

**TOWN OF ZEBULON**  
**BOARD OF ADJUSTMENT AGENDA**  
**September 19, 2019**  
**7:00 p.m.**

**I. CALL TO ORDER**

**II. APPROVAL OF AGENDA**

**III. ADOPTION OF MINUTES**

*A. November 16, 2017*

**IV. NEW BUSINESS**

*AP 2019-01* A request by the owners of 324 Perry Curtis Road for an appeal and interpretation of Town of Zebulon Code of Ordinances §152.031, §152.032, §152.257. The zoning is Residential (R-20). [NC PINs: 2705 70 4175].

**V. STAFF REPORT**

**VI. ADJOURNMENT**

**Town of Zebulon  
Board of Adjustments Meeting  
November 16, 2017**

**Loucks:** Larry Loucks, Board Chair  
**Mitchell:** James Mitchell, Board Member  
**Adams:** Tad Adams, Board Member  
**Estes:** Jay Estes, Board Member  
**Hughes:** David Hughes, Board Member  
**A. Moore:** Annie Moore, Board Member  
**Hampson:** Toby Hampson, Staff Attorney  
**Spriggs:** Julie Spriggs, Town of Zebulon Senior Planner  
**D. Moore:** Davida Moore, Code Enforcement/Permitting Officer  
**Markland:** Lisa Markland, Town Clerk  
**Hetrick:** Mark Hetrick, Town of Zebulon Planning Commission  
**Pulley:** Officer Jeremy Pulley, Zebulon Police Department  
**Rogers:** Karen Rogers, Wake County Animal Control  
**Lynn:** Jimmy Lynn, Surety Exterminating Company  
**Johnson:** Taylor Johnson, Better Off Construction  
**Mayo:** Virginia Mayo, Appellant  
**M/F:** Male/Female Speaker

Loucks: —Board of Adjustments meeting of November 16, 2017. It's 6:14. First order of business we have is swearing in of new members, and I believe we have one new member to the board. Welcome, James.

Mitchell: Thank you.

[INAUDIBLE]

Markland: I, James Mitchell—

Mitchell: I, James Mitchell—

Markland: —do solemnly swear—

Mitchell: —do solemnly swear—

Markland: —that I will support and maintain—

Mitchell: —that I will support and maintain—



Markland: —the Constitution and laws—

Mitchell: —the Constitution and laws—

Markland: —of the United States and the Constitution and laws —

Mitchell: —and the Constitution and laws —

Markland: —of North Carolina—

Mitchell: —of North Carolina—

Markland: —not inconsistent therewith.

Mitchell: —not inconsistent therewith.

Markland: That I will faithfully—

Mitchell: That I will faithfully—

Markland: —discharge the duties—

Mitchell: —discharge the duties—

Markland: —of my office—

Mitchell: —of my office—

Markland: —as a member—

Mitchell: —as a member of the Board of Adjustments—

Markland: —for the Town of Zebulon.

Mitchell: —Town of Zebulon.

Markland: Congratulations

Loucks: Next item is a reminder. If you have your good old PDA cell phone with you, if you would, please silence it or turn it off so we don't have chirping [ph] during the meeting. Next item on my list is the approval of tonight's agenda, which will be the adoption of the minutes from the March 30<sup>th</sup>, 2017 meeting, and then the

new business item, which will be the appeal of land use administrator, AP 2018-

01. Do I hear a motion to accept the agenda as presented in your booklet?

Adams: So moved.

Loucks: Have a second?

Hughes: Second.

Loucks: Okay. All those in favor say "aye."

M/F: Aye.

Loucks: Opposed? Agenda is accepted as submitted. Our first new business item will be AP 2018-01. I do have some little clerical items here I like to go through. First of all, is the hearing held no longer than 60 days after the receipt of the petition?

Spriggs: Yes.

Loucks: Notice of the time and place of the hearing was given by first-class mail to petitioners and property owners at least 20 days prior to tonight's hearing.

Spriggs: Yes.

Loucks: That notices were placed in and around the property as deemed appropriate at least seven days prior to this hearing.

Spriggs: Yes.

Loucks: And that the general circulation newspaper was notified twice of the time and date, and the place of hearing for publication prior to this hearing.

Spriggs: Yes.

Loucks: All right. And thank you. Second item I have is a little statement I like to read about the Board of Adjustments at every one of our meetings. The Board of Adjustments has a responsibility to hear and decide appeals from the decision or

order of the administrator charged with enforcing the zoning ordinances. Appeals generally fall in two categories.

The first are appeals which are based upon disagreement as to the interpretation of a particular provision or the ordinance, and appeals in which the applicant is asking for relief, a variance from the application of a particular provision to this property. In regard to the first interpretation, the board is limited to finding the true meaning or intent of the ordinance provision. The board cannot change the actual meaning or bend it to fit a particular situation. It can only find what, in its opinion, is the true meaning, and in doing so, either uphold or correct the administrator's interpretation.

In regard to the second authority, a variance, the board may vary the terms of the ordinance, but only where practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance. In granting variances, the board must make specific findings and conclusions as required by law to support its decision. For example, the hardship must relate to the property and not to the applicant's personal situation, and hardship cannot be a result of the applicant's own actions.

Any action by the board in act in favor of the Applicant requires a four-out-of-five vote, and we have five members seated. I am sure that each member of the board would personally like to assist each applicant with his or her problem, but the board is bound by its limited powers and duties, and its legal responsibilities. Any appeal from a decision of the board must be made to the Superior Court and must be effective within 30 days after the board's decision.

Basically, the rules of the hearing are quite simple. We will hear the case presented by the administrator, Mark, and then we will hear from the petitioner, who is here this evening. And then we'll open up questions and let anybody else who would like to testify can address the board.

At this point in time, I'd like to swear in, in a group swear-in, all those people who think they want to talk tonight. This doesn't mean you have to talk, but if you think you have something to add. Yes?

Hampson: I was just going to say we should probably swear the witnesses in one at a time, since—

Estes: Yeah.

Hampson: —we are recording the proceedings, and it is easier for the transcript.

Markland: It is better for the minutes to do them as they come up to speak.

Loucks: You don't want to do them as a group anymore?

Markland: No, sir.

Loucks: Okay.

Markland: We do not.

Loucks: That's what we used to do.

Markland: Also, we forgot to adopt the minutes.

Loucks: Oh, yeah. We didn't. Correct. Thank you. Let me back up. The adoption of the minutes in your package from March 30, 2017, that is the first item in your booklet. Have you all had a chance to review those?

Mitchell: Yes.

A. Moore: Yes.

Loucks: Any question on those? Do I hear a motion to adopt the minutes from March 30, 2017?

Hughes: So Moved

Loucks: I have a motion.

Estes: I make a motion to adapt the minutes from the last meeting.

Loucks: Okay. Motion's been made. Do I hear a second?

A. Moore: Second.

Loucks: All right. Any discussion? All those in favor of accepting the minutes as being presented in our booklets say "aye."

M/F: Aye.

Loucks: Opposed? The minutes are accepted. Okay. Lisa, I guess you can swear in Mark.

Hetrick: It's actually going to be Julie for the staff.

Loucks: Oh, Julie, okay.

Hetrick: And then Davida.

Loucks: All right. And since we are recording, it does help if you can announce your name before you speak, so when they type the minutes up, they know who is talking.

F: [INDISCERNIBLE]

Markland: I'll swear everybody in, and then I'll ask you to state your name and address.  
  
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you, God?

Spriggs: I do.

Markland: State your name.

Spriggs: My name is Julie Spriggs, and the address is 1003 North Arendell Avenue, Zebulon, North Carolina 27597. And so, tonight, the staff report is going to be a little bit different format than what we've done in the past. This is an appeal. There are many moving parts for this staff report. We do have several witnesses that are speaking on behalf of staff.

We are going to have Davida present her findings for the code enforcement and minimum housing inspector, and then we are going to call up several other witnesses that we have seated in the front row to supplement staff's report. And so, when Davida is calling up her key witnesses for their expert testimony—we will let you know when we're done—but we do have four or five that need to speak as part of our staff report.

And so, if you want to interject a question, we're prepared for that, but if you want to save your questions till the end, it might be easier. That way, you can have all of the report from all the different people who have—representing different agencies that were part of the case. And so, with that, I'll turn it over to Davida, and she will finish presenting the staff report.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you, God? State your name and address, please.

D. Moore: Davida Moore. Davida Moore, 1003 North Arendell Avenue, Zebulon, North Carolina.

Good evening. It is unfortunate to present this type of case to you this evening. While some of the photos and video may be uncomfortable to watch,

our objective is to show you the facts of this case and how we saw it. It is my hope that you will make the best decision, not only for this community but for this family.

I would like to begin by giving an overview of what I will be presenting to you this evening. First will be the initial site inspection, where I will be describing to you the details of what occurred during the inspection. The second item that I will be discussing with you will be the search warrant, along with the findings from the search warrant, and my reason to vacate the owner from the home. The third item will be my findings of the minimum housing inspection, including video and photos that were taken during the inspection. I will be going over the result of those findings, which led to the home being deemed dilapidated. The final item that I will go over with you will be recommendations that I hope you will consider when making your decision.

During the minimum housing investigation for 114 East Lee Street, there were three significant events that occurred. The first being the initial site inspection, the second being the search warrant, and the third being the minimum housing inspection. The initial site inspection occurred on August 4, 2017, which you can refer to in Chapter 9 of your agenda packets. I was informed by a fellow staff member that there was a home located at 114 East Lee Street that may not have had water, due to there not being a payment made on their account since 2013. I informed my supervisor, Mark Hetrick, that I would go by the property to do a site inspection.

Due to the past abatements on this property, my supervisor advised that I take an officer with me and check to see if the owner had water. Later that afternoon, Officer Pulley and I met at the property. Once on the property, Officer Pulley and I were greeted by a strong smell of ammonia coming from the home. It was evident, as you can see from the photos, that the carport was overflowing with large amounts of various items. The noticeable nuisance violations were the overgrown grass, as you can see from the first photo, and the nuisance vehicle sitting in the front yard, as you can see from the second video—or excuse me, from the second photo. It was apparent that there were broken window panes on the side of the home, and that cats were going in and out of the broken windows.

After introducing myself to the owner, Ms. Virginia Mayo [ph], I asked if she was aware of the apparent overgrown grass and the nuisance vehicle in the front yard. Ms. Mayo informed me that she was aware of the grass and that she had just gotten it cut in June, but it had grown back very quickly. Her daughter was able to show me a picture of when it was cut.

I asked Ms. Mayo if she was aware of the strong smell of ammonia, and Ms. Mayo stated that she didn't smell anything. When asked about the amount of cats that were in the home, Ms. Mayo stated that she had eight cats living with her.

I asked Ms. Mayo if she had running water in the home. Ms. Mayo replied by stating that she had just made a payment the day before and that the water had been turned off due to a leak in the water line to the ice maker for the refrigerator. I informed Ms. Mayo that I would, unfortunately, have to start a



nuisance violation case and possibly a minimum housing case, based off what I witnessed. I informed Ms. Mayo that I would send her a violation letter with the time period in addressing the violations.

Once back in the office, I was able to return Ms. Mayo's phone call. During the phone call, she informed me that her water had been turned back on and began running water in the background to prove that she had water. I informed Ms. Mayo that I would have to start a minimum housing case to address the strong smell of ammonia coming from the home and to address the broken windows. I confirmed with the City of Raleigh utility billing department that they had cut the water back on due to a payment agreement that was set up between Ms. Mayo and the City of Raleigh. I emailed Wake County Animal Control manager, Karen Rogers, to inform her of the strong smell of ammonia coming from the property and of the cats that were entering and exiting out of the side carport window.

