for Local Government Employees Retirement System retirees that can be funded through pension system investment gains.**

### **Core Municipal Principle Amendments**

- 1. *Core Municipal Principle on "Authority"*: The committee recommended adding the following language to the explanation: **The League supports a broad construction of municipal powers and applications thereof, and therefore stands opposed to legislation preempting municipal authority and to measures designed to otherwise erode local control of significant municipal issues.****

**Background:** This additional language recognizes that cities would like to retain not only the authority to govern their communities and provide services, but also, that cities have the tools they need ("*applications of municipal powers*") to govern and provide services

- 2. *Core Municipal Principle on "Liability"*: The committee recommended adding the following language to the explanation: **"The League opposes proposals placing inequitable and burdensome liability upon municipalities, including measures that seek to erode well-established principles of immunity or other defenses.****

**Background:** This additional word enhances the Core Principle by stressing that liability should apply equally to all levels of government. For example, now, local governments risk the liability of paying attorney's fees for actions outside the scope of their authority, a punishment that does not apply to other subdivisions of government.

- 3. *Core Municipal Principle on "Regulation"*: The committee recommended changing the following language in the Principle: **"Support science-fact-based, equitable, cost-effective, flexible regulatory solutions."****



**Background:** This tweak to the Core Principle broadens it beyond its current focus on environmental (science-based) regulations. If adopted as proposed, the Core Principle would encompass other types of non-science-based regulations with which municipalities must comply.

4. ***Core Municipal Principle on "Authority".*** The committee voted to change the wording of the principle that said "Preserve EXISTING municipal authority" so that it now reads "Preserve municipal authority".

**Background:** The legislature has pre-empted the authority of cities and towns multiple times in the past years. Therefore, the committee felt this change appropriate.



Presentation by Wendell Hardin.



**City Council – Action Request Form-**

**Date:** September 28, 2016

**To:** The City Manager

**From:** D. Ritchie Brooks

**Council Action Requested:**

Ordinance rescinding an Ordinance adopted on May 16, 2016, ordering demolition of housing located at 117 Dellabrook Road, Block 3194, Lot 023D, owned by Winston Salem Presbytery.

**Summary of Information:**

On May 16, 2016, the City Council of the City of Winston-Salem adopted an Ordinance to cause the dwelling located at 117 Dellabrook Road to be demolished. This action was done in error and should never have been taken to City Council for approval.

After the Ordinance was adopted and filed the mistake was discovered and the Ordinance is therefore being rescinded.

The City Council has requested that the Ordinance be rescinded adopted on May 16, 2016, requiring the demolition of the property located at 117 Dellabrook Road, only as it relates to that property thereby allowing the ordinance of record relating to said property to be cancelled (Deed Book 3291, Page(s) 2212).

**Committee Action:**

<b>Committee</b>	_____	<b>Action</b>	_____
<b>For</b>	_____	<b>Against</b>	_____

**Remarks:** \_\_\_\_\_



**AN ORDINANCE RESCINDING AN ORDINANCE ADOPTED ON ORDERING THE DEMOLITION OF A DWELLING**

**WHEREAS**, on May 16, 2016, the City Council of the City of Winston-Salem adopted an ordinance requiring Winston Salem Presbytery owner(s) of the property located at 117 Dellabrook Road, Block 3194, Lot 023D, to demolish said dwelling because it was unfit for human habitation and the estimated cost of making the necessary repairs are more than fifty percent (>50%) of the dwelling's value; and

**WHEREAS**, City Council has requested that the Ordinance be rescinded based on the action was done in error and should never have been taken to City Council for approval.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Winston-Salem, as follows:

**Section 1.** The provisions of the ordinance D-Ch.10 adopted on May 16, 2016, recorded in Deed Book 3291, at pages 2212 relating to the demolition of the property owned by Winston Salem Presbytery located at 117 Dellabrook Road, Block 3194, Lot 023D, is hereby rescinded thereby releasing said property, and only said property, from the demolition ordinance and permitting such to be canceled of record upon the recording of this ordinance.

**Section 2.** This Ordinance shall become effective upon its adoption and a copy certified by the Secretary of the City of Winston-Salem, shall be recorded in the Office of the Register of Deed of Forsyth County, North Carolina, and shall be indexed in the name of Winston Salem Presbytery, in the grantor index as provided by law.

**INSTRUMENT DRAWN BY**

\_\_\_\_\_  
**CITY ATTORNEY**



**City Council – Action Request Form**

**Date:** September 28, 2016

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**To:** The City Manager

---

**From:** D. Ritchie Brooks, Community and Business Development

**Council Action Requested:**

The adoption of an Ordinance ordering the Community and Business Development of the City of Winston-Salem to demolish structures unfit for human habitation and, otherwise to effectuate the purpose of Chapter 10, Article V, of the Winston-Salem City Code.

**Summary of Information:**

The structure units listed below have been condemned under the provision of the Housing Code. All required notices have been served and the time granted for compliance in each case has expired. The owner(s) has not complied with the Order to repair or demolish the structure unit.

**STRUCTURE UNITS WITH REPAIRS LESS THAN FIFTY PERCENT OF VALUE OF STRUCTURE (<50%) SIX MONTHS**

<b>Owner</b>	<b>Property Location</b>	<b>Block &amp; Lot(s)</b>
Myrtle B. Grant, Heirs	801 Twenty-Fifth Street	1455 153
Ricky Boston	1051 E. Devonshire Street	0748 012B
Gwendolyn S. Bell	1807 E. Fourth Street	1265 023
Christopher Antonio Jordan	1901 E. Third Street	1266 053
Lula H. Harris, Heirs	2835 Rowell Street	1555 091
Conrex Keystone Residential		
Cuncho Jerome Brown	3508 N. Cherry Street	2306 016B
Ada M. Page	506 Alexander Street	0795 108
Edna J. Glenn	224 Terrace Avenue	1275 095
James Edgar Turner	110 N. Jackson Avenue	0533 211
Devon W. Jones-Patterson Lyles	670 Glenbrook Drive	1553 067

**Committee Action:**

<b>Committee</b>	_____	<b>Action</b>	_____
<b>For</b>	_____	<b>Against</b>	_____

**Remarks:** \_\_\_\_\_



## Memorandum



Bryce A. Stuart Municipal Building  
100 E. First Street  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3163

**TO:** Tiffany Harris  
**FROM:** Michelle M. McCullough  
**DATE:** September 30, 2016  
**SUBJECT:** Demolitions for October 11, 2016  
Community Development/Housing/General Government Committee Meeting

Historic Resources staff has reviewed the following properties that are scheduled to go before the Community Development/Housing/General Government Committee on October 11, 2016 for demolition consideration:

224 Terrace Avenue  
745 Barney Avenue  
506 Alexander Street  
1347 Dunleith Avenue (accy.)  
1051 Devonshire – **Waughtown/Belview Historic District**  
2835 Rowell Street  
810 Rich Avenue  
1807 E. 4<sup>th</sup> Street  
1220 N. Jackson Avenue  
801 E. 25<sup>th</sup> Street  
4538 Shattalon Drive (accy.)  
1901 E. 3<sup>rd</sup> Street  
110 N. Jackson Avenue  
670 Glenbrook Drive  
3101 Old Greensboro Road  
3313 Urban Street  
1917 3<sup>rd</sup> Street  
3508 Cherry Street  
1139 25<sup>th</sup> Street  
5695 Reynolda Road Accy

While it appears that most of the properties were built prior to 1966, only one is located within a National Register Historic District, 1051 Devonshire Street. 1051 Devonshire Street is located within the Waughtown/Belview Historic District listed on the National Register of Historic Places in 2005.

Historic Resources staff has concerns about the loss of structures in the City's National Register Historic Districts; therefore, I have sent notice to Preserve Forsyth, the local Historic Preservation non-profit organization to advise them of this loss. Their mission is to promote, protect, and advocate for Historic Resources in Forsyth County.

*City Council:* Mayor Allen Jones; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Beise, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Jeff MacIntosh, Northwest Ward; Darwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

*Forsyth County Commissioners:* David R. Pyles, Chairman; Don Martin, Vice Chair; Ted Kaplan; Richard V. Loville; Walter Marshall; Gloria D. Whiteshaft; Ezerene Witherspoon; County Manager: Dudley Warrs, Jr.

*City-County Planning Board:* Arnold G. King, Chair; Allan Yee, Vice Chair; George M. Bryan, Jr.; Melinda Dominguez; Tommy Hicks; Clarence R. Lamb, Jr.; Darryl Linds; Paul W. Mulician; Brenda J. Smith

If demolition for this structure is approved, Historic Resources staff would like to request that the Community and Business Development Department have the structure professionally photo-documented, submitting the photos to the Forsyth County Historic Resources Commission and any architectural elements be salvaged from the house prior to demolition.

None of the buildings are designated a Local Historic Landmark or located within designated local historic districts. Therefore, Historic Resources staff has no other special requests at this time.

cc Ritchie Brooks, Director, Community and Business Development  
Preserve Forsyth

**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**

**WHEREAS**, the Community and Business Development Department, after due notice and hearing, determined that the property hereinafter described in Exhibit (s) was unfit for human habitation; and

**WHEREAS**, either the Mayor and City Council adopted an ordinance or the Housing Conservation Administrator issued a repair or vacate and close order; and

**WHEREAS**, the repairs necessary to render the structure fit for human habitation would cost less than fifty percent (<50%) of the present value of the structure; and

**WHEREAS**, the owner of the property herein described in Exhibit(s) vacated and closed said structure and kept it vacated and closed for a period of six months pursuant to said Order; and

**WHEREAS**, the Mayor and City Council hereby finds that:

- (1) Six months has passed since the structure was vacated and closed pursuant to the previous order.
- (2) The property owner has abandoned the intent and purpose to repair, alter or improve the dwelling in said order to render it fit for human habitation.
- (3) The continuation of said structure in its vacated status will be inimical to health, safety, morals and welfare of the City in that the dwelling will continue to deteriorate, will create a fire and safety hazard, will be a threat to children and vagrants, will attract persons intent on criminal activities, will cause or contribute to blight and the deterioration of the property values in the area and will render unavailable property and dwelling which may otherwise have been available to

ease the persistent shortage of decent and affordable housing in this State and City.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Winston-Salem, as follows:

**Section 1.** The owner(s) of the property herein described in Exhibit(s) is hereby ordered to repair or demolish and remove said property within ninety days.

**Section 2.** In the event the owner(s) fails to comply with this order of the Mayor and City Council within the prescribed time period, the Community and Business Development Department of the City of Winston-Salem is hereby ordered and authorized to effectuate the purpose of the Housing Code of the City of Winston-Salem (Chapter 10, Article V of the Code of the City of Winston-Salem) with respect to the property herein described by causing said dwelling be repaired or demolished and removed.

**Section 3.** The property to which this ordinance applies is known and described as set out in Exhibit(s) attached hereto and incorporated herein by reference.

**Section 4.** This ordinance shall become effective upon its adoption, and a copy hereof, certified by the Secretary of the City of Winston-Salem, shall be recorded in the office of the Register of Deeds of Forsyth County, North Carolina, and shall be indexed in the name of the property owner(s) in the grantors index, as provided by law.

**INSTRUMENT DRAWN BY:**

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**CITY ATTORNEY**

**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2011031307  
**PROPERTY ADDRESS**      801 TWENTY-FIFTH ST  
**TAX BLOCK**      1455      **LOT(s)**      153  
**WARD**      NORTH  
**PROPERTY OWNER(s)**      MYRTLE B GRANT, HEIRS  
**LIS PENDENS**      15M1740      **FILED**      11/10/2015

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 08/03/2015 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication  on 08/20/2015. The Hearing was held on 9/2/2015 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no .
2. The **Finding and Order** was issued on 10/2/2015 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication  on 11/12/2015. The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 12/12/2015. The dwelling was found vacated and closed on 02/27/2016.
3. The dwelling became eligible for demolition under the six (6) month rule on 08/27/2016.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no .

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$5,377.00      Fair market value \$17,101.00  
 Based on the above iformation it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



## CODE DEFICIENCIES - EXHIBIT A

CASE NO: 2011031307

NEIGHBORHOOD CONSERVATION OFFICER:

OLA BROWN - (336)734-1260

801 TWENTY-FIFTH ST

<u>VIOL NBR</u>	<u>VIOLATION DESCRIPTION</u>	<u>STATUS/ORDINANCE</u>
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700823	PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING - MINOR V-10-197(G)(3)	
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700824	REPAIR SOFFIT AND/OR FACIA - MINOR V-10-197(G)(6)	
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700825	REPAIR OR REPLACE ROOF COVERING - MINOR V-10-197(G)(6)	
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700826	REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS - MINOR V-10-197(G)(6)	
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831230	REPAIR DOOR - STORM DOOR AT REAR MINOR V-10-197(A)(15)	
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700827	OTHER - REPAIR SIDE PORCH FLOOR UNFIT V-10-197	
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700828	REPAIR OR REPLACE FRONT PORCH FLOOR - UNFIT V-10-197(G)(7)	
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700829	OTHER - PROVIDE LANDING AT REAR ENTRY UNFIT V-10-197	
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831223	REPAIR OR REPLACE REAR PORCH FLOOR - UNFIT V-10-197(G)(7)	
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831225	REPAIR OR REPLACE STEPS AT REAR - UNFIT V-10-197(G)(8)	
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831227	REPAIR SOFFIT AND/OR FACIA - UNFIT V-10-197(G)(6)	
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831228	REPAIR OR REPLACE ROOF COVERING - UNFIT V-10-197(G)(6)	
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831229	REPLACE BROKEN WINDOW PANES - WINDOW OUT (2ND FLOOR, REAR) UNFIT V-10-197(B)(4)	
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# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2011031307      9/30/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSC00141.JPG



CODE CASE NBR      IMAGE DATE  
2011031307      9/30/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSC00143.JPG



CODE CASE NBR      IMAGE DATE  
2011031307      9/30/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSC00140.JPG



**C-2.a. DRAFT**

CODE CASE NBR      IMAGE DATE  
2011031307          9/30/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSC00142.JPG



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CODE CASE NBR      IMAGE DATE  
2011031307          9/30/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSC00144.JPG



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CODE CASE NBR      IMAGE DATE  
2011031307          9/30/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSC00145.JPG



CODE CASE NBR      IMAGE DATE  
2011031307          9/30/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSC00146.JPG



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CODE CASE NBR      IMAGE DATE  
2011031307          7/9/2015

IMAGE DESCRIPTION

DESCRIPTION FOR DSC08682.JPG



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CODE CASE NBR      IMAGE DATE  
2011031307          7/9/2015

IMAGE DESCRIPTION

DESCRIPTION FOR DSC08683.JPG



**C-2.a. DRAFT**

CODE CASE NBR      IMAGE DATE  
2011031307          7/9/2015

IMAGE DESCRIPTION

DESCRIPTION FOR DSC08684.JPG



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CODE CASE NBR      IMAGE DATE  
2011031307          7/9/2015

IMAGE DESCRIPTION

DESCRIPTION FOR DSC08681.JPG



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CODE CASE NBR      IMAGE DATE  
2011031307          7/9/2015

IMAGE DESCRIPTION

DESCRIPTION FOR DSC08680.JPG



CODE CASE NBR      IMAGE DATE  
2011031307          7/9/2015

IMAGE DESCRIPTION

DESCRIPTION FOR DSC08685.JPG



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CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



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CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



**C-2.a. DRAFT**

CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



**C-2.a. DRAFT**

CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2011031307          9/28/2016

IMAGE DESCRIPTION



Map & Directions | Map Only | Directions Only | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 801 W 25th St, Winston-Salem, NC 27105-4914

Enter notes here

255

Total Distance: 2.4 mi— Total Time: 9 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward N Church St on E 1st St	Go for 288 ft <a href="#">Hide</a>
	Turn right onto N Main St	Go for 0.6 mi <a href="#">Hide</a>
	Continue on N Liberty St	Go for 275 ft <a href="#">Hide</a>
	Turn left onto N Martin Luther King Jr Dr	Go for 416 ft <a href="#">Hide</a>
	Continue on W 8th St	Go for 0.1 mi <a href="#">Hide</a>
	Turn right onto N Cherry St	Go for 0.2 mi <a href="#">Hide</a>
	Continue on N Marshall St	Go for 291 ft <a href="#">Hide</a>
	Continue on University Pkwy	Go for 1.0 mi <a href="#">Hide</a>
	Turn left onto NW 25th St	Go for 0.1 mi <a href="#">Hide</a>
	Turn right onto Ocono St	Go for 49 ft <a href="#">Hide</a>
	Arrive at Ocono St. Your destination is on the left.	<a href="#">Hide</a>
<span style="color: red;">B</span>	801 W 25th St, Winston-Salem, NC 27105-4914	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning

**C-2.a. DRAFT**



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2014051632  
**PROPERTY ADDRESS**      1051 E DEVONSHIRE ST  
**TAX BLOCK**      0748      **LOT(s)**      012B  
**WARD**      SOUTHEAST  
**PROPERTY OWNER(s)**      RICKY BOSTON  
**LIS PENDENS**      14M1673      **FILED**      09/12/2014

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 07/10/2014 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 08/20/2014 . The Hearing was held on 8/11/2014 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no .
2. The **Finding and Order** was issued on 8/14/2014 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication \_\_\_ on 08/24/2014 . The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 09/24/2014 . The dwelling was found vacated and closed on 12/16/2014 .
3. The dwelling became eligible for demolition under the six (6) month rule on 06/16/2015 .
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016 . The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no\_\_\_.

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$2,953.00      Fair market value \$21,874.00  
 Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2014051632**

**NEIGHBORHOOD CONSERVATION OFFICER:  
DARYL GREEN - (336)734-1276**

**1051 E DEVONSHIRE ST**

**VIOL NBR    VIOLATION DESCRIPTION  
                  STATUS/ORDINANCE**

802632 OTHER - REMOVE MOLD FRONT BED RM #1#2 #3AND HALL  
MINOR V-10-197

802639 OTHER - CHECK ELECT BOX OUTSIDE  
MINOR V-10-197

802641 PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING -  
MINOR V-10-197(G)(3)

802642 REPAIR SOFFIT AND/OR FACIA -  
MINOR V-10-197(G)(6)

802633 REPAIR HOLES IN WALLS AND CEILINGS - IN CLOSET IN BED RM  
UNFIT V-10-197(G)(4)

802635 REPAIR OR REPLACE LOOSE FLOOR COVERING - IN HALL  
UNFIT V-10-197(G)(2)

802636 REPAIR DEFECTIVE SWITCHES AND/OR OUTLETS TO INCLUDE COVERS - IN BOTH BED RMS  
UNFIT V-10-197(F)(1)

802637 OTHER - BROKEN FENCE  
UNFIT V-10-197

802638 REPAIR FOUNDATION VENTS - IN REAR  
UNFIT V-10-197(H)(6)(B)

802640 OTHER - REPAIR AC UNIT  
UNFIT V-10-197

802643 OTHER - SINK CLOG IN BATH RM  
UNFIT V-10-197

802644 REPAIR DEFECTIVE SWITCHES AND/OR OUTLETS TO INCLUDE COVERS - IN BED RMS  
UNFIT V-10-197(F)(1)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2014051632      5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2498[1].JPG



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CODE CASE NBR      IMAGE DATE  
2014051632      5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2504[1].JPG



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CODE CASE NBR      IMAGE DATE  
2014051632      5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2503[1].JPG



**C-2.b. DRAFT**

CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2493[2].JPG



CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

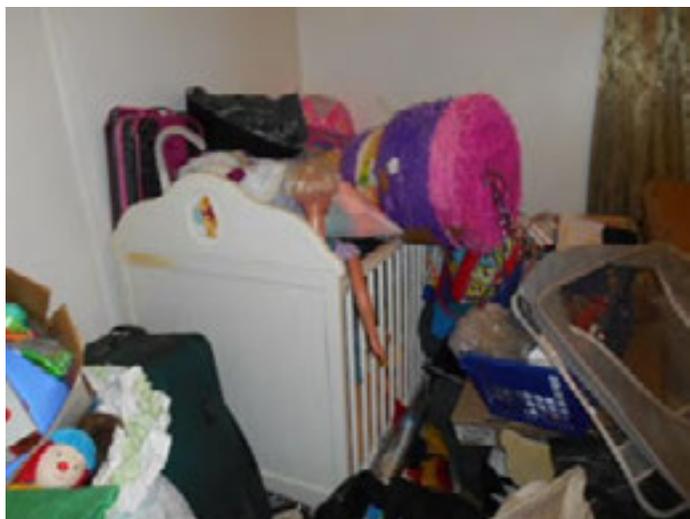
DESCRIPTION FOR DSCN2499[1].JPG



CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2505[1].JPG



CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2494[2].JPG



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CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2500[1].JPG

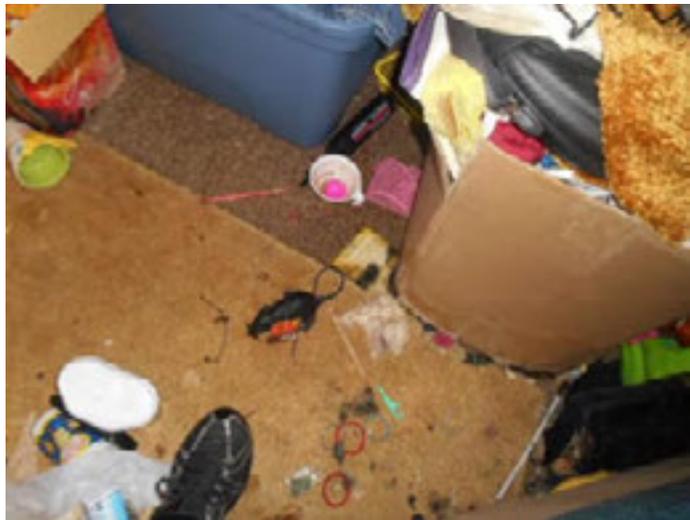


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CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2506[1].JPG



**C-2.b. DRAFT**

CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

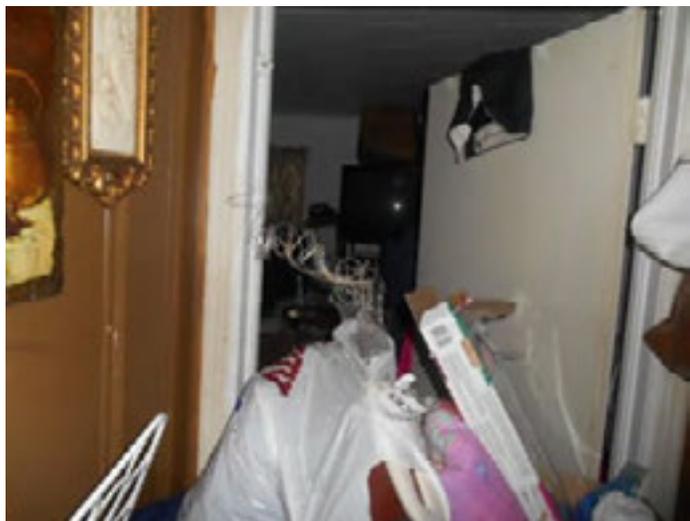
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CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

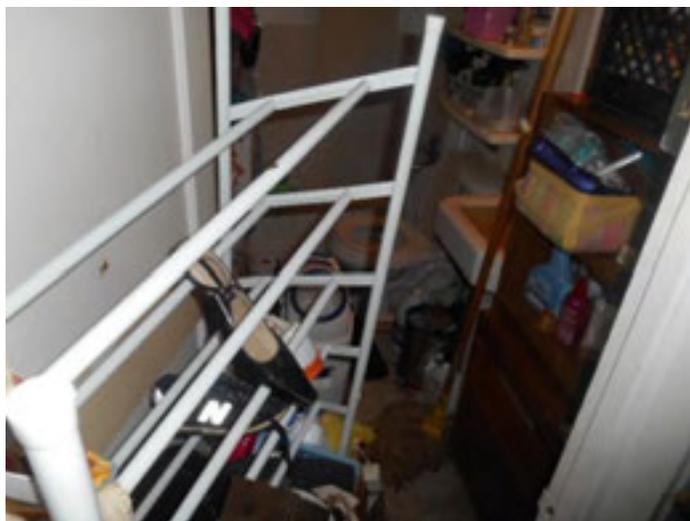
DESCRIPTION FOR DSCN2496[1].JPG



CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2507[1].JPG



CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2491[1].JPG



CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2498[2].JPG



CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2501[1].JPG



**C-2.b. DRAFT**

CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2497[1].JPG



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CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2508[1].JPG

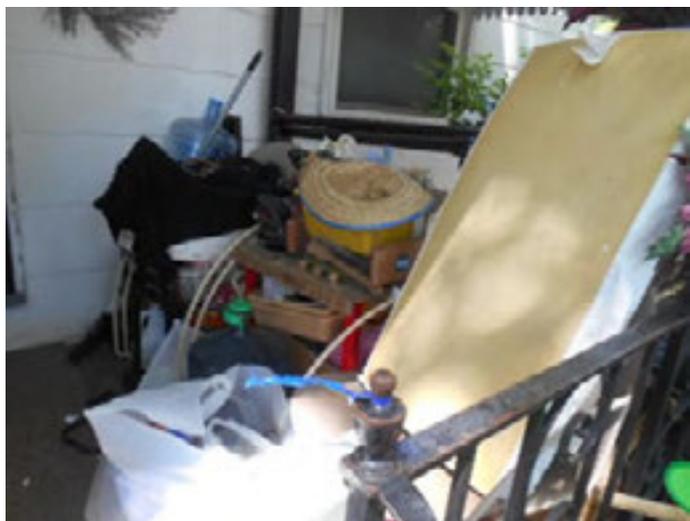


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CODE CASE NBR      IMAGE DATE  
2014051632          5/14/2014

IMAGE DESCRIPTION

DESCRIPTION FOR DSCN2492[1].JPG



CODE CASE NBR      IMAGE DATE  
2014051632          9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2014051632          9/28/2016

IMAGE DESCRIPTION





Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay Ad  
in **Winston-Salem!**



- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 1051 E Devonshire St, Winston-Salem, NC 27107-3407

Enter notes here

255

Total Distance: 3.37 mi— Total Time: 9 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward N Church St on E 1st St	Go for 45 ft <a href="#">Hide</a>
	Turn left onto S Church St	Go for 0.2 mi <a href="#">Hide</a>
	Turn right onto Cemetery St	Go for 229 ft <a href="#">Hide</a>
	Turn right onto S Main St SE	Go for 141 ft <a href="#">Hide</a>
	Take ramp onto I-40-BR E	Go for 0.4 mi <a href="#">Hide</a>
	Take exit 6A toward NC-8 S/Lexington/High Point onto US-52 S/US-311 S (John M Gold Fwy)	Go for 1.4 mi <a href="#">Hide</a>
	Take exit 108A toward Waughtown St	Go for 0.2 mi <a href="#">Hide</a>
	Turn left onto Waughtown St	Go for 0.7 mi <a href="#">Hide</a>
	Turn slightly right onto Thomasville Rd SE	Go for 0.2 mi <a href="#">Hide</a>
	Turn left onto E Devonshire St	Go for 0.2 mi <a href="#">Hide</a>
	Arrive at E Devonshire St. Your destination is on the left.	<a href="#">Hide</a>
<span style="color: red;">B</span>	1051 E Devonshire St, Winston-Salem, NC 27107-3407	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2015080102  
**PROPERTY ADDRESS**      1807 E FOURTH ST  
**TAX BLOCK**      1265      **LOT(s)**      023  
**WARD**      EAST  
**PROPERTY OWNER(s)**      GWENDOLYN S BELL  
**LIS PENDENS**      15M1466      **FILED**      10/12/2015

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 08/07/2015 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 08/12/2015. The Hearing was held on 9/8/2015 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no .
2. The **Finding and Order** was issued on 9/23/2015 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication \_\_\_ on 09/26/2015. The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 10/26/2015. The dwelling was found vacated and closed on 02/03/2016.
3. The dwelling became eligible for demolition under the six (6) month rule on 08/03/2016.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no .

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$1,989.00      Fair market value \$17,038.00

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2015080102**

**NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270**

**1807 E FOURTH ST**

**VIOL NBR   VIOLATION DESCRIPTION  
STATUS/ORDINANCE**

833404 REPLACE BROKEN WINDOW PANES -  
UNFIT V-10-197(B)(4)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2015080102      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2015080102      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2015080102      9/28/2016

IMAGE DESCRIPTION



**C-2.c. DRAFT**

CODE CASE NBR      IMAGE DATE  
2015080102      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2015080102      9/28/2016

IMAGE DESCRIPTION



Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 1807 E 4th St, Winston-Salem, NC 27101-4605

Enter notes here

255

Total Distance: 1.49 mi— Total Time: 7 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward S Chestnut St on E 1st St	Go for 305 ft <a href="#">Hide</a>
	Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
	Turn right onto E 4th St	Go for 0.8 mi <a href="#">Hide</a>
	Turn right onto N Martin Luther King Jr Dr	Go for 262 ft <a href="#">Hide</a>
	Turn left onto E 3rd St	Go for 0.3 mi <a href="#">Hide</a>
	Turn left onto N Cameron Ave	Go for 288 ft <a href="#">Hide</a>
	Turn right onto E 4th St	Go for 157 ft <a href="#">Hide</a>
	Arrive at E 4th St. Your destination is on the left.	<a href="#">Hide</a>
<span style="color: red;">B</span>	1807 E 4th St, Winston-Salem, NC 27101-4605	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2013010654  
**PROPERTY ADDRESS**      1901 E THIRD ST  
**TAX BLOCK**      1266      **LOT(s)**      053  
**WARD**      EAST  
**PROPERTY OWNER(s)**      CHRISTOPHER ANTONIO JORDAN  
**LIS PENDENS**      13M1397      **FILED**      06/26/2013

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 04/18/2013 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 04/22/2013. The Hearing was held on 5/20/2013 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no .
2. The **Finding and Order** was issued on 6/3/2013 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication \_\_\_ on 06/06/2013. The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 07/06/2013. The dwelling was found vacated and closed on 09/09/2013.
3. The dwelling became eligible for demolition under the six (6) month rule on 03/09/2013.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no .

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$3,622.00      Fair market value \$13,911.00  
 Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2013010654**

**NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270**

**1901 E THIRD ST**

**VIOL NBR    VIOLATION DESCRIPTION  
                  STATUS/ORDINANCE**

758829 REPAIR FOUNDATION VENTS -  
      MINOR V-10-197(H)(6)(B)

758824 REPAIR OR REPLACE SCREENS ON DOORS -  
      UNFIT V-10-197(B)(3)

758825 REPAIR OR REPLACE SCREENS ON WINDOWS -  
      UNFIT V-10-197(B)(3)

758826 REPAIR CRAWL SPACE DOOR -  
      UNFIT V-10-197(G)(1)

758827 INSTALL CRAWL SPACE DOOR -  
      UNFIT V-10-197(G)(1)

758828 REPLACE BROKEN WINDOW PANES -  
      UNFIT V-10-197(B)(4)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2013010654      1/11/2013

IMAGE DESCRIPTION

DESCRIPTION FOR IMG\_0104[1]



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CODE CASE NBR      IMAGE DATE  
2013010654      9/28/2016

IMAGE DESCRIPTION



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CODE CASE NBR      IMAGE DATE  
2013010654      9/28/2016

IMAGE DESCRIPTION



**C-2.d. DRAFT**

CODE CASE NBR      IMAGE DATE  
2013010654          9/28/2016

IMAGE DESCRIPTION



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CODE CASE NBR      IMAGE DATE  
2013010654          9/28/2016

IMAGE DESCRIPTION



Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 1903 E 3rd St, Winston-Salem, NC 27101-4603

Enter notes here

255

Total Distance: 1.5 mi— Total Time: 6 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
Head toward S Chestnut St on E 1st St		Go for 305 ft <a href="#">Hide</a>
	Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
	Turn right onto E 4th St	Go for 0.8 mi <a href="#">Hide</a>
	Turn right onto N Martin Luther King Jr Dr	Go for 262 ft <a href="#">Hide</a>
	Turn left onto E 3rd St	Go for 0.4 mi <a href="#">Hide</a>
Arrive at E 3rd St. Your destination is on the left.		<a href="#">Hide</a>
<span style="color: red;">B</span>	1903 E 3rd St, Winston-Salem, NC 27101-4603	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2013010950  
**PROPERTY ADDRESS**      2835 ROWELL ST  
**TAX BLOCK**      1555      **LOT(s)**      091  
**WARD**      EAST  
**PROPERTY OWNER(s)**      LULA H HARRIS, HEIRS  
**LIS PENDENS**      13M1193 FILED 06/03/2013

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 03/22/2013 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication  on 03/28/2013. The Hearing was held on 04/22/2013, and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no .
2. The **Finding and Order** was issued on 5/8/2013 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication  on 05/16/2013. The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 06/16/2013. The dwelling was found vacated and closed on 08/12/2013.
3. The dwelling became eligible for demolition under the six (6) month rule on 02/12/2014.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no .

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$1,943.00      Fair market value \$8,378.00  
 Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2013010950**

**NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270**

**2835 ROWELL ST**

**VIOL NBR   VIOLATION DESCRIPTION  
STATUS/ORDINANCE**

759265 REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS -  
MINOR V-10-197(G)(6)

759263 REPLACE BROKEN WINDOW PANES -  
UNFIT V-10-197(B)(4)

759264 REPAIR FOUNDATION VENTS -  
UNFIT V-10-197(H)(6)(B)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2013010950      9/28/2016

IMAGE DESCRIPTION



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CODE CASE NBR      IMAGE DATE  
2013010950      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2013010950      9/28/2016

IMAGE DESCRIPTION



**C-2.e. DRAFT**

CODE CASE NBR      IMAGE DATE  
2013010950          9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2013010950          9/28/2016

IMAGE DESCRIPTION



Map & Directions | Map Only | **Directions Only** | [Print](#)

**B. Winston-Salem Hotels NC** [booking.com/Winston-Salem-Hotels](http://booking.com/Winston-Salem-Hotels) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 2835 Rowell St, Winston-Salem, NC 27101-3530

Enter notes here

255

Total Distance: 2.59 mi— Total Time: 10 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward S Chestnut St on E 1st St	Go for 305 ft <a href="#">Hide</a>
	Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
	Turn right onto E 4th St	Go for 0.7 mi <a href="#">Hide</a>
	Turn left onto N Laura Wall Blvd NE	Go for 360 ft <a href="#">Hide</a>
	Turn right onto E 5th St	Go for 0.7 mi <a href="#">Hide</a>
	Turn left onto Old Greensboro Rd	Go for 0.8 mi <a href="#">Hide</a>
	Turn left onto Mt Vernon Ave	Go for 521 ft <a href="#">Hide</a>
	Arrive at Mt Vernon Ave. Your destination is on the left.	<a href="#">Hide</a>
<span style="color: red;">B</span>	2835 Rowell St, Winston-Salem, NC 27101-3530	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2014120503  
**PROPERTY ADDRESS**      3508 N CHERRY ST  
**TAX BLOCK**      2306      **LOT(s)**      016B  
**WARD**      NORTH  
**PROPERTY OWNER(s)**      CUNCHO JEROME BROWN  
**LIS PENDENS**      15m950 FILED 7/10/2015

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 2/4/2015 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 3/16/2015 . The Hearing was held on 2/6/2015 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no  .
2. The **Finding and Order** was issued on 6/18/2015 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication \_\_\_ on 6/28/2015 . The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 7/28/2015 . The dwelling was found vacated and closed on 7/28/2015 .
3. The dwelling became eligible for demolition under the six (6) month rule on 1/28/2016 .
4. The notification letter was sent 9/14/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016 . The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no  .

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$6,529      Fair market value \$50,076  
 Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



## CODE DEFICIENCIES - EXHIBIT A

CASE NO: 2014120503

NEIGHBORHOOD CONSERVATION OFFICER:

OLA BROWN - (336)734-1260

3508 N CHERRY ST

<u>VIOL NBR</u>	<u>VIOLATION DESCRIPTION</u>	<u>STATUS/ORDINANCE</u>
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817272	REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS - HOLDING DEBRIS; DOWNSPOUT DRAIN AT DRIVEWAY AREA BLOCKED WITH DEBRIS	MINOR V-10-197(G)(6)
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817255	REPAIR ROOF LEAK - AT LIVING ROOM, HALL AND BEDROOM	UNFIT V-10-197(G)(6)
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817256	REPAIR DEFECTIVE LIGHT FIXTURES - BATHROOM (INOPERABLE)	UNFIT V-10-197(F)(1)
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817257	PROVIDE ACCESS DOOR TO ATTIC -	UNFIT V-10-197(G)(6)
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817258	OTHER - VENTILATION AT BATHROOM - NO WINDOW NOR OPERABLE EXHAUST FAN	UNFIT V-10-197
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817259	OTHER - BATHTUB - RELEASING SURFACE PAINT AT TUB BED	UNFIT V-10-197
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817260	REPAIR DEFECTIVE FLOORING - BATHROOM FLOOR NEAR TUB	UNFIT V-10-197(G)(2)
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817261	PROVIDE OPERABLE SMOKE DETECTOR - AT EACH BEDROOM AND OUTSIDE SLEEPING AREA	UNFIT V-10-197(L)(1)
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817262	OTHER - 10-197(B)(2) WINDOWS - MAKE ALL WINDOWS OPERABLE (TO OPEN AND CLOSE AS INTENDED)	UNFIT V-10-197
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817263	REPAIR HOLES IN WALLS AND CEILINGS - CEILING OVER STAIRCASE TO BASEMENT (EXPOSED INSULATION)	UNFIT V-10-197(G)(4)
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817264	PROVIDE R-19 CEILING INSULATION - WATER DAMAGED INSULATION SHOULD BE REMOVED AND REPLACED	UNFIT V-10-197(I)
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817265	PROVIDE SAFE HANDRAILS TO SERVE EXITS - AT BASEMENT STEPS (HANDRAIL DOES NOT SERVICE FULL FLIGHT OF STAIRS)	UNFIT V-10-197(C)(2)
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817266	REPAIR DOOR - SIDE, EXTERIOR DOOR AT BASEMENT	UNFIT V-10-197(A)(15)
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817267	PROVIDE PROPER DISCHARGE TUBE - HOT WATER HEATER -	UNFIT V-10-193(7)
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## **C-2.f. DRAFT**

817268 REPAIR FURNACE - SERVICE; SHOW OPERABLE FROM THERMOSTAT; PANEL EXPOSED WIRING

UNFIT V-10-197(E)(2)

817269 REPLACE BROKEN WINDOW PANES - BASEMENT DOOR

UNFIT V-10-197(B)(4)

817270 REPAIR OR REPLACE REAR PORCH FLOOR - SIDE PORCH

UNFIT V-10-197(G)(7)

817271 REPAIR RETAINING WALL - 10-197(H)(5)B YARDS AND COURTS MUST BE KEPT FREE OF PHYSICAL HAZARDS (LOCATED NEAR GARAGE DOOR)

UNFIT V-10-197(H)(5)

817273 REPAIR HOLES IN WALLS AND CEILINGS - WALL UNDER KITCHEN SINK

UNFIT V-10-197(G)(4)

817274 REPLACE DEFECTIVE SHEATHING -

UNFIT V-10-197(G)(6)

817275 REPAIR OR REPLACE ROOF COVERING - DAMAGE AT REAR

UNFIT V-10-197(G)(6)

817276 REPAIR PLUMBING LEAK UNDER STRUCTURE - LEAK FROM OVERHEAD BATHROOM INTO BASEMENT

UNFIT V-10-197(D)(15)

CODE CASE NBR      IMAGE DATE  
2014120503      12/15/2014

IMAGE DESCRIPTION  
3508 N. Cherry Street



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CODE CASE NBR      IMAGE DATE  
2014120503      12/15/2014

IMAGE DESCRIPTION  
3508 N. Cherry Street



---

CODE CASE NBR      IMAGE DATE  
2014120503      12/15/2014

IMAGE DESCRIPTION  
3508 N. Cherry Street



**C-2.f. DRAFT**

CODE CASE NBR      IMAGE DATE  
2014120503          12/15/2014

IMAGE DESCRIPTION  
3508 N. Cherry Street



---

CODE CASE NBR      IMAGE DATE  
2014120503          12/15/2014

IMAGE DESCRIPTION  
3508 N. Cherry Street



---

CODE CASE NBR      IMAGE DATE  
2014120503          12/15/2014

IMAGE DESCRIPTION  
3508 N. Cherry Street



Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 3508 N Cherry St, Winston-Salem, NC 27105-3416

Enter notes here

255

Total Distance: 3.33 mi— Total Time: 10 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward N Church St on E 1st St	Go for 288 ft <a href="#">Hide</a>
	Turn right onto N Main St	Go for 0.6 mi <a href="#">Hide</a>
	Continue on N Liberty St	Go for 275 ft <a href="#">Hide</a>
	Turn left onto N Martin Luther King Jr Dr	Go for 416 ft <a href="#">Hide</a>
	Continue on W 8th St	Go for 0.1 mi <a href="#">Hide</a>
	Turn right onto N Cherry St	Go for 0.2 mi <a href="#">Hide</a>
	Continue on N Marshall St	Go for 291 ft <a href="#">Hide</a>
	Continue on University Pkwy	Go for 1.8 mi <a href="#">Hide</a>
	Keep right onto N Cherry St	Go for 0.3 mi <a href="#">Hide</a>
	Arrive at N Cherry St. Your destination is on the left.	<a href="#">Hide</a>
<span style="color: red;">B</span>	3508 N Cherry St, Winston-Salem, NC 27105-3416	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2011030302  
**PROPERTY ADDRESS**      506 ALEXANDER ST WINSTON-SALEM  
**TAX BLOCK**      0795      **LOT(s)**      108  
**WARD**      EAST  
**PROPERTY OWNER(s)**      ADA M PAGE  
**LIS PENDENS**      11M1644      **FILED**      05/25/2011

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 04/05/2011 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 05/15/2011 . The Hearing was held on 05/05/2011 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no .
2. The **Finding and Order** was issued on 5/12/2011 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication \_\_\_ on 05/22/2011 . The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 06/22/2011 . The dwelling was found vacated and closed on 06/30/2011 .
3. The dwelling became eligible for demolition under the six (6) month rule on 12/30/2011 .
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no\_\_\_.

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$2,342.00      Fair market value \$9,167.00  
 Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2011030302**

**NEIGHBORHOOD CONSERVATION OFFICER:  
ARNOLD ROGERS - (336)734-1288**

**506 ALEXANDER ST WINSTON-SALEM**

**VIOL NBR   VIOLATION DESCRIPTION  
STATUS/ORDINANCE**

699031 PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING -  
MINOR V-10-197(G)(3)

699029 REPAIR FOUNDATION -  
UNFIT V-10-197(G)(1)

699030 REPAIR FOUNDATION VENTS -  
UNFIT V-10-197(H)(6)(B)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2011030302      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2011030302      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2011030302      9/28/2016

IMAGE DESCRIPTION



**C-2.g. DRAFT**

CODE CASE NBR      IMAGE DATE  
2011030302      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2011030302      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2011030302      9/28/2016

IMAGE DESCRIPTION



Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay Ad  
 in **Winston-Salem!**



- A** 100 E 1st St, Winston-Salem, NC 27101-4037
- B** 506 Alexander St, Winston-Salem, NC 27127-1102

Enter notes here

255

Total Distance: 1.81 mi— Total Time: 9 mins

<b>A</b>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward N Church St on E 1st St	Go for 0.1 mi <a href="#">Hide</a>
	↶ Turn left onto S Liberty St	Go for 0.3 mi <a href="#">Hide</a>
	↑ Continue on Old Salem Rd	Go for 0.6 mi <a href="#">Hide</a>
	↘ Take the 2nd exit from Old Salem Rd roundabout onto S Main St SE	Go for 0.2 mi <a href="#">Hide</a>
	↶ Turn left onto Alder St	Go for 423 ft <a href="#">Hide</a>
	↙ Turn slightly left onto Alder St	Go for 0.4 mi <a href="#">Hide</a>
	↶ Turn left onto Liberia St	Go for 416 ft <a href="#">Hide</a>
	↘ Turn right onto Alder St	Go for 177 ft <a href="#">Hide</a>
	↘ Turn right onto Pitts St	Go for 255 ft <a href="#">Hide</a>
	↶ Turn left onto Alder St	Go for 114 ft <a href="#">Hide</a>
	Arrive at Alder St. Your destination is on the right.	<a href="#">Hide</a>
<b>B</b>	506 Alexander St, Winston-Salem, NC 27127-1102	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2013020209  
**PROPERTY ADDRESS**      224 TERRACE AV  
**TAX BLOCK**      1275      **LOT(s)**      095  
**WARD**      EAST  
**PROPERTY OWNER(s)**      EDNA J GLENN  
**LIS PENDENS**      13M1230      **FILED** 06/03/2013

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 04/08/2013 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 04/09/2013. The Hearing was held on 5/8/2013 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no .
2. The **Finding and Order** was issued on 5/28/2013 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 05/29/2013. The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 06/29/2013. The dwelling was found vacated and closed on 06/23/2015.
3. The dwelling became eligible for demolition under the six (6) month rule on 12/23/2015.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on \_\_\_\_\_. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no .

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$4,847.00      Fair market value \$9,991.00  
 Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



CODE DEFICIENCIES - EXHIBIT A

CASE NO: 2013020209

NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270

224 TERRACE AV

VIOL NBR    VIOLATION DESCRIPTION  
                  STATUS/ORDINANCE

760617 REPAIR SOFFIT AND/OR FACIA    -  
      MINOR V-10-197(G)(6)

760620 OTHER    - REPAIR DAMAGED WINDOW TRIM  
      MINOR V-10-197

760622 PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING    -  
      MINOR V-10-197(G)(3)

760618 REPLACE DEFECTIVE SHEATHING    -  
      UNFIT V-10-197(G)(6)

760619 REPAIR OR REPLACE ROOF COVERING    -  
      UNFIT V-10-197(G)(6)

760621 REPAIR OR REPLACE SCREENS ON WINDOWS    -  
      UNFIT V-10-197(B)(3)

760623 OTHER    - REPAIR GABLE VENT  
      UNFIT V-10-197

760624 REPAIR OR REPLACE STEPS AT FRONT    - MAKE LEVEL  
      UNFIT V-10-197(G)(8)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2013020209      2/5/2013

IMAGE DESCRIPTION

DESCRIPTION FOR IMG\_0207[1]



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CODE CASE NBR      IMAGE DATE  
2013020209      9/26/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2013020209      9/26/2016

IMAGE DESCRIPTION



**C-2.h. DRAFT**

CODE CASE NBR      IMAGE DATE  
2013020209      9/26/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2013020209      9/26/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2013020209      9/26/2016

IMAGE DESCRIPTION



CODE CASE NBR  
2013020209

IMAGE DATE  
9/26/2016

IMAGE DESCRIPTION





Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem!

Ad



- A** 100 E 1st St, Winston-Salem, NC 27101-4037
- B** 224 Terrace Ave, Winston-Salem, NC 27101-4620

Enter notes here

255

Total Distance: 1.61 mi— Total Time: 7 mins

<b>A</b>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward S Chestnut St on E 1st St	Go for 305 ft <a href="#">Hide</a>
	↶ Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
	↷ Turn right onto E 4th St	Go for 0.8 mi <a href="#">Hide</a>
	↷ Turn right onto N Martin Luther King Jr Dr	Go for 262 ft <a href="#">Hide</a>
	↶ Turn left onto E 3rd St	Go for 0.4 mi <a href="#">Hide</a>
	↷ Turn right onto Terrace Ave	Go for 0.1 mi <a href="#">Hide</a>
	Arrive at Terrace Ave. Your destination is on the right.	<a href="#">Hide</a>
<b>B</b>	224 Terrace Ave, Winston-Salem, NC 27101-4620	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2014042091  
**PROPERTY ADDRESS**      110 N JACKSON AV  
**TAX BLOCK**      0533      **LOT(s)**      211  
**WARD**      EAST  
**PROPERTY OWNER(s)**      JAMES EDGAR TURNER  
**LIS PENDENS**      14M1481      **FILED**      08/05/2014

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 06/04/2014 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 06/05/2014. The Hearing was held on 7/7/2014 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no .
2. The **Finding and Order** was issued on 7/9/2014 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication \_\_\_ on 07/10/2014. The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 08/10/2014. The dwelling was found vacated and closed on 08/13/2014.
3. The dwelling became eligible for demolition under the six (6) month rule on 02/13/2015.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no .

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$4,903.00      Fair market value \$17,590.00  
 Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



CODE DEFICIENCIES - EXHIBIT A

CASE NO: 2014042091

NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270

110 N JACKSON AV

VIOL NBR   VIOLATION DESCRIPTION  
                  STATUS/ORDINANCE

800204 REPAIR OR REPLACE DEFECTIVE SIDING -  
MINOR V-10-197(G)(3)

800205 PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING -  
MINOR V-10-197(G)(3)

800199 REPLACE BROKEN WINDOW PANES -  
UNFIT V-10-197(B)(4)

800200 OTHER - REPAIR EXT WALL AT BACK PORCH  
UNFIT V-10-197

800201 REPAIR OR REPLACE FRONT PORCH RAILINGS -  
UNFIT V-10-197(G)(7)

800203 INSTALL HANDRAIL AT FRONT STEPS -  
UNFIT V-10-197(G)(8)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2014042091      1/14/2016

IMAGE DESCRIPTION

110 N. Jackson Avenue



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CODE CASE NBR      IMAGE DATE  
2014042091      1/14/2016

IMAGE DESCRIPTION

110 N. Jackson Avenue



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CODE CASE NBR      IMAGE DATE  
2014042091      9/28/2016

IMAGE DESCRIPTION

110 N. Jackson Avenue



**C-2.i. DRAFT**

CODE CASE NBR      IMAGE DATE  
2014042091          9/28/2016

IMAGE DESCRIPTION

110 N. Jackson Avenue



---

CODE CASE NBR      IMAGE DATE  
2014042091          9/28/2016

IMAGE DESCRIPTION

110 N. Jackson Avenue



---

CODE CASE NBR      IMAGE DATE  
2014042091          9/28/2016

IMAGE DESCRIPTION

110 N. Jackson Avenue



CODE CASE NBR      IMAGE DATE  
2014042091          9/28/2016

IMAGE DESCRIPTION

110 N. Jackson Avenue





Map & Directions | Map Only | **Directions Only** | [Print](#)

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- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 110 N Jackson Ave, Winston-Salem, NC 27101-4528

Enter notes here

255

Total Distance: 1.41 mi— Total Time: 6 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward S Chestnut St on E 1st St	Go for 305 ft <a href="#">Hide</a>
	Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
	Turn right onto E 4th St	Go for 0.8 mi <a href="#">Hide</a>
	Turn right onto N Martin Luther King Jr Dr	Go for 262 ft <a href="#">Hide</a>
	Turn left onto E 3rd St	Go for 0.1 mi <a href="#">Hide</a>
	Turn right onto N Dunleith Ave	Go for 0.2 mi <a href="#">Hide</a>
	Turn left onto E 1st St	Go for 150 ft <a href="#">Hide</a>
	Arrive at E 1st St. Your destination is on the left.	<a href="#">Hide</a>
<span style="color: red;">B</span>	110 N Jackson Ave, Winston-Salem, NC 27101-4528	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(1) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2012071039  
**PROPERTY ADDRESS**      670 GLENBROOK DR  
**TAX BLOCK**      1553      **LOT(s)**      067  
**WARD**      EAST  
**PROPERTY OWNER(s)**      DEVON W JONES-PATTERSON LYLES  
**LIS PENDENS**      12M3347      **FILED**      12/31/2012

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 10/22/2012 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 11/01/2012 . The Hearing was held on 11/21/2012 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no  .
2. The **Finding and Order** was issued on 12/3/2012 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication \_\_\_ on 12/13/2012 . The Order directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 01/13/2013 . The dwelling was found vacated and closed on 03/04/2013 .
3. The dwelling became eligible for demolition under the six (6) month rule on 09/04/2013 .
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016 . The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no  .

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **less than fifty percent (<50%)** of the present value of the dwelling.

Estimated cost to repair \$1,751.00      Fair market value \$4,132.00  
 Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **repaired or demolished and removed within ninety (90) days. This structure can be repaired under In Rem provisions of the Minimum Housing Code with City Council approval.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2012071039**

**NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270**

**670 GLENBROOK DR**

**VIOL NBR   VIOLATION DESCRIPTION  
STATUS/ORDINANCE**

743497 REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS -  
MINOR V-10-197(G)(6)

743501 REPAIR SOFFIT AND/OR FACIA -  
MINOR V-10-197(G)(6)

743499 REPAIR OR REPLACE SCREENS ON DOORS -  
UNFIT V-10-197(B)(3)

743500 REPAIR OR REPLACE SCREENS ON WINDOWS -  
UNFIT V-10-197(B)(3)

743502 REPAIR FOUNDATION VENTS -  
UNFIT V-10-197(H)(6)(B)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2012071039      7/17/2012

IMAGE DESCRIPTION

DESCRIPTION FOR 100\_3446[1]



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CODE CASE NBR      IMAGE DATE  
2012071039      9/28/2016

IMAGE DESCRIPTION



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CODE CASE NBR      IMAGE DATE  
2012071039      9/28/2016

IMAGE DESCRIPTION



**C-2.j. DRAFT**

CODE CASE NBR      IMAGE DATE  
2012071039          9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2012071039          9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2012071039          9/28/2016

IMAGE DESCRIPTION



Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A** 100 E 1st St, Winston-Salem, NC 27101-4037
- B** 670 Glenbrook Dr, Winston-Salem, NC 27101-3538

Enter notes here

255

Total Distance: 2.61 mi— Total Time: 11 mins

<b>A</b>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward S Chestnut St on E 1st St	Go for 305 ft <a href="#">Hide</a>
	↩ Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
	↪ Turn right onto E 4th St	Go for 0.7 mi <a href="#">Hide</a>
	↩ Turn left onto N Laura Wall Blvd NE	Go for 360 ft <a href="#">Hide</a>
	↪ Turn right onto E 5th St	Go for 0.7 mi <a href="#">Hide</a>
	↩ Turn left onto Old Greensboro Rd	Go for 0.6 mi <a href="#">Hide</a>
	↩ Turn left onto Glenbrook Dr	Go for 0.3 mi <a href="#">Hide</a>
	Arrive at Glenbrook Dr. Your destination is on the left.	<a href="#">Hide</a>
<b>B</b>	670 Glenbrook Dr, Winston-Salem, NC 27101-3538	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**City Council – Action Request Form**

**Date:** September 28, 2016

**To:** The City Manager

**From:** D. Ritchie Brooks, Community and Business Development

**Council Action Requested:**

The adoption of an Ordinance ordering the Community and Business Development of the City of Winston-Salem to demolish structures unfit for human habitation and, otherwise to effectuate the purpose of Chapter 10, Article V, of the Winston-Salem City Code.

**Summary of Information:**

The structure units listed below have been condemned under the provision of the Housing Code. All required notices have been served and the time granted for compliance in each case has expired. The owner(s) has not complied with the Order to repair or demolish the structure unit.

**STRUCTURE UNITS WITH REPAIRS MORE THAN FIFTY PERCENT OF VALUE  
OF STRUCTURE (>50%) SIX MONTHS**

<b>Owner</b>	<b>Property Location</b>	<b>Block &amp; Lot(s)</b>
Ray & Judy Joyner	810 Rich Avenue	0456 366
Marie Cole & Nathan Littlejohn, Heirs	1220 N. Jackson Avenue	0416 042A
Martha Alvarez Silva	1347 Dunleith Avenue Accy	1396 049
Michel Hernandez	1917 E. Third Street	1266 049
Eric Stephen Kirkman	4538 Shattalon Dr. Accy	3469 010D

**Committee Action:**

<b>Committee</b>	_____	<b>Action</b>	_____
<b>For</b>	_____	<b>Against</b>	_____

**Remarks:** \_\_\_\_\_



## Memorandum



Bryce A. Stuart Municipal Building  
100 E. First Street  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3163

**TO:** Tiffany Harris  
**FROM:** Michelle M. McCullough  
**DATE:** September 30, 2016  
**SUBJECT:** Demolitions for October 11, 2016  
Community Development/Housing/General Government Committee Meeting

Historic Resources staff has reviewed the following properties that are scheduled to go before the Community Development/Housing/General Government Committee on October 11, 2016 for demolition consideration:

224 Terrace Avenue  
745 Barney Avenue  
506 Alexander Street  
1347 Dunleith Avenue (accy.)  
1051 Devonshire – **Waughtown/Belview Historic District**  
2835 Rowell Street  
810 Rich Avenue  
1807 E. 4<sup>th</sup> Street  
1220 N. Jackson Avenue  
801 E. 25<sup>th</sup> Street  
4538 Shattalon Drive (accy.)  
1901 E. 3<sup>rd</sup> Street  
110 N. Jackson Avenue  
670 Glenbrook Drive  
3101 Old Greensboro Road  
3313 Urban Street  
1917 3<sup>rd</sup> Street  
3508 Cherry Street  
1139 25<sup>th</sup> Street  
5695 Reynolda Road Accy

While it appears that most of the properties were built prior to 1966, only one is located within a National Register Historic District, 1051 Devonshire Street. 1051 Devonshire Street is located within the Waughtown/Belview Historic District listed on the National Register of Historic Places in 2005.