After informing Ms. Rogers of what was witnessed at the initial site inspection, Ms. Rogers informed me of recent past visits that some of her Animal Control officers had completed and what was witnessed during those site visits. It was agreed that the next step should be a search warrant that Wake County Animal Control would be the lead on, but as the minimum housing inspector, I would be a part of.

There was a briefing that was held on August 9, 2017, with Wake County Hoarding Task Force to discuss the process of issuing the search warrant to the owner and the objectives to complete during the search warrant. Those in

attendance were representatives from the Zebulon Police Department, Wake County Animal Control, Zebulon Fire Department, Wake County Fire Department, City of Raleigh hazmat, Therapeutic Alternatives Mobile Crisis unit, and myself, as being the code enforcement and permitting officer. The search warrant was later issued that day, on August 9, 2017.

August 10, 2017, at nine o'clock, the search warrant was executed. You may also refer to this in Chapter 11. After the search warrant was presented to Ms. Mayo by Ms. Rogers and Zebulon Police Department, Ms. Mayo, along with her children, were taken outside of the home, into the front yard. Shortly after, the side windows within the carport that were broken were covered by an Animal Control officer so that any cats within the home were unable to get out, thus making it easier to catch them. There was a hole in the roof, that you can see in these photos, that several cats began to exit from, as shown. The hole in the roof and the chimney were covered to prevent further cats from escaping.

The first department to go into the home was the City of Raleigh hazmat team to ensure the ammonia levels were low enough to enter. At this time, I would like to submit into record the ammonia levels submitted to me through an email and attachments by Captain Marvin Brooks, who was the hazardous materials program manager for City of Raleigh hazmat. Unfortunately, he couldn't be here today, but in his email, he informed me that the ammonia levels were 3.6 ppm, or part per million, max ammonia levels, which were very low levels.

M: [INDISCERNIBLE]

Estes: Are we allowed to ask questions?

Loucks: If during the testimony you have one, you're free to ask a question, or you could wait till the end. We'll mark the parts per million results here as Exhibit A for our booklets.

D. Moore: Once everyone was informed that the ammonia levels were safe to enter, Wake County Animal Control entered the home. After the Wake County Animal Control inspection was complete, myself and the planning director, Mark Hetrick, entered into the home for the first time. The next several slides will show some of the immediate concerns that myself and the planning director, Mark Hetrick, noticed during the inspection.

As you will see in the present slide, there are two holes that are shown. The first picture shows a hole that is located in the living room. The second picture is a hole located in the dining room. The hole located in the dining room was the hole that some of the cats were found to be using to try to escape from Animal Control, since that hole also led to it—outside from it, opening from the roof, or into the roof. The next slide shows you a small hole that was in the family room of the home. Due to this room being cluttered with various items and no clear pathway to walk, as you can see in the second photo, we were unable to take a close photo or even inspect this room.

There was a lot of concern about the number of extension cords located in the dining room. The amount of extension cords stood as a safety hazard, due to the potential to trip or fall over them, and a fire hazard, due to the potential to overheat or deteriorate from continuous use.

Though this next slide may be uncomfortable to look at, it aids in showing the amount of infestation that was in this residence. In the home, at the time of the search warrant, there was an infestation of German cockroaches, fungus gnats, granary moths [ph], fleas, spiders. This photo shows the closet door located in the first bedroom of the home. The cabinets in this residence were found to be covered in roach feces. The concern at the time of the search warrant was how this dark film that was covering over all the interior shelving of the cabinets may have been affecting the health of the owner, Ms. Mayo, and her two adult children.

Though the floors throughout this residence felt soft when walking on them, the floors in this particular bedroom, which we call the "first bedroom," were extremely soft, and as you can see in some of the—in the first photo, wet in some spots. This room was the only bedroom in the residence that had a mattress and appeared to be the only sleeping quarters in the room. The bedroom did leave a narrow path to walk through, but as you can see from the photos, there were boxes, bottles, papers, and various items that were lined up against the walls and are scattered throughout the path. The mattress was found to have cockroaches crawling on it, and it was assumed at the time of the search warrant, that there may also be bedbugs in the residence, but the home was later confirmed by our exterminator, Jimmy Lynn, to not have bedbugs, due to the infestation of cockroaches.

In the first photo of this slide, you will notice this being a photo of one of the air vents in the home. The problem with this vent is how much it is covered

with clog—covered and clogged with dust and various items: pet dander, microorganisms from cat litter, rodent feces, et cetera. This was a concern, due to the fact that it impedes HVAC air flow. It contaminates the HVAC system, thus becoming a breeding ground for bacteria or other pests, and it has the potential to allow dirt and dust to spread quicker in the home.

The second photo shows cat litter that was found behind the china cabinet located in the dining room, which was not only a health and safety concern for the family, but also for the animals that, at that time, were living in the home.

The next slide shows the condition of the HVAC system. This photo shows a hole in the ductwork that connected the HVAC system to the home. This hole was found to be an entryway into the home, potentially for wild animals. The hole in the HVAC system was also a sign that the HVAC may not be working properly, and due to the summer heat at that time, and Ms. Mayo having informed me at the initial site inspection that she was disabled and on disability, this brought up a concern as well.

Once our inspection was complete, we were faced with several immediate concerns that rendered the home to be unsafe to occupy. The number one concern was the pests and the level of infestation that existed in the home. The second concern was the holes in the roof, and then the dark—excuse me, was the holes in the roof and in the back of the home around the HVAC unit. These holes exposed the home to further structural damage from things like the weather and allowed animals to easily enter into the home. The third concern was the level of how much the home was unsanitary, and the health and safety risk from that, due to

there being a disabled person living in the home at that time. So, with those risks, we came to the decision to vacate Ms. Mayo and her adult children from the home. Ms. Mayo was informed of this shortly after completing the inspection.

Up until the date of the minimum housing inspection, there existed a safety concern for the community and for the residents toward the access of animals getting in and out of the home due to the broken window panes and the hole in the HVAC unit located in the back of the home. In order to address this issue and to prevent the potential hazard of wildlife entering the home and doing any further damage to the residence, our Public Works Department covered the broken window panes with plywood as well as holes located within the HVAC unit and in the back of the home.

The minimum housing inspection occurred on August 24, 2017. It may be easier for you to follow along if you use the overall property layout in Chapter 8, page 217. Those in attendance of the minimum housing inspection were Taylor Johnson from Better Off Construction; Jimmy Lynn from Surety Exterminating Company; the planning director, Mark Hetrick; and myself, as the code enforcement and permitting officer.

If you look at your property layout map, the location that I am starting off with is the back of the home, or as you can see, what is on the map titled "the rear yard." The photo above is a picture of the back window, so as you can see, we are at the back of the home. You can see in the photo how this window at the back of the home was—the window casing in this photo was heavily deteriorated.

The window was loose and there—and the screen was found to be coming apart.

M: [INDISCERNIBLE]

D. Moore: So, what I am about to play for you is a video from the carport and shed. So if you look at your map, we are now moving to the outside storage area and the carport.

We have just now left the carport. This is the end of the carport, and we are now moving into the outside storage shed.

As you can see from that video and from the photos above, the outside storage area was cluttered with various items. This area was imperative to our inspection because it was also the entrance into the crawl space. Unfortunately, we were unable to inspect this area, as you can see, due to the amount of items that was inside the storage area. The carport was completely covered with numerous items, as you can see from the photo.

The next video that I am about to play for you is video of the living room. It's facing the family room, but the video will turn soon. Now we are in the living room.

The strip that is hanging down from that ceiling fan is called a "Nuvan Strip." That was placed there from—by our exterminator to help control the amount of infestation.

You can see there is a narrow path to walk through. It is not a big enough space to walk through. One of the items of concern in the living room was the hole in the ceiling. Though we were unable to find out the cause of the hole, it looked as though it had been patched up at one time, but due to unknown reasons, was beginning to reappear.

In the second photo, it shows the living room door exit into the carport. The tape at the bottom was to cover the hole that appeared to be carved out by someone in order to allow cats to enter. Now, in normal circumstances, this would not be a big issue, but in this case, it was a big issue for us because it was another way that the owner appeared to allow cats enter in and out of her home, while subjecting those animals to the unsanitary condition of the home.

As you can see from this photo, this was a photo of the family room. And as I stated before, we were unable to inspect this room because of the amount of various items that was littered in this room. We did find that there was a hole in the corner of this room in the ceiling that seemed to at one time to have been patched, but also seemed to have be coming undone due to an unknown reason.

The next video I am about to play for you is the kitchen. In that shelf there, that was believed to be the electrical panel, but we were—our contractor, Taylor Johnson, was unable to touch or inspect this due to the amount of feces—roach feces that were—that was covering it. You can see in the trashcan, it is littered with pest [ph].

The purpose of this photo is to help detail to you the amount of infestation. The black dots on the floor, if you look closely in this photo, were of the pest [ph] that had been killed by our exterminator, by a spray that he used and Nuvan Strips that were hung. It also shows how the—how much deterioration was happening to the floor that led into the kitchen. The cabinets, as shown in the video and in this photo, were heavily covered in roach feces. This was determined by Mr.

Jimmy Lynn from Surety Exterminating to have taken years of neglect for it to get



to look this way. The photo that you are seeing now is a photo of the cabinets that were located under the sink. As you can see, the plumbing is also covered with roach feces, and there appears to be a hole in the bottom of the shelf of the cabinet, which, of course, our contractor, Taylor Johnson, was unable to touch or inspect.

The next video I am going to play for you is the dining room. What Jimmy is pointing out was a bucket. Under that bucket was wood planks, and under the wood planks was a hole in the floor. The bucket was to catch any type of rain that would have come through the hole that was in the dining room.

As you can see, it is a narrow path to walk through in this dining room area. So, the above photos help in showing not only the narrow path that we were walking through, but also the various extension cords that were littered throughout this path, as well as the condition of the floor. As you can see in the second photo, the floor, we were able to, kind of, put up—we had gloves on our hand. We were able to touch it, and it just crumbled in our hands from deterioration and just the lack of taking care of it.

The next video that I am going to play for you is the foyer and the hallway of the home. What you are looking at is another view of the family room that we were unable to enter due to the clutter. Meanwhile, we were standing in the foyer.

This was a refrigerator that was also at the edge of the living—excuse me, the family room that was covered in spider webs due to non-use. We have the camera looking up at the ceiling, because while we were in the home, above us, the ceiling was littered with not just dust but spiders. Not sure if they were

crawling or not, but a lot of them, at that point, due to the Nuvan Strips, were dead.

In this photo, it is imperative for you to see that the roach feces weren't just in the cabinets. It was everywhere. This is an—in the first photo, it is a knob that, I believe it was in the foyer, and it was covered in roach feces. We were unable to touch it. You could see in the second photo, in the crevices of the door framings, it was covered in roach feces.

The next video that I am going to play for you is the bathroom. One of the things that it was unfortunate that the video did not show but the photos showed was the water damage that was around the tub area. Also, in the first photo you will see that there is no—basically, the floor was not protected from water at all. It was—that, basically, allowed the floor to be susceptible to any water damage or any type of—any—if they were using the bathroom, any type of damage from water. It allowed the floor to be susceptible to that.

This is another photo of around the bathtub. Ms. Mayo did inform us that she had had someone that she had hired to try to come and do the tile work and put in a new tub. As you notice, the tub itself did not have really any damage or any type of unsanitary to the tub itself. She informed us that the gentleman that she had hired, unfortunately, for some reason, could not or just would not come back to complete his job. But that still left that area open to a lot of deterioration from water damage.

The next video that I am about to play for you is—if you look on your overall layout—it's what we call "bedroom two." As you can see, that is not dust.