Historic Resources staff has concerns about the loss of structures in the City's National Register Historic Districts; therefore, I have sent notice to Preserve Forsyth, the local Historic Preservation non-profit organization to advise them of this loss. Their mission is to promote, protect, and advocate for Historic Resources in Forsyth County.

*City Council:* Mayor Allen Joiner; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Beise, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Jeff MacIntosh, Northwest Ward; Darwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

*Forsyth County Commissioners:* David R. Pyles, Chairman; Don Martin, Vice Chair; Ted Kaplan; Richard V. Loville; Walter Marshall; Gloria D. Whiteshaft; Ezerene Witherspoon; County Manager: Dudley Warrs, Jr.

*City-County Planning Board:* Arnold G. King, Chair; Allan Yee, Vice Chair; George M. Bryan, Jr.; Melinda Dominguez; Tommy Hicks; Clarence R. Lamb, Jr.; Darryl Linds; Paul W. Mulician; Brenda J. Smith

If demolition for this structure is approved, Historic Resources staff would like to request that the Community and Business Development Department have the structure professionally photo-documented, submitting the photos to the Forsyth County Historic Resources Commission and any architectural elements be salvaged from the house prior to demolition.

None of the buildings are designated a Local Historic Landmark or located within designated local historic districts. Therefore, Historic Resources staff has no other special requests at this time.

cc Ritchie Brooks, Director, Community and Business Development  
Preserve Forsyth

**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**

**WHEREAS**, the Community and Business Development Department, after due notice and hearing, determined that the property hereinafter described in Exhibit (s) was unfit for human habitation; and

**WHEREAS**, either the Mayor and City Council adopted an ordinance or the Housing Conservation Administrator issued a repair or vacate and close order; and

**WHEREAS**, the repairs necessary to render the structure fit for human habitation would exceed more than fifty percent (>50%) of the present value of the structure; and

**WHEREAS**, the owner of the property herein described in Exhibit(s) vacated and closed said structure and kept it vacated and closed for a period of six months pursuant to said Order; and

**WHEREAS**, the Mayor and City Council hereby finds that:

- (1) Six months has passed since the structure was vacated and closed pursuant to the previous order.
- (2) The property owner has abandoned the intent and purpose to repair, alter or improve the dwelling in said order to render it fit for human habitation.
- (3) The continuation of said structure in its vacated status will be inimical to health, safety, morals and welfare of the City in that the dwelling will continue to deteriorate, will create a fire and safety hazard, will be a threat to children and vagrants, will attract persons intent on criminal activities, will cause or contribute to blight and the deterioration of the property values in the area and will render unavailable property and dwelling which may otherwise have been available to

ease the persistent shortage of decent and affordable housing in this State and City.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Winston-Salem, as follows:

**Section 1.** The owner(s) of the property herein described in Exhibit(s) is hereby ordered to demolish and remove said property within ninety days.

**Section 2.** In the event the owner(s) fails to comply with this order of the Mayor and City Council within the prescribed time period, the Community and Business Development Department of the City of Winston-Salem is hereby ordered and authorized to effectuate the purpose of the Housing Code of the City of Winston-Salem (Chapter 10, Article V of the Code of the City of Winston-Salem) with respect to the property herein described by causing said dwelling be demolished and removed.

**Section 3.** The property to which this ordinance applies is known and described as set out in Exhibit(s) attached hereto and incorporated herein by reference.

**Section 4.** This ordinance shall become effective upon its adoption, and a copy hereof, certified by the Secretary of the City of Winston-Salem, shall be recorded in the office of the Register of Deeds of Forsyth County, North Carolina, and shall be indexed in the name of the property owner(s) in the grantors index, as provided by law.

**INSTRUMENT DRAWN BY:**

---

**CITY ATTORNEY**

**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(2) OF THE HOUSING CODE**

**CASE SUMMARY - HOUSING FILE NO.**      2015070062  
**PROPERTY ADDRESS**      810 RICH AV  
**TAX BLOCK**      0456      **LOT(s)**      366  
**WARD**      EAST  
**PROPERTY OWNER(s)**      RAY JOYNERJUDY JOYNER  
**LIS PENDENS**      15M1336      **FILED**      09/23/2015

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 07/07/2015 and service was obtained by certified mail  regular  post  hand delivery\_\_\_, and publication\_\_\_ on 07/09/2015 . The Hearing was held on 8/6/2015 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no  .
2. The **Finding and Order** was issued on 8/7/2015 and service was obtained by certified  regular  post  hand delivery\_\_\_, and publication \_\_\_ on 08/10/2015 . The Order directed the owner to **vacate and close or repair** the dwelling within 30 days from receipt. Time for compliance expired on 09/10/2015 . The dwelling was found vacated and closed on 12/16/2015 .
3. The dwelling became eligible for demolition under the six (6) month rule on 06/16/2016.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016 . The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no  .

**COMMENTS (if any)**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs to needed to render this dwelling fit for human habitation is **more than fifty percent (>50%)** of the present value of the dwelling.

Estimated cost to repair 17,530.00      Fair market value \$12,317.00  
 Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **demolished and removed within ninety (90) days.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2015070062**

**NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270**

**810 RICH AV**

**VIOL NBR   VIOLATION DESCRIPTION  
STATUS/ORDINANCE**

830700 REPLACE LOOSE WALL AND CEILING MATERIALS - THOUGHOUT  
MINOR V-10-197(G)(4)

830701 PAINT WALLS AND CEILINGS - THOUGHOUT  
MINOR V-10-197(G)(4)

830703 REPAIR SOFFIT AND/OR FACIA - ROTTEN  
MINOR V-10-197(G)(6)

830704 PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING -  
MINOR V-10-197(G)(3)

830695 REPLACE BROKEN WINDOW PANES -  
UNFIT V-10-197(B)(4)

830696 PROVIDE DOOR - BACK ENT.  
UNFIT V-10-197(A)(15)

830697 REPAIR TUB FIXTURES -  
UNFIT V-10-197(D)(10)

830698 REPAIR COMMODE -  
UNFIT V-10-197(D)(2)

830699 REPAIR DEFECTIVE SWITCHES AND/OR OUTLETS TO INCLUDE COVERS -  
UNFIT V-10-197(F)(1)

830702 REPAIR DEFECTIVE LIGHT FIXTURES - THOUGHOUT  
UNFIT V-10-197(F)(1)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2015070062      7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 002.JPG



---

CODE CASE NBR      IMAGE DATE  
2015070062      7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 007.JPG



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CODE CASE NBR      IMAGE DATE  
2015070062      7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 015.JPG



**C-3.a. DRAFT**

CODE CASE NBR      IMAGE DATE  
2015070062      7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 011.JPG



CODE CASE NBR      IMAGE DATE  
2015070062      7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 006.JPG



CODE CASE NBR      IMAGE DATE  
2015070062      7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 014.JPG



CODE CASE NBR      IMAGE DATE  
2015070062          7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 010.JPG

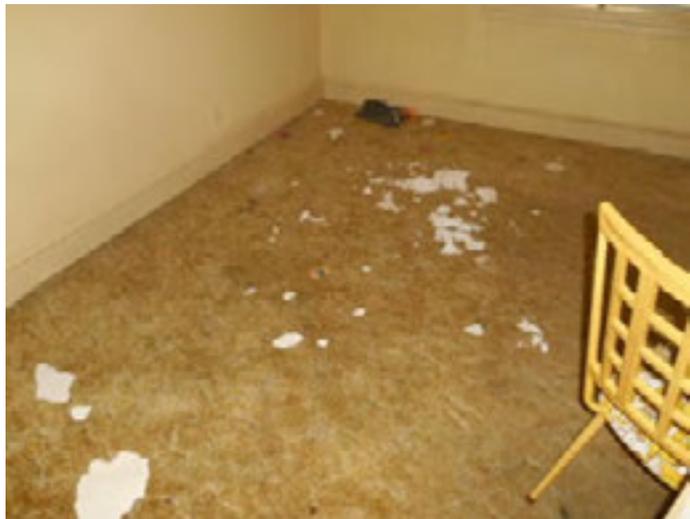


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CODE CASE NBR      IMAGE DATE  
2015070062          7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 009.JPG



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CODE CASE NBR      IMAGE DATE  
2015070062          7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 012.JPG



**C-3.a. DRAFT**

CODE CASE NBR      IMAGE DATE  
2015070062          7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 001.JPG



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CODE CASE NBR      IMAGE DATE  
2015070062          7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 008.JPG



---

CODE CASE NBR      IMAGE DATE  
2015070062          7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 004.JPG



CODE CASE NBR      IMAGE DATE  
2015070062          7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 013.JPG



---

CODE CASE NBR      IMAGE DATE  
2015070062          7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 003.JPG



---

CODE CASE NBR      IMAGE DATE  
2015070062          7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 016.JPG



**C-3.a. DRAFT**

CODE CASE NBR      IMAGE DATE  
2015070062      7/1/2015

IMAGE DESCRIPTION

DESCRIPTION FOR 810 RICH 005.JPG



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CODE CASE NBR      IMAGE DATE  
2015070062      9/28/2016

IMAGE DESCRIPTION



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CODE CASE NBR      IMAGE DATE  
2015070062      9/28/2016

IMAGE DESCRIPTION



CODE CASE NBR      IMAGE DATE  
2015070062      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2015070062      9/28/2016

IMAGE DESCRIPTION

810 Rich Avenue

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CODE CASE NBR      IMAGE DATE  
2015070062      9/28/2016

IMAGE DESCRIPTION



**C-3.a. DRAFT**

CODE CASE NBR      IMAGE DATE  
2015070062      9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2015070062      9/28/2016

IMAGE DESCRIPTION



Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A** 100 E 1st St, Winston-Salem, NC 27101-4037
- B** 810 Rich Ave, Winston-Salem, NC 27101-3426

Enter notes here

255

Total Distance: 1.73 mi— Total Time: 8 mins

<b>A</b>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward S Chestnut St on E 1st St	Go for 305 ft <a href="#">Hide</a>
↶	Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
↷	Turn right onto E 4th St	Go for 0.7 mi <a href="#">Hide</a>
↶	Turn left onto N Laura Wall Blvd NE	Go for 360 ft <a href="#">Hide</a>
↷	Turn right onto E 5th St	Go for 426 ft <a href="#">Hide</a>
↶	Turn left onto N Martin Luther King Jr Dr	Go for 0.1 mi <a href="#">Hide</a>
↷	Turn right onto New Walkertown Rd (US-311)	Go for 0.3 mi <a href="#">Hide</a>
↶	Turn left onto N Cameron Ave	Go for 193 ft <a href="#">Hide</a>
↷	Turn right onto Mt Zion Pl	Go for 282 ft <a href="#">Hide</a>
↶	Turn left onto Rich Ave	Go for 170 ft <a href="#">Hide</a>
	Arrive at Rich Ave. Your destination is on the left.	<a href="#">Hide</a>
<b>B</b>	810 Rich Ave, Winston-Salem, NC 27101-3426	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(2) OF THE HOUSING  
CODE**

**CASE SUMMARY - HOUSING FILE NO.**     2012030657  
**PROPERTY ADDRESS**     1220 N JACKSON AV  
**TAX BLOCK**     0416             **LOT(s)**     042A  
**WARD**     EAST  
**PROPERTY OWNER(s)**   MARIE COLE             NATHAN LITTLEJOHN  
**LIS PENDENS**     15M29             **FILED**   01/09/2015

**DUE PROCESS**

1. The current Complaint and Notice of Hearing was issued 10/13/2014 and service was obtained by certified mail  regular  post  hand delivery \_\_\_ publication  on 10/23/2014. The hearing was held on 11/12/2014 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes \_\_\_ no .
2. The **Finding and Order** was issued on 12/10/2014 and service was obtained by certified mail  regular  post  hand delivery \_\_\_ publication  on 01/15/2015. The **Order** directed the owner to **vacate and close or repair** the dwelling with **30** days from receipt. Time for compliance expired on 02/15/2015. The dwelling was found vacated and closed on 05/26/2015.
3. The dwelling became eligible for demolition under the six (6) month rule on 11/26/2015.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community and Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes \_\_\_ no .

**COMMENTS:**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs needed to render this dwelling fit for human habitation is **more than fifty percent (>50%)** of the present value of the dwelling.

Estimated cost to repair \$7,452.00                             Fair market value \$4,234.00

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **demolished and removed within ninety (90) days.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2012030657**

**NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270**

**1220 N JACKSON AV**

**VIOL NBR    VIOLATION DESCRIPTION  
                  STATUS/ORDINANCE**

732409 PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING -  
MINOR V-10-197(G)(3)

732406 CONNECT TO CITY SEWER SYSTEM -  
UNFIT V-10-197(D)(1)

732407 OTHER - PROVIDE HOT WATER  
UNFIT V-10-197

732408 REPAIR DEFECTIVE LIGHT FIXTURES -  
UNFIT V-10-197(F)(1)

732410 REPAIR HOLES IN WALLS AND CEILINGS - BED ROOM AT FRONT  
UNFIT V-10-197(G)(4)

732412 PROVIDE OPERABLE SMOKE DETECTOR -  
UNFIT V-10-197(L)(1)

732403 REPAIR OR REPLACE SCREENS ON WINDOWS -  
UNFIT V-10-197(B)(3)

732404 WEATHERSTRIP DOORS -  
UNFIT V-10-197(B)(4)

732405 REPAIR LAVATORY AND/OR FIXTURES - HOLE IN CABINET  
UNFIT V-10-197(D)(10)

732411 REPAIR OR REPLACE REAR PORCH FLOOR -  
UNFIT HAZARDOUS V-10-197(G)(7)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2012030657      3/16/2012

IMAGE DESCRIPTION

1220 N. Jackson Avenue



CODE CASE NBR      IMAGE DATE  
2012030657      4/20/2016

IMAGE DESCRIPTION

1220 N. Jackson Avenue



CODE CASE NBR      IMAGE DATE  
2012030657      4/20/2016

IMAGE DESCRIPTION

1220 N. Jackson Avenue



**C-3.b. DRAFT**

CODE CASE NBR      IMAGE DATE  
2012030657          4/20/2016

IMAGE DESCRIPTION

1220 N. Jackson Avenue



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CODE CASE NBR      IMAGE DATE  
2012030657          4/20/2016

IMAGE DESCRIPTION

1220 N. Jackson Avenue



---

CODE CASE NBR      IMAGE DATE  
2012030657          5/10/2016

IMAGE DESCRIPTION

1220 N. Jackson Avenue



CODE CASE NBR      IMAGE DATE  
2012030657          5/10/2016

IMAGE DESCRIPTION

1220 N. Jackson Avenue



CODE CASE NBR      IMAGE DATE  
2012030657          5/10/2016

IMAGE DESCRIPTION

1220 N. Jackson Avenue



CODE CASE NBR      IMAGE DATE  
2012030657          9/28/2016

IMAGE DESCRIPTION



**C-3.b. DRAFT**

CODE CASE NBR      IMAGE DATE  
2012030657          9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2012030657          9/28/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2012030657          9/28/2016

IMAGE DESCRIPTION



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**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 1220 N Jackson Ave, Winston-Salem, NC 27101-1736

Enter notes here

255

Total Distance: 2.2 mi— Total Time: 12 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
Head toward S Chestnut St on E 1st St		Go for 305 ft <a href="#">Hide</a>
	Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
	Turn right onto E 4th St	Go for 328 ft <a href="#">Hide</a>
	Turn left onto Patterson Ave	Go for 0.5 mi <a href="#">Hide</a>
	Turn right onto N Liberty St	Go for 0.7 mi <a href="#">Hide</a>
	Turn right onto E 14th St	Go for 0.5 mi <a href="#">Hide</a>
	Turn right onto N Jackson Ave	Go for 0.2 mi <a href="#">Hide</a>
Arrive at N Jackson Ave. Your destination is on the right.		<a href="#">Hide</a>
<span style="color: red;">B</span>	1220 N Jackson Ave, Winston-Salem, NC 27101-1736	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(2) OF THE HOUSING  
CODE**

**CASE SUMMARY - HOUSING FILE NO. 2011080602**  
**PROPERTY ADDRESS 1347 DUNLEITH AV ACC BLDG**  
**TAX BLOCK 1396 LOT(s) 049**  
**WARD EAST**  
**PROPERTY OWNER(s) MARTHA ALVAREZ SILVA**  
**LIS PENDENS 12M124 FILED 01/17/2012**

**DUE PROCESS**

1. The current Complaint and Notice of Hearing was issued 10/05/2011 and service was obtained by certified mail  regular  post  hand delivery \_\_\_ publication \_\_\_ on 10/11/2011. The hearing was held on 11/4/2011 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes \_\_\_ no .
2. The **Finding and Order** was issued on 12/19/2011 and service was obtained by certified mail  regular  post  hand delivery \_\_\_ publication \_\_\_ on 12/22/2011. The **Order** directed the owner to **vacate and close or repair** the dwelling with **30** days from receipt. Time for compliance expired on 01/22/2012. The dwelling was found vacated and closed on 02/02/2012.
3. The dwelling became eligible for demolition under the six (6) month rule on 08/02/2012.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community and Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes \_\_\_ no \_\_\_.

**COMMENTS:**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs needed to render this dwelling fit for human habitation is **more than fifty percent (>50%)** of the present value of the dwelling.

Estimated cost to repair \$2,342.00

Fair market value \$400.00

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **demolished and removed within ninety (90) days.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2011080602**

**NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270**

**1347 DUNLEITH AV ACC BLDG**

**VIOL NBR    VIOLATION DESCRIPTION  
                  STATUS/ORDINANCE**

715556 PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING -  
MINOR V-10-197(G)(3)

715554 REPLACE DEFECTIVE SHEATHING -  
UNFIT V-10-197(G)(6)

715555 REPAIR OR REPLACE ROOF COVERING -  
UNFIT V-10-197(G)(6)

715557 REPAIR DOOR -  
UNFIT V-10-197(A)(15)

715558 OTHER - REPLACE WINDOW  
UNFIT V-10-197

715559 REPAIR LOCKSETS -  
UNFIT V-10-197(B)(4)

715560 MAINTAIN FLOORS, WALLS - FIXTURES IN CLEAN AND SANITARY CONDITION -  
UNFIT V-10-197(H)(4)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2011080602      8/9/2011

IMAGE DESCRIPTION

DESCRIPTION FOR 000\_0003[2]



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CODE CASE NBR      IMAGE DATE  
2011080602      9/28/2016

IMAGE DESCRIPTION



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CODE CASE NBR      IMAGE DATE  
2011080602      9/28/2016

IMAGE DESCRIPTION



**C-3.c. DRAFT**

CODE CASE NBR  
2011080602

IMAGE DATE  
9/28/2016

IMAGE DESCRIPTION



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**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 1347 N Dunleith Ave, Winston-Salem, NC 27101-1731

Enter notes here

255

Total Distance: 1.98 mi— Total Time: 11 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward S Chestnut St on E 1st St	Go for 305 ft <a href="#">Hide</a>
	Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
	Turn right onto E 4th St	Go for 328 ft <a href="#">Hide</a>
	Turn left onto Patterson Ave	Go for 0.5 mi <a href="#">Hide</a>
	Turn right onto N Liberty St	Go for 0.7 mi <a href="#">Hide</a>
	Turn right onto E 14th St	Go for 0.4 mi <a href="#">Hide</a>
	Turn right onto N Dunleith Ave	Go for 190 ft <a href="#">Hide</a>
	Arrive at N Dunleith Ave. Your destination is on the left.	<a href="#">Hide</a>
<span style="color: red;">B</span>	1347 N Dunleith Ave, Winston-Salem, NC 27101-1731	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(2) OF THE HOUSING  
CODE**

**CASE SUMMARY - HOUSING FILE NO. 2014041427**  
**PROPERTY ADDRESS 1917 E THIRD ST**  
**TAX BLOCK 1266 LOT(s) 049**  
**WARD EAST**  
**PROPERTY OWNER(s) MICHEL HERNANDEZ**  
**LIS PENDENS 15m919 FILED 7/10/2015**

**DUE PROCESS**

1. The current Complaint and Notice of Hearing was issued 3/19/2015 and service was obtained by certified mail  regular  post  hand delivery \_\_\_ publication \_\_\_ on 3/23/2015. The hearing was held on 4/20/2015 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes\_\_\_ no x.
2. The **Finding and Order** was issued on 5/7/2015 and service was obtained by certified mail  regular  post  hand delivery \_\_\_ publication \_\_\_ on 6/11/2015. The **Order** directed the owner to **vacate and close or repair** the dwelling with **30** days from receipt. Time for compliance expired on 5/11/2015. The dwelling was found vacated and closed on 6/8/2015.
3. The dwelling became eligible for demolition under the six (6) month rule on 1/8/2016.
4. The notification letter was sent 9/9/2016 advising the owner that the **Community and Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes\_\_\_ no x.

**COMMENTS:**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs needed to render this dwelling fit for human habitation is **more than fifty percent (>50%)** of the present value of the dwelling.

Estimated cost to repair \$17,484.08 Fair market value \$11,733

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **demolished and removed within ninety (90) days.**



**CODE DEFICIENCIES - EXHIBIT A****CASE NO: 2014041427****NEIGHBORHOOD CONSERVATION OFFICER:  
BRYAN WATTERS - (336)734-1270****1917 E THIRD ST****VIOL NBR    VIOLATION DESCRIPTION  
                  STATUS/ORDINANCE**

- 799381 REPLACE BROKEN WINDOW PANES -  
COMPLIED V-10-197(B)(4)
- 799383 REPAIR OR REPLACE SCREENS ON WINDOWS -  
MINOR V-10-197(B)(3)
- 799385 PAINT OR TREAT EXTERIOR WOOD WITH PROTECTIVE COATING -  
MINOR V-10-197(G)(3)
- 799395 REPLACE LOOSE WALL AND CEILING MATERIALS - THOUGHOUT  
MINOR V-10-197(G)(4)
- 799396 OTHER - REPLACE FLOOR COVERING  
MINOR V-10-197
- 799380 REPAIR DOOR - BACK  
UNFIT V-10-197(A)(15)
- 799382 WEATHERSTRIP DOORS -  
UNFIT V-10-197(B)(4)
- 799384 REPAIR OR REPLACE SCREENS ON DOORS -  
UNFIT V-10-197(B)(3)
- 799386 REPAIR DEFECTIVE LIGHT FIXTURES -  
UNFIT V-10-197(F)(1)
- 799387 REPAIR OR REPLACE WATER HEATER -  
UNFIT V-10-197(D)(8)
- 799388 REPAIR KITCHEN CABINETS -  
UNFIT V-10-197(A)(16)
- 799389 CLOSE THIMBLE WITH MASONRY -  
UNFIT V-10-197(E)(12)
- 799390 CLOSE THIMBLE WITH MASONRY -  
UNFIT V-10-197(E)(12)
- 799391 REPAIR COMMODE -  
UNFIT V-10-197(D)(2)
- 799392 REPAIR FURNACE -  
UNFIT V-10-197(E)(2)
- 799393 OTHER - REPLACE PLUMBING UNDER HOUSE  
UNFIT V-10-197

**C-3.d. DRAFT**

799394 PROVIDE OPERABLE SMOKE DETECTOR -  
UNFIT V-10-197(L)(1)

# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2014041427      9/28/2016

IMAGE DESCRIPTION  
1917 E. 3rd Street



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CODE CASE NBR      IMAGE DATE  
2014041427      9/28/2016

IMAGE DESCRIPTION  
1917 E. 3rd Street



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CODE CASE NBR      IMAGE DATE  
2014041427      9/28/2016

IMAGE DESCRIPTION  
1917 E. 3rd Street



**C-3.d. DRAFT**

CODE CASE NBR      IMAGE DATE  
2014041427          9/28/2016

IMAGE DESCRIPTION  
1917 E. 3rd Street



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CODE CASE NBR      IMAGE DATE  
2014041427          9/28/2016

IMAGE DESCRIPTION  
1917 E. 3rd Street



---

CODE CASE NBR      IMAGE DATE  
2014041427          9/28/2016

IMAGE DESCRIPTION  
1917 E. 3rd Street



Map & Directions | Map Only | **Directions Only** | [Print](#)

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Ad



- 100 E 1st St, Winston-Salem, NC 27101-4037
- 1917 E 3rd St, Winston-Salem, NC 27101-4603

Enter notes here

255

Total Distance: 1.54 mi— Total Time: 7 mins

100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
Head toward S Chestnut St on E 1st St	Go for 305 ft <a href="#">Hide</a>
Turn left onto N Chestnut St	Go for 0.3 mi <a href="#">Hide</a>
Turn right onto E 4th St	Go for 0.8 mi <a href="#">Hide</a>
Turn right onto N Martin Luther King Jr Dr	Go for 262 ft <a href="#">Hide</a>
Turn left onto E 3rd St	Go for 0.4 mi <a href="#">Hide</a>
Arrive at E 3rd St. Your destination is on the left.	<a href="#">Hide</a>
1917 E 3rd St, Winston-Salem, NC 27101-4603	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**CODE ENFORCEMENT PURSUANT TO SEC. 10-203(f)(2) OF THE HOUSING  
CODE**

**CASE SUMMARY - HOUSING FILE NO. 2013071283**  
**PROPERTY ADDRESS 4538 SHATTALON DR ACCESSORY**  
**TAX BLOCK 3469 LOT(s) 010D**  
**WARD NORTHWEST**  
**PROPERTY OWNER(s) ERIC STEPHEN KIRKMAN**  
**LIS PENDENS 13M2273 FILED 10/23/2013**

**DUE PROCESS**

1. The current Complaint and Notice of Hearing was issued 08/16/2013 and service was obtained by certified mail  regular  post  hand delivery \_\_\_ publication \_\_\_ on 08/27/2013. The hearing was held on 9/16/2013 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint yes \_\_\_ no .
2. The **Finding and Order** was issued on 10/2/2013 and service was obtained by certified mail  regular  post  hand delivery \_\_\_ publication \_\_\_ on 10/07/2013. The **Order** directed the owner to **vacate and close or repair** the dwelling with **30** days from receipt. Time for compliance expired on 11/07/2013. The dwelling was found vacated and closed on 01/08/2014.
3. The dwelling became eligible for demolition under the six (6) month rule on 07/08/2014.
4. The notification letter was sent 09/13/2016 advising the owner that the **Community and Development/Housing/General Government Committee** of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes \_\_\_ no .

**COMMENTS:**

**COUNCIL CONSIDERATION**

The estimated cost to make repairs needed to render this dwelling fit for human habitation is **more than fifty percent (>50%)** of the present value of the dwelling.

Estimated cost to repair \$600.00 Fair market value \$1,000.00

Based on the above information it is recommended that an Ordinance be adopted to cause this dwelling to be **demolished and removed within ninety (90) days.**



**CODE DEFICIENCIES - EXHIBIT A**

**CASE NO: 2013071283**

**NEIGHBORHOOD CONSERVATION OFFICER:  
GREG PARKER - (336)734-1267**

**4538 SHATTALON DR ACCESSORY**

**VIOL NBR   VIOLATION DESCRIPTION  
STATUS/ORDINANCE**

777362 REPAIR OR REPLACE DEFECTIVE SIDING -  
MINOR V-10-197(G)(3)

777361 REPAIR OR REPLACE ROOF COVERING -  
UNFIT V-10-197(G)(6)

777363 REPLACE BROKEN WINDOW PANES -  
UNFIT V-10-197(B)(4)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2013071283      7/12/2013

IMAGE DESCRIPTION

DESCRIPTION FOR 000\_0031[5].JPG



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CODE CASE NBR      IMAGE DATE  
2013071283      9/12/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2013071283      9/12/2016

IMAGE DESCRIPTION



**C-3.e. DRAFT**

CODE CASE NBR      IMAGE DATE  
2013071283      9/12/2016

IMAGE DESCRIPTION



---

CODE CASE NBR      IMAGE DATE  
2013071283      9/12/2016

IMAGE DESCRIPTION



Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A** 100 E 1st St, Winston-Salem, NC 27101-4037
- B** 4538 Shattalon Dr, Winston-Salem, NC 27106-2002

Enter notes here

255

Total Distance: 8.06 mi— Total Time: 21 mins

<b>A</b>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward N Church St on E 1st St	Go for 288 ft <a href="#">Hide</a>
	Turn right onto N Main St	Go for 0.6 mi <a href="#">Hide</a>
	Continue on N Liberty St	Go for 275 ft <a href="#">Hide</a>
	Turn left onto N Martin Luther King Jr Dr	Go for 416 ft <a href="#">Hide</a>
	Continue on W 8th St	Go for 0.1 mi <a href="#">Hide</a>
	Turn right onto N Cherry St	Go for 0.2 mi <a href="#">Hide</a>
	Continue on N Marshall St	Go for 291 ft <a href="#">Hide</a>
	Continue on University Pkwy	Go for 1.8 mi <a href="#">Hide</a>
	Keep left onto University Pkwy	Go for 0.7 mi <a href="#">Hide</a>
	Take ramp toward Polo Rd	Go for 0.1 mi <a href="#">Hide</a>
	Turn left onto Polo Rd	Go for 1.1 mi <a href="#">Hide</a>
	Keep right toward Reynolda Rd/NC-67	Go for 0.1 mi <a href="#">Hide</a>
	Turn right onto Reynolda Rd (NC-67)	Go for 1.6 mi <a href="#">Hide</a>

**C-3.e. DRAFT**

 Turn left onto Yadkinville Rd Go for 1.2 mi [Hide](#)

 Turn right onto Shattalon Dr Go for 0.2 mi [Hide](#)

Arrive at Shattalon Dr. Your destination is on the left. [Hide](#)

 **4538 Shattalon Dr, Winston-Salem, NC 27106-2002** [Expand All](#)

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning

**City Council – Action Request Form**

**Date:** September 28, 2016

**To:** The City Manager

**From:** D. Ritchie Brooks, Community and Business Development

**Council Action Requested:**

The adoption of an Ordinance ordering the Community and Business Development of the City of Winston-Salem to demolish structures unfit for human habitation and, otherwise to effectuate the purpose of Chapter 10, Article V, of the Winston-Salem City Code.

**Summary of Information:**

The structure units listed below have been condemned under the provision of the Housing Code. All required notices have been served and the time granted for compliance in each case has expired. The owner(s) has not complied with the Order to repair or demolish the structure unit.

**STRUCTURE UNITS WITH REPAIRS EXCEEDING SIXTY-FIVE PERCENT (65%)  
OF VALUE OF STRUCTURE**

<b>Owner</b>	<b>Property Location</b>	<b>Block &amp; Lot(s)</b>
James E. Hayden, Sr.	1139 E. Twenty-Fifth Street	0324 016
Lyfe Enterprises, LLC	745 Barney Avenue	1365 005
William Douglas Babbitt Jr., Heirs	3313 Urban Street	1363 038

**Committee Action:**

<b>Committee</b>	_____	<b>Action</b>	_____
<b>For</b>	_____	<b>Against</b>	_____

**Remarks:** \_\_\_\_\_



## Memorandum



Bryce A. Stuart Municipal Building  
100 E. First Street  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3163

**TO:** Tiffany Harris  
**FROM:** Michelle M. McCullough  
**DATE:** September 30, 2016  
**SUBJECT:** Demolitions for October 11, 2016  
Community Development/Housing/General Government Committee Meeting

Historic Resources staff has reviewed the following properties that are scheduled to go before the Community Development/Housing/General Government Committee on October 11, 2016 for demolition consideration:

224 Terrace Avenue  
745 Barney Avenue  
506 Alexander Street  
1347 Dunleith Avenue (accy.)  
1051 Devonshire – **Waughtown/Belview Historic District**  
2835 Rowell Street  
810 Rich Avenue  
1807 E. 4<sup>th</sup> Street  
1220 N. Jackson Avenue  
801 E. 25<sup>th</sup> Street  
4538 Shattalon Drive (accy.)  
1901 E. 3<sup>rd</sup> Street  
110 N. Jackson Avenue  
670 Glenbrook Drive  
3101 Old Greensboro Road  
3313 Urban Street  
1917 3<sup>rd</sup> Street  
3508 Cherry Street  
1139 25<sup>th</sup> Street  
5695 Reynolda Road Accy

While it appears that most of the properties were built prior to 1966, only one is located within a National Register Historic District, 1051 Devonshire Street. 1051 Devonshire Street is located within the Waughtown/Belview Historic District listed on the National Register of Historic Places in 2005.

Historic Resources staff has concerns about the loss of structures in the City's National Register Historic Districts; therefore, I have sent notice to Preserve Forsyth, the local Historic Preservation non-profit organization to advise them of this loss. Their mission is to promote, protect, and advocate for Historic Resources in Forsyth County.

*City Council:* Mayor Allen Jones; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Beise, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Jeff MacIntosh, Northwest Ward; Darwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

*Forsyth County Commissioners:* David R. Pyles, Chairman; Don Martin, Vice Chair; Ted Kaplan; Richard V. Loville; Walter Marshall; Gloria D. Whiteshaft; Ezerene Witherspoon; County Manager: Dudley Warrs, Jr.

*City-County Planning Board:* Arnold G. King, Chair; Allan Yee, Vice Chair; George M. Bryan, Jr.; Melinda Dominguez; Tommy Hicks; Clarence R. Lamb, Jr.; Darryl Linds; Paul W. Mullican; Brenda J. Smith

If demolition for this structure is approved, Historic Resources staff would like to request that the Community and Business Development Department have the structure professionally photo-documented, submitting the photos to the Forsyth County Historic Resources Commission and any architectural elements be salvaged from the house prior to demolition.

None of the buildings are designated a Local Historic Landmark or located within designated local historic districts. Therefore, Historic Resources staff has no other special requests at this time.

cc Ritchie Brooks, Director, Community and Business Development  
Preserve Forsyth

**ORDINANCE ORDERING THE COMMUNITY AND BUSINESS  
DEVELOPMENT 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**

**WHEREAS**, the Community and Business Development Department, after due notice and hearing, has determined that the property hereinafter described is unfit for human habitation and that the owner thereof has failed to repair the same so as to bring it into compliance with the Housing Code of the City within the time granted in an order issued by the Department; and

**WHEREAS**, the necessary repairs, alterations or improvements required to bring the structure up to the Standards required under the Housing Code of the City of Winston-Salem cannot be made at a reasonable cost in relation to the value of the structure, that is, not to exceed sixty five percent (>65%) of the value;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Winston-Salem, as follows:

**Section 1.** The Community and Business Development Department of the City of Winston-Salem is hereby ordered to proceed to effectuate the purpose of the Housing Code of the City of Winston-Salem (Chapter 10, Article V of the Code of the City of Winston-Salem) with respect to the property hereinafter described, which the Community and Business Development Department has heretofore found to be unfit for human habitation. The Housing Conservation Administrator shall cause all structure on said property heretofore found by him to be unfit for human habitation to be removed or demolished, and he is hereby authorized and directed to take such other action and to exercise such other powers with respect to said

property as may be necessary or convenient to carry out and effectuate the provisions of the Housing Code of the City of Winston-Salem.

**Section 2.** The property to which this Ordinance applies is known and described as set out in Exhibit attached hereto and incorporated herein by reference.

**Section 3.** This ordinance shall be effective from and after its adoption, and a copy hereof, certified by the Secretary of the City of Winston-Salem, shall be recorded in the Office of the Register of Deeds of Forsyth County, North Carolina, and shall be indexed in the name of the property owner(s) in the grantor index, as provided by law.

**INSTRUMENT DRAWN BY**

---

**CITY ATTORNEY**

CODE ENFORCEMENT PURSUANT TO SEC. 10-203(e) OF THE HOUSING CODE**CASE SUMMARY - HOUSING FILE NO. 2014040214**

**PROPERTY ADDRESS** 1139 E TWENTY-FIFTH ST  
**TAX BLOCK** 0324 **LOT(s)** 016  
**WARD** NORTHEAST  
**PROPERTY OWNER(s)** JAMES E. HAYDEN, SR  
**LIS PENDENS** 16m1540 FILED 8/31/2016

**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 7/20/2016 and service was obtained by certified mail  regular  post  hand delivery \_\_\_\_\_, and publication \_\_\_\_\_ on 7/23/2016. The Hearing was held on 8/19/2016 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint. yes \_\_\_ no .
2. The **Finding and Order** was issued on 8/26/2016 and service was obtained by certified mail  regular  post  hand delivery \_\_\_\_\_ and publication \_\_\_\_\_ on 8/29/2016. The **Order** directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 9/29/2016.
3. The notification letter was sent 9/8/2016 advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes \_\_\_ no .

**COMMENTS (if any)****COUNCIL CONSIDERATION**

The estimated cost to make repairs to bring this substandard structure into compliance with Housing Code Standards as prescribed in the Housing code **exceeds sixty-five percent (65%) of the value.**

Estimated cost to repair \$17,407

Fair market value \$3,297

Based on the above information, it is recommended that an Ordinance be adopted to cause this dwelling to be **removed or demolished.**



## CODE DEFICIENCIES - EXHIBIT A

CASE NO: 2014040214

NEIGHBORHOOD CONSERVATION OFFICER:  
QUIVETTE POWELL - (336)734-1277

1139 E TWENTY-FIFTH ST

VIOL NBR   VIOLATION DESCRIPTION  
STATUS/ORDINANCE797788 REPLACE BROKEN WINDOW PANES - MISSING OR BROKEN PANES---  
COMPLIED V-10-197(B)(4)797789 REPAIR DOOR - ---FRONT DOOR MISSING GLASS---  
COMPLIED V-10-197(A)(15)797793 OTHER - ---REPAIR SIDE PORCH FLOOR---  
COMPLIED V-10-197797794 OTHER - ---SUPPLY OUTSIDE VENT CAP FOR DRYER---  
COMPLIED V-10-197860623 THE REPAIR OF THE STRUCTURE WILL EXCEED SIXTY-FIVE PERCENT (65%) OF THE VALUE -  
DEMO V-97-(B)(2)797790 REPAIR DOOR - ---REPAIR BACK SIDE SREEN DOOR---  
UNFIT V-10-197(A)(15)797791 REPAIR OR REPLACE SCREENS ON DOORS -  
UNFIT V-10-197(B)(3)797792 REPAIR OR REPLACE SCREENS ON WINDOWS -  
UNFIT V-10-197(B)(3)815846 REPLACE BROKEN WINDOW PANES - BROKEN WINDOWS AROUND DWELLING  
UNFIT V-10-197(B)(4)815847 REPAIR HOLES IN WALLS AND CEILINGS - LIVING ROOM  
UNFIT V-10-197(G)(4)815848 PROVIDE R-19 CEILING INSULATION -  
UNFIT V-10-197(I)815849 REMOVE AND REPLACE FIRE DAMAGED PORTION OF STRUCTURE -  
UNFIT V-4-89(4)815850 REPAIR OR REPLACE FRONT PORCH CEILING - PORCH AT SIDE OF PROPERTY  
UNFIT V-10-197(G)(7)815851 PROVIDE DOOR - SIDE PRIMARY DOOR  
UNFIT V-10-197(A)(15)860615 Maintain floors clean and sanitary. - Free of trash and litter.  
UNFIT V-10-197860616 REPAIR FURNACE - Thermostat missing. Inoperable.  
UNFIT V-10-197(E)(2)

**C-4.a. DRAFT**

860617 INSTALL OUTLET - Missing 2 duplex outlets in every habitable room.  
UNFIT V-10-197(F)(3)

860618 REPAIR DEFECTIVE SWITCHES AND/OR OUTLETS TO INCLUDE COVERS - 220 outlet in Utility Room loose.  
UNFIT V-10-197(F)(1)

860619 REPAIR OR REPLACE REAR PORCH FLOOR - East side porch floor, southeast corner, rotted and deteriorated.  
UNFIT V-10-197(G)(7)

860620 REPAIR PORCH COLUMNS - East side porch, southeast corner, porch column loose and falling.  
UNFIT V-10-197(G)(7)

860621 MAINTAIN FIXTURES IN CLEAN AND SANITARY CONDITION - PLUMBING FIXTURES DIRTY AND UNSANITARY.  
UNFIT V-10-197(H)(4)

860622 PROVIDE OPERABLE SMOKE DETECTOR - ALL BEDROOMS AND HALLWAYS OUTSIDE OF BEDROOMS ON EACH FLOOR.  
UNFIT V-10-197(L)(1)

CODE CASE NBR      IMAGE DATE  
2014040214      9/27/2016

IMAGE DESCRIPTION  
1139 E. 25th Street



CODE CASE NBR      IMAGE DATE  
2014040214      9/27/2016

IMAGE DESCRIPTION  
1139 E. 25th Street



CODE CASE NBR      IMAGE DATE  
2014040214      9/27/2016

IMAGE DESCRIPTION  
1139 E. 25th Street



**C-4.a. DRAFT**

CODE CASE NBR      IMAGE DATE  
2014040214          9/27/2016

IMAGE DESCRIPTION  
1139 E. 25th Street



CODE CASE NBR      IMAGE DATE  
2014040214          9/27/2016

IMAGE DESCRIPTION  
1139 E. 25th Street



CODE CASE NBR      IMAGE DATE  
2014040214          9/27/2016

IMAGE DESCRIPTION  
1139 E. 25th Street



Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A 100 E 1st St, Winston-Salem, NC 27101-4037
- B 1139 NE 25th St, Winston-Salem, NC 27105-5334

Enter notes here

255

Total Distance: 3.24 mi— Total Time: 6 mins

<span style="color: green;">A</span>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward N Church St on E 1st St	Go for 45 ft <a href="#">Hide</a>
	Turn left onto S Church St	Go for 0.2 mi <a href="#">Hide</a>
	Turn right onto Cemetery St	Go for 229 ft <a href="#">Hide</a>
	Turn right onto S Main St SE	Go for 141 ft <a href="#">Hide</a>
	Take ramp onto I-40-BR E	Go for 0.6 mi <a href="#">Hide</a>
	Take exit 6B toward NC-8 N/Mount Airy/Smith Reynolds Airport onto US-52 N/US-311 N (John M Gold Fwy)	Go for 0.9 mi <a href="#">Hide</a>
	Continue on US-52 (John M Gold Fwy)	Go for 1.4 mi <a href="#">Hide</a>
	Take exit 111A toward 25th St	Go for 0.1 mi <a href="#">Hide</a>
	Arrive at your destination on the left.	<a href="#">Hide</a>
<span style="color: red;">B</span>	1139 NE 25th St, Winston-Salem, NC 27105-5334	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



CODE ENFORCEMENT PURSUANT TO SEC. 10-203(e) OF THE HOUSING CODE

CASE SUMMARY - HOUSING FILE NO. 2016020138  
 PROPERTY ADDRESS 745 BARNEY AV  
 TAX BLOCK 1365 LOT(s) 005  
 WARD SOUTHEAST  
 PROPERTY OWNER(s) LYFE ENTERPRISES, LLC  
 LIS PENDENS 16M620 FILED 04/06/2016

DUE PROCESS

1. The current **Complaint and Notice of Hearing** was issued 02/12/2016 and service was obtained by certified mail  regular  post  hand delivery \_\_\_\_\_, and publication \_\_\_\_\_ on 02/22/2016. The Hearing was held on 3/14/2016 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint. yes \_\_\_ no .
2. The **Finding and Order** was issued on 3/18/2016 and service was obtained by certified mail  regular  post  hand delivery \_\_\_\_\_ and publication \_\_\_\_\_ on 03/28/2016. The **Order** directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 04/28/2016.
3. The notification letter was sent 09/13/2016 advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes \_\_\_ no .

COMMENTS (if any)COUNCIL CONSIDERATION

The estimated cost to make repairs to bring this substandard structure into compliance with Housing Code Standards as prescribed in the Housing code **exceeds sixty-five percent (65%) of the value.**

Estimated cost to repair \$ \$16,528.00

Fair market value \$ \$6,139.00

Based on the above information, it is recommended that an Ordinance be adopted to cause this dwelling to be **removed or demolished.**



**CODE DEFICIENCIES - EXHIBIT A****CASE NO: 2016020138****NEIGHBORHOOD CONSERVATION OFFICER:  
DARYL GREEN - (336)734-1276****745 BARNEY AV****VIOL NBR   VIOLATION DESCRIPTION  
STATUS/ORDINANCE**

845597 THE REPAIR OF THE STRUCTURE WILL EXCEED SIXTY-FIVE PERCENT (65%) OF THE VALUE -

DEMO V-97-(B)(2)

845571 PROVIDE DOOR - BACK

UNFIT V-10-197(A)(15)

845572 REPAIR OR REPLACE SCREENS ON WINDOWS -

UNFIT V-10-197(B)(3)

845573 REPLACE BROKEN WINDOW PANES -

UNFIT V-10-197(B)(4)

845574 REPAIR OR REPLACE WATER HEATER -

UNFIT V-10-197(D)(8)

845575 PROVIDE WORKSPACE IN KITCHEN -

UNFIT V-10-197(A)(16)

845576 REPAIR KITCHEN CABINETS -

UNFIT V-10-197(A)(16)

845577 PROVIDE HEATING FACILITY -

UNFIT V-10-197(E)(1)

845578 REPAIR KITCHEN SINK, FIXTURES AND/OR DRAIN -

UNFIT V-10-197(D)(10)

845579 PROVIDE ADEQUATE SERVICE EQUIPMENT AND LIGHTING PANEL -

UNFIT V-10-197(F)(10)

845580 REPAIR DEFECTIVE LIGHT FIXTURES -

UNFIT V-10-197(F)(1)

845581 REPAIR DEFECTIVE SWITCHES AND/OR OUTLETS TO INCLUDE COVERS -

UNFIT V-10-197(F)(1)

845582 INSTALL CRAWL SPACE DOOR -

UNFIT V-10-197(G)(1)

845583 REPAIR FOUNDATION - RIGHT SIDE

UNFIT V-10-197(G)(1)

845584 REPAIR OR REPLACE DEFECTIVE SIDING -

UNFIT V-10-197(G)(3)

845585 REPAIR HOLES IN WALLS AND CEILINGS -

UNFIT V-10-197(G)(4)

## **C-4.b. DRAFT**

- 845586 REPLACE LOOSE WALL AND CEILING MATERIALS -  
UNFIT V-10-197(G)(4)
- 845587 REPLACE DEFECTIVE RAFTERS -  
UNFIT V-10-197(G)(6)
- 845588 REPAIR OR REPLACE ROOF COVERING -  
UNFIT V-10-197(G)(6)
- 845589 REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS -  
UNFIT V-10-197(G)(6)
- 845590 REPAIR SOFFIT AND/OR FACIA -  
UNFIT V-10-197(G)(6)
- 845591 MAINTAIN FLOORS, WALLS - FIXTURES IN CLEAN AND SANITARY CONDITION -  
UNFIT V-10-197(H)(4)
- 845592 PROVIDE REQUIRED FIRE-RESISTANCE PROTECTION TO PARTY WALLS AND CEILINGS -  
UNFIT 702.3/SBC
- 845593 REMOVE AND REPLACE FIRE DAMAGED PORTION OF STRUCTURE -  
UNFIT V-4-89(4)
- 845594 EXTERIOR AND INTERIOR FRAMING MUST BE INSPECTED BEFORE COVERING WITH WALL  
AND CEILING MATERIALS -  
UNFIT V-4-91
- 845595 PROVIDE R-19 CEILING INSULATION -  
UNFIT V-10-197(I)
- 845596 PROVIDE OPERABLE SMOKE DETECTOR -  
UNFIT V-10-197(L)(1)
- 845598 COMPLETE DEMOLITION TO CODE -  
UNFIT
- 845599 REPAIR LAVATORY AND/OR FIXTURES -  
UNFIT V-10-197(D)(10)

# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2016020138      2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06601.JPG



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CODE CASE NBR      IMAGE DATE  
2016020138      2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06594.JPG



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CODE CASE NBR      IMAGE DATE  
2016020138      2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06595.JPG



**C-4.b. DRAFT**

CODE CASE NBR      IMAGE DATE  
2016020138          2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06596.JPG



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CODE CASE NBR      IMAGE DATE  
2016020138          2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06597.JPG



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CODE CASE NBR      IMAGE DATE  
2016020138          2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06592.JPG



CODE CASE NBR      IMAGE DATE  
2016020138          2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06598.JPG



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CODE CASE NBR      IMAGE DATE  
2016020138          2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06600.JPG



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CODE CASE NBR      IMAGE DATE  
2016020138          2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06593.JPG



**C-4.b. DRAFT**

CODE CASE NBR      IMAGE DATE  
2016020138          2/2/2016

IMAGE DESCRIPTION

DESCRIPTION FOR DSC06599.JPG



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CODE CASE NBR      IMAGE DATE  
2016020138          9/21/2016

IMAGE DESCRIPTION



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CODE CASE NBR      IMAGE DATE  
2016020138          9/26/2016

IMAGE DESCRIPTION



CODE CASE NBR      IMAGE DATE  
2016020138          9/26/2016

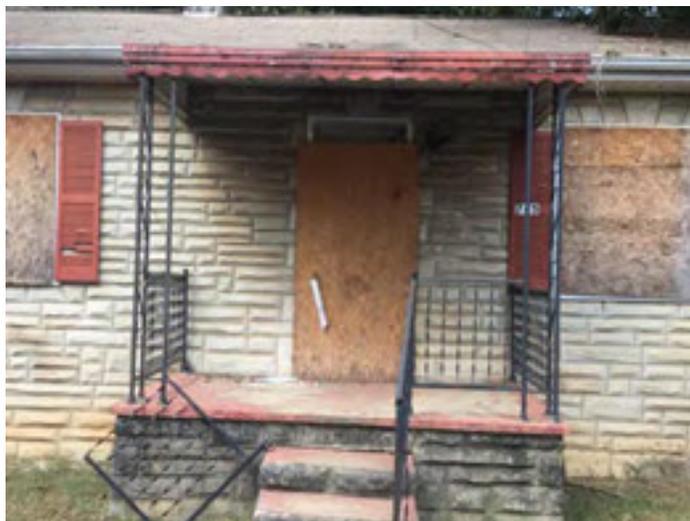
IMAGE DESCRIPTION



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CODE CASE NBR      IMAGE DATE  
2016020138          9/26/2016

IMAGE DESCRIPTION





Map & Directions | Map Only | **Directions Only** | [Print](#)

**B** [Winston-Salem Hotels NC](#) [booking.com/Winston-Salem-Hotels](#) Need to Find a Hotel Deal Fast? Save on your Stay in Winston-Salem! Ad



- A** 100 E 1st St, Winston-Salem, NC 27101-4037
- B** 745 Barney Ave, Winston-Salem, NC 27107-5301

Enter notes here

255

Total Distance: 3.91 mi— Total Time: 10 mins

<b>A</b>	100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
	Head toward N Church St on E 1st St	Go for 45 ft <a href="#">Hide</a>
	↶ Turn left onto S Church St	Go for 0.2 mi <a href="#">Hide</a>
	↷ Turn right onto Cemetery St	Go for 229 ft <a href="#">Hide</a>
	↷ Turn right onto S Main St SE	Go for 141 ft <a href="#">Hide</a>
	↑ Take ramp onto I-40-BR E	Go for 0.4 mi <a href="#">Hide</a>
	↘ Take exit 6A toward NC-8 S/Lexington/High Point onto US-52 S/US-311 S (John M Gold Fwy)	Go for 1.4 mi <a href="#">Hide</a>
	↘ Take exit 108A toward Waughtown St	Go for 0.2 mi <a href="#">Hide</a>
	↶ Turn left onto Waughtown St	Go for 0.4 mi <a href="#">Hide</a>
	↷ Turn right onto Old Lexington Rd	Go for 1.1 mi <a href="#">Hide</a>
	↶ Turn left onto Barney Ave	Go for 0.1 mi <a href="#">Hide</a>
	Arrive at Barney Ave. Your destination is on the left.	<a href="#">Hide</a>
<b>B</b>	745 Barney Ave, Winston-Salem, NC 27107-5301	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



CODE ENFORCEMENT PURSUANT TO SEC. 10-203(e) OF THE HOUSING CODE**CASE SUMMARY - HOUSING FILE NO. 2015120553****PROPERTY ADDRESS** 3313 URBAN ST**TAX BLOCK** 1363 **LOT(s)** 038**WARD** SOUTHEAST**PROPERTY OWNER(s)** WILLIAM DOUGLAS BABBITT JR., HEIRS**LIS PENDENS** 16M1221 FILED 7/25/2016**DUE PROCESS**

1. The current **Complaint and Notice of Hearing** was issued 5/4/2016 and service was obtained by certified mail x regular x post x hand delivery \_\_\_\_\_, and publication x on 5/9/2016. The Hearing was held on 6/3/2016 and the owner/agent appeared and/or contacted the Community and Business Development Department regarding the complaint. yes \_\_\_ no x.
2. The **Finding and Order** was issued on 6/28/2016 and service was obtained by certified mail x regular x post x hand delivery \_\_\_\_\_ and publication x on 7/1/2016. The **Order** directed the owner to **vacate and close or repair** the dwelling within **30** days from receipt. Time for compliance expired on 8/1/2016.
3. The notification letter was sent 9/28/2016 advising the owner that the Community Development/Housing/General Government Committee of the City Council would be considering demolition of this dwelling at their meeting on 10/11/2016. The notice further advised that if they intended to request an extension of time, they should present evidence of their intent to the Community and Business Development Director prior to the Committee meeting. Director was contacted yes \_\_\_ no x.

**COMMENTS (if any)****COUNCIL CONSIDERATION**

The estimated cost to make repairs to bring this substandard structure into compliance with Housing Code Standards as prescribed in the Housing code **exceeds sixty-five percent (65%) of the value.**

Estimated cost to repair **\$7,916** Fair market value **\$1,685**

Based on the above information, it is recommended that an Ordinance be adopted to cause this dwelling to be **removed or demolished.**



## CODE DEFICIENCIES - EXHIBIT A

CASE NO: 2015120553

NEIGHBORHOOD CONSERVATION OFFICER:  
SHAWN HELM - (336)734-1271

3313 URBAN ST

<u>VIOL NBR</u>	<u>VIOLATION DESCRIPTION</u>
	<u>STATUS/ORDINANCE</u>

843319 THE REPAIR OF THE STRUCTURE WILL EXCEED SIXTY-FIVE PERCENT (65%) OF THE VALUE -

DEMO V-97-(B)(2)

843310 REPAIR OR REPLACE DEFECTIVE SIDING - RIGHT SIDE

MINOR V-10-197(G)(3)

843311 REPAIR, REPLACE OR REMOVE GUTTERS AND DOWNSPOUTS -

MINOR V-10-197(G)(6)

843314 PAINT WALLS AND CEILINGS -

MINOR V-10-197(G)(4)

843309 REPLACE BROKEN WINDOW PANES -

UNFIT V-10-197(B)(4)

843312 REPAIR OR REPLACE ROOF COVERING -

UNFIT V-10-197(G)(6)

843313 REPAIR SOFFIT AND/OR FACIA -

UNFIT V-10-197(G)(6)

843315 REPAIR HOLES IN WALLS AND CEILINGS -

UNFIT V-10-197(G)(4)

843316 REPLACE LOOSE WALL AND CEILING MATERIALS -

UNFIT V-10-197(G)(4)

843317 MAINTAIN FLOORS, WALLS - FIXTURES IN CLEAN AND SANITARY CONDITION -

UNFIT V-10-197(H)(4)

843318 PROVIDE OPERABLE SMOKE DETECTOR -

UNFIT V-10-197(L)(1)

843320 REMOVE AND REPLACE FIRE DAMAGED PORTION OF STRUCTURE -

UNFIT V-4-89(4)



# CD-Plus Report - Code Case Images

CODE CASE NBR      IMAGE DATE  
2015120553      12/15/2015

IMAGE DESCRIPTION

3313 Urban Street



---

CODE CASE NBR      IMAGE DATE  
2015120553      12/15/2015

IMAGE DESCRIPTION

3313 Urban Street



---

CODE CASE NBR      IMAGE DATE  
2015120553      12/15/2015

IMAGE DESCRIPTION

3313 Urban Street



**C-4.c. DRAFT**

CODE CASE NBR      IMAGE DATE  
2015120553          12/15/2015

IMAGE DESCRIPTION

3313 Urban Street



---

CODE CASE NBR      IMAGE DATE  
2015120553          12/15/2015

IMAGE DESCRIPTION

3313 Urban Street



---

CODE CASE NBR      IMAGE DATE  
2015120553          9/26/2016

IMAGE DESCRIPTION

3313 Urban Street



CODE CASE NBR      IMAGE DATE  
2015120553          9/26/2016

IMAGE DESCRIPTION  
3313 Urban Street



---

CODE CASE NBR      IMAGE DATE  
2015120553          9/26/2016

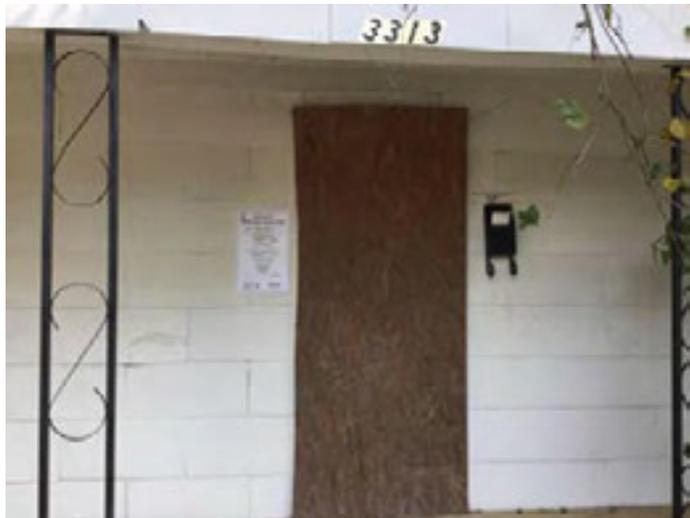
IMAGE DESCRIPTION  
3313 Urban Street



---

CODE CASE NBR      IMAGE DATE  
2015120553          9/26/2016

IMAGE DESCRIPTION  
3313 Urban Street





Map & Directions

Map Only

Directions Only

Print

[Winston Salem](#) [WinstonSalem.TripAdvisor.com](#) Research **Winston Salem** Hotels and **Winston Salem** Attractions!