Those are spiders, dead spiders, that were hanging from the ceiling while we were in there. The purpose of these photos in this slide is to just show you the pathway, the—just the amount of space we had to walk in this photo—oh, excuse me, in this room. There was no mattress in this bedroom. This room was only—the only things that were in this—or this room was only cluttered with various items. It did not have any type of furniture to sleep on. It was only—the only thing in these—in this room was just various items from the owner.

The next video that I'm about to play for you is bedroom one. Here Jimmy is showing us, you know, there—the bed did have—it was found that the bed did have roaches crawling throughout it. He was showing us that those pests had been killed. There was no—it was found that there was no bedbugs in this home due to the infestation of German cockroaches. You could see, this part of the video—one of the reasons why we put the camera up to the ceiling fan is for you to just be able to see the—that cup actually had—was dead roaches that were in that cup. That's why he was showing us. But the ceiling fans were littered with just dust, and spiders, and anything that you could imagine from not cleaning.

So, these two photos on this slide, they are imperative to show you. The last time that you—that we showed you this door, it was infested with roaches. That picture was shown to you during the search warrant section. As you can see, those roaches are now gone, thanks to our exterminator, but what was in the closet was what we did not show you during the search warrant. As you can see, it was found during the minimum housing inspection that there's nothing in this closet

other than boxes and papers. And I think at the top—it's not shown—there was trophies up there. Just various items of things from the owner that was in this bedroom closet.

So, the result of the—of my minimum housing inspection. Of course, Chapter 95 covered public nuisance to health and safety. Of course, as you know, as we went over the property, the property had a type of grass called "kudzu," and it was found to be heavily overgrown on the side of the home, especially at the back of the home. An accumulation of rubbish in the carport was—that caused the accumulation of stagnant water was found, as well as the storage of furniture that was not manufactured for outdoor use was also found to be a violation of Chapter 95, public nuisance to health and safety.

Chapter 90, a nuisance vehicle. Of course, as we mentioned, the white Lincoln discovered in the front of the home. The tag was expired, and there was heavy growth of weeds and vegetation located around the vehicle.

Chapter 153.10, condition rendering dwelling unfit for human habitation. My findings resulted in there being a lack of adequate ventilation; unsanitary facilities, as far as the bathroom; the kitchen being badly damaged and infested with roach feces; the bedrooms, there was mattress stains, roaches found to be on the bed, side windows were broken; HVAC vents were covered in dust and spider webs. There was also—part of this chapter which makes it mandatory for all homes in the Town of Zebulon to have running water. As we mentioned before, the running water was just turned on August 4, 2017, after the last payment being

made in 2013. She—the owner was also—or the home was also in violation when it came to this chapter, as far as heating requirements and extension cords.

Chapter 153.11, standards and requirements for fitness. The home was found to be in violation due to the hole in the roof that was above the front window causing serious water damage to the ceiling. There was loose fascia on the front of the home or the roof, as well as the back of the home. The windows, doors, and screens—the side window panes, where cats were getting in, were found to be broken, not weather-tight, or water-tight, or rodent-proof. They were not in good condition. The window casing in the back of the home was found to be badly damaged, possibly from termites. The window screen in the back of the home was loose. There was no screen on the side window. The window frame was in bad repair.

The flooring, as you saw from the photos, was found to have holes, excessive cracks, not rodent proof, worn through. It was damaged from heavy ammonia on the floors. The bathroom flooring had—the toilet floor surface and bathroom floor surface was not maintained to be reasonably impervious to water. There was exposed wood in the bathroom, and it was found to be heavily damaged and rotted from water. The ceilings or portions of the ceilings found to have—were found to have holes, which permitted air to penetrate the room. There was sagging, loose sheetrock, and it was susceptible to falling. The home was also—when it came to this chapter, the home was also in violation of accessory structures, heating, electrical.

When we get to Chapter 153.20, the responsibility of the occupant, as you can see from the video and the photos, the dwelling unit was not found to be kept in the clean and sanitary conditions. Plumbing and other fixtures were not found to be kept in clean and sanitary conditions. The owner was not found to have been responsible for taking care of the extermination of the pest and rodents. The garbage in the home was not found to be kept in an approved garbage receptacle. The owner was found to also be in violation of placing on the premises fire hazard materials or materials which could endanger the health and safety of the occupants. Material that was found on the premises also was in violation of harboring insects, rodents, and/or pest. Also, for Chapter 153.21, it is—the owner was found to be in violation to have placed near the fireplace a non-vented cook stove or heater, which is a fire hazard.

So, after completing my minimum—the minimum housing inspection and the inspection from Taylor Johnson, he gave us a cost estimate of \$63,264. That cost estimate included labor and materials and any unforeseen problems that may happen during the course of completing the project or the renovations to this home.

Estes: I'm sorry. Is there an exhibit in here that itemizes what that is—involves?

D. Moore: The cost estimate?

Estes: The estimate.

D. Moore: Actually, our—I'm sorry?

Estes: Is there a breakdown of what—[OVERLAPPING]

D. Moore: But our—when Taylor Johnson comes to speak, he will be giving you a breakdown of that cost. He will be going through, as far as sheetrock, electrical, how much each thing costs.

In the next slide, you'll see Wake County real estate data. This is where we use—this is the—what we use to get our information, as far as the building values and the land values. What we are concerned with, of course, was the building value. That's what our ordinance asks, as well as general statutes. And we'll go over that shortly. The building value of this home was \$60,772.

So, with that cost, it was—I had to determine whether, from my findings and from that cost, whether this home was considered deteriorated or dilapidated. As you can see deteriorated definition means, "A dwelling that is unfit for human habitation and can be repaired, altered, or improved to comply with all minimum standards established by Chapter 153.11 of this chapter at a cost not in excess of 60% of its value, as determined by findings of the building inspector."

Dilapidated definition is, "A dwelling that is unfit for human habitation and cannot be repaired, altered, or improved to comply with all the minimum standards established by Chapter 153.11 of this chapter at a cost not in excess of 60% of its value, as determined by the findings of the building inspector."

So, in looking at those definitions and the cost estimate that we got from the contractor, Taylor Johnson, the third item that I also had to consider was what general statute states. General Statute 160A-443 states, "That if, after notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support

of that determination and shall issue and cause to be served upon the owner thereof an order, if the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling. The ordinance of the city may fix a certain percentage of this value as being reasonable”—of course, as I told you, as I read to you in the slide before, that was 60%—“requiring the owner within the time specified in the order, to remove or demolish such dwelling.”

The statute also states, “If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days. Or if it determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.”

So, with the general statute, with the definitions of deterioration or dilapidation, and with the cost estimate, that brought me to a result that the home was considered dilapidated. Due to the cost of the home being \$60,772 and the cost estimate being \$63,264, it was obvious to see that the cost to repair the home exceeded the—according to the general statute, 50%, and it exceeded, according to our own town ordinance, 60% of the value, thus, coming to the conclusion to, unfortunately, demolish the home.



So, the recommendations. Staff recommends upholding the code enforcement officer's decision, based upon evidence submitted into record. However, staff supports the appellant by giving time to repair the dwelling. Staff suggests the board provide a repair timeline by—or excuse me, a repair timeline be followed to outline milestones of achievements to ensure the dwelling is being repaired at a reasonable pace and consequences of missed milestones built into the modified order. If the timeline is not followed and the violations are not mitigated by the final deadline, the order for demolition should be upheld. And at this time, that completes my testimony.

Estes: I have a question for clarification of that.

D. Moore: Mm-hmm. Yes

Estes: If the property owner, by chance, hit the lottery, and chose to—could afford to and wanted to bring it up to code, even if it cost 100% of the value of the structure to do it, and you've deemed it demolishable or deteriorate—do—can they still have the option to do that?

Hetrick: I need to be sworn in?

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Hetrick: I do.

Markland: State your name and address, please.

Hetrick: Mark Hetrick, 1003 North Arendell.

Yes, I mean, I think certainly we would—

Estes: Hypothetically.

Hetrick: —afford the property owner that ability to do that, and we certainly don't want them to demolish it.

Estes: Right.

Hetrick: But based on the ordinances, that's what, you know, we had to make our recommendation for.

Estes: Right. That's 100% of the structure. Okay.

Hetrick: And again, as Davida said—

Estes: But that's just the way the statute read—I mean, it's the cutoff, 60% of the structure.

Hetrick: That's correct. And as Davida noted—

Estes: The difference between—

Hetrick: —that's based on the way county tax.

Estes: —deteriorated and dilapidated.

Hetrick: Yes.

D. Moore: Yes.

Estes: Thank you.

D. Moore: At this time, I am going to call Officer Jeremy Pulley up to stand.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Pulley: I do.

Markland: State your name and address, please.

Pulley: My name is Officer Jeremy Pulley, 1001 North Arendell Avenue, Zebulon, North Carolina.

So, I am here to give my testimony as to what I saw, and the—I've been involved in this process from day one, pretty much. On August 4<sup>th</sup>, I was requested by planning to stand by with them while they talked to the owner of 114 East Judd Street [ph], due to them not having water since 2013. I arrived on the scene and met with Ms. Davida. We went up to the door. I knocked several times. Finally, Ms. Mayo came out.

While we were standing there waiting for someone to come to the door, I mean, there was a really extreme odor of ammonia, which in my experience, is cat urine. Also, there was a lot of clutter in the garage area—the carport area. The grass in the back was about knee-high, overgrown. The vehicle that's in the front yard—and I've been an officer here almost eight years, and it's probably been there four, sitting in the same spot. So, we talked with Ms. Mayo. Ms. Davida gave her, you know, the explanation of why we were there. Ms. Mayo started becoming a little argumentative, which is, you know, understandable. So, Ms. Davida told her that she would send out a letter to her explaining everything. At that time, we left.

On August 10<sup>th</sup>, I was advised by my lieutenant that they were going to do a search warrant at 114 E. Judd Street. I was actually working that day, so being there previously, I went ahead and went there so I could keep track of all the calls. At nine o'clock, we served the search warrant with Animal Control. We got Ms. Mayo and her daughter out of the house. The son did not answer, so I went inside the residence to find him and get him out of the house. He was found asleep on the bed in the bedroom. There was no covers or anything on the mattress.

In my brief walkthrough of the house, just to get him out of the house, I observed cat urine on the floor, extreme odor of ammonia throughout the whole house. You could barely see in a couple of the rooms. Holes in the floor, holes in the ceiling. We got him out and they conducted the search warrant. Animal Control went in and tried to get as many cats as there was. There was cats everywhere. While we were standing outside with Ms. Mayo and her family, there was a couple cats that kept going in and out of the hole in the roof. Cats going in in the side window, out of the side window, cats running around outside. I don't know how many cats they got. I'm sure Animal Control will tell you the total.

This has not been the first time we've been called over there to that house for cat issues. In 2013, we were called there on—I've got that report actually [ph]—August 31<sup>st</sup> for possible animal cruelty to cats. The officer got there, didn't find anything animal cruelty-wise. So, it's been known throughout the neighborhood that they have cats and cats do whatever they want to, basically. So, in looking at some of the cats—I'm not an animal expert by no means, but I've been a cop for a long time, and I've seen a lot of stuff—and the cats look bad. They—I mean, you obviously could see that it had fleas.

So, after the search warrant, I stayed outside with the family until the search warrant was done, and then I went inside the house with the Planning Department to look at all the damage. In the roof, there was several holes, as you saw in all the pictures. I mean, I don't need to go through all that again. But in

seven-and-a-half years of being an officer, I've been in thousands of homes, I'm sure, throughout my career, it's one of the worst ones I've been in, honestly.

So, August 14<sup>th</sup>, we—I got called back out to the house to stand by with Ms. Mayo to retrieve belongings. The Planning Department gave her permission to go back in the house and get belongings, just necessities: clothes, hygiene items, medications. So I stood by with them, and they got clothes out of trash bags and out of containers. Never once saw them get anything out of like a dresser or anything. And that was the last time I went to the house, but a couple more officers have been there since doing the same thing. They are going to get property. And every time we go there, it's—that odor's still there. It hasn't gone away. The cats have been, probably, gone for a little while now and the odor is still very strong of ammonia throughout the whole house. So, I can't give you my opinion of what needs to happen, that's on the Planning Department, but do y'all have any questions?

Loucks: Anyone have any questions for Officer Pulley?

Estes: I do.

Loucks: Go ahead.

Estes: Did you say you escorted Ms. Mayo and the children out when—

Pulley: Yes.

Estes: At one time, I think she said, "Ms. Mayo and the children," and then later, I think she said, "Adult children." But what age are they?

Pulley: They are—I am not completely sure—20 and 23, so adult children. It's her children.

Estes: They're of legal age.

Pulley: Yeah.

Estes: They are not endangering—

Pulley: Correct.

Estes: —themselves by be—she's not endangering them by them living there. That's their choice?

Pulley: That's their choice. Correct.

A. Moore: I have a question. Do they have any lights in the house?

Pulley: I can't testify to that. I'm not sure, to be honest with you.

A. Moore: Because I didn't hear anything—you know, say anything about any lights. You talked more about the ceiling.

Pulley: Yeah. Well, what I saw, the lights weren't on when I went there, that I noticed, and I can't recall if they were or not, to be honest with you. But, like everybody else has said so far, I mean, the holes in the ceilings were—I thought the house was going to cave in on us a couple times.

Estes: I rode by on the way here, and there was a light burning in the living room. I don't know if it was a lantern or whatever, but there was a light on inside the residence.

Hetrick: I believe throughout the inspections that we performed, I think that there were lights on in two of the rooms. We didn't try to flip switches or anything, but we did notice at least some lights were on at some point. But a lot of the—I think the videos and some of the pictures, when the windows were boarded up, and when

cardboard boxes were placed over the windows, you know, it made it dark inside.

So that's why it was kind of hard to see throughout some of the rooms.

Loucks: In one of the videos, the ceiling lights were on in a chandelier in one of the videos.

M: Yeah, in the—

D. Moore: Yes, in the dining room. Yes.

Loucks: Any other questions from the board? All right. Thank you.

Pulley: Yes, sir.

Loucks: Your next witness?

D. Moore: The next witness that I would like to call is Ms. Karen Rogers from Wake County Animal Control.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Rogers: Yes, I do.

Markland: State your name and address, please.

Rogers: My name is Karen Rogers, 820 Beacon Lake Drive, Raleigh. I'm actually the current supervisor for Wake County Animal Control. I've been in that position for five years, a little over five years.

I guess the most important information is the Hoarding Task Force that Davida mentioned. This is a task force that the Wake County Animal Control team has just recently formed over the last two years to deal with cases such as this situation at 114 East Lee Street. The purpose for that is to not only go in and assist the animals with a better quality of life, but to assist the people living in the

home with a better quality or safer quality of life as well. And in this particular case, it was kind of a prime example of what we do and what we deal with.

Initially, we do have the hazmat team enter these homes because the ammonia level in these homes, whether it be cats or dogs, that is formed by the amount of urine and feces in the home is dangerous for the officers to breathe, if it is at a certain level. So, the hazmat team is part of that Hoarding Task Force for safety issues. The Raleigh Fire Department is currently the only agency in Wake County that has the equipment to measure those ammonia level readings inside the home, so they initially enter to see that it is safe for the officers to then enter and deal with capturing the animals inside the home.

Before we actually initiated the Hoarding Task Force in this case, we did have dealings with Ms. Mayo. I'll just, kind of, briefly, go through our time line to let you know how we got there. May 10<sup>th</sup> of 2017, one of my officers was stopped by someone at a local store who claimed to be a neighbor of Ms. Mayo, and his complaint, of course, was the amount of cats that were leaving and entering that home were, of course, coming onto his property, digging through his trash, causing damage to his property. Flower beds, vehicles, things like that were being damaged by these cats. So, he asked her to make a visit to 114 East Lee Street to check and see, basically, that if she could, to get the owner to get the cats under control to prevent them from coming onto his property. During that initial visit—and I apologize. The officer that made that visit, she's no longer with our agency. So, I do have the written report from our computer system that



we use at Animal Control. She states, you know, in her first visit, there were approximately six cats outside the home when she arrived on the property.

Ms. Mayo, when speaking to her, informed her that she also had cats inside the home, but would not give her a number of how many cats. Ms. Mayo did allow Officer Smith to step just inside the back door that you saw coming in from that carport area and she—Officer Smith actually said that, from there, she was able to see a large number of cats. And she did witness the cats coming in and out of the home through that broken window on the carport. She says later in her report that she was—she spoke with Ms. Mayo about the fact that she may be overwhelmed with the number of cats in her home, meaning that there may be too many cats there for her to have the time, ability, and possibly finances to care for them properly, and struck up a conversation with her as to some type of resolution that we could assist her with.

These are the first steps for our Hoarding Task Force. When we discover a situation such as this, we go in and attempt to establish a relationship with the homeowner and possibly convince them to allow us to just assist them, lowering the number of animals that they have by them surrendering those animals into our custody, so that we can get medical treatment for them and rehome them, if possible.

So, Officer Smith, she was slightly new at the time, she, of course, reported her findings to me. So, on May 15<sup>th</sup>, myself and Officer Smith, and several other Animal Control officers went back to Ms. Mayo's residence to speak with her. We had actually, you know, had several experiences in building

these relationships and attempting to assist in lowering the number of animals. So, we went out, had a conversation with Ms. Mayo as well. While we were on the property, we discussed the hoarding issue. I'm very upfront when we discover a situation like this with the homeowner, let them know that we do realize it is a hoarding situation, that they do need assistance in several different areas, not just the animals. You could smell the very strong ammonia odor coming from inside the house, while you were standing outside on the carport, and that's the initial, for us, reason for knowing or understanding that there is a situation where there's a high number of animals inside the home.

Ms. Mayo, at the time, agreed to surrender four cats to us. We were able to talk her into at least giving us four of the animals, which was our goal, which we accomplished. We did remove those four animals, and they were taken to Wake County Animal Center. All four of those animals were treated for multiple things: slight malnourishment, and of course, the flea infestation that had caused issues with their health as well, because it's been a long exposure with those. Ms. Mayo advised us that if we would come back in several days that she may, at that point, be able to decide, you know, which other cats she would release to us. We still were unable to find out what the total number of cats were.

We returned to the property then on May 18<sup>th</sup>. On May 18<sup>th</sup>, she surrendered three more cats, but she still wouldn't allow us inside the home, or give us a number of total cats she had. Those three cats were also taken to the Wake County Animal Center, treated for basically the same issues,

malnourishment. Some of them were anemic due to the amount of fleas and the extended period of time that they were exposed to them.

May 24<sup>th</sup>, we returned to the property again. Ms. Mayo agreed to surrender three more cats. She advised that there were no more cats inside the home at the time. She allowed us to enter the house briefly. Upon entering the house, the ammonia level was extremely strong in every room. Of course, it was cluttered with debris, boxes, clothing, furniture, various other items. There was a small path leading from the front door, through the dining room, the kitchen, and out the back door, which came out at the carport.

My officers—both officers and I made that path very quickly because we weren't sure of the dangers of the ammonia level. And at that time, we did not see any other cats inside the home. The rooms that we could view, walking that small path, there was no movement or we could [ph] determine that there were any cats left at the residence. So, at that time, we made the assumption—unfortunately, incorrectly—that there were no more cats inside the home. We were unaware that these cats were vacating the home as we would enter, and then as we went outside the home, they would go back in through various entryways with the damage from the roof, the damage from the HVAC system, the hole that was actually cut into the door for the cats to gain access, the broken windows. They were just kind of flooding out and coming back in as we would go back and forth.

And then, of course, I was contacted by Davida Moore on August 4<sup>th</sup> via email. She and I actually then had phone discussions about this situation. She

informed us that there were, indeed, more animals there, that she had witnessed cats being there when she went in for this initial inspection. So at that time, we determined that it was at the level that we did need to gain a search warrant. The search warrants that Animal Control gets during these cases, basically, are hoarding search warrants. The magistrate issues them to us according to our experience, what we smell, what we see, and the condition of the animals that we witness while we're on the property. And after a full description to the magistrate of the odor, the amount of animals, and the amount of debris at the home, he was convinced enough that it was a hoarding situation, he did issue the search warrant.

And then, of course, we initiated the search warrant with the Hoarding Task Force, and as you saw in some of her information, it was several different agencies. And the purpose of that Hoarding Task Force was to remove the animals, inspect the home, initiate mental health contact for Ms. Mayo and her two adult children, to improve the quality of life for the animals and the human beings as well, and to determine whether that house was safe for human inhabitants.

But with our findings in our hoarding case, we did determine that the dwelling was unsafe for the cats to dwell in, so that's the reason the cats were removed by search warrant. So, questions? Oh, and I'm sorry. I should tell you that we did end up with a total of 22 cats from that case. We did have to set traps the afternoon of the search warrant, and we continued to set traps up to August 31<sup>st</sup> and continued to catch cats as they returned in and out of the home, because they still had access to go in and out. So, we did capture a total of 22. Only three

of those animals had to be euthanized due to their health conditions. All the other cats out of that, the 19, were rehomed successfully, so.

Estes: I have a—3.6 parts per million, how high is that on an ammonia scale. I mean, what is unsafe level?

Rogers: For us, unsafe level is 25. At 25 parts per million, our officer is allowed to be in with safety equipment on for 15 minutes, and then we have to come out of the home, be out of the home with fresh air for 15 minutes, and then can re-enter—  
[OVERLAPPING]

Estes: So, at 3.6 parts per million, how long can you stay in there safely?

Rogers: With the safety equipment that we had on, we did not have a time limit, so the hazmat team did not set a time limit for us to be in the home—[OVERLAPPING]

Estes: How about for the occupants? I mean, is it—

Rogers: That—I'll be honest with you.

Estes: I don't know what a safe level is.

Rogers: Yeah. I don't have the education that goes behind that. The hazmat team is attempting to educate us on that now, so that we can further the Hoarding Task Force by understanding a little clearer what the effects, the long-term effects, are for the people in that home when they are exposed to those levels for long periods of time. But I don't have that information myself.

Adams: This stinks [ph].

Loucks: And no—or odor was really noticed outside the house. It was primarily just inside?

Rogers: No, you were able to smell it from outside the home.

Loucks: You were? Okay. From the yard?

Rogers: And I'm assuming that's because there were so many—

Loucks: Openings?

Rogers: —situation, openings, damage to the home, where that odor was able to escape from the house, so you could smell it from outside the home.

Loucks: Any other questions from the board members? Thank you. Your next witness?

D. Moore: The next witness that I would like to call is Jimmy Lynn from Surety Exterminating.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Lynn: I do.

Markland: State your name and address, please.

Lynn: Jimmy Lynn, at 2524 South Wilmington Street, Raleigh, North Carolina.

Okay. I'm Jimmy Lynn. I run Surety Exterminating Company. It's a family business that my father started back in 1956, so I started working there when I was 13 years old, didn't—I could drive a car, do anything I wanted back in those days. So as things progressed, I ended up going to North Carolina State University, got a graduate degree in urban and industrial entymology. I continued to work closely [ph] with the university through the Extension Entymology Department with Dr. Mike Waldvogel. I also work with Dr. Coby Schal, who heads up the roach and the bedbug programs at the university. I am a—I've worked with the North Carolina Pest Management Association for over 30 years.