Ad



**A** 100 E 1st St, Winston-Salem, NC 27101-4037

**B** 3313 Urban St, Winston-Salem, NC 27107-5349

Enter notes here

255

Total Distance: 3.9 mi— Total Time: 10 mins

<b>A</b> 100 E 1st St, Winston-Salem, NC 27101-4037	<a href="#">Expand All</a>
Head toward N Church St on E 1st St	Go for 45 ft <a href="#">Hide</a>
Turn left onto S Church St	Go for 0.2 mi <a href="#">Hide</a>
Turn right onto Cemetery St	Go for 229 ft <a href="#">Hide</a>
Turn right onto S Main St SE	Go for 141 ft <a href="#">Hide</a>
Take ramp onto I-40-BR E	Go for 0.4 mi <a href="#">Hide</a>
Take exit 6A toward NC-8 S/Lexington/High Point onto US-52 S/US-311 S (John M Gold Fwy)	Go for 1.4 mi <a href="#">Hide</a>
Take exit 108A toward Waughtown St	Go for 0.2 mi <a href="#">Hide</a>
Turn left onto Waughtown St	Go for 0.4 mi <a href="#">Hide</a>
Turn right onto Old Lexington Rd	Go for 1.1 mi <a href="#">Hide</a>
Turn left onto Barney Ave	Go for 393 ft <a href="#">Hide</a>
Turn right onto Urban St	Go for 164 ft <a href="#">Hide</a>
Arrive at Urban St. Your destination is on the left.	<a href="#">Hide</a>
<b>B</b> 3313 Urban St, Winston-Salem, NC 27107-5349	<a href="#">Expand All</a>

When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



**Memorandum**



**Community and Business  
Development Department**

P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax: 336.727.2878

**TO:** Mayor and Members of City Council  
**FROM:** D. Ritchie Brooks, Director of Community & Business  
 Development Department  
**DATE:** September 27, 2016  
**SUBJECT:** Vacant Unfit Housing Report  
**CC:** Lee Garrity, City Manager  
 Derwick Paige, Assistant City Manager  
 Evan Raleigh, Deputy Director of Community & Business  
 Development Department

In January of 2016, staff presented a report on vacant unfit housing cases which were eligible for demolition consideration because the properties had sat vacant and unrepaired for more than six months from the expiration of a Repair or Vacate Order or the cost to repair exceeded 65% of the structure’s value. The reporting period was for cases opened from January 1, 2011 through December 14, 2015. The chart below shows the total number of cases at the initial report and as of August 25, 2016:

<b>Unfit Vacant Housing Cases (As of 12-14-2015)</b>	
<b>Year</b>	<b>Total</b>
2011	99
2012	160
2013	148
2014	151
2015	376
<b>TOTALS:</b>	<b>934</b>

<b>Unfit Vacant Housing Cases (As of 08-25-2016)</b>	
<b>Year</b>	<b>Total</b>
2011	78
2012	97
2013	101
2014	94
2015	259
<b>TOTALS:</b>	<b>629</b>

The CDHGG Committee requested a further summary of the information previously presented at the Committee’s January, 2016 meeting as follows: Category One: Properties eligible for demolition based on six months’ vacancy and where the cost of repair is less than fifty percent of the fair market value of the property and less than the average cost of demolition (\$6,000). Category Two: Properties eligible for demolition based on six months’ vacancy and where the cost of repair is greater than

fifty percent of the fair market value of the property and greater than the average cost of demolition (\$6,000) and Category Three: Properties that are potential candidates for the In Rem Repair and Eminent Domain Housing Programs.

Since the initial report, several cases have been presented to City Council and demolition ordinances adopted and/or closed either through repair or demolition. The chart below is a summary of said cases:

	2011	2012	2013	2014	2015	Total
Closed repair/demo	9	48	37	44	100	238

Properties in Category One would require that a demolition ordinance be adopted, however in lieu of demolishing the structure, the property would be evaluated for repair through the In Rem Repair Program because the cost of repair is less than fifty percent of the fair market value of the structure and less than the average cost of demolition (\$6,000). Please note that staff will not be able enter the premises to fully reassess these properties to confirm or update repair estimates until 90 days after a demolition ordinance has been adopted. In order to gain entry to the properties, general inspection warrants must be obtained unless the properties are unsecured. Once the complete estimate has been obtained, some of the properties may qualify for demolition instead of repair. The chart below is a summary of said cases:

	2011	2012	2013	2014	2015	Total
In Rem Repair Cases	36	56	66	30	34	222
Repair Estimate	\$98,871	\$120,311	\$396,292	\$79,627	\$40,026	\$735,127

Properties in Category Two would require that a demolition ordinance be adopted because the cost of repair is greater than fifty percent of the fair market value of the structure and is greater than the average cost of demolition (\$6,000). In these cases, the property would be demolished. The chart below is a summary of said cases:

	2011	2012	2013	2014	2015	Total
Demo Cases	42	41	46	64	50	243
Demo Estimate	\$242,000	\$246,000	\$276,000	\$384,000	\$300,000	\$1.49mil

Properties in Category Three are potentially eligible for the In Rem Repair and Eminent Domain Housing Programs. As previously proposed, under the Eminent Domain Housing Program, the City would acquire the properties at their fair market value and transfer title to a non-profit housing provider who would complete the needed repairs and sell the houses to qualified homebuyers. If approved by City Council, bond funds could be used to acquire the houses and for providing funds to complete the repairs, either to the non-profit or directly to the qualified buyer. Income from the sale of the house could be shared between the City and the non-profit on an agreed-upon basis in order for the City to recapture the funds provided to acquire the property. Said funds could be deposited in a revolving account to be used for additional acquisitions. Utilizing this strategy as the preferred resolution would save properties from being

demolished and taken off of the tax role, provide affordable housing, provide an income stream for non-profit housing providers and improve existing neighborhoods. A preliminary review of the properties listed that meet the criteria for the Eminent Domain Housing Program revealed 23 potential candidates.

All properties would have to be presented to the CDHGG Committee and demolition ordinances be adopted by City Council. Staff requires direction from the Committee as to how and/or how many cases should be presented, i.e. 30 – 35 cases presented at each month's Committee meeting, (The current time allotted for the Committee meeting may not be sufficient to entertain property owners that may wish to be heard.). These properties would be presented in addition to those that become eligible for demolition consideration based on six month's vacancy as well as those where the cost to repair the property exceed 65% of its value.



Please see Finance G-3 for printed material on this item.



Please see Finance G-4 for printed material on this item.



Please see Finance G-5 for printed material on this item.



# Memorandum



Winston-Salem

Office of the  
City Manager

Derwick L. Paige  
Assistant City Manager

P.O. Box 2511  
Winston-Salem, NC 27102  
Tel 336.747.7473  
Fax 336.748.3060  
derwickp@cityofws.org

**To:** Mayor Allen Joines and Members of the City Council  
**From:** Derwick L. Paige, Assistant City Manager  
**Date:** September 20, 2016  
**Subject:** M/WBE Annual Report

Staff from the Minority/Women-owned Business Enterprise (M/WBE) Office will present the FY 2015-16 M/WBE Annual report at the October 11, 2016 Community Development/Housing/General Government Committee.

Overall M/WBE spending increased from 7% in FY 2014-15 to 9% in FY 2015-16, while M/WBE subcontracting spending increased from 11.29% to 22.92% during the same period.

I am available if you have any questions regarding this matter.

Derwick L. Paige

pc: Lee D. Garrity, City Manager



## Additional Accomplishments

- Created and implemented the following procedures to regularly evaluate General Contractors and their payment history to M/WBE subcontractors:
  - Project Summary Report
  - M/WBE Replacement Request Form
  - Subcontractor Quote Comparison Form
- **Employee Accountability** regarding commitment to the City's procurement guidelines by developing a vendor rotation for discretionary spending for purchases \$19,999 and under as well as revised departmental spending reports.
- **One Comprehensive Database** is utilized by City Departments for informal and formal vendor usage by trades.  
**Formal Bid, Informal Bid, and RFP** information is posted on the City's website and emailed to M/WBE vendors.
- **Negotiated** a quick pay agreement between a general contractor and subcontractor
- **Pre Bid Sign-In Sheets** are emailed to M/WBE vendors.
- **M/WBE goals** for formal projects have incrementally been set above the 10 % minimum requirement.
- **Payment Verification** is completed by M/WBE Staff to confirm timely payments to vendors.
- **Site Visits** are preformed to provide additional support and verify M/WBE participation and fair treatment.
- **Managers' Office** initiated a scoring criteria that includes M/WBE status and participation for Professional Service RFQ's.

## Strength through Diversity

The M/WBE staff identifies and recruits minority and woman owned businesses to provide support and services to assist in their development by promoting City Government contracting and sub-contracting opportunities.

### EDUCATE

- Assisted 36 M/WBE businesses with State Historically Underutilized Business Certification (HUB).
- Hosted 5 outreach workshops throughout the year.
- Encouraged M/WBE participation in an 8 week business training class offered by City Staff.
- Attended 44 pre-bids and bid openings to track M/WBE participation and enforce M/WBE program requirements.

### RESOURCES

- Delivered weekly email notifications to M/WBE businesses which include pre-bids and bid openings for formal and informal projects along with other business opportunities.
- Provided databases to General Contractors, following each pre-bid which include M/WBE contact information based on scope of work.
- Encouraged informal bid opportunities published on the City's website.

### NETWORKING

- Cohosted with WSSU the North Carolina Coordinators Network quarterly meeting. The NCCN provides education, support and resources to M/WBE businesses.
- Encouraged M/WBE subcontractors to attend formal and informal pre-bids and bid openings.

City Of



Winston-Salem

M/WBE

Minority & Women  
Business Enterprise Program

Annual Report

2015-2016

Mayor: **Allen Joines**  
City Council

**Vivian H. Burke**

*Mayor Pro Tempore, Northeast Ward*

**Dan Besse**, *Southwest Ward*

**Robert C. Clark**, *West Ward*

**Derwin L. Montgomery**, *East Ward*

**Molly Leight**, *South Ward*

**Denise D. Adams**, *North Ward*

**Jeff MacIntosh**, *Northwest Ward*

**James Taylor, Jr.**, *Southeast Ward*

Prepared by City of Winston-Salem M/WBE Staff  
Tiesha Hinton, M/WBE Coordinator &  
Tabetha Bailey, Special Projects Coordinator

## EXECUTIVE SUMMARY

The City of Winston-Salem regularly tracks M/WBE spending in four categories: (1) Construction & Repair; (2) Subcontracting Activity; (3) Procurement Card Spending; and (4) Materials and Services. **The percentage of overall spending done with M/WBE businesses increased from 7% in FY 14-15 to 9% in FY 15-16.**

**1. Construction and Repair** includes all active City spending on formal and informal projects. The amount spent by the City was down 6% from \$116,068,138 in FY 14-15 to \$108,962,855 in FY 15-16. The percentage of spending with M/WBE's increased from 1.55% to 8.55%.

**2. Subcontracting Activity** includes all closed formal range construction projects. In this category, total spending decreased 76.74% from \$47,871,137 in FY14-15 to \$13,459,687 in FY15-16. Of that, \$3,085,020 was spent with M/WBE businesses which accounted for 22.92% of all expenditures.

**3. Procurement Card Spending** was \$3,585,339 this year which was down from the \$4,522,880 total in FY14-15. The \$470,273 spent with M/WBEs accounted for 13.12% of total spending, which is a significant increase from the 3.76% in FY14-15.

**4. Materials & Services** includes all other City purchases. In this category, the total amount encumbered by the City in FY 15-16 was 89,360,802. Spending with M/WBE's increased from \$4,882,860 to \$5,038,353, which accounted for 5.64% of spending.

## FY 2015 – 2016 Spending

<u>Total Spend</u>	<u>M/WBE</u>	<u>MBE</u>	<u>WBE</u>
<u>Construction &amp; Repair</u>			
\$108,962,855	\$9,320,052	\$4,044,907	\$5,275,145
<u>Subcontracting Activity</u>			
\$13,459,687	\$3,085,020	\$1,135,709	\$1,949,311
<u>Procurement Card</u>			
\$3,585,339	\$470,273	\$56,941	\$413,332
<u>Materials &amp; Services</u>			
\$89,360,802	\$5,038,353	\$1,089,179	\$3,949,174
<b>Total M/WBE Spending</b>			
<b>\$17,913,698.00*</b>			
<u>Total Subcontracting</u>			
<u>Total M/WBE</u>	<u>MBE</u>	<u>WBE</u>	
22.92%	8.44%	14.48%	

**Total Formal Projects 8  
City of Winston-Salem 1  
City/County Utilities Commission 7**

*Subcontracting goals are based upon the activities of M/WBEs working on formal-range projects which are estimated to cost more than \$300,000.*

\*Total includes construction and repair, subcontracting, P-card, and purchase order spending

## YEARLY SUMMARY SUBCONTRACTING ACTIVITIES

<u>FY</u>	<u>M/WBE Spending</u>	<u>% of Total Spending</u>
06/07	\$2,320,078	10.77%
07/08	\$2,739,356	10.25%
08/09	\$6,242,031	14.35%
09/10	\$2,355,090	12.43%
10/11	\$2,267,134	19.87%
11/12	\$2,048,132	14.30%
12/13	\$4,185,365	17.84%
13/14	\$765,381	14.26%
14/15	\$6,534,715	11.29%
15/16	\$3,085,020	22.92%

*Fiscal year 2015-2016, M/WBE subcontracting goal increased from 11.29% to 22.92%.*

The M/WBE Program has a 10% minimum goal for formal-range construction. Actual participation varies, year-to-year, based on quantity and scope of work.

Please see Finance C-10 for printed material on this item.



**Memorandum**

City Attorney's Office

P.O. Box 2511  
 Winston-Salem, NC 27102  
 CityLink 311 (336.727.8000)  
 Fax: 336.748.3816

**TO:** Mayor and City Council  
**FROM:** Angela Carmon, City Attorney  
**DATE:** October 5, 2016  
**SUBJECT:** Draft 2017 Legislative Priorities Package  
**Cc:** Lee Garrity, City Manager

Attached please find a draft City of Winston-Salem Legislative Priorities Package for 2017 that includes four draft bills and one resolution:

1. An Act Amending G.S. 160A-443 to Allow for Recovery of Cost Associated with Service by Publication. This bill, if enacted, will allow the city to recover the cost of service by publication of housing complaints and orders which is required by statute when the identity or whereabouts of the owner are unknown. Many of these instances involve heir property that has been neglected. Recovery of the cost would allow the assessment of a lien on the property for said cost and recovery, if unpaid, through a process similar to a tax foreclosure proceeding, in anticipation of the property being sold to someone who will place the same back into the housing stock.
2. An Act Amending the Winston-Salem City Charter Regarding Time of Elections; Terms. This bill, if enacted, will restore the Winston-Salem election cycle to odd numbered years.
3. An Act Amending the Winston-Salem City Charter Regarding Independent or Nonpartisan Candidates. This bill, if enacted, will eliminate obsolete language in the City Charter regarding independent and nonpartisan candidates. That process is now governed by Uniform Municipal Election Laws of North Carolina
4. An Act Amending G.S. 132-1.4A Law Enforcement Agency Recordings. This bill, if enacted, will permit law enforcement recording to be disclosed to (viewed by) the city manager, citizen police review board and the mayor and city council.
5. Resolution that supports raising the age of Juvenile Court Jurisdiction to age 18. The North Carolina Commission on the Administration of Law and Justice ("NCCALJ") charged by Chief Justice Mark Martin will be evaluating the North Carolina Justice System has prepared a report that demonstrates a reasonable basis for raising the age of juvenile court jurisdiction to 18. This resolution supports that initiative.

This 2017 Legislative Priorities Package is for information only. The package will be finalized for your approval in November. Should you have any questions, please do not hesitate to let me know.



**RESOLUTION CONTAINING THE CITY OF WINSTON-SALEM'S  
LEGISLATIVE PROGRAM FOR THE 2017 LEGISLATIVE SESSION**

**WHEREAS**, the 2017 Session of the North Carolina General Assembly will convene on January 11, 2017 ; and

**WHEREAS**, the Winston-Salem City Council has identified the need for the enactment of the following Local Acts included in **Exhibit A** and has approved submission of the same to the Forsyth County Legislative Delegation for introduction, support and ratification by the General Assembly during its 2017 Session:

1. An Act Amending G.S. 160A-443 to Allow for Recovery of Cost Associated with Service by Publication;
2. An Act Amending the Winston-Salem City Charter Regarding Time of Elections; Terms;
3. An Act Amending the Winston-Salem City Charter Regarding Independent or Nonpartisan Candidates; and
4. An Act Amending G.S. 132-1.4A Law Enforcement Agency Recordings.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Winston-Salem City Council hereby approves the submission of the bills attached hereto and incorporated herein as **Exhibit A**; and

**BE IT FURTHER RESOLVED** that the Mayor and Winston-Salem City Council hereby urges pursuant to the resolution attached as **Exhibit B** the North Carolina General Assembly to raise the age of juvenile court jurisdiction to age eighteen (18); and

**BE IT FURTHER RESOLVED** that the Mayor and Winston-Salem City Council hereby authorized city staff to work cooperatively with the North Carolina Metropolitan Mayors' Coalition and the North Carolina League of Municipalities on their duly adopted advocacy

**C-11. DRAFT**

agendas, to the extent that the issues and goals identified therein are consistent with the interests of the City.

This Resolution shall become effective upon adoption.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**AN AMENDING G.S. 160A-443 TO ALLOW FOR THE RECOVERY OF COST  
ASSOCIATED WITH SERVICE BY PUBLICATION**

The General Assembly of North Carolina enacts:

SECTION 1: Chapter 160A, Article 19, Section 160A-443 (6) Liens. of the General Statutes is amended to read as follows:

“(6) Liens. –

- a. That the amount of the cost of service by publication of complaints and orders, repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of this Chapter.
- b. If the real property upon which the cost was incurred is located in an incorporated city, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.
- c. If the dwelling is removed or demolished by the public officer, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.”

SECTION 2. This act shall apply to the City of Winston-Salem only. This act shall become effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

AN ACT AMENDING THE WINSTON-SALEM CITY CHARTER REGARDING TIME  
OF ELECTION; TERMS

The General Assembly of North Carolina enacts:

SECTION 1: Section 12J of Chapter 232 of the Private Laws of 1927, as amended by Chapter 53, Session Laws of 1965, as amended by the Ordinance of January 6, 2003 adopted under Part 4 of Article 5 of Chapter 160A of the General Statutes, and as amended by Session Law 2011-141 reads as rewritten:

“Sec. 12J. - Time of election; terms.

(a) In ~~2013~~ 2019, the primary and election for mayor and council members shall be held on the dates provided in G.S. 163-279(a)(2).

(b)The terms of the mayor and council members of the City of Winston-Salem elected in ~~2013~~ 2016 expire at the organizational meeting after the ~~2016~~ 2019 regular municipal election.

(c)Notwithstanding G.S. 163-279, in ~~2016~~ 2019 and quadrennially thereafter, primaries and elections for mayor and city council shall be held in odd numbered years. ~~at the same time as for county officers as provided in G.S. 163-1.~~”

SECTION 2: This act shall be applicable to the City of Winston-Salem only and shall become effective when it becomes law.



**Subchapter IX. Municipal Elections.**

## Article 23.

## Municipal Election Procedure.

**§ 163-279. Time of municipal primaries and elections.**

(a) Primaries and elections for offices filled by election of the people in cities, towns, incorporated villages, and special districts shall be held in 1973 and every two or four years thereafter as provided by municipal charter on the following days:

- (1) If the election is nonpartisan and decided by simple plurality, the election shall be held on Tuesday after the first Monday in November.
- (2) If the election is partisan, the election shall be held on Tuesday after the first Monday in November, the first primary shall be held on the second Tuesday after Labor Day, and the second primary, if required, shall be held on the fourth Tuesday before the election.
- (3) If the election is nonpartisan and the nonpartisan primary method of election is used, the election shall be held on Tuesday after the first Monday in November and the nonpartisan primary shall be held on the fourth Tuesday before the election.
- (4) If the election is nonpartisan and the election and runoff election method of election is used, the election shall be held on the fourth Tuesday before the Tuesday after the first Monday in November, and the runoff election, if required, shall be held on Tuesday after the first Monday in November.

(b) Repealed by Session Laws 2011-141, s. 1(a), effective July 1, 2011.

(c) Officers of sanitary districts elected in 1970 shall hold office until the first Monday in December, 1973, notwithstanding G.S. 130-126. Beginning in 1973, sanitary district elections shall be held at the times provided in this section or in G.S. 130A-50(b1). (1971, c. 835, s. 1; 1973, c. 1115; 1987, c. 22, s. 2; 2006-192, s. 3; 2011-141, s. 1(a).)



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**AN ACT AMENDING THE WINSTON-SALEM CITY CHARTER REGARDING  
INDEPENDENT OR NONPARTISAN CANDIDATES**

The General Assembly of North Carolina enacts:

SECTION 1: Paragraph 6 of Section 12A of Chapter 232 of the Private Laws of 1927, as amended by Chapter 13, Session Laws of 1965, as amended by the Ordinance of January 6, 2003 adopted under Part 4 of Article 5 of Chapter 160A of the General Statutes reads as rewritten:

“Sec. 12A. - Generally.

- (6) *Independent or nonpartisan candidates; ~~petition; affidavit of candidate; filing of petition; rules and regulations governing petitions.~~* The Forsyth County Board of Elections shall include among the candidates for municipal office, as independent or nonpartisan candidates, the name of any qualified voter who has been requested to be a candidate for office in accordance with the Uniform Municipal Elections Laws of North Carolina ~~by written petitions signed by at least twenty-five (25) per cent of those entitled to vote for a candidate for such office according to the vote cast in the last municipal election for the particular office, when such petition is accompanied by an affidavit from such proposed candidate that he seeks to become an independent or nonpartisan candidate and does not affiliate with any political party;~~ provided, such petition is filed with the secretary of the board of elections on or before 12:00 noon on the third Friday preceding the general municipal election for such office.

The board of elections may prescribe rules and regulations covering the information that shall be set out in the petition to be signed by the voters requesting a person to be a candidate for any such office, such as the giving of the full name of every such voter, the street address of such voter and any other pertinent information required to facilitate the checking of such petition against the registration books. ”

SECTION 2: This act shall be applicable to the City of Winston-Salem only and shall become effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**AN ACT AMENDING G.S. 132-1.4A. LAW ENFORCEMENT  
AGENCY RECORDINGS**

The General Assembly of North Carolina enacts:

SECTION 1: Chapter 132 of the General Statutes is amended to read as follows:

"§ 132-1.4A. Law enforcement agency recordings.

(a) Definitions. – The following definitions apply in this section:

(1) Body-worn camera. – An operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others.

(2) Custodial law enforcement agency. – The law enforcement agency that owns or leases or whose personnel operates the equipment that created the recording at the time the recording was made.

(3) Dashboard camera. – A device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel. This term does not include body-worn cameras.

(4) Disclose or disclosure. – To make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. This term does not include the release of a recording.

(5) Personal representative. – A parent, court-appointed guardian, spouse, or attorney of a person whose image or voice is in the recording. If a person whose image or voice is in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney; or the parent or guardian of a surviving minor child of the deceased.

(6) Recording. – A visual, audio, or visual and audio recording captured by a body-worn camera, a dashboard camera, or any other video or audio recording device operated by or on behalf of a law enforcement agency or law enforcement agency personnel when carrying out law enforcement responsibilities. This term does not include any video or audio recordings of interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses.

(7) Release. – To provide a copy of a recording.

(b) Public Record and Personnel Record Classification. – Recordings are not public records as defined by G.S. 132-1. Recordings are not personnel records as defined in Part 7 of Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98.

(c) Disclosure; General. – Recordings in the custody of a law enforcement agency shall be disclosed only as provided by this section. A person requesting disclosure of a recording must make a written request to the head of the custodial law enforcement agency that states the date and approximate time of the activity captured in the recording or otherwise identifies the activity with reasonable particularity sufficient to identify the recording to which the request refers.

The head of the custodial law enforcement agency may only disclose a recording to the following:

- (1) A person whose image or voice is in the recording.
- (2) A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.
- (3) A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.
- (4) A personal representative of a deceased person whose image or voice is in the recording.
- (5) A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

When disclosing the recording, the law enforcement agency shall disclose only those portions of the recording that are relevant to the person's request. A person who receives disclosure pursuant to this subsection shall not record or copy the recording.

(d) Disclosure; Factors for Consideration. – Upon receipt of the written request for disclosure, as promptly as possible, the custodial law enforcement agency must either disclose the portion of the recording relevant to the person's request or notify the requestor of the custodial law enforcement agency's decision not to disclose the recording to the requestor.

The custodial law enforcement agency may consider any of the following factors in determining if a recording is disclosed:

- (1) If the person requesting disclosure of the recording is a person authorized to receive disclosure pursuant to subsection (c) of this section.
- (2) If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
- (3) If disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
- (4) If disclosure may harm the reputation or jeopardize the safety of a person.

(5) If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.

(6) If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

(e) Appeal of Disclosure Denial. – If a law enforcement agency denies disclosure pursuant to subsection (d) of this section, or has failed to provide disclosure more than three business days after the request for disclosure, the person seeking disclosure may apply to the superior court in any county where any portion of the recording was made for a review of the denial of disclosure. The court may conduct an in-camera review of the recording. The court may order the disclosure of the recording only if the court finds that the law enforcement agency abused its discretion in denying the request for disclosure. The court may only order disclosure of those portions of the recording that are relevant to the person's request. A person who receives disclosure pursuant to this subsection shall not record or copy the recording. An order issued pursuant to this subsection may not order the release of the recording. In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(e1) Release of Recordings to Certain Persons; Expedited Process. – Notwithstanding the provisions of subsection (f) of this section, a person authorized to receive disclosure pursuant to subsection (c) of this section, or the custodial law enforcement agency, may petition the superior court in any county where any portion of the recording was made for an order releasing the recording to a person authorized to receive disclosure. There shall be no fee for filing the petition which shall be filed on a form approved by the Administrative Office of the Courts and shall state the date and approximate time of the activity captured in the recording, or otherwise identify the activity with reasonable particularity sufficient to identify the recording. If the petitioner is a person authorized to receive disclosure, notice and an opportunity to be heard shall be given to the head of the custodial law enforcement agency. Petitions filed pursuant to this subsection shall be set down for hearing as soon as practicable and shall be accorded priority by the court.