My father and I were both past presidents. We also—both of us served on the

Structural Pest Control Committee, which is the governing body for the pest control industry in the State of North Carolina.

So, with that, I was in—I was asked to go in and do an inspection on August the 22<sup>nd</sup>. You may have noticed, I was the only one that didn't have a hazmat suit on. I had been in there two days earlier, so I was able to get an assessment of what was going on. When we—when I entered the structure, we noticed—I noticed a significant German roach population. With the extent of what I saw, it had to be a situation that'd been there for years. We also noted spiders, granary moths, fungus gnats, fleas. This is something that, in our industry, we do see a lot of this situation going on, and of course, we try to address that as best we can.

With this, like I say, a lot of things have happened over the years in our—the process of us looking at this, is one thing is that all that roach feces and roach debris all over the walls, I stay on my management companies all the time about how important it is to keep those—get that cleaned and cleaned off thoroughly. You don't paint over it. You don't—you know, you don't take a scrub brush and hit it and go on. You actually have to get it physically removed, because it will attract other roaches.

So here, again, with that, you know, this situation was so broad—just broadly through the entire structure that, I mean, there's just no way that you could go in there and do a cleaning of that and get all that material out of there. I actually talked with Malcolm [ph]—one of my—one of the professors at the university, as well as a couple other individuals that I work with, and it was our

assessment that you actually needed to go in and tear the sheetrock out and get it all the way down to the studs and start it back, or you were going to continue to have more problems.

Obviously, when we are doing this type of situation, there's only a minimal amount of control that we can get in something like this. Roaches—the whole thing with roach control is sanitation and clutter. Obviously, in this environment, there was an extreme amount of clutter. It's been our—whenever we go out and do these situations like this, it's our experience that once we start trying to remove all the clutter and stuff, we'll find black widows, brown recluse, I mean, there's no telling what you're going to find when you go in on situations like that.

So, in an effort to try to get some type of control going, I was able to place Nuvan Strips inside the house itself. This is a vapor-type material that will penetrate into these areas—the best it can, obviously—and give us some type of control on a lot of these other insets: the fleas, the gnats, the granary moths, and of course, the spiders. Spiders are some of the hardest insets to control, because so little of their body actually touches a surface.

We also suggested to go in and do a topical application for the roaches, because of the excessive infestation. So we applied a product called “Onslaught.” This has one of the most—this has one of the broadest labels out there. I can treat beds, furniture. I mean, it's just—it's something that I was able to go in there and provide a minimal amount of control. We're never going to get control until the



place is cleaned up, and then like I say, as you go through that process, you may have to stop once or twice and retreat because of what's going on.

So, obviously, when they go in there and start removing all the debris and stuff, you'll want to have—you know, have the gloves on, the hazmat suits and everything, because these people are going to be picking up things, putting them up against them and stuff to try to get out of there. So here again, we've got a lot of situations that can create problems as we go along.

Now, we were unable to inspect the attic. We were unable to inspect the crawlspace. So here again, there could be other issues in this particular situation that may show up later on when we're able to go back in there and start removing this. I mean, there's no telling what we're going to see. It is important that all this debris be removed. I know that in situations, a lot of people want to keep a lot of this stuff. We do not agree that they should be able to take it out. What's going to happen is—in the situations we've been involved with, there's a certain mindset with these individuals. And once they take it out, then you've got the infestation going to one area, and then, you know, it circles back through. The house gets redone or something. They go back in there again, or they go to another area, and you've got the same thing going on, you know, within another six months, another year after that. So, it is important, in all the situations I've been involved with, if we did not address the issue of the mindset, then, of course, like I say, it was just a matter of time before it got back to the same situation again.

So, now, of course, I did put a note—I put a thing in here about all the diseases and all the issues that German roaches can carry. I mean, when you look at some of these numbers—obviously, everybody knows that when this earth goes to heck in a handbag, the only thing—there’s always going to be roaches left. They’re going to survive no matter what. So, of course, with that, you know, you look at all these areas, a total of 174 bacteria’s were isolated in 39 German cockroaches in a hospital environment. So here again, you have the situation where diarrhea, you have all sorts of stomach ailments that can actually transmit the rashes and things of that nature. I mean, it’s just—it’s amazing what they can pick up on and really how filthy they are.

Now, there’s also—in that particular situation, I went there—when I went in there, the cup that we showed that had all the roaches deteriorating in it, obviously, to get to that point, they had to be dead for years to break down. We’ve seen over time that this—that these pathogens get into the air, we breathe them in, and of course, they can produce asthma and other type of situations relative to that. So here again, there’s a number of health issues that are involved with just the roaches alone, not talking about the other issues. The fleas, I mean, there’s just so much stuff in there that, when you go into one room and it’s like going into a whole new world, so to speak.

So, now, once we did that—like I say, we went back two days later. We were able to see some control, but now, since then, the property’s been returned back to the tenant—to the owner, and of course, the Nuvan Strips have been removed. If there was any cleaning whatsoever, then obviously, they could have

removed whatever material was there, so what little bit of progress we may have made, probably is going to be offset by the fact that all this material's no longer there. Of course, with the Nuvan Strips, you only want to be exposed to this material for two hours in a 24-hour period. So here again, you know, I wouldn't advise them to stay in there longer than that, but here again, we do not have anything in—you know, in the structure to control it, as far as that goes.

So—now, I'm also a damage—Wildlife Damage Control Agent [ph]. What happens is—the odors that we were talking about. Now, during the—in—when—in August, when we had the 90- and 100-degree weather, this material, these odors and stuff will move three, four, five miles and attract animals all up into the environment. So here again, around there, so here we've got that situation. Right now, you've got rodents that are migrating. Every time we have a temperature change, you're going to have different animals trying to find places of harborage, and when the windows are open and the crawlspace, and there's holes and stuff, obvious, that's going to allow animals to come in. So, you have that issue there.

Now, one thing that I would like to bring to your attention is the fact that, as a Wildlife Damage Agent, I receive updates from the Wildlife Commission. We have seen a significant increase in rabies in feral cats. So here again, not only did that situation create a health hazard for the people living there, but it also could create a hazard for the people living around there if a cat bit them or they got the saliva or something, they could end up with rabies. And if you don't

address the issue within a certain amount of days, you don't have any choice but you're going to have—you're going to die.

So, but here again, with this, like I say, we see this type of situation pretty consistently. And you know, like I say, you've got to address this mindset or it's just going to go right back to where it was before. So, the roach infestation, and just the pure—the filth and everything, I mean, I don't conceive of a way that it can actually be thoroughly cleaned without having to go through the whole process of gutting the whole house and starting all over. But here again, that's the, you know, decision you guys are out here making. So any questions?

Adams: Yes.

Lynn: Yes?

Adams: I don't know whether to address you or the officer, but did I read that there was also possums caught?

Rogers: Yes, sir. During the trapping, we also were able to trap possums during that time too [ph].

[INAUDIBLE]

Rogers: Sorry. Yes. During the trapping, attempting to catch the cats, we—I believe we trapped three possums during that process, so there was wildlife—active wildlife on the property.

Adams: Okay.

Lynn: As a wildlife individual, I caught two raccoons this past weekend, so if those odors are going out, and it's a halfway nice day, there's no telling how much—how far that can travel and attract those animals up there. The last thing you want

to do is walk in a house and have a raccoon meet you at the door, because he's not going to be happy to see you, and you're not going to be happy when he makes you leave. [LAUGHS]

Adams: This is for my own information, but you said there were no bedbugs, but is it because German cockroaches eat bedbugs?

Lynn: Well, I'm not really sure that—I mean, I imagine they might eat some of the dead ones. I do a lot of work with Dr. Coby Schal, and that was the one thing I would talk to him about the other day was, I have seen over a period of time—I actually had the second-worst house for bedbugs documented by EPA. When you walk into a kitchen, it looked like a war thing. You had the bedbugs on one side, you know, fighting with the roaches.

But actually, in this situation, in the bed—I mean, it had a pillowtop mattress. And where I would normally pull that off and see thousands of bedbugs, I mean, there were so many roaches. It's like I told Dr. Schal, I said, "There's got to be a correlation that, at some point in time, the population of either one of them gets so high that the other one can't exist." But I was thoroughly surprised that I didn't see any. But like I say, everywhere that I expected to see the bedbugs, there were 500 roaches.

So, and then, of course, like I say, the biggest thing with the odors and stuff like that is just not only is it the breathing part and everything like that, it's just so unhealthy for the people living there. So, but that should—you know, that's covered—about what I got to talk about, so [ph].

Loucks: Thank you, sir.

Lynn: Okay?

Loucks: Thank you.

Estes: I have—[OVERLAPPING]

Loucks: Do you have a question? Go ahead.

Estes: I did not see any mention of—is there any evidence of termites?

Lynn: We were not able to get to the understructure to even look, because yes, I mean, we don't know if there was any termite damage. We don't know if there was any—you've got powderpost beetles, you've got subterranean termites, you've got animals that could have been underneath there, for that matter. All sorts of situations. Moisture. Whenever we get situations like this with a lot of shrubbery, and it cuts down on the amount of flow underneath there, the decay and stuff from fungi underneath there, I mean, it can do more damage than termites do.

Estes: So there's—has a home inspector been under there—[OVERLAPPING]

Lynn: Nobody's been—[OVERLAPPING]

Estes: Nobody's been—

[OVERLAPPING—INDISCERNIBLE]

Lynn: —the crawlspace, though [ph]. So that's one thing, you know, I talked with Taylor about is, you know, when we get—if we get access to it again, you know, we'll be able to—I'll go underneath there with him. I feel like there ought to be at least two people going under [ph].

Estes: It's not a slab house, is it?

Lynn: No.

Estes: There is a crawlspace.

Lynn: There's a crawlspace.

Estes: Okay.

Lynn: It does have a crawlspace.

D. Moore: The crawlspace—the entrance into the crawlspace was located in the outside storage area. And if you remember the photos that I've shown, that storage area was so packed with clutter. It was our hope that we could get in there, but there was no way to get in there, due to the amount of clutter there.

Loucks: Okay.

Estes: Thank you.

Loucks: All right. Thank you.

D. Moore: The next witness that I would like to call is Taylor Johnson from Surety—excuse me, from Better Off Construction. [LAUGHS]

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you, God?

Johnson: I do.

Markland: State your name and address, please.

Johnson: Taylor Johnson, 115 Sauder Way, Zebulon, North Carolina.

Again, my name is Taylor Johnson. I am the owner of Better Off Construction. I've been in the construction field and business since I was about 17 years old. I pretty—I started Better Off Construction three years ago. After leaving the town, the Public Works Department, which I was there for several years and did a lot of work for the town, in this building particularly [ph], from

the basement to next door. So, we've done—this is what we do for—we—our job for—you know, what we mainly do is construction, residential, small commercial.

On the 24<sup>th</sup> of August, I entered the home of Ms. Mayo. Granted, I was not there to depict any of the feces or the smells. I was there to look at the construction of the home itself. And there, I pretty much found—we are going to start with, like, the interior walkthrough that I walked. And what we found was in the rooms itself, as far as, I guess it's in the—let's see here, because I had it listed as one thing, they have it listed as another. When you walk in the door that is in—underneath the carport, I'm assuming that's—I'm going to call it the back—the rear entrance—there was excessive, excessive signs of damaged ceiling, floors, and walls, as we've all seen in the pictures. Same thing throughout every room in the structure.

As far as the floors, the floors were saturated. The floors had holes. The floors were spongy. The floors had holes you could see through the outside. Same thing with the walls in one particular area in the bathroom. There was mainly excessive damage to feces on the flooring. Whenever you go, the walkthrough, on the walls, all the sheetrock was feces from top to bottom. Same thing with the wood paneling that was in the rear room, where we seen the chair and most of the debris. Same thing with the flooring, as we spoke of [ph]. Windows were rotten. The window seals were pretty much deteriorated and gone from inside and out, in several window locations.



The plumbing. The plumbing that we could see from inside the home, underneath the kitchen sink and the bathroom sink, assume was workable, but needs some—very much assisting to fix what issues are probably going to be there with the plumbing, as far as what's inside of the plumbing, what's went into the P-traps, et cetera.

Electrical outlets. I did try to turn on one outlet and one outlet only. Didn't get anything to work in the home. Didn't really touch a whole lot of stuff, just did a formal walkthrough. But what I could tell from the electrical panel that was inside the cabinet, was covered in feces. We did not mess with that at all. And most of the switches that we seen, that I did try to turn on, did not work anything. Well, one of them actually worked a fan, but the fan motor, I'm assuming, was fixing to go, because it would barely turn.

The outlets. Same thing, covered with roaches. Covered with roaches' feces. They weren't grounded outlets either, so they need to be brought up to today's code with having a grounded outlet plug on there.

The HVAC. As we seen in one of the pictures, the HVAC, the vent was covered with all types of debris. So that would go, in my assumption, to say that you would have to have the ductwork removed/replaced, not cleaning it. The same thing with the returns, returns are going to suck in all that. The returns are going to suck in the smells. It's going to suck in everything. It's going to pull it right back through. You need to replace everything.

Same thing goes with the insulation in the walls, insulation in the ceilings.

We're assuming there's blown-in insulation in there, but we couldn't examine the

attic to make that assumption or make that opinion. But all the insulation that's behind the sheet rocks, in the stud walls, need to—it needs to be replaced as well, because you—there's holes in the walls, there's feces getting behind there and insects as well, making homes, deteriorating the insulation itself, not giving it the R-value that it needs.

As far as an exterior walkthrough—walk around, I guess let me say, we started on the roof. We noticed where the Fire Department had covered the hole on the roof to keep the, I guess, the cats from coming in or out, but that wasn't the only spongy spot. There was—throughout the whole roof, there was a lot of spongy spots, especially where it was littered with pine straw, especially on the south side of the home. I removed some of that pine straw, just to examine what I could examine from the shingles above, and it was spongy from just lack of not getting the pine straw off, and then the algae that was built up on the shingle roof. So, in my—and then—and I had estimated with the walk—on the roof, about 20 sheets of OSB plywood would need to be replaced. Unforeseen rafters. If you've got holes in the roof, you've got some wet rafters. You splice them, you sister them, however you do it, it's got to be replaced.

The wood trim, the fascia and soffit, was rotten from neglect, from overgrown debris, the kudzu in the back. A lot of it can be from where you have the buildup of pine straw and sticks on the roof and then water's going to—not drain in that spot. It's going to contract to one little area and make its way down, and it's going to build up a lot of water in that area and rot the fascia, rot the

soffit. Their holes in the roof caused the rain to go through and run along the soffit, creating a pattern of length of rottenness.

Exterior doors we noticed. One of the exterior doors that was actually the front door didn't have a—it wasn't workable. It didn't have a door knob. So, fire hazard, you couldn't even—you couldn't get in or out, especially out, if you needed to get out. We noticed the other door leading into the outside storage shed, where all the clutter was at, that door would—it moved in about two, maybe two feet, maybe a foot-and-a-half, where you could just be—see in there [ph]. So, the doors need to be replaced on the exterior.

The chimney. As we were on the roof, the chimney itself was capped off to prevent any animals from entering or exiting. But the—it had several loose bricks and mortar and flashing coming up around the chimney.

In addition to the home, you know, in—as far as the shed addition, you really can't get in there to examine it, to examine what—if it's up to today's code. You couldn't make that assumption. I didn't make that assumption. Just something that would need to be looked at, whenever you could enter it, to find out that—if it's up to today's code. Let's see.

The—there's a possibility in the ceiling, if there is blown-in insulation, that it's going to contain asbestos. So that will be—have to be, you know, treated at that time, and checked and tested to see how you would move forward with the project. Couldn't get in the attic. Don't know if it is. The age of the home gives me that assumption that it's going to be asbestos in the ceiling. There was no ceiling tiles, just sheetrock. So, I know the ceiling tiles in those homes of that age

do contain asbestos, so if there's—it can contain asbestos. If there's blown-in insulation, there's that possibility.

In my overview of this, what—and just the knowledge that I've done in the construction field that I've been in, you don't go in there and you don't clean, you don't wipe down. There are circumstances where you can do that. This one, you cannot. This one is what I call a “gut-to-the-bones structure.” You remove cabinets. You remove countertops. You remove the sheetrock, ceiling. You remove everything to the joists, everything to the studs.

Same thing with the flooring. The subfloor, in a couple spots, you could see where there were holes. We lifted up that bucket and moved the wooden slats. The subfloor was—it was gone as well. So, in this line of work, this is what I recommend, was to basically take everything down to wooden studs, everything down to floor joists, everything down to ceiling joists. And then, have a licensed contractor to come in there and treat. Treat it before you put anything back, and then you will start over from point A with insulation, sheetrock, paint and drywall, flooring, et cetera.

I do have a price breakdown of what it would cost to repair the home in each—pretty much in sheetrock, and the paint, the flooring, if you want me—if you would like me to read that.

Estes: Is that an exhibit we can enter?

Loucks: Yeah. If you could—

Estes: [INDISCERNIBLE]

Loucks: —do you have a copy of that you can share with us?

Johnson: I can make a copy. They can make a copy.

Loucks: Okay.

D. Moore: Do you want to run through or?

Johnson: I can run through it. I mean, it's not that long. I mean, I can run through it, then if you want to make a copy?

Loucks: Let's do that.

Johnson: Okay.

Loucks: Run through it and then we can make copies for us.

Johnson: Okay. The sheetrock—now, I'm not going to—you know, whenever we say "sheetrock walls," we understand it's every room. Walls only, not ceiling. But to remove all the sheetrock—and keep this in mind, this is all hazmat gear to remove anything in the home. We're going to be in gloves, suits, respirators, boots, gloves. That slows process. You get hot and you get tired. I'm big so I get out of breath. So, you're going to be in and out, in and out. So, the price for the sheetrock walls, material, and labor, remove and install, you're looking at \$8,145.

The—to remove all the wood paneling in the home that was in the sitting room, you're looking at \$600. The sheetrock ceiling. To remove and install, and these prices include finishing and painting, the sheetrock ceiling will be \$4,140. The flooring. To remove all the existing hardwood flooring and subflooring down to the floor joist, includes jacking up the weightbearing walls to remove the plywood out from under those, where some people skip that, and they leave them underneath the bottom plate, we don't do that. To re-put [ph] new subfloor and new hardwood floor back in that home, that price is \$9,350.

The interior doors. To remove and replace every interior door, including hardware, including closet doors, pantry doors, the HVAC door, you're looking at \$1,260. The plumbing. In my judgment, a replumb is what would need to be done. Take down, put back, R&R, \$5,200. The electrical. The electrical outlets we seen/witnessed, I wouldn't use them. They had drop cords ran, so I'm assuming some outlets maybe didn't work. But I just know in this field that, if it's that bad, you're going to want to do a basic gut to the home and reinstall new electrical at \$5,800.

To remove and install the walls and all the ceiling insulation, including a blown-in ceiling and R-value paper-backed [ph] insulation for the walls is \$2,840. To remove and replace all the trim back in the home, from doors to windows, 2,250. The HVAC, for—to renew it for the—we don't know if the—I did not know if the AC works, but there is a chance that it may or may not, maybe can repaired [ph]. But the price to fix the HVAC, at least the duct and at least the returns, have at \$4,500. To replace all the windows that were broken, non-work—that were inoperable, \$2,000. Let's see. We're going to back up one second here to the wall and ceiling insulation. That was not removing. That was actually installing. The labor to remove all the insulation was 1,350.

Exterior. Roofing, 30 square of shingles, 20 half-inch pieces of OSB plywood, unforeseen rafters, that's—so basically, this cost here will be what I know is bad, not what kind of what else could be bad, \$10,550 for the total roof. The—all the wood trim, fascia and soffit, and paint on the exterior of the home is 3,710. Exterior doors. There's two plus one on the storage—outside storage unit,

\$1,170. The chimney sweep to fix the mortar, fix the loose brick, and to have a chimney—I'm sorry, the chimney—to have somebody come and do a chimney sweep to it, and then fix the mortar and the loose bricks, \$400. Let's see. Any of the debris that's construction related is removed and hauled off at the—all those costs [ph] is included in here.

This price does not include any of the contents being removed by me or my company. This is—if we have to move the contents, store it, put it in a dumpster or a Pack-Rat [ph], that would be an additional cost. The prices are subject to increase due to uncertain circumstances in the working environment. You know, we may get there and see there's a really bad infestation somewhere and we can't work there. Well, my guys are getting paid, so I have to have a licensed exterminator come and spray. So that's the circumstances that may change hourly rates.

If—this project will be a six- to eight-week turnaround project from start to finish. And let's see. As far as the plumbing—goes back to the plumbing—if that water's been turned off since 2013, if you have a home of that age, the pipes have about done their job. They're exhorated [ph]. If you have your water turned off, and it's been off for three-and-a-half, four years, and pipes that old, and you turn that water back on, that jolt that send back through the—back through your lines, every time I've ever worked on one, it always leaked, and it blew out on me somewhere. There's possibilities of leaks under the home that we could not get to, could not access, could not look at.

So, there's more estimated costs in here that is unforeseen, that we just do not know. I didn't want to make any assumptions on floor joists, any assumptions on plumbing underneath the home. I wasn't there to make assumptions. I was there to physically see. So, that's pretty much the report that I had from there.

Estes: So, 63,264 is what you foresee, not the unforeseen. I mean, you could have to replace floor joists or—[OVERLAPPING]

Johnson: Correct. That's unforeseen. Yes, sir. And it's an estimate. Yes, sir.

Estes: And you won't know till you get in there.

Johnson: Correct. Underneath. Yes, sir.

Loucks: Yeah. Your estimate of price would be the minimum price.

Johnson: Yes, sir.

Loucks: It could go far above that, depending on what else you found?

Johnson: Yes, sir.

Mitchell: Yeah, because I—your rates are very reasonable compared to what I've seen. But you—did you bring up abatement? Because you brought up that there'd be asbestos in the blown-in insulation. But a house from 1950 is going to have asbestos in the popcorn ceiling, all over. I mean, your abatement costs—I've seen other houses demoed [ph]. The abatement cost alone is 15- to \$20,000.

Johnson: Yes. There was no popcorn in the ceilings in this home.

Mitchell: Okay.

Johnson: It looked like it had either been scraped or been repaired many, many times. So that would be—if we got in there and we were messing with the ceiling, and we found out that there was—if there was asbestos in the insulation, then, of course,



we would have to assess it, which cut and try and checking [ph] for more asbestos at that time. And then, that would be definitely an additional cost to remove it properly.

Mitchell: Okay. So, in your opinion, being a brick home, I mean, the bricks themselves are—seem to be in decent shape, so you have a good shell.

Johnson: The shell seemed fine, as for what I could see. Now, you tell a lot more about a home underneath it.

Mitchell: Correct.

Johnson: You can see if there's been a lot of water been penetrating the brick. But the shell seemed fine. It's the interior structure is the issue.

Estes: And foundation appeared to—outside foundation?