The court shall first determine if the person to whom release of the recording is requested is a person authorized to receive disclosure pursuant to subsection (c) of this section. In making this determination, the court may conduct an in-camera review of the recording and may, in its discretion, allow the petitioner to be present to assist in identifying the image or voice in the recording that authorizes disclosure to the person to whom release is requested. If the court determines that the person is not authorized to receive disclosure pursuant to subsection (c) of this section, there shall be no right of appeal and the petitioner may file an action for release pursuant to subsection (f) of this section.

If the court determines that the person to whom release of the recording is requested is a person authorized to receive disclosure pursuant to subsection (c) of this section, the court shall consider the standards set out in subsection (f) of this section and any other standards the court deems relevant in determining whether to order the release of all or a portion of the recording. The court may conduct an in-camera review of the recording. The court shall release only those portions of the recording that

are relevant to the person's request and may place any conditions or restrictions on the release of the recording that the court, in its discretion, deems appropriate.

(f) Release of Recordings; General; Court Order Required. – Recordings in the custody of a law enforcement agency shall only be released pursuant to court order. Any custodial law enforcement agency or any person requesting release of a recording may file an action in the superior court in any county where any portion of the recording was made for an order releasing the recording. The request for release must state the date and approximate time of the activity captured in the recording, or otherwise identify the activity with reasonable particularity sufficient to identify the recording to which the action refers. The court may conduct an in-camera review of the recording. In determining whether to order the release of all or a portion of the recording, in addition to any other standards the court deems relevant, the court shall consider the applicability of all of the following standards:

- (1) Release is necessary to advance a compelling public interest.
- (2) The recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
- (3) The person requesting release is seeking to obtain evidence to determine legal issues in a current or potential court proceeding.
- (4) Release would reveal information regarding a person that is of a highly sensitive personal nature.
- (5) Release may harm the reputation or jeopardize the safety of a person.
- (6) Release would create a serious threat to the fair, impartial, and orderly administration of justice.
- (7) Confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.
- (8) There is good cause shown to release all portions of a recording.

The court shall release only those portions of the recording that are relevant to the person's request, and may place any conditions or restrictions on the release of the recording that the court, in its discretion, deems appropriate. In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(g) Release of Recordings; Law Enforcement Purposes. – Notwithstanding the requirements of subsections (c), (e1), and (f) of this section, a custodial law enforcement agency shall disclose or release a recording to a district attorney (i) for review of potential criminal charges, (ii) in order to comply with discovery requirements in a criminal prosecution, (iii) for use in criminal proceedings in district court, or (iv) any other law enforcement purpose, and may disclose or release a recording for any of the following purposes:

(1) For law enforcement training purposes.

(2) Within the custodial law enforcement agency for any administrative, training, or law enforcement purpose, which includes disclosing the recordings to the city manager, city council and any city board or commission designated by the city council to review police matters or complaints against police department employees such as a citizen police review board, provided the city manager and all members of city council or the city board or commission reviewing the recordings have executed, in advance of the disclosure, a confidential statement agreeing to maintain the confidentiality of the recordings. For purposes of disclosure of the recordings and execution of a confidential statement, the phrase “city council” as used herein includes the mayor.

(3) To another law enforcement agency for law enforcement purposes.

(h) Retention of Recordings. – Any recording subject to the provisions of this section shall be retained for at least the period of time required by the applicable records retention and disposition schedule developed by the Department of Natural and Cultural Resources, Division of Archives and Records.

(i) Agency Policy Required. – Each law enforcement agency that uses body-worn cameras or dashboard cameras shall adopt a policy applicable to the use of those cameras.

(j) No civil liability shall arise from compliance with the provisions of this section, provided that the acts or omissions are made in good faith and do not constitute gross negligence, willful or wanton misconduct, or intentional wrongdoing.

(k) Fee for Copies. – A law enforcement agency may charge a fee to offset the cost incurred by it to make a copy of a recording for release. The fee shall not exceed the actual cost of making the copy.

(l) Attorneys' Fees. – The court may not award attorneys' fees to any party in any action brought pursuant to this section.

SECTION 2. This act shall apply to the City of Winston-Salem only. This act shall become effective when it becomes law.



**RESOLUTION SUPPORTING RAISING THE AGE OF JUVENILE COURT JURISDICTION TO AGE 18**

**WHEREAS**, in 2015 Chief Justice Mark Martin convened an independent multidisciplinary commission called the North Carolina Commission on the Administration of Law and Justice (“NCCALJ”) to evaluate the North Carolina judicial system; and

**WHEREAS**, NCCALJ was charged with making findings and recommendations for strengthening the courts within the current administrative framework; and

**WHEREAS**, NCCALJ has reviewed the current treatment of 16-and 17 year olds (“youthful offenders”) under North Carolina’s criminal justice system; and

**WHEREAS**, NCCALJ found that only one other state in addition to North Carolina that treats youthful offenders as adults and that there is considerable evidence to support raising the age of juvenile court jurisdiction to 18; and

**WHEREAS**, this difference in treatment tends to have a negative impact upon the employability of youthful offenders, amongst other things; and

**WHEREAS**, NCCALJ in its interim report noted positive experiences of other states that have raised the age of juvenile court jurisdiction to 18.

**NOW THEREFORE BE IT RESOLVED** that the Winston-Salem City Council supports raising the age of juvenile court jurisdiction to 18 consistent with the interim report of the NCCALJ, attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED** that the Winston-Salem City Council hereby authorizes city staff, consistent with this expression of support for increasing the age of juvenile court

**C-11. DRAFT**

jurisdiction to 18, to work with the appropriate legislative personnel and state officials in furthering this legislative priority.

This Resolution shall become effective upon adoption.



# INTERIM REPORT CRIMINAL INVESTIGATION AND ADJUDICATION COMMITTEE

JULY 2016



## PREFACE

These interim reports outline the work-to-date of the North Carolina Commission on the Administration of Law and Justice (NCCALJ). Chief Justice Mark Martin convened the independent, multidisciplinary commission in September of 2015, and charged the members to evaluate the North Carolina judicial system and provide findings and recommendations for strengthening our courts within the existing administrative framework.

Sixty-five voting members and additional non-voting guests were asked to serve, drawn statewide from business, academia, the bar, the non-profit sector, the Legislature, and the Judicial Branch, to ensure a well-rounded evaluation of the judicial system. Each of the members serves on one of five NCCALJ committees studying the areas of civil justice, criminal investigation and adjudication, legal professionalism, public trust and confidence, and technology. Over the past 10 months, these committees have held forty meetings where members heard presentations from more than ninety different national and statewide experts, practitioners, and court officials, resulting in productive and focused dialogue.

### **The NCCALJ Wants to Hear From You**

The NCCALJ recognizes the vital importance of public participation in the process of court system improvement. The interim reports that follow are intended to inform the public of the relevant issues the committees are addressing and to invite input and feedback. Submit comments online at [www.nccalj.org/interim-reports](http://www.nccalj.org/interim-reports) or sign up to speak in person at one of the four public hearings scheduled for August 2016. The dates, locations, and sign-up forms for those meetings are also at the commission's website.

In the fall of 2016, the NCCALJ's five committees will incorporate the public feedback into final recommendations to be presented to the Chief Justice, the Legislature, and the public in early 2017.

The NCCALJ thanks you for your feedback on how North Carolina courts can best meet institutional needs and 21st century public expectations. We look forward to hearing from you.

*The Criminal Investigation & Adjudication Committee (“the Committee”) is focusing on four issues: (I) Juvenile Age; (II) Indigent Defense; (III) Pretrial Release; and (IV) Criminal Case Management. This report provides an update on the Committee’s work on these issues. The Committee welcomes input from all interested persons and organizations.*

## I. JUVENILE AGE

The Committee’s work on this issue is summarized in its draft report, attached as Appendix A. Because the Committee has actively engaged all stakeholders in its work on this issue and has strived to address all validated stakeholder concerns, the draft report is presented with the ultimate hoped-for result of unanimous stakeholder support.

## II. INDIGENT DEFENSE

As the United States Supreme Court recently declared: “No one doubts the fundamental character of a criminal defendant’s Sixth Amendment right to the Assistance of Counsel.” This right is so critical that the high Court has deemed its wrongful deprivation to constitute “structural” error, affecting the very “framework within which the trial proceeds.” For indigent defendants, this fundamental right to effective assistance of counsel must be provided at state expense. When the system fails to provide this right, it denies indigent defendants justice. That denial can have very real consequences for defendants, including excessive pretrial detention, increased pressure on innocent persons to plead guilty, wrongful convictions, and excessive sentences.

There are, however, other costs associated with the State’s failure to provide effective assistance, including costs to victims, families, communities, taxpayers and the criminal justice system as a whole. Costs to the criminal justice system include trial delays and an increased number of appeals and post-conviction challenges, all of which must be funded by North Carolina taxpayers, as are costly retrials when those challenges are successful. As has been noted: “Justice works best when all players within the system are competent and have access to adequate resources. When the system includes well-trained public defenders, cases move faster ... and the system tends to generate and implement innovative programs.” Trial delay is not merely a theoretical danger; it is an actual one. District Attorneys forcefully asserted to the Committee that an erosion of the quality of North Carolina’s indigent defense bar was impairing their ability to deliver justice in the state’s criminal courts.

In comments to the Committee, Justice Rhoda Billings emphasized that wrongful convictions deny justice to victims and put North Carolina’s citizens in danger by allowing the real criminals to remain at large, free to perpetrate crime on others. Additionally, families of wrongfully convicted defendants suffer, not just from the loss of a family member who may be incarcerated, but from the dramatic collateral consequences that follow as a result of any criminal conviction, including barriers to obtaining employment, joining the military, or receiving financial aid to pursue higher education. These collateral consequences impair the person’s ability to support both himself and his family, often necessitating public assistance and thus additional taxpayer support.

In addition to paying for the cost of an inefficient justice system, taxpayers pick up the tab for ineffective assistance in other ways. When inadequate lawyering results in excessive pretrial detentions and sentences and in incarceration for convictions that are later reversed, the costs of such detentions are paid by North Carolina's citizens. Also, the cost of civil suits and large case settlements leave taxpayers with the bill for wrongful convictions.

Finally — and importantly — another cost of failing to provide an effective indigent defense system is a loss of public confidence in the court system's ability to administer justice. Inadequate indigent defense services compromise the integrity of the justice system by calling its fairness into question. Because people in the lowest income groups are most likely to require indigent defense services, failures in the indigent defense system are felt most acutely by these individuals. As Justice Billings noted to the Committee: Americans strongly believe that the amount of money a person has should not affect the amount of justice he or she receives; any perception of fairness vanishes if our citizens believe that a poor person is placed at a significant disadvantage in the justice system. In fact, evidence indicates that a majority of citizens *already* believe that poor people are at such a disadvantage: A recent survey of North Carolinians shows that 64% of respondents believe that low-income people fare worse than others in our state court system.

Sixteen years ago the North Carolina General Assembly created the state's existing indigent defense system. While stakeholders agree that North Carolina has benefited greatly from the creation of the Office of Indigent Defense Services and the Commission on Indigent Defense Services, the potential that both hold for providing uniform quality, cost-effective representation statewide has yet to be fully achieved.

The Committee is developing recommendations designed to help North Carolina strengthen the protections it offers to indigent people when their liberty is at stake. It is approaching this issue in a two-step process. First, defining the critical characteristics of an effective indigent defense system. And second, making recommendations regarding how to best achieve those characteristics in North Carolina. Recommendations currently under consideration include:

- Establishing single-district and regional public defender offices throughout the state.
- Providing oversight, supervision and support to all counsel providing indigent defense services.
- Implementing uniform indigency standards.
- Implementing uniform qualification and performance standards and workload formulas for all counsel providing indigent services.
- Providing reasonable compensation for all counsel providing indigent defense services.
- Developing a long-term plan for the delivery of indigent defense services in the state.
- Reducing the cost of indigent defense services to make resources available for needed reforms

### III. PRETRIAL RELEASE

The Committee is examining pretrial release for several reasons. One is a concern that North Carolina may be routinely detaining individuals who present little or no pretrial release risk simply because of their inability to pay a money bond. Another concern is that wealthy but very dangerous defendants can simply buy their way out of detention, presenting an unacceptable risk to community safety. Other concerns revolve around the lack of evidence-based practices with respect to pretrial risk assessment and the opportunity for racial or other biases to improperly influence pretrial release decisions.

To begin to address these and other issues, the Committee is undertaking a jail study. Although statewide data exists with respect to jail populations and maximum jail capacities, no statewide data currently exists with respect to North Carolina's pretrial detainees. The Committee's study is examining the number of pretrial detainees in local jails, their race, their offense type, the number detained on secured bond, the average secured bond by offense type, and the average days of pretrial detention. Additionally, through the National Center for State Courts, the Commission has retained an expert to prepare a report providing:

- Recommendations regarding how North Carolina can improve the way it measures pretrial risk. The Committee has noted that it is interested in any evidence-based recommendations in this respect. It further noted that it is particularly interested in exploring whether or not North Carolina should use a validated, evidence-based pretrial risk assessment tool that can be implemented by the magistrate, typically the first decision-maker in the pretrial release process. If the evidence suggests that such a tool would be beneficial, the Committee has asked that the report recommend a specific tool and identify the most effective implementation method (e.g. statutory, court rule, etc.). The Committee has further asked that the report identify existing statutes, court rules, local procedures, etc. that will need to be modified or repealed to implement the recommendations regarding assessing pretrial risk.
- Recommendations regarding how North Carolina can improve the way it manages pretrial risk. The Committee specified that although the report need not be limited to these issues, it is particularly interested in:
  - Whether or not North Carolina should adopt a procedure allowing for the preventative detention of defendants for whom pretrial release is inappropriate. If so, what the procedure should look like.
  - A statement of general principles with respect to release of persons other than those preventatively detained and recommendations regarding statutory language to that effect.
  - Whether or not North Carolina should provide clearer guidance to judicial officials to help them match appropriate pretrial conditions to an individualized assessment of pretrial risk. If so, how.
  - An evaluation of pretrial release conditions currently being used in North Carolina and identification of effective pretrial release conditions being used in other jurisdictions that should be considered here (e.g., court date reminders).

- Identification of statutes, court rules, local policies, etc., that would need to be adopted, modified or repealed to implement the recommendations.

Additionally, the Committee will receive information from interested stakeholders on the issues under consideration.

#### IV. CRIMINAL CASE MANAGEMENT

Concerns about case delays and inefficient case processing have caused the Committee to focus on criminal case management. Through the National Center for State Courts, the Commission has retained an expert to meet with stakeholders and prepare a report for the Committee:

- Identifying indicators suggesting that North Carolina should undertake an effort to improve the management of criminal cases through better caseload management.
- Discussing the potential benefits for addressing criminal caseload management including cost savings, improvements in public trust and confidence, and improved user perception of and satisfaction with fairness of criminal proceedings.
- Reviewing the fundamental principles of criminal caseload management and their application to the North Carolina courts.
- Identifying key components of effective criminal caseload management that could be employed in North Carolina, such as differentiated case management, performance metrics, evaluation, and feedback.
- Setting forth a step-by-step plan to guide a statewide effort to improve criminal case management including major activities, key players, and a plan timeline.

## APPENDIX A

### JUVENILE REINVESTMENT

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#### Executive Summary

North Carolina stands alone in its treatment of 16- and 17-year-olds (“youthful offenders”) like adults for purposes of the criminal justice system. In 1919, North Carolina determined that juvenile court jurisdiction would extend only to those under 16 years old.<sup>1</sup> A substantial body of evidence suggests that both youthful offenders and society benefit when persons under 18 years old are treated in the juvenile justice system rather than the criminal justice system. In response to this evidence, other states have raised the juvenile age. Notwithstanding recommendations from two legislatively-mandated studies of the issue, positive experiences in other states that have raised the age, and two cost-benefit studies showing that raising the age would benefit the state economically, North Carolina has yet to take action on this issue.

After careful review and with historic support of all stakeholders,<sup>2</sup> the Committee recommends that North Carolina raise the age of juvenile court jurisdiction to include youthful offenders aged 16 and

<sup>1</sup> In 1919, the Juvenile Court Statute was passed, providing statewide juvenile courts with jurisdiction over children under the age of 16. BETTY GENE ALLEY & JOHN THOMAS WILSON, NORTH CAROLINA JUVENILE JUSTICE SYSTEM: A HISTORY, 1868-1993, at 4 (NC AOC 1994) [hereinafter NC JUVENILE JUSTICE: A HISTORY]. The intent of this legislation “was to provide a special children’s court based upon a philosophy of treatment and protection that would be removed from the punitive approach of criminal courts.” *Id.*

<sup>2</sup> See *infra* page \_\_ for a listing of all stakeholders.

17 years old for all crimes except Class A through E felonies and traffic offenses.<sup>3</sup> This recommendation is contingent on:

1. Maintaining the existing procedure in G.S. 7B-2200 to transfer juveniles to adult criminal court,<sup>4</sup> except that Class A-E felony charges against 16- and 17-year olds will be automatically transferred to superior court after a finding of probable cause or by indictment.<sup>5</sup>
2. Amending G.S. 7B-3000(b) to provide that the juvenile court counselor must, upon request, disclose to a sworn North Carolina law enforcement officer information about a juvenile's record and prior law enforcement consultations with a juvenile court counselor about the juvenile, for the limited purpose of assisting the officer in exercising his or her discretion about how to handle an incident being investigated by the officer which could result in the filing of a complaint.<sup>6</sup>
3. Requiring the Division of Juvenile Justice to (a) track all consultations with law enforcement officers about a juvenile<sup>7</sup> and (b) provide more information to complainants and victims about dismissed, closed, and diverted complaints.<sup>8</sup>

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<sup>3</sup> Ensuring that Class A through E felonies charges against 16- and 17-year olds are tried in superior court is critical to the support of these recommendations by the N.C. Conference of District Attorneys.

Traffic offenses are excluded because of the resources involved with transferring the large volume of such crimes to juvenile court. This recommendation parallels those made by others who have examined the issue. See NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION, REPORT ON STUDY OF YOUTHFUL OFFENDERS PURSUANT TO SESSION LAW 2006-248, SECTIONS 34.1 AND 34.2 (2007) (excluding traffic offenses from its recommendation to raise the age) [hereinafter 2007 SENTENCING COMMISSION REPORT]; YOUTH ACCOUNTABILITY PLANNING TASK FORCE, FINAL REPORT TO THE GENERAL ASSEMBLY OF NORTH CAROLINA (Jan., 2011) (same) [hereinafter YOUTH ACCOUNTABILITY TASK FORCE REPORT]. Consistent with prior recommendations, the Committee suggests that transferring youthful offenders who commit traffic offenses be examined at a later date. See 2007 SENTENCING COMMISSION REPORT, at 8 (so suggesting).

While prior working groups have recommended staggered implementation for 16- and 17-year olds, the Committee recommends implementing the change for both ages at once.

<sup>4</sup> Under the existing provision, the court may transfer jurisdiction over a juvenile who is at least 13 years of age and is alleged to have committed a felony to superior court, where the juvenile will be tried as an adult. G.S. 7B-2200. A motion to transfer may be made by the prosecutor, the juvenile's attorney, or the court. *Id.* If the juvenile is alleged to have committed a Class A felony at age 13 or older, jurisdiction must be transferred to superior court if probable cause is found in juvenile court. *Id.*

<sup>5</sup> Requiring that Class A-E felonies are automatically transferred to superior court is critical to the support of these recommendations by the N.C. Conference of District Attorneys. Automatic transfer to superior court means that the district court judge has no discretion to retain Class A-E felony charges against 16- and 17-year olds in juvenile court. Providing for transfer by indictment meets the prosecutors' interest in being able to avoid requiring fragile victims to testify at a probable cause hearing within days of a violent crime.

The Committee contemplated a statutory exclusion for Class A-E felonies but adopted this approach primarily for two reasons. First, it simplifies detention decisions for law enforcement officers. Under this approach when a juvenile is arrested for any crime, there will be no uncertainty with respect to custody: custody always will be with the Division of Juvenile Justice. To help implement this change, the Division of Juvenile Justice has committed to provide transportation to all juveniles from local jails to juvenile facilities (currently law enforcement is responsible for this transportation). Second, this procedure protects juveniles who are prosecuted in adult court but are found not guilty or their charges are reduced or dismissed, perhaps because of an error in charging. See *State v. Collins*, \_\_ N.C. App. \_\_, \_\_ S.E.2d \_\_ (Feb. 16, 2016) (with respect to three charges, the juvenile improperly was charged as an adult because of a mistake with respect to his age).

<sup>6</sup> This recommendation is designed to ensure that law enforcement officers have sufficient information to exercise discretion when responding to incidents involving juveniles (e.g., whether to release a juvenile or pursue a complaint). Although G.S. 7B-3000(b) already allows the prosecutor to share information obtained from a juvenile's record with law enforcement officers, given the time sensitive nature of officers' field decisions, it is not practical to designate the prosecutor as the officer's source for this information. Because juvenile court counselors are available 24/7, on weekends and on holidays, have access to this information, and are the officer's first point of contact in the juvenile system, they are the best source of time sensitive information for officers.

Consistent with the existing statutory provision that the prosecutor may not allow an officer to photocopy any part of the record, the Committee recommends that the counselor share this information orally only. To preserve confidentiality, if this information is included in a report or record created by the officer, such report or record must be designated and treated as confidential, in the same way that all law enforcement records pertaining to juveniles currently are so designated and treated.

<sup>7</sup> This recommendation is necessary to implement recommendation (2) above.

<sup>8</sup> In response to Committee discussions the Division of Juvenile Justice already has revised the Complainant/Victim Letter used for this purpose and presented the revision to the Committee for feedback.

4. Amending G.S. 7B-1704 to provide that the victim has a right to seek review by the prosecutor of a juvenile court counselor's decision not to approve the filing of a petition.<sup>9</sup>
5. Improving computer systems to give the prosecutor and the juvenile's attorney electronic access to an individual's juvenile delinquency record statewide.<sup>10</sup>
6. Full funding to implement the recommended changes.<sup>11</sup>

*This last contingency bears special emphasis: The stakeholders are unanimous in the view that full funding must be provided to implement these recommendations and that an unfunded or partially unfunded mandate to raise the age will be detrimental to the court system and community safety.*

To ameliorate implementation costs to the juvenile justice system associated with raise the age legislation, the Committee recommends that North Carolina expand state-wide existing programs to reduce school-based referrals to the juvenile justice system.<sup>12</sup>

Finally the Committee recommends requiring regular juvenile justice training for sworn law enforcement officers and forming a limited term standing committee of juvenile justice stakeholders to review implementation of these recommendations and make additional recommendations if needed.<sup>13</sup>

### **A Brief Comparison of Juvenile & Criminal Proceedings**

When there is probable cause that a North Carolina youthful offender has committed a crime, that person is charged like any adult. If not released before trial, the youthful offender is detained in the local jail and at risk of being victimized by sexual violence.<sup>14</sup> The youthful offender is tried in adult criminal court and if found guilty, is convicted of a crime. Although a minor's parent or guardian

<sup>9</sup> G.S. 7B-1704 currently provides this right only to the complainant. To implement this recommendation, conforming changes would need to be made to G.S. 7B-1705 (prosecutor's review of counselor's determination).

<sup>10</sup> G.S. 7B-3000(b) already provides that the prosecutor and the juvenile's attorney may examine the juvenile's record and obtain copies of written parts of the juvenile record without a court order. Section 12 of the Rules of Recordkeeping defines that record as the case file (the file folder containing all paper documents) and the electronic data. Currently the electronic data is maintained in the JWisE computer system, an electronic index of the juvenile record. Without access to this computer system, prosecutors encounter logistical hurdles to accessing the juvenile record to inform decisions regarding charging, plea negotiations, etc. Allowing prosecutors access to the relevant computer system removes these impediments. The prosecutor's access to computer system information should be limited to juvenile delinquency information and may not include other protected information contained in that system, such as that pertaining to abuse neglect and dependency or termination of parental rights. Additionally, the JWisE system currently allows only for county-by-county searches; it does not allow for a statewide search. Given the mobility of North Carolina's citizens, there is a need for statewide searches. To allow for meaningful access to a juvenile's delinquency record, the computer system must be improved to allow for statewide searching.

To ensure parity of access, if the prosecutor is given access to the juvenile record in the relevant computer system, the same access must be given to the juvenile's attorney. As with prosecutors, 7B-3000 already allows the attorney to have access to the record without a court order; but as with the prosecutor, lack of access to the computer system makes this logistically impossible.

Existing law prohibiting photocopying any part of the juvenile record, G.S. 7B-3000(c), would be maintained and apply to computer system records.

<sup>11</sup> Two separate studies have examined the costs of raise the age legislation. See *infra* pages \_\_ - \_\_ (discussing studies).

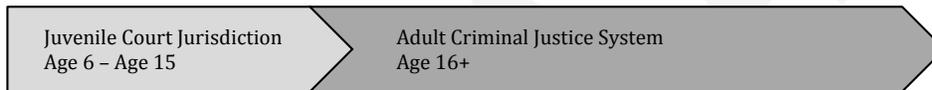
<sup>12</sup> See *infra* pages \_\_ - \_\_ (discussing such programs).

<sup>13</sup> The Standing Committee should include, among others: a district court judge; a superior court judge; a prosecutor who handles juvenile matters; a victims' advocate; and representatives from the law enforcement community, the Division of Juvenile Justice, and the Office of the Juvenile Defender.

<sup>14</sup> A report for the John Locke Foundation supporting raising the juvenile age notes: "one national survey of jails found that in one year, minors were the victims of inmate-on-inmate sexual violence 21 percent of the time, even though they only made up less than one percent of jail inmates." MARK LEVIN & JEANETTE MOLL, JOHN LOCKE FOUNDATION, *IMPROVING JUVENILE JUSTICE: FINDING MORE EFFECTIVE OPTIONS FOR NORTH CAROLINA'S YOUNG OFFENDERS 5* (2013) [hereinafter JOHN LOCKE FOUNDATION REPORT], <http://www.johnlocke.org/acrobat/spotlights/YoungOffendersRevised.pdf>.

must be informed when the child is charged or taken into custody,<sup>15</sup> the criminal case proceeds without any additional requirement of notice to the parent or parental involvement. If convicted and sentenced to prison, the youthful offender serves the sentence in an adult prison facility.<sup>16</sup> In prison, youthful offenders are significantly more likely than other inmates to be victimized by physical violence.<sup>17</sup> The criminal proceeding and all records, including the record of arrest and conviction, are available to the public, even if the youthful offender is found not guilty. All collateral consequences that apply to adult defendants apply to youthful offenders. These consequences include, among other things, ineligibility for employment, professional licensure, public education, college financial aid, and public housing.<sup>18</sup>

**Fig. 1.** Current age of legal jurisdiction.



By contrast, when a person under 16 years old is believed to have committed acts that would constitute a crime if committed by an adult, a complaint is filed in the juvenile justice system alleging the juvenile to be delinquent.<sup>19</sup> A juvenile court counselor conducts a preliminary review of the complaint to determine, in part, whether it states facts that constitute a delinquent offense;<sup>20</sup> essentially this determination looks at whether the elements of a crime have been alleged. If the juvenile court has no jurisdiction over the matter or if the complaint is frivolous, the juvenile court counselor must refuse to file the complaint as a petition.<sup>21</sup> Once the juvenile court counselor determines that the complaint is legally sufficient, he or she decides whether it should be filed as a petition, diverted, or resolved without further action.<sup>22</sup> This evaluation can involve interviews with the complainant and victim and the juvenile and his or her parents.<sup>23</sup> “Non-divertable” offenses, however, are not subject to this inquiry; the juvenile court counselor must approve as a petition a complaint alleging a non-divertable offense once legal sufficiency is established.<sup>24</sup> Non-divertable offenses include murder, rape, sexual offense, and other serious offenses designated by the statute.<sup>25</sup> For all other offenses, the case may be diverted with the stipulation that the juvenile and his or her family comply with requirements agreed upon in a diversion plan or contract, such as participation in mediation, counseling, or teen court.<sup>26</sup> The diversion plan or contract can be in effect for up to six months, during which time the court counselor conducts periodic reviews to

<sup>15</sup> G.S. 15A-505(a).

<sup>16</sup> Male youthful offenders are incarcerated at the Foothills Correctional Institution, an 858-capacity facility for males aged 18-25 years old. See N.C. Dep’t Pub. Safety, Foothills Correctional Institution, N.C. DPS, <https://www.ncdps.gov/Adult-Corrections/Prisons/Prison-Facilities/Foothills-Correctional-Institution> (last modified Mar. 19, 2013). Female youthful offenders serve their sentences at the N.C. Correctional Institution for Women, a facility housing the largest inmate population in the state and female inmates of all ages and all custody and control statuses, including death row, maximum, close, medium, minimum and safekeepers. See N.C. Dep’t Pub. Safety, NC Correctional Institution for Women, N.C. DPS, <https://www.ncdps.gov/Adult-Corrections/Prisons/Prison-Facilities/NC-Correctional-Institution-for-Women> (last modified Aug. 6, 2015).