Johnson: From what we could tell. Now, what I seen was the foundation vents. When there's—when you have kudzu grewed up—when you have kudzu that's grewed up, it ain't venting. Some of those vents were open. Some of the vents were closed. You know, in a perfect world, we'd loved to have went under there and seen exactly if it was a great bones under there, or if it was bad bones.

Estes: You'd have cracks in mortar joints if you had foundation problems—  
[OVERLAPPING]

Johnson: Correct. I didn't see any step cracks along the foundation anywhere.

Estes: Okay.

Johnson: I didn't see—the only separation I seen of any type of sort would be where the outside storage building was attached to the home. Again, it could be up to code, but it's just hard to tell without actually getting in the home and seeing it.

Loucks: And your expert opinion, if you were to take this project on, you would, number one, want to go in the crawlspace, and number two, in the attic, would you not?

Johnson: Yes, sir. Yes, sir. Correct.

Mitchell: Would it be cheaper for you to demo the home and rebuild a new structure? I'm just asking that question, because you're telling me that very little of the home is salvageable in the current condition.

Johnson: Right.

Mitchell: You're taking the hope that there's some joists that are available that are still good, maybe some of the plumbing, but a home that is 60-plus years old, even if it was taken care of, would be getting near the end of its life cycle before a total gut.

Johnson: Correct.

Mitchell: So—

Johnson: In my opinion, I would not try to repair it.

Mitchell: Okay. Thank you.

Estes: I've got just one more question on that. And that's about the removal of the contents. Is that considered hazardous material because of the infestation that's in the—everything that's stored in the house? Is there—[OVERLAPPING]

Johnson: Whenever me and Ms. Moore spoke about that on the 24<sup>th</sup> when I was there, we said that you'd have to—to me, it all needs to be thrown away.

Estes: Right.

Johnson: But—[OVERLAPPING]

Estes: Can you take it to the dump—

Johnson: You could—

Estes: —with all that in it?

Johnson: You could take it to the landfill, yes. But I'm not assume—I'm not going to assume anything, but I know that I've taken—taken several jobs in this discretion before to the landfill, just not quite that extent. Only thing, of course, that cannot go is anything that's going to be asbestos.

A. Moore: [INDISCERNIBLE]

Loucks: Any other questions from the board? And we always reserve the right to come back to you during cross-examination.

Johnson: Thank you.

Markland: Taylor, I need your estimate, please. That will be Exhibit B.

Loucks: Yeah, if you could give that to her? She'll make copies for us and it will be entered as Exhibit B.

[INAUDIBLE]

Loucks: Any other witnesses?

D. Moore: I do not have any other witnesses at this time.

Loucks: Okay. Any other questions for Ms. Moore or Mr. Hetrick? If not, could we have the petitioner?

Adams: Could we have a bathroom break before we—

Loucks: We have—a five-minute break has been requested. So, we'll take—we'll go to 10-minute recess.

Adams: All right.

Hampson: And let me just remind everybody in attendance, this is—because this is a sort of quasi-judicial proceeding, just to advise the board to avoid any contact—

Loucks: Discussion.

Hampson: —any discussion of this with—either between yourselves or with anybody in the audience.

Loucks: We're going to stand down for 10 minutes. Be back at 8:25.

Adams: Thank you, Larry.

[INAUDIBLE]

Loucks: Okay, if we could reconvene. What has been passed out during our break is we have the cost estimate, what we can title "Exhibit B," so if we could add that to everybody's packet.

Mitchell: Thank you.

Loucks: And do you have any questions on the exhibit now that you actually see the cost estimate? If not now, we can always ask later. So at this point in time, if we could have the petitioner come forward. Mark?

Hetrick: Chairman. Yes, can I just make one comment? If the petitioner or anyone else has any questions for the animal control officers, we would like to kind of get that; you know, if there's any questions for them, they can—they're here to answer it. If not, if we can, you know, excuse them, that would be good.

Loucks: Okay, other—we'll get the petitioner up here first and I'll be able to ask them as well as the board. So we'll get them up here and swear them in.

Hetrick: Thank you.

Loucks: Then I'll ask.

Estes: And if we have questions to go back to the estimate on the cost in—

[OVERLAPPING]

Loucks: Yeah, we can do that after this next testimony.

Estes: Okay.

Loucks: Yes.

Estes: All right.

[INAUDIBLE]

Loucks: If we could have you approach the podium and we'll have you sworn in one at a time.

[INAUDIBLE]

Markland: Left hand on the Bible, raise your right hand, please. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

V. Mayo: I do.

Markland: State your name and address, please.

V. Mayo: Virginia Mayo, 114 East Lee Street in Zebulon.

Loucks: Okay, if I could ask you, do you have any question for the animal control officers? Otherwise, we can release them.

V. Mayo: No, not really. She just said she would work with me and she didn't do it, so. She just said that she would, you know, go and come and she would help me with the cats and stuff like that, but it never happened.

Loucks: Okay, weren't all the cats removed?

V. Mayo: Yes.

Loucks: Okay.

V. Mayo: But the cats were seen in very good condition and we do have pictures of them, and we did love them, but, you know, we didn't know she was going to come in

like that. She said that as long I let her in the house, that she wouldn't do it. But she did it anyway. All we know is she just—we just woke up to a warrant [ph]. And we had to go outside the house, you know, and I had already let her in before. She said I might have 300 cats in the house. I said, "I don't have 300 cats," so I let her in. I said, "I mean, the house is in repairs," what I told her which was going on. Because the shed had filled and we had brought a lot of stuff here in. But the kitchen—we have not been into the kitchen for years and I'm lazy. I have not really used it—cockroaches and I'm allergic to the spray. But I had no idea because we had not gone into the—I didn't go into the kitchen for a long time because sometimes I, you know, help my mom or my brother. I'm just constantly busy. So, the kids are already in school. And I turned 60, they turned 20, so, you know, and I have arthritis chronically, so I've just been doing the best I can. And I did state that the house was not in a good condition, and I did ask them not to enter the home until we get all the stuff up. But it just never happened.

You know, she just came with a search warrant and then Ms. Davida, so, I, you know—I apologized. We got it all up and we're not going to do that anymore. It wasn't meant like that anyway. It's just that we was doing stuff and we was moving stuff and the weather was very hot. And it was like where we couldn't move anything else. And by the time they came, that's just the way it was and they went through stuff. It was—it really didn't look like that. They went through the stuff first, and then Ms. Davida came and then she took pictures.

But the stuff was not strewn all over. It was like piled up. But I told her that the

house was in repairs and the kitchen cabinets and all that stuff was going to be replaced. It, you know, just happened like this. So I apologize.

Loucks: Okay. If you don't have any other questions for the two—our wildlife or what is your actual title?

Rogers: Animal Control.

Loucks: Animal Control, excuse me. If you have no questions for them and the board has no further questions for them, we will allow you to go. We'll release you two.

Adams: Thank you for coming.

Loucks: Yes, thank you.

Estes: Ma'am, I'm sorry, I didn't catch your name—

V. Mayo: Virginia Mayo.

Estes: Oh, you're Virginia Mayo.

V. Mayo: Yes, sir.

Estes: You're the owner, not an attendant.

V. Mayo: My brother and myself are the owners of 114—

Estes: Right, but you're not the occupant.

V. Mayo: Yeah, we were. I was occupying it, off and on. Like we have another place.

Estes: Okay.

V. Mayo: But we have another place, too, but—we have another place because that one, the shed fell and we brought a lot of stuff inside the home.

Estes: I just didn't catch your name appropriately [ph].

Loucks: Okay. We'll let you continue with your testimony and let us hear your side of the story.

V. Mayo: It's just that I had said to them to let us get this—you know, we was in the middle of repairs, and we told them not to enter the home, but they entered the home anyway. And she said that she was coming in to help, you know, that there was programs and stuff like that and that she could help us, you know, get, you know, get the stuff done. When she entered, she just said that she was going to take pictures, you know, to make sure of what the damages were. But when the pictures were taken, it showed how bad the house was. I apologized if I—you know, it wasn't like that. It was—has been torn up. The house was placed in the—it was—the house was placed good [ph], but then when they came in for the cats, they tore a lot of stuff up. I didn't even recognize some of it myself because she came in after the cat lady, after the pound.

But, you know, like I said, I had stated to her that it was under repairs. I had just did a hot water heater. I had done things to the home and I explained to her that I'm the owner, it was under repair, but she still entered the home anyway. She still did. All that stuff I was taking out. I was not going to leave—surely, I was not. Half of it is gone now, like most of it is gone. I'm not going to do that. I'm sorry. You know, the shed fell. We brought stuff in because we couldn't leave it out. The kitchen, I hadn't been into the kitchen for years. It really shouldn't have looked like that, you know, but anybody would tell you, if you're from North Carolina, you don't really have cockroaches; they migrated from people moving. I didn't even know that was in the cabinet because I never looked. I'm just being honest, you know? We just never looked and I'm sorry.

All that stuff is going to be gutted, thrown out, and I'm just going to comply with



everything and I do apologize that it did lead to, you know, coming before you all, and I just want a chance to make good of everything.

The floor is good. There are no damages on the wall. The house do have crown molding. It was appraised for \$16,000 for inside the home. There's two fireplaces in there. There's crown molding all over that's not damaged. The walls are not damaged. We have done work. We have painted. We've got pictures we can show you. We're trying to repair the home, and we appreciate if you would allow us, please, to do it. It won't happen again.

The kids are out of school now. My son, he was going to get a job, but when this came up, you know, we had to leave the home and go to the vacation home. But if you allow me to fix it, I promise you we will fix it, and I just want to thank everybody and I'm sorry that, you know, it led to this. And, you know, because I'm at your mercy, you know, for this. You know, I want to save the home. I love the home and I want to save it, so my brother, he loves the home and we have people that will help us put it back, and we would appreciate if you would just allow us time to fix it. You know.

Loucks: Okay, do you have another witness? We have someone's resume here that will be—

V. Mayo: Okay.

Loucks: Okay, this resume for Mark Valletta will be Exhibit C.

V. Mayo: And thank you all. Thank you.

Loucks: Wait, we have a question from a board member.

Estes: I have a point of clarification [ph]. It may not be to you or her—

Loucks: Virginia, we have a question.

V. Mayo: Yes, sir?

Estes: I'm looking at page 217. That's the layout [ph]. Are you—is the sheet that you're referring to what's labeled "outside storage"?

V. Mayo: Excuse me?

Loucks: Do we have that—do you have a slide of that we can put up here so she can see it?

Mayo: Okay.

Estes: This says "outside storage," is that your shed—is that what you're calling the shed, or is it a separate building?

V. Mayo: You know what? It's separate, actually. It's not connected—it's connected to the house, but you can't go into it from the house. It has a separate entrance.

Estes: Is that what's labeled—

Hampson: That's what she's describing.

V. Mayo: It has a separate entrance. It's like—you know how you have something on the side of the house but it's not connected to the house? It's like a room—

Estes: So you can't demolish the shed without—I mean, that's part of the—

V. Mayo: You said what now?

Estes: That's not a separate structure.

V. Mayo: No, it's not.

Estes: I mean—okay.

V. Mayo: Well, no, it's not. It's just that you cannot enter it from the house.

Estes: So where it says "outside structure," that's what you're calling the shed?

Loucks: Yeah, what she's talking about is a storeroom that's on the back of the house.

V. Mayo: No, what happened, it broke. What happened, we had a complete—we had a complete storage with—you know like a slab of concrete? It was actually a building and the building fell down. Yeah, and okay, but that's how the stuff that came inside was from the storage that broke. It wasn't from the side of the house.

Loucks: Got you.

V. Mayo: It was actually a storage building.

Loucks: All right.