<sup>17</sup> With respect to physical violence, a report for the John Locke Foundation supporting raising the juvenile age notes: “Research has found minors are 50 percent more likely to be physically attacked by a fellow inmate with a weapon of some sort, and twice as likely to be assaulted by staff.” JOHN LOCKE FOUNDATION REPORT, *supra* note \_\_, at 5. As to suicide, that same report notes: “the limited evidence available suggests the risk of suicide may be higher for youths placed in adult prisons.” *Id.*

<sup>18</sup> For a complete catalogue of collateral consequences, see the UNC School of Government’s Collateral Consequences Assessment Tool, a searchable database of the North Carolina collateral consequences of a criminal conviction, available online at <http://ccat.sog.unc.edu/>.

<sup>19</sup> For the procedures for intake, diversion, and juvenile petitions, see G.S. Ch. 7B, Arts. 17 & 18.

<sup>20</sup> G.S. 7B-1701.

<sup>21</sup> *Id.*

<sup>22</sup> G.S. 7B-1702.

<sup>23</sup> *Id.*

<sup>24</sup> G.S. 7B-1701.

<sup>25</sup> *Id.*

<sup>26</sup> G.S. 7B-1706.

ensure compliance by the juvenile and the juvenile's parent, guardian, or custodian.<sup>27</sup> If diversion is unsuccessful, the complaint may be filed as a petition.<sup>28</sup> If successful, the juvenile court counselor may close the case at an appropriate time.<sup>29</sup> The Division of Adult Correction and Juvenile Justice reports that for calendar years 2008-2011, 21% of complaints were diverted and 18% were closed at intake.<sup>30</sup> 76% of those diverted did not acquire new juvenile complaints within two years.<sup>31</sup> If the counselor approves a complaint as a petition, the case is calendared for juvenile court. If the counselor declines to so approve a complaint, the complainant can request that the prosecutor review that decision.<sup>32</sup> In certain circumstances, such as where the juvenile presents a danger to the community, a district court judge may order that the juvenile be taken into secure custody.<sup>33</sup>

For cases that go to court, the child's parent, guardian, or custodian is made a party to the proceeding and is required to attend court hearings.<sup>34</sup> If the child is adjudicated delinquent, a dispositional hearing is held after which the judge enters a disposition that provides "appropriate consequences, treatment, training, and rehabilitation to assist the juvenile toward becoming a nonoffending, responsible, and productive member of the community."<sup>35</sup> Interventions that can be imposed on delinquent youth array on a continuum. Lower level sanctions include things like restitution, community service, and supervised day programs.<sup>36</sup> Intermediate sanctions include things like placement in a residential treatment facility and house arrest.<sup>37</sup> In certain circumstances, the judge's dispositional order may require the child to be committed into State custody, in which case the child will be held in a youth development center (YDC), housing only those adjudicated as juveniles.<sup>38</sup> Upon commitment to and placement in a YDC, the juvenile undergoes a "screening and assessment of developmental, educational, medical, neurocognitive, mental health, psychosocial and relationship strengths and needs."<sup>39</sup> This and other information is used to develop an individualized service plan "outlining commitment services, including plans for education, mental health services, medical services and treatment programming as indicated."<sup>40</sup> A service planning team meets at least monthly to monitor the juvenile's progress.<sup>41</sup> In contrast to the adult prison setting and because YDCs deal exclusively with juvenile populations, all of their programming is age- and developmentally-appropriate for juveniles. Because of the focus on rehabilitation, and in contrast to a judge's authority in the criminal system, the juvenile dispositional order can require action by the child's parent, guardian, or custodian, such as attending parental responsibility classes,<sup>42</sup> or participation in the child's psychological treatment.<sup>43</sup> Because the juvenile record is confidential and not part of the public record,<sup>44</sup> barriers to employment, education, college financial

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> N.C. DEP'T PUB. SAFETY, DIVISION OF JUVENILE JUSTICE, *JUVENILE DIVERSION IN NORTH CAROLINA* 7 (2013).

<sup>31</sup> *Id.* at 2.

<sup>32</sup> G.S. 7B-1704.

<sup>33</sup> G.S. 7B-1903.

<sup>34</sup> G.S. 7B-2700.

<sup>35</sup> G.S. 7B-2500.

<sup>36</sup> *Juvenile Justice Disposition Chart and Dispositional Alternatives* (Dec. 2015) (a copy of this document was provided by the Division of Adult Correction and Juvenile Justice, Subcommittee on Juvenile Age Meeting Feb. 18, 2016).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*; see also G.S. 7B-2506(24).

<sup>39</sup> N.C. Dep't Pub. Safety, *Youth Development Centers*, N.C. DPS, <https://www.ncdps.gov/Juvenile-Justice/Juvenile-Facility-Operations/Youth-Development-Centers> (last visited Mar. 21, 2016).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> G.S. 7B-2701.

<sup>43</sup> G.S. 7B-2702.

<sup>44</sup> G.S. 7B-3000. In certain circumstances, however, information in juvenile court records later may be revealed to the prosecutor, probation officer, magistrate, law enforcement, and the court. *Id.*

aid, and other collateral consequences associated with a criminal conviction do not attach to the same extent.

### North Carolina Stands Alone Nationwide in its Treatment of Youthful Offenders

Forty-one states plus the District of Columbia set the age of criminal responsibility at age 18.<sup>45</sup> In these jurisdictions, 16- and 17-year olds are tried in the juvenile justice system, not the adult system. Seven states set the age of criminal responsibility at age 17.<sup>46</sup> This leaves North Carolina and one other state — New York — as the only jurisdictions that prosecute both 16- and 17-year olds in adult criminal court.<sup>47</sup> New York’s procedure, however, is much more flexible than North Carolina’s in that it has a reverse waiver provision allowing a youthful offender to petition the court to be tried as a juvenile.<sup>48</sup> While other states have moved<sup>49</sup> — and continue to move<sup>50</sup> — to increase juvenile age, North Carolina has not followed suit.

### Most North Carolina Youthful Offenders Commit Misdemeanors & Non-Violent Felonies

Consistent with data from other states, stable data shows that only a small number of North Carolina’s 16- and 17-year-olds are convicted of violent felonies.<sup>51</sup> Of the 5,689 16-and 17-year olds convicted in 2014,<sup>52</sup> only 187 — 3.3% of the total — were convicted of violent felonies (Class A-E).<sup>53</sup> The vast majority of these youthful offenders — 80.4% — were convicted of misdemeanors.<sup>54</sup> The remaining 16.3% were convicted of non-violent felonies.<sup>55</sup>

The fact that such a small percentage of youthful offenders commit violent felonies caused Newt Gingrich to argue, in support of raising the age in New York, that “[i]t is commonsense to design the system around what is appropriate for the majority, while providing exceptions for the most serious cases.”<sup>56</sup> Likewise, a report on raising the age prepared by the John Locke Foundation notes, “[w]hile there are a small number of very serious juvenile offenders who should be tried as adults due to the nature of their crimes, in the aggregate, the limited available evidence ... suggests that placing all 16 year-olds in the adult criminal justice system is not the most effective strategy for deterring crime or successfully rehabilitating and protecting these youngsters.”<sup>57</sup> Consistent with

<sup>45</sup> *Juvenile Justice Geography, Policy, Practice & Statistics, Jurisdictional Boundaries*, JJGPS, <http://www.jjgps.org/jurisdictional-boundaries> (last visited Mar. 21, 2016) [hereinafter *Jurisdictional Boundaries*].

<sup>46</sup> *Id.* (these states include: Georgia, Louisiana, Michigan, Missouri, South Carolina, Texas and Wisconsin). *Raise the age proposals are under consideration in some of these states* See Erik Eckholm, *States Move Toward Treating 17-Year-Old-Offenders as Juveniles, Not Adults*, *NEW YORK TIMES*, May 13, 2016, <http://www.nytimes.com/2016/05/14/us/states-move-to-treat-17-year-old-offenders-as-juveniles.html> (reporting that Louisiana and South Carolina are considering legislation to raise the age to 18); Newt Gingrich & Pat Nolan, *Missouri, Raise the Age*, *ST. LOUIS POST-DISPATCH*, Apr. 27, 2016, [http://www.stltoday.com/news/opinion/missouri-raise-the-age/article\\_ade5dad7-12aa-54b4-b180-97d397edfc1.html](http://www.stltoday.com/news/opinion/missouri-raise-the-age/article_ade5dad7-12aa-54b4-b180-97d397edfc1.html) (noting that Missouri legislature is working on raise the age bill); Editorial Board, *Louisiana Should Raise the Age to 18 for Prosecution as an Adult*, *THE TIMES-PICAYUNE (New Orleans)*, Apr. 27, 2016, [http://www.nola.com/politics/index.ssf/2016/04/raise\\_the\\_age\\_juvenile.html](http://www.nola.com/politics/index.ssf/2016/04/raise_the_age_juvenile.html) (advocating for pending bill in Louisiana).

<sup>47</sup> *Jurisdictional Boundaries*, *supra* n. \_\_.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* (providing a color coded map showing the upper age of juvenile jurisdiction in U.S. states from 1997 to 2014).

<sup>50</sup> See *supra* n. \_\_.

<sup>51</sup> *Convictions by Offense Type and Class for Offenders Age 16 and 17 FY 2004/05 – FY 2013/14* (chart indicating that convictions for Class A-E felonies never exceeded 4% of total convictions for this age group over ten-year period; a copy of this document was provided to the Committee Reporter by Michelle Hall, Executive Director of the North Carolina Sentencing and Policy Advisory Commission, Mar. 24, 2016).

<sup>52</sup> MICHELLE HALL, *NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION, COMPARATIVE STATISTICAL PROFILE OF YOUNG OFFENDERS IN NORTH CAROLINA 6* (Presented to the NCCALJ Criminal Investigation and Adjudication Committee, Dec. 11, 2015) [hereinafter *COMPARATIVE STATISTICAL PROFILE*].

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Newt Gingrich, *Treating Kids As Kids to Help Curb Crime*, *N.Y. POST*, Mar. 20, 2015, <http://nypost.com/2015/03/20/treating-kids-as-kids-to-help-curb-crime/> [hereinafter *Gingrich*].

<sup>57</sup> *JOHN LOCKE FOUNDATION REPORT*, *supra* note \_\_, at 2.

these arguments, the Committee recommends a policy that is appropriate for the majority of youthful offenders, with two safeguards for ensuring community safety with respect to the minority of youthful offenders who commit violent crimes: (1) requiring that youthful offenders charged with Class A through E felonies be tried in adult criminal court and (2) maintaining the existing procedure that allows other cases to be transferred to adult court when appropriate.<sup>58</sup>

### Raising the Age Will Make North Carolina Safer

As noted in the John Locke Foundation report supporting raising the juvenile age in North Carolina, “[r]esearch consistently shows that rehabilitation of juveniles is more effectively obtained in juvenile justice systems and juvenile facilities, as measured by recidivism rates.”<sup>59</sup> Recidivism refers to an individual’s relapse into criminal behavior, after having experienced intervention for a previous crime,<sup>60</sup> such as a conviction and prison sentence. Lower rates of recidivism means less crime and safer communities. Both North Carolina and national data suggest that prosecuting youthful offenders as adults results in higher rates of recidivism than when youthful offenders are treated in the juvenile system. Thus, raising the age is likely to result in lower recidivism, less crime, and increased safety.

North Carolina data shows a significant 7.5% decrease in recidivism when teens are adjudicated in the juvenile versus the adult system.<sup>61</sup> Experts suggest that youthful offenders have a higher recidivism rate when prosecuted in the adult criminal system because, unlike the juvenile system, the criminal system lacks the ability to implement the most targeted, juvenile-specific, effective interventions for rehabilitation within a framework of parental and community involvement to include mental health, education, and social services participation in the continuum of care.<sup>62</sup> North Carolina data also shows that when youthful offenders are prosecuted in the adult system, they recidivate at a rate that is 12.6% higher than the overall population.<sup>63</sup> Also, individuals with deeper involvement in the criminal justice system generally recidivate at higher rates than those with less involvement (for example, a sentence of probation versus one of imprisonment).<sup>64</sup> Contrary to the conventional rule, in North Carolina youthful offenders who receive probation recidivate at a higher rate than defendants who are released after a prison sentence.<sup>65</sup> These last two data points indicate that North Carolina’s treatment of youthful offenders is inconsistent with reducing crime and promoting community safety. Overall, North Carolina data is consistent with data nationwide: recidivism rates are higher when juveniles are prosecuted in adult criminal court.<sup>66</sup>

<sup>58</sup> See *supra* pages \_\_\_ (specifying these recommendations); see generally JOHN LOCKE FOUNDATION REPORT, *supra* note \_\_, at 2 (arguing: “As long as there are mechanisms in place which permit juvenile offenders whose crimes are individually deemed serious enough to be tried as adults, considerations of public safety and the wellbeing of state wards suggest North Carolina should seriously look at joining nearly all other states in making the juvenile justice system the default destination for 16 year-olds.”).

<sup>59</sup> JOHN LOCKE FOUNDATION REPORT, *supra* note \_\_, at 3.

<sup>60</sup> National Institute of Justice, Recidivism, NIJ, <http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx> (last modified June 17, 2014).

<sup>61</sup> COMPARATIVE STATISTICAL PROFILE, *supra* note \_\_, at Tables 9 and 11 (showing a two-year recidivism rate for 16-17 year old probationers to be 49.3% and a two-year recidivism rate for 15-year-olds to be 41.8%).

<sup>62</sup> Comments of William Lassiter, Committee Meeting Dec. 11, 2015.

<sup>63</sup> COMPARATIVE STATISTICAL PROFILE, *supra* note \_\_, at Table 9 (while the overall probation entry population recidivates at a rate of 36.7%, 16- and 17-year-olds recidivate at the much higher rate of 49.3%).

<sup>64</sup> NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION, CORRECTIONAL PROGRAM EVALUATION: OFFENDERS PLACED ON PROBATION OR RELEASED FROM PRISON IN FISCAL YEAR 2010/11, at iii, Figure 2 (2014) (showing that two-year recidivism rate as measured by rearrests was 36.8% for probationers while the rate for persons released from prison was 48.6%).

<sup>65</sup> COMPARATIVE STATISTICAL PROFILE, *supra* note \_\_, at Table 9 (showing that while recidivism for overall prison releases is 48.6%, recidivism rates for youthful offenders sentenced to probation is 49.3%).

<sup>66</sup> As noted by Newt Gingrich when arguing in favor of raise the age legislation in New York:

*Research shows that prosecuting youths as adults increases the chances that they will commit more serious crimes. A Columbia University study compared minors arrested in New Jersey (where the age of adulthood is 18) with those in New York. New York teens were more likely to be rearrested than those processed in New Jersey’s juvenile court for*

Additionally, evidence shows that youth receive more supervision in the juvenile system than the adult system. Because they typically present in the adult system with low-level offenses, charges against youthful offenders often are dismissed.<sup>67</sup> Even when youthful offenders are convicted, because they typically have little or no prior criminal record,<sup>68</sup> sentences are often light.<sup>69</sup> As Newt Gingrich observed when supporting raise the age legislation in New York, “because most minors are charged with low-level offenses, the adult system often imposes no punishment whatsoever, teaching a dangerous lesson: You won’t be held accountable for breaking the law.”<sup>70</sup>

Some assert that prosecuting youthful offenders in criminal court has an important deterrent effect. However, as noted in a John Locke Foundation report supporting raising the age in North Carolina, studies show that prosecuting juveniles in adult court does not in fact deter crime.<sup>71</sup> That report continues:

The studies all show that, perhaps due to minors’ lack of maturity or less-than-developed frontal cortex, which controls reasoning, legislative efforts to inflict criminal court jurisdiction and punishments upon minors have not deterred crime. Even more than adult offenders, the very problem with juvenile offenders is that too often they do not think carefully before committing their misdeeds, and they rarely, if ever, review the statutory framework to determine the consequences.<sup>72</sup>

Other researchers agree that adult criminal sanctions do not deter youth crime.<sup>73</sup>

The Committee’s recommendation has built-in protections to deal with violent juveniles: (1) requiring that youthful offenders charged with Class A through E felonies be tried in adult criminal court<sup>74</sup> and (2) maintaining the existing procedure that allows other cases to be transferred to adult court when appropriate.<sup>75</sup> Notably, North Carolina’s existing transfer provision has been used for 13, 14, and 15-year-olds for many years, with no empirical evidence suggesting that violent youth are falling through the cracks.<sup>76</sup>

*identical crimes. For violent crimes, rearrests were 39 percent greater. Studies in other states have yielded similar results, leading experts at the Centers for Disease Control to recommend keeping kids out of adult court to combat community violence.*

*Gingrich, supra note \_\_; see also JOHN LOCKE FOUNDATION REPORT, supra note \_\_, at 3-4 (citing several studies that have compared recidivism rates for juvenile offenders tried in juvenile courts with those for juveniles tried in criminal courts); OLA LISOWSKI & MARC LEVIN, MACIVER INSTITUTE & TEXAS PUBLIC POLICY FOUNDATION, 17-YEAR-OLDS IN ADULT COURT: IS THERE A BETTER ALTERNATIVE FOR WISCONSIN’S YOUTH AND TAXPAYERS? 3, 7-9 (2016) (noting that “[i]n Wisconsin, 17-year-olds are three times more likely to return to prison if they originally go through the adult system rather than the juvenile system”; discussing studies in other states, including New York and New Jersey, Florida, and Minnesota) [hereinafter LISOWSKI & LEVIN].*

<sup>67</sup> PowerPoint accompanying Comments of Judge Morey, Committee Meeting Dec. 11, 2015 (noting that in Durham, of the 632 misdemeanors charges taken out on 16- and 17-year-olds in 2012, 495 were dismissed), <http://nccali.org/wp-content/uploads/2015/12/October-2015-Sentencing-Commissions-Research-and-Policy-Study-Group.pdf>.

<sup>68</sup> COMPARATIVE STATISTICAL PROFILE, supra note \_\_, at Table 5 (showing that less than 2% of youthful offenders present with a prior record at level III or above).

<sup>69</sup> Id. at Table 7 (showing that almost 75% of youthful offenders receive non-active (community) punishment).

<sup>70</sup> Gingrich, supra note \_\_.

<sup>71</sup> JOHN LOCKE FOUNDATION REPORT, supra note \_\_, at 3 (so noting and discussing data from New York, Idaho, and Georgia calling into question the notion that prosecuting juveniles in adult court has a deterrent effect).

<sup>72</sup> Id.

<sup>73</sup> LISOWSKI & LEVIN, supra note \_\_, at 5 (noting that in 1994, after Georgia passed a law restricting access to juvenile court for certain youth, a study showed no significant change in juvenile arrest rates in the years following the statute’s enactment; noting that after New York passed a similar law in 1978, a study found that arrest rates for most offenses remained constant or increased in the time period of the study).

<sup>74</sup> According to the recommendations above, Class A-E felony charges against 16- and 17-year olds will be automatically transferred to superior court after a finding of probable cause or by indictment. See supra p. \_\_ (so specifying)

<sup>75</sup> See supra p. \_\_ (so specifying).

<sup>76</sup> The John Locke Foundation report concluded: “North Carolina [has] a robust system of transfer for felony juvenile offenders, which ensures that the most serious of juvenile offenders can be tried in adult courts even if the age of juvenile court jurisdiction is raised.” JOHN LOCKE FOUNDATION REPORT, supra note \_\_, at 1.

Finally, studies show when states have implemented raise the age legislation, public safety has improved.<sup>77</sup>

### Raising the Age Will Benefit North Carolina Economically

Two separate studies authorized by the North Carolina General Assembly indicate that raising the juvenile age will produce significant economic benefits for North Carolina:

1. In 2009, the Governor’s Crime Commission Juvenile Age Study submitted to the General Assembly included a cost-benefit analysis of raising the age of juvenile court jurisdiction to 18. The analysis, done by ESTIS Group, LLC, found that the age change would result in a net benefit to the state of \$7.1 million.<sup>78</sup>
2. In 2011, the Youth Accountability Planning Task Force submitted its final report to the General Assembly. The Task Force’s report included a cost-benefit analysis, done by the Vera Institute of Justice, of prosecuting 16 and 17-year-old misdemeanants and low-level felons in juvenile court. That report estimated net benefits of \$52.3 million.<sup>79</sup>

Much of the estimated cost savings would result from reduced recidivism, which “eliminates future costs associated with youth ‘graduating’ to the adult criminal system, and increased lifetime earnings for youth who will not have the burden of a criminal record.”<sup>80</sup> Cost savings from reduced recidivism has been cited in the national discourse on raising the juvenile age. As noted by Newt Gingrich when arguing in favor of raise the age legislation in New York:

Recidivism is expensive. There are direct losses to victims, the public costs of law enforcement and incarceration and the lost economic contribution of someone not engaged in law-abiding work. When Connecticut raised the age for adult prosecution to 18, crime rates quickly dropped and officials were able to close an adult prison. Researchers calculated the lifetime gain of helping a youth graduate high school and avoid becoming a career criminal or drug user at \$2.5 million to \$3.4 million *for just one person*. An adult record permanently limits youth prospects; it becomes harder to gain acceptance to a good school, get a job or serve in the military. Juvenile records are sealed and provide more opportunity. It’s only fair to give a young person who has paid his debt to society a fresh start. It is in our best interest that youth go on to contribute to the economy, rather than becoming a drain through serial incarceration or dependence on public assistance.<sup>81</sup>

And as noted in a John Locke Foundation report supporting raising the juvenile age, “North Carolina is not merely relying on the projections, but can look to the proven experience of other states.”<sup>82</sup> That report continues: “Some 48 other states from Massachusetts to Mississippi have successfully

<sup>77</sup> See, e.g., RICHARD MENDEL, JUSTICE POLICY INSTITUTE, *JUVENILE JUSTICE REFORM IN CONNECTICUT: HOW COLLABORATION AND COMMITMENT HAVE IMPROVED PUBLIC SAFETY AND OUTCOMES FOR YOUTH 29* (2013) (“Available data leave no doubt that public safety has improved as a result of Connecticut’s juvenile justice reforms.”) [hereinafter *CONNECTICUT REPORT*]; see also *infra* pages \_\_ - \_\_ (discussing other states’ experiences with raise the age legislation).

<sup>78</sup> GOVERNOR’S CRIME COMMISSION JUVENILE AGE STUDY, *A STUDY OF THE IMPACT OF EXPANDING THE JURISDICTION OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION 4-6* (2009) [hereinafter 2009 GOVERNOR’S CRIME COMMISSION REPORT].

<sup>79</sup> YOUTH ACCOUNTABILITY TASK FORCE REPORT, *supra* note \_\_.

<sup>80</sup> LaToya Powell, U.S. Senators Support “Raise the Age”, *N.C. CRIM. LAW BLOG* (July 14, 2014), <http://nccriminallaw.sog.unc.edu/u-s-senators-support-raise-the-age/>.

<sup>81</sup> Gingrich, *supra* note \_\_.

<sup>82</sup> JOHN LOCKE FOUNDATION REPORT, *supra* note \_\_, at 7.

raised the age and implemented this policy change effectively and without significant complications. Many states, including Connecticut and Illinois, have found that the transition can be accomplished largely by reallocating funds and resources among the adult and juvenile systems.”<sup>83</sup>

The Committee recognizes that its recommendations will require a significant outlay of taxpayer funds, with benefits achieved long-term. However, there are good reasons to believe that costs will be lower than estimated in the analyses noted above. First, the 2011 Vera Institute cost-benefit analysis estimated costs with FY 2007/08 juvenile arrest data. However, as shown in Figure 2 below, juvenile arrest rates have decreased dramatically from 2008.<sup>84</sup>

**Fig. 2.** Falling arrest rates for juveniles under age 18.

	Violent Crime	Property Crime
2008	2,597	13,307
2014	1,537	7,919

Source: North Carolina State Bureau of Investigation, *Crime in North Carolina – 2014*, 7 (Nov. 2015).

These declining arrest numbers for all persons under 18 years old suggest that system costs may be lower than those estimated based on FY 2007/08 data.<sup>85</sup>

Additionally, no prior cost analysis on the juvenile age issue has accounted for cost reductions associated with statewide implementation of pilot programs that reduce admissions into the juvenile system, as recommended by the Committee.<sup>86</sup> For these reasons North Carolina may experience actual costs that are less than those that have been predicted. This in fact would be consistent with the experiences of other states that have raised the juvenile age.<sup>87</sup>

Finally, prior examination of fiscal impact may not have sufficiently taken into account current standards linked to the federal Prison Rape Elimination Act (PREA) that “are likely to raise costs in the adult justice system as county jails and state prisons spend more in areas such as staffing, programming, and facilities.”<sup>88</sup> Thus, “[e]ven the apparent short-term cost advantages of the adult justice system will diminish.”<sup>89</sup> With respect to staffing costs, male 16- and 17-year-old criminal defendants are housed at Foothills Correctional Center; females at North Carolina Correctional Institution for Women.<sup>90</sup> The Division of Juvenile Justice reports that Foothills currently houses 65 juveniles; the Institution for Women houses three. In order to comply with the sight and sound segregation requirements of PREA, every time juveniles are moved within those adult facilities, the facilities must be in lock down, with obvious staffing costs.

<sup>83</sup> *Id.* (providing detail on the experience in Connecticut and Illinois).

<sup>84</sup> North Carolina State Bureau of Investigation, *Crime in North Carolina - 2014*, 7 (Nov. 2015) [hereinafter *NC SBI Crime Report*], [http://crimereporting.ncsbi.gov/public/2014/ASR/2014 Annual Summary.pdf](http://crimereporting.ncsbi.gov/public/2014/ASR/2014%20Annual%20Summary.pdf).

<sup>85</sup> A 2013 fiscal note prepared in connection with HB 725 used data from FY 2012/13. Juvenile arrest rates likewise have declined since 2012: In 2012, 1,556 juveniles under 18 were arrested for violent crimes; that number dropped to 1,537 in 2014. *NC SBI Crime Report*, *supra* note \_\_. In 2012, 9,539 juveniles under 18 were arrested for property crimes; that number dropped to 7,919 in 2014. *Id.*

<sup>86</sup> See *infra* pages \_\_-\_\_.

<sup>87</sup> See *infra* pages \_\_-\_\_ (noting that in Connecticut although juvenile caseloads were expected to grow by 40% they grew only 22% and that Connecticut spent nearly \$12 million less in 2010 and 2011 than had been budgeted).

<sup>88</sup> Press Release, John Locke Foundation, *Long-Term Cost Savings Likely from Raising N.C. Juvenile Justice Age* (July 17, 2013) (quoting Marc Levin, co-author of *JOHN LOCKE FOUNDATION REPORT*) [hereinafter *John Locke Press Release*], [http://www.johnlocke.org/press\\_releases/show/713](http://www.johnlocke.org/press_releases/show/713).

<sup>89</sup> *Id.*

<sup>90</sup> See *supra* n. \_\_.

## Raising the Age Has Been Successfully Implemented in Other States

Other states have enacted raise the age legislation, over vigorous objections that doing so would negatively affect public safety, create staggering caseloads and overcrowded detention facilities, and result in unmanageable fiscal costs.<sup>91</sup> As it turns out, none of the predicted negative consequences have come to pass. For example, in 2009 Illinois moved 17-year-olds charged with misdemeanors from the adult to the juvenile system.<sup>92</sup> Among other things, Illinois reported:

- The juvenile system did not “crash.”
- Public safety did not suffer.
- County juvenile detention centers and state juvenile incarceration facilities were not overrun. In fact, three facilities were closed and the state reported excess capacity statewide.<sup>93</sup>

The Illinois experience was so positive that in July 2013, that state expanded its raise the age legislation to include all 17-year-olds in the juvenile justice system, including those charged with felonies.<sup>94</sup>

Connecticut’s experience was similarly positive. In 2007, Connecticut enacted legislation to raise the age of juvenile jurisdiction from 16 to 18, effective 2010 for 16-year-olds and 2012 for 17-year olds.<sup>95</sup> After the change, juvenile caseloads grew at a lower-than-expected rate and the state spent nearly \$12 million less than budgeted in the two years following the change.<sup>96</sup> A report on Connecticut’s experience gives this bottom line for that state’s experience: “Cost savings and improved public safety.”<sup>97</sup> As has been noted, 48 other states have increased the juvenile age “without significant complications.”<sup>98</sup>

While raise the age efforts have proved to be successful, lower the age campaigns have proved unworkable. In 2007, Rhode Island lowered its juvenile age, pulling 17-year-olds out of the juvenile system and requiring that they be prosecuted as adults.<sup>99</sup> Proponents asserted that the change would save the state \$3.6 million because 17-year-olds would be housed in adult prisons rather than training schools. But the experiment was a failure. As it turned out, youths sentenced to adult prison had to be, for safety reasons, housed in super max custody facilities at the cost of more than \$100,000 per year.<sup>100</sup> Just months later Rhode Island abandoned course and rescinded the law.<sup>101</sup>

<sup>91</sup> ILLINOIS JUVENILE JUSTICE COMMISSION, *RAISING THE AGE OF JUVENILE COURT JURISDICTION: THE FUTURE OF 17-YEAR-OLDS IN ILLINOIS’ JUSTICE SYSTEM 6* (2013) (noting these objections) [hereinafter ILLINOIS REPORT], <http://ijc.illinois.gov/sites/ijc.illinois.gov/files/assets/IJC - Raising the Age Report.pdf>.

<sup>92</sup> *Id.* (noting that initial legislation was passed over opponents’ assertions that the law would lead to “unmanageable fiscal costs”). For more background on the raising the age in Illinois, see Illinois Juvenile Justice Commission, *Raising the Age of Juvenile Court Jurisdiction: The Future of 17-Year-Olds in Illinois’ Justice System*, IJC, <http://ijc.illinois.gov/rta> (last visited Mar. 23, 2016).

<sup>93</sup> ILLINOIS REPORT, *supra* note \_\_, at 6; see also John Locke Press Release, *supra* note \_\_ (noting that “[a]fter Illinois raised the juvenile jurisdiction age in 2010, both juvenile crime and overall crime dropped so much that the state was able to close three juvenile lockups because they were no longer needed”).

<sup>94</sup> Illinois Public Act 098-0061.

<sup>95</sup> See CONNECTICUT REPORT, *supra* note \_\_, at 15-16.

<sup>96</sup> *Id.* at 27 (reporting that juvenile caseloads grew at a rate of 22% versus 40% as projected).

<sup>97</sup> *Id.* at 3. More information on Connecticut’s experience is available at *Raise the Age CT* (a project of the Connecticut Juvenile Justice Alliance). See Connecticut Juvenile Justice Alliance, *Raise the Age CT*, <http://raisetheagect.org/index.html> (last visited Mar 23, 2016).

<sup>98</sup> John Locke Press Release, *supra* note \_\_.

<sup>99</sup> 2009 GOVERNOR’S CRIME COMMISSION REPORT, *supra* note \_\_, at 13.

<sup>100</sup> *Id.*; see also Katie Zezima, *Law on Young Offenders Causes Rhode Island Furor*, N.Y. TIMES, Oct. 30, 2007, [http://www.nytimes.com/2007/10/30/us/30juvenile.html?\\_r=0](http://www.nytimes.com/2007/10/30/us/30juvenile.html?_r=0).

<sup>101</sup> 2009 GOVERNOR’S CRIME COMMISSION REPORT, *supra* note \_\_, at 13.

### Raising the Age Strengthens Families

Suppose that 16-year-old high school junior Bobby is charged with assault, after a fight at school over a girl. Because North Carolina treats Bobby as an adult, his case can proceed to completion with no parental involvement or input. This led Newt Gingrich to assert, when arguing for raise the age legislation in New York:

[L]aws that undermine the family harm society. When a 16- or 17-year-old is arrested [he or she] ... can be interviewed alone and can even agree to plea bargains without parental consent. What parent would not want the chance to intervene, to set better boundaries or simply be a parent? The current law denies them that right.<sup>102</sup>

While the criminal justice system cuts parents out of the process, the juvenile system requires their participation<sup>103</sup> and thus serves to strengthen parents' influence on their teens.

### Raising the Age Is Supported By Science

Although North Carolina treats its youthful offenders as adults, widely accepted science reveals that adolescent brains are not fully developed.<sup>104</sup> Among other things, research teaches that:

- Interactions between neurobiological systems in the adolescent brain cause teens to engage in greater risk-taking behavior.<sup>105</sup>
- Increases in reward- and sensation-seeking behavior precede the maturation of brain systems that govern self-regulation and impulse control.<sup>106</sup>
- Despite the fact that many adolescents may appear as intelligent as adults, their ability to regulate their behavior is more limited.<sup>107</sup>
- Teens are more responsive to peer influence than adults.<sup>108</sup>
- Relative to adults, adolescents have a lesser capacity to weigh long-term consequences;<sup>109</sup> as they mature into adults, they become more future oriented, with increases in their consideration of future consequences, concern about the future, and ability to plan ahead.<sup>110</sup>
- As compared to adults, adolescents are more sensitive to rewards, especially immediate rewards.<sup>111</sup>

<sup>102</sup> Gingrich, *supra* note \_\_.

<sup>103</sup> See *supra* pages \_\_-\_\_ (noting that parents must participate in proceedings in juvenile court).

<sup>104</sup> Comments of Dr. Cindy Cottle, Committee Meeting December 11, 2015; Comments of Deputy Commissioner Lassiter, Committee Meeting Dec. 11, 2015; Laurence Steinberg, *Adolescent Development and Juvenile Justice*, 5 ANNU. REV. CLIN. PSYCHOL. 459, 465 (2009) (research shows continued brain maturation through the end of adolescence).

<sup>105</sup> Steinberg, *supra* note \_\_, at 466; Comments of Dr. Cindy Cottle, Committee Meeting Dec. 11, 2015.

<sup>106</sup> Steinberg, *supra* note \_\_, at 466.

<sup>107</sup> *Id.* at 467.

<sup>108</sup> *Id.* at 468; Comments of Dr. Cindy Cottle, Committee Meeting Dec. 11, 2015; Comments of Deputy Commissioner Lassiter, Committee Meeting Dec. 11, 2015.

<sup>109</sup> Comments of Dr. Cindy Cottle, Committee Meeting Dec. 11, 2015.

<sup>110</sup> Steinberg, *supra* note \_\_, at 469; Comments of Deputy Commissioner Lassiter, Committee Meeting Dec. 11, 2015.

<sup>111</sup> Steinberg, *supra* note \_\_, at 469; Comments of Dr. Cindy Cottle, Committee Meeting Dec. 11, 2015.

- Adolescents are less able than adults to control impulsive behaviors and choices.<sup>112</sup>
- Adolescents are less responsive to the threat of criminal sanctions.<sup>113</sup>

This research and related data has significant implications for justice system policy. First, it suggests that adolescents are less culpable than adults.<sup>114</sup> If the relative immaturity of a 16-year-old's brain prevents him from controlling his impulses, he is less culpable than an adult who possesses that capability but acts nevertheless.<sup>115</sup> Second, the vast majority of adolescents who commit antisocial acts desist from such activity as they mature into adulthood.<sup>116</sup> Rather than creating a lifetime disability for youthful offenders (e.g., public record of arrest and conviction; ineligibility for employment and college financial aid, etc.), sanctions for delinquent youth should take into account the fact that most juvenile offenders "mature out of crime,"<sup>117</sup> growing up to be law-abiding citizens. Third, response systems that "attend to the lessons of developmental psychology" are more effective in reducing recidivism among adolescents than the punitive criminal justice model.<sup>118</sup> Research shows that active interventions focused on strengthening family support systems and improving abilities in the areas of self-control, academic performance, and job skills are more effective than strictly punitive measures in reducing crime.<sup>119</sup> While these type of interventions can be and are implemented in the juvenile system, they are virtually unavailable in the adult criminal justice system. Finally, because adolescents are particularly susceptible to peer influence, outcomes are likely to be better when individuals in a formative stage of development are placed in an environment with an authoritative parent or guardian and prosocial peers rather than with adult criminals.<sup>120</sup>

### **Raising the Age is Consistent with Supreme Court Decisions Recognizing Juveniles' Lesser Culpability & Greater Capacity for Rehabilitation**

Raising the juvenile age is consistent with recent decisions by the United States Supreme Court recognizing that juveniles' unique characteristics require that they be treated differently than adults. First, in *Roper v. Simmons*,<sup>121</sup> the Court held that the Eighth Amendment bars imposing capital punishment on juveniles. Next, in *Graham v. Florida*,<sup>122</sup> it held that same amendment prohibits a sentence of life without the possibility of parole for juveniles who commit non-homicide offenses. Then, in *Miller v. Alabama*,<sup>123</sup> the Court held that mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment. Citing the type of science and social science research discussed in this report,<sup>124</sup> the Court recognized that juvenile offenders are less culpable than adults, have a greater capacity than adults for rehabilitation, and are less responsive than adults to the threat of criminal sanctions.<sup>125</sup> The Court found persuasive

<sup>112</sup> Steinberg, *supra* note \_\_, at 470.

<sup>113</sup> *Id.* at 480; Comments of Dr. Cindy Cottle, Committee Meeting Dec. 11, 2015.

<sup>114</sup> Steinberg, *supra* note \_\_, at 471.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.* at 478.

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* at 478-79.

<sup>119</sup> *Id.* at 479.

<sup>120</sup> *Id.* at 480.

<sup>121</sup> 543 U.S. 551 (2005).

<sup>122</sup> 560 U.S. 48 (2010).

<sup>123</sup> 567 U.S. \_\_, 132 S. Ct. 2455 (2012).

<sup>124</sup> See *supra* pages \_\_ - \_\_.

<sup>125</sup> *Miller*, 567 U.S. at \_\_, 132 S. Ct. at 2464-65.

research “showing that only a relatively small proportion of adolescents who engage in illegal activity develop entrenched patterns of problem behavior,”<sup>126</sup> stating:

[Y]outh is more than a chronological fact. It is a time of immaturity, irresponsibility, impetuosity[,], and recklessness. It is a moment and condition of life when a person may be most susceptible to influence and to psychological damage. And its signature qualities are all transient.<sup>127</sup>

And just this year, in *Montgomery v. Louisiana*,<sup>128</sup> the Court took the extraordinary step of holding that the *Miller* rule applied retroactively to cases that became final before it was decided. The *Montgomery* Court recognized that the “vast majority of juvenile offenders” are not permanently incorrigible, and that only the “rarest” of juveniles can be so categorized.<sup>129</sup> The Court again noted that most juvenile crime “reflect[s] the transient immaturity of youth.”<sup>130</sup>

The Court’s reasoning in these cases supports raising the age of juvenile court jurisdiction.

### **Raising the Age Removes a Competitive Disadvantage NC Places on its Youth**

Suppose two candidates apply for a job. Both have the same credentials. Both got into fights at school when they were 16 years old, triggering involvement with the judicial system. But because one of the candidates, Sam, lives in Tennessee, his juvenile delinquency adjudication is confidential and cannot be discovered by his potential employer. The other candidate, Tom, is from North Carolina. Because of that, his interaction with the justice system resulted in a criminal conviction for affray. Tom’s entire criminal record is discovered by his potential employer. Who is more likely to get the job?

As this scenario illustrates, saddling North Carolina’s youth with arrest and conviction records puts them at a competitive disadvantage as compared to youth from other states.<sup>131</sup> Although some have suggested that expunction can be used to remove teens’ criminal records, there are significant barriers to expunction, such as legal fees. One district court judge reported to the Committee that expunctions for youthful offenders represent only a “tiny fraction” of the total convictions.<sup>132</sup> Additionally, even if expunction is available to remove the official criminal record, it does nothing to delete information about a youthful offender’s arrest or conviction as reported on the internet by news outlets, private companies, and social media.

### **Reducing School-Based Referrals Can Mitigate the Costs of Raising the Age**

In North Carolina, school-based complaints account for almost half of the referrals to the juvenile justice system.<sup>133</sup> This phenomenon is asserted to be part of the “school to prison pipeline,” through which children are referred to the court system for classroom misbehavior that a generation ago would have been handled in the schools. Concerns have been raised nationally and in North Carolina that excessive punishment of public school students for routine misbehavior is

<sup>126</sup> *Id.* at \_\_\_, 132 S. Ct. at 2464 (internal quotation omitted).

<sup>127</sup> *Id.* at \_\_\_, 132 S. Ct. at 2467 (internal quotation and citation omitted).

<sup>128</sup> 577 U.S. \_\_\_, 136 S. Ct. 718 (2016).

<sup>129</sup> *Id.* at \_\_\_, 136 S. Ct. at 734.

<sup>130</sup> *Id.*

<sup>131</sup> Comments of Judge Brown, Committee Meeting Dec. 11, 2015; Comments of Police Chief Palombo, Committee Meeting Dec. 11, 2015.

<sup>132</sup> Comments of Judge Brown, Committee Meeting Dec. 11, 2015.

<sup>133</sup> Presentation by Deputy Commissioner William Lassiter, Committee Meeting Dec. 11, 2015, <http://nccalj.org/wp-content/uploads/2015/12/11-Trends-SPAC-2015.pdf>.

counterproductive and out of sync with what science and social science teach about the most effective corrective action.<sup>134</sup> Some have suggested that such referrals unnecessarily burden the juvenile justice system with frivolous complaints.<sup>135</sup>

Responding to these concerns, individuals and groups throughout the nation have developed models to stem the flow of school-based referrals to the court system, instead addressing school misconduct immediately and effectively when and where it happens. In 2004, Juvenile Court Judge Steven Teske of Georgia developed one such model, in which school officials, local law enforcement, and others signed on to a cooperative agreement. The agreement provides, among other things, that “misdemeanor delinquent acts,” like disrupting school and disorderly conduct do not result in the filing of a court complaint unless the student commits a third or subsequent similar offense during the school year, and the principal conducts a review of the student’s behavior plan. Youth first receive warnings and after a second offense, they are referred to mediation or school conflict training programs. Elementary students cannot be referred to law enforcement for “misdemeanor delinquent acts” at all. Teske’s program reports an 83% reduction in school referrals to the justice system.<sup>136</sup> It also reports another significant outcome: a 24% increase in graduation rates.<sup>137</sup> Two other states that have adopted similar programs – commonly referred to as school-justice partnerships – have experienced similar results.<sup>138</sup> In fact, Connecticut has enacted a state law requiring all school systems that use law enforcement officers on campus to create school-justice partnerships.<sup>139</sup>

North Carolina already has one such program in place. Modeled on Teske’s program, Chief District Court Judge J.H. Corpening II, has implemented a school-justice partnership program in Wilmington, North Carolina. Like Teske’s program, the Wilmington program requires that official responses to school-based disciplinary issues conform to what science and social science teaches is effective for juveniles.<sup>140</sup> The program was crafted with participation from local law enforcement, prosecutors, court counselors, the chief public defender, school officials, and community members. The group developed an approach that deals with school discipline in a consistent and positive way through a graduated discipline model.<sup>141</sup> The goal is for the schools to take a greater role in addressing misbehavior when and where it happens, rather than referring minor matters to the court system, with its delayed response. Officials in North Carolina’s Juvenile Justice system view the program as a “huge step forward” with respect to reducing school-based referrals.<sup>142</sup> Because Wilmington’s program is so new, data on its effectiveness is not available. However, based on data from other jurisdictions, statewide implementation of school-justice partnerships based on the Georgia model promises to reduce referrals to the juvenile system and thus mitigate costs associated with raising the juvenile age.

<sup>134</sup> See, e.g., TERI DEAL ET AL., NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, SCHOOL PATHWAYS TO THE JUVENILE JUSTICE SYSTEM PROJECT: A PRACTICE GUIDE 1 (2014), [http://www.ncjfcj.org/sites/default/files/NCJFCJ\\_SchoolPathwaysGuide\\_Final2.pdf](http://www.ncjfcj.org/sites/default/files/NCJFCJ_SchoolPathwaysGuide_Final2.pdf).

<sup>135</sup> *Id.*

<sup>136</sup> Steven Teske, *States Should Mandate School-Justice Partnership to End Violence Against Our Children*, JUVENILE JUSTICE INFORMATION EXCHANGE (Dec. 8, 2015), <http://jjiie.org/states-should-mandate-school-justice-partnership-to-end-violence-against-our-children/163156/>.

<sup>137</sup> *Id.*

<sup>138</sup> *Id.* (early results from Texas showed a 27% drop in referrals; two sites in Connecticut experienced reductions of 59% and 87% respectively).

<sup>139</sup> *Id.* (reporting that “Connecticut passed Public Law 15-168 to require all school systems using law enforcement on campus to create a school-justice partnership that limits the role of police in disciplinary matters and requires a graduated response system in lieu of arrests”).

<sup>140</sup> Comments of Judge Corpening, Committee Meeting Dec. 11, 2015 (describing Wilmington’s program).

<sup>141</sup> *Id.*

<sup>142</sup> Comments of Deputy Commissioner William Lassiter, Committee Meeting Dec. 11, 2015.

## North Carolina Department of Juvenile Justice Stands Ready to Implement Raise the Age Legislation

Increasing the juvenile age will increase the number of juveniles in the juvenile justice system. Notwithstanding this, the North Carolina Division of Adult Correction and Juvenile Justice supports this recommendation and stands ready to implement raise the age legislation.<sup>143</sup> Speaking to the Committee, Commissioner Guice indicated that he was very supportive of raising the age and emphasized that North Carolina already has done the studies and developed the data on the issue. Additionally, he noted that other states have led the way and their experience with raise the age legislation suggests that “there is no reason why we can’t address this in North Carolina.” In fact, he urged the Committee, not to “back away from doing what is right” on this issue.

## Every North Carolina Study Has Made the Same Recommendation: Raise the Age

In recent history, General Assembly has commissioned two studies of raise the age legislation. Both came to the same conclusion: North Carolina should join the majority of states in the nation and raise the juvenile age. First, in 2007, pursuant to legislation passed by the General Assembly, the North Carolina Sentencing and Policy Advisory Commission submitted its Report on Study of Youthful Offenders recommending, in part, that North Carolina increase the age of juvenile jurisdiction to 18.<sup>144</sup> Second, in 2011, pursuant to legislation passed by the General Assembly, the Youth Accountability Task Force submitted its final report to the General Assembly recommending, among other things, moving youthful offenders to the juvenile justice system.<sup>145</sup> Additionally, in December 2012, the Legislative Research Commission submitted its report to the 2013 General Assembly, supporting a raise the age proposal.<sup>146</sup>

## Broad Bi-Partisan & Unanimous Stakeholder Support to Raise the Age

Bills to raise the juvenile age have been introduced and supported in North Carolina by lawmakers from both sides of the aisle<sup>147</sup> and raise the age proposals and related efforts to remove non-violent juveniles from the adult criminal justice system have enjoyed bipartisan support around the nation.<sup>148</sup>

<sup>143</sup> Comments of Commissioner W. David Guice, Division of Adult Correction and Juvenile Justice, Committee Meeting Dec. 11, 2015; Comments of Deputy Commissioner William Lassiter, Committee Meeting Dec. 11, 2015.

<sup>144</sup> 2007 SENTENCING COMMISSION REPORT, *supra* note \_\_.

<sup>145</sup> YOUTH ACCOUNTABILITY TASK FORCE REPORT, *supra* note \_\_.

<sup>146</sup> LEGISLATIVE RESEARCH COMMISSION, AGE OF JUVENILE OFFENDERS COMMITTEE, REPORT TO THE 2013 GENERAL ASSEMBLY OF NORTH CAROLINA 12 (Dec., 2012) (supporting S 434 after consideration of identified issues) [hereinafter AGE OF JUVENILE OFFENDERS COMMITTEE REPORT], [http://www.ncleg.net/documentsites/committees/lrc/2013 Committee Reports to LRC/Age of Juvenile Offenders LRC Report.pdf](http://www.ncleg.net/documentsites/committees/lrc/2013%20Committee%20Reports%20to%20LRC/Age%20of%20Juvenile%20Offenders%20LRC%20Report.pdf).

In fact, efforts to raise North Carolina’s juvenile age to 18 date back at least until the 1950s. NC JUVENILE JUSTICE: A HISTORY, *supra* n. \_\_, at 17-18 (in 1955, the Commission on Juvenile Courts and Correctional Institutions recommended that the age limit should be so increased); *id.* at 21-22 (in 1956, the preliminary report of the Governor’s Youth Service Commission made the same recommendation); *id.* at 23-24 (a 1956 study by the National Probation and Parole Association noted “the unreasonableness of classifying a sixteen or seventeen year-old youngster as an adult in connection with offenses against society.” (quotation omitted)).

<sup>147</sup> See, e.g., HB 399, 2015 Session of the N.C. General Assembly (primary sponsors: Reps. Avila (R), Farmer-Butterfield (D), Jordan (R), and D. Hall (D)), <http://www.ncga.state.nc.us/gascripts/BillLookUp/BillLookUp.pl?Session=2015&BillID=h399&submitButton=Go>; HB 725, 2013 Session of the N.C. General Assembly (primary sponsors: Reps. Avila (R), Moffitt (R), Mobley (D), and D. Hall (D)), <http://www.ncga.state.nc.us/gascripts/BillLookUp/BillLookUp.pl?Session=2013&BillID=h725&submitButton=Go>; AGE OF JUVENILE OFFENDERS COMMITTEE REPORT, *supra* note \_\_, at 12 (supporting S 434 after consideration of identified issues).

<sup>148</sup> See, e.g., Gingrich, *supra* note \_\_. In 2014, U.S. Senators Rand Paul (R-KY) and Cory Booker (D-NJ) introduced the REDEEM (Record Expungement Designed to Enhance Employment) Act, encouraging states to increase the age of criminal responsibility to 18.

## SUPPORT

The recommendations in this report enjoy unanimous support of the following Committee members, Subcommittee on Juvenile Age members, and key stakeholders, including the N.C. Conference of District Attorneys and the law enforcement community:

- Augustus A. Adams, Committee member & member, N.C. Crime Victims Compensation Committee
- Asa Buck III, Committee member, Sheriff Carteret County & Chairman N.C. Sheriffs' Association Executive Committee
- Randy Byrd, Committee member, & President, N.C. Police Benevolent Association
- James E. Coleman Jr., Professor, Duke University School of Law
- Kearns Davis, Committee member & President-Elect, N.C. Bar Association
- W. David Guice, Commissioner, North Carolina Division of Adult Correction and Juvenile Justice
- Paul A. Holcombe, Committee member & N.C. District Court Judge
- Darrin D. Jordan, Committee member, lawyer, & Commissioner, N.C. Indigent Defense Commission
- Robert C. Kemp III, Committee member, Public Defender & President, N.C. Defenders' Association
- William Lassiter, Subcommittee member & Deputy Commissioner for Juvenile Justice
- Sharon S. McLaurin, Committee member, Magistrate & Past-President, N.C. Magistrates' Association
- R. Andrew Murray Jr., Committee member, District Attorney, & President, N.C. Conference of District Attorneys
- Diann Seigle, Committee member & Executive Director, Carolina Dispute Settlement Services
- Anna Mills Wagoner, Committee member & N.C. Senior Resident Superior Court Judge
- William A. Webb, Commission Co-Chair, Committee Chair & Ret. U.S. Magistrate Judge
- James Woodall, Subcommittee member & District Attorney
- Eric J. Zogry, Subcommittee member & Juvenile Defender, N.C. Office of the Juvenile Defender<sup>149</sup>

<sup>149</sup> LaToya Powell, Assistant Professor, UNC School of Government (SOG) served on the Subcommittee but could not join in these recommendations due to the SOG's guiding principle of non-advocacy. Michelle Hall, Executive Director, N.C. Sentencing and Policy & Advisory Commission also served on the Subcommittee but is not authorized to support or recommend on behalf of the Sentencing and Policy & Advisory Commission. Jessica Smith, W.R. Kenan Distinguished Professor at the SOG, served as Committee Reporter and prepared this report.



SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

4:30 p.m., Tuesday, September 13, 2016

COMMITTEE ROOM

Room 239, City Hall

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- MEMBERS PRESENT: *Council Member Jeff MacIntosh, Vice Chair  
Council Member Denise D. Adams  
Council Member Dan Besse*
  - MEMBER ABSENT: *Council Member Molly Leight, Chair*
  - OTHERS PRESENT: *Council Member Derwin L. Montgomery  
Council Member Robert C. Clark (arrived at 5:32 p.m.)*

Vice Chair MacIntosh called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda. He asked if any items needed to be removed for discussion. Council Member Besse requested to pull Item C-5. Council Member Montgomery requested to pull Item C-6. No other items were removed.

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

CONSENT AGENDA

- C-1. RESOLUTION AUTHORIZING THE INSTALLATION OF A DISPLAY RECOGNIZING CITY OF WINSTON-SALEM GOVERNMENT WOMEN LEADERS, AND INSTALLATION OF THE PORTRAIT OF MAYOR ALLEN JOINES.
- C-2. RESOLUTION OF THE CITY COUNCIL, ACTING IN ITS REDEVELOPMENT CAPACITY, TO MODIFY THE BROOKWOOD REDEVELOPMENT PLAN. *Public Hearing: September 19, 2016.*
- C-3. RESOLUTION AUTHORIZING A LAND LEASE AT KIMBERLEY PARK TO GOLER COMMUNITY DEVELOPMENT CORPORATION TO DEVELOP A HYDROPHONICS/AQUAPHONICS JOB TRAINING FACILITY.
- C-4. PROPOSED DEMOLITION OF 305 FOREST HILL AVENUE (OWNERS LISTED AS DOUGLAS AND JOY WILSON). *[Item continued from the August meeting of the Community Development/Housing/General Government Committee.]*

C-7. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES – *August 9, 2016.*

C-5. RESOLUTION SUPPORTING THE EXPANSION OF THE PIEDMONT TRIAD INTERNATIONAL AIRPORT.

Mr. Derwick Paige, Assistant City Manager gave a brief staff report on this item.

Council Member Besse made a motion to approve this item with modified language. Council Member Adams duly seconded this motion and it carried unanimously.

Council Member Montgomery noted Finance Committee had requested to hold this item for further discussion.

C-6. ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK – *John L. and Emma J. Gilmer House, 605 West Cascade Avenue, Winston-Salem and a portion of an unopened Alley. Public Hearing October 17, 2016.*

Council Member Adams made a motion to hold this item in committee. Council Member Besse duly seconded this motion and it carried unanimously.

GENERAL AGENDA

G-1. PRESENTATION BY JOBS FOR THE FUTURE

Ms. Sara Lamback, 262 Harvard Street, Cambridge, MA, Senior Programs Manager for Jobs for the Future, gave a presentation on this item.

In response to Council Member Besse, Ms. Lamback responded by saying according to their study, the overall poverty rate for City of Winston-Salem is at 24%.

Council Member Besse requested a more accurate data percentage of the poverty levels by race.

Ms. Miriam Sullivan, 15 Ocean Street, Beverly, MA, Jobs for the Future, gave a presentation on this item.

G-2. BUILDING INTEGRATED COMMUNITIES – CITYWIDE ACTION PLAN.

Mrs. Wanda Allen-Abraha, Director of Human Relations, introduced speakers for a report on this item.

Ms. Jessica White, 301 S. Pittsburgh Street, Chapel Hill, NC, and Ms. Hannah Gill, gave a brief presentation on this item.

G-3. REPORT ON COMPASSIONATE CITIES.

Mr. Paige introduced Ms. Drea Parker, Compassionate Cities for a brief update on the program.

G-4. HUMAN RELATIONS COMMISSION ANNUAL REPORT.

Mr. Eusebio Velez, 3982 Heather View Lane, Human Relations Commission gave a brief report on this item.

Ms. Joana DeBo, 4052 Leak Creek Court, Winston-Salem, Human Relations Commission gave a brief report on this item.

In response to Vice Chair MacIntosh, Mrs. Abraha indicated Human Relations partnered with the Community & Business Development Department by educating the neighborhood on their rights.

G-5. INFORMATION ON TURN DEMONSTRATION HOMES CONCEPT.

Mr. Evan Raleigh, Deputy Director for Community Business & Development Department gave a staff presentation on this item.

In response to Council Member Adams, Mr. Raleigh stated the earliest timeline for the startup of this program is summer 2017.

Council Member Adams requested Forsyth Tech partner with this organization.

In response to Council Member Montgomery, Mr. Brooks stated this program is designed to select a house in each area to be rehabbed to a higher standard and then used as a model house.

In response to Council Member Montgomery, Mr. Brooks stated the City will own the plans used to construct the houses.

ADJOURNMENT 5:43 p.m.