V. Mayo: And then the things [ph] came into the home, you know, because of the storage. That's why the things were in the home. And then, my mom constantly calls a lot because she's old—I mean, an older person. She's in her 80s and as soon as I walk in the door, you know, she needs me to come back and do something. And to be honest with you, I've just been on my last leg with running and doing things, but my kids are out of school now and I can promise you, we will take care of this. We just need time. Anybody want to stop by and visit, check on it, you can check. I always keep my word. I'm not a problem for anyone. I just need a chance to repair it and make good of it, and I will if you'll allow me, please, time to do it.

I was in the process of doing it. We have taken a lot of things out. We have pictures where we've done progress, and we just would like time, please.

Adams: How long have you lived in the house?

V. Mayo: Seventeen years, ma'am [ph].

Adams: Why would I think that giving you more time, you would do something that you haven't done in 17 years?

V. Mayo: Well, it wasn't never—it wasn't like that. What happened is that when the shed broke, things came in. My arthritis became chronic. I can't take a generic medication; I have to take brand. Sometimes I have to just constantly—you know, if I don't have it, they've got to put it in, they've got to do special orders for me, and it's a lot has been going on with my health because I have the arthritis. I do plan to make good of this. I do not live like that. I'm going to get it up. The kitchen will be gutted out, all that stuff. I'm just not—I don't do that. It's—all that stuff was going to be removed. If they had allowed me time, ma'am, to Jesus Christ, it would have been gone, and I'm just honest about that. The kids are out of school now. I don't have nothing but time.

Adams: Why have you not entered the kitchen in years?

V. Mayo: Because I—sometimes I can't even get up out of bed. I have arthritis chronically, and most of the time, I eat out, you know, because we're right around the corner from all the eateries. I even had a job at the Chinese restaurant. I'm just saying, I just—we just don't; you know, we just really was not cooking and using it. We were just constantly on the go because they had to go to school. At six o'clock in the morning, I've got to get them up; I've got to make sure that everything is good for them. I'm 60 years old. So now, I have time. I have time now. I don't have to deal with school. I don't have to deal with, you know, what they're doing. You know? I can just concentrate on making sure everything is good at the house, and I will do that. All that stuff that we're throwing out [ph], I don't want

it. You know? It was just stuff. You know, and the kitchen was in bad shape.

It's going to be gutted. I'm not going to leave it like that. I promise you, no way.

I was in the process of doing it. I apologize to everybody for that. I don't live like that, you know? I don't. Anybody that knows me can testify I'm a very clean person.

Adams: But that is your living conditions. That is why you—

V. Mayo: It happened to me, that's right. You know what? That happened to—it happened there, it happened to me. But to be honest with you—and I'm just being honest; I didn't go in there, and I'm a very tall person. I really didn't bend down. I really didn't go in there. I'm just being honest with you. I really didn't because the stove—what happened is that the stove was brand-new but something—we had a storm or something that shut the stove down, and the stove was actually brand-new. The refrigerator was new, too. We was trying to get it through the door. We couldn't get it through the door not without somebody taking the door off, so we was like, "You know what? We'll just wait and get everything done at one time." But then the shed fell and we brought all the clothes in. So like I said, I have pictures of my previous—I think I have pictures when we stayed there before. I'm not going to leave it like that. It's not even like that now. All that stuff is gone and we're still, you know, like making everything nice because we have, you know, things in there that's nice. You know, we have nice things in the home. We just need to throw out—just throw out what we don't need, and just don't do it anymore, but the stuff came from the shed. I give you my promise. I give you my promise.

Mitchell: Quick question, Davida, have they been—I know they were able to pick up certain items, personal items in terms of clothing, personal. Have they actually been back in the house like she is saying? I mean, is there—

D. Moore: Once the order was given—once the order of judgment was given to her, we allowed them to go back in the house. We just stated—we asked them to not live in there because of the Nuvan Strips, which as you remember, Jimmy mentioned, you could only be in there for two hours over a 24-hour period.

Mitchell: Correct.

D. Moore: I was informed that those Nuvan Strips have been taken down, so once they were removed, she could go in there for a longer time. So yeah, this time, she has been able to go back in her house.

Mitchell: Okay, and you say you've done painting, other stuff since then?

V. Mayo: I have pictures, my daughter, she can show you.

Mitchell: Okay, pictures, receipts, stuff like that. Do you want to submit that for evidence because—?

V. Mayo: Yes, because a lot of that with the house, to be honest with you, a lot of that with the house is actually sealed tight. You know, like I know they said there's roaches and stuff like that. But it's the bottom cabinet where the issue is, basically. That cabinet [ph], when you look up at the top of it, it's completely sealed where there's nothing that went in. The house is full of crown molding. It was appraised for \$16,000 and that was back in 2000 when they assured it [ph]. So, you know, to take the crown molding out, you know, to take—to just destroy the house or just, you know—they built a lot of compartments in the house; a

bookcase, two fireplaces, an office, and a desk is in that house, as well. To take all that stuff out and it's not damaged, you know, would be not good. But the walls is—I've been there 17 years. I have no damages on the walls or anything, no damages on the—but, you know, no damages on it, period.

And the crown molding is in excellent condition. The whole house is full of crown molding. The whole entire house is crown molding on the windows, the doors. The whole house is just crown molding all over and I would just hate for—

Loucks: Did you live in the house the entire 17 years up until, I believe, August?

V. Mayo: Yeah, they said you—I had to go and then we had to—we just went through a lot. They just said we had to go and we had to wear the same clothes for 30 days; we couldn't get back in the house. You know, we had to wash the clothes and wear the clothes like for 30 days, you know, because we couldn't get back in the house, and then, you know, people show pictures and say, "You're just a dirty person." You know, I mean, how dirty can I be if I'm wearing clothes for 30 days? You make me wear clothes for 30 days. I've got to wash them or I've got to do the best I can. I'm tall. You make me worry about what I'm going to wear, I mean, and then you say, "Look at my cabinets. I'm a dirty person." But you make me wear the same clothes for 30 days.

Mitchell: I'm going to bring this up: you didn't have water for four years.

V. Mayo: That's right.

Mitchell: And you lived in the house?

V. Mayo: No, we was back and forth in the house. We have another address. We was backwards and forward [ph] in that house.

Mitchell: But you just said you lived in the house. That's—

V. Mayo: Yeah, no, no, no. I was in that house when they got me out of the house. But I was back and forth [ph] in the house. That's why the house looked like that, because we was just backward and forward. You know, because the kids was in school, my mom is old, pop is old. I'm crippled up. They called me. All I can do is drag out the house, just drag back in the bed. They get up and go to school. It was a struggle for me because I have chronic arthritis. I have it—I started with it not too bad. Now, it's spread. I have it all over, and my doctor told me about—I guess eight months ago, he was very upset about it. Because he had to tell me what it was, and he was like, "You're chronic. You've got to probably run the rest of your life, because if you sit down, you're not going to be able to do anything."

Loucks: And now you owned the house and lived in it for 17 years.

V. Mayo: That's right.

Loucks: Including from 2013 to 2017 without water?

V. Mayo: No, what happened is that we had a leak. What happened is that the water was at \$300 a month and there was a leak in the water. We tried to get everybody to fix it and I kept paying plumbers and paying people to come and see where the leak was. Nobody could find the leak, but I kept getting the bill for a lot, so I called the City of Raleigh. They have everything on record. I could not—they could not find the leak.



So what happened is that it was backwards and forward. You know, we have another place and—by my mom's. We was just basically backwards and forward in the house, to make sure everything was okay because people—I don't know. For some reason, they always want to come into the house. They watch when we go, they watch when we come, and the kids have game systems and stuff. So sometimes we stay—you know, we just like stay there for a while and just go back to my mom's or we go back to our other place.

But I decided when the kids come out of school, we're going to be at the house. I hired [ph] somebody to look at it. He's a plumber. I said, "I want you to fix it because, you know, everybody's coming. It's no—you know, they can't fix it, but it's a problem." And the problem was in the icemaker. It was in the icemaker line. But I could not pay \$300 a month for a leak, so that's why we have had another place. So we was there, at that place. So then I put the water back on.

Estes: What is your address on your driver's license?

V. Mayo: 2629 Pleasant Hill. It's a mobile home. It's a vacation home, actually. And I have electric on over there and I have electric on at 114—it's been very expensive, to be honest with you, you know, because we're trying to repair the house, so we did take another place. But now we want to hurry up [ph] and do what we need to do to the house, so we don't have to worry about this other house, you know?

Loucks Okay, and you—

V. Mayo: Which we did [ph].

Loucks: Right, you said you have other witnesses?

V. Mayo: Well, I have—yes, I do and—

Loucks: Okay.

V. Mayo: And I appreciate you all, and thank you.

Loucks: All right. They can come forward.

V. Mayo: Okay, sir. And you know what, another thing was the price of the house. Do you want to see?

Loucks: Is that the tax record that we saw earlier?

V. Mayo: You know what, I didn't know [ph] \_\_\_\_\_ that the house was at 6,000% [ph] or something like that [ph].

Estes: It's in our records.

Mitchell: Yeah, that's the tax—[OVERLAPPING]

V. Mayo: No, this is not it. This is a different one [ph].

Estes: Well, then it is a different one. Is this the same property—what? Let me see. I'm looking for the year and tax value [ph].

V. Mayo: [INDISCERNIBLE]

Estes: Let me hand it to the chair. [INDISCERNIBLE]. What would be your evaluation \_\_\_\_\_?

Loucks: I don't see a date. It's dated in—

Mitchell: Does it show the grade of the house or is that just a snippet? Because some of the tax records is in Wake County would show the grade of the house. Probably not.

Hampson: Well, we can—[OVERLAPPING]

Loucks: And we'll enter this as Exhibit D, if you could make copies for me. And I don't see any dates on there other than the deed—the deed date in 2000, which was 17 years ago.

Hampson: Yeah, it—

Loucks: But it does have a different tax value on that document [OVERLAPPING] higher [ph].

Mitchell: Significantly higher?

Loucks: 101—isn't it 101? 101,000?

V. Mayor: Do you want to make copies and bring it—

Mitchell: Yes, please. Sorry.

Loucks: Yes.

Estes: Yeah, I would say somebody appraised it and saw that it had lost value.

[INAUDIBLE]

Loucks: Okay, if you would swear in the witness?

Markland: Do you swear to tell the truth, the whole truth, the whole truth, and nothing but the truth, so help you God?

Valletta: I do.

Markland: State your name and address, please.

Valletta: My name is Mark Valletta. I live at 582 Wimbleton Drive, Raleigh, North Carolina. I'm the director of housing and home improvement for Resources for Seniors in Raleigh. Resources for Seniors was previously Wake County Council on Aging. It's been around about 45 years. Most—a lot of folks are familiar with our organization.

I have the honor of supervising about 11 employees and we run 12 different grant-funded programs to assist disabled folks and seniors. Some are not tied to being a senior. We have programs that are just income-based strictly. That's why I'm here tonight on behalf of Ms. Mayo.

The first thing I'd like to do is to commend the Town of Zebulon and Ms. Davida. I know there's not a person in this room that wants the Mayos to lose their house. I know that with all my heart.

I also know, Ms. Mayo, that your house is in just terrible condition and I always—I think it's kind of amazing what we can get used to. You can hear an air conditioner running in your room and, after a while, you don't hear it anymore. There can be a smell that's just terrible and after you've been around it for a while, you don't smell it anymore. So it's not a stretch to believe that you didn't feel that your house was as bad as it is, but it is not a place that you should be living. So I'm going to say that right off the bat.

I think the house is in very, very bad shape. Having remodeled three houses myself just because I like to make sawdust and things like that, there's no house that can't be fixed. It's just in what amount of time and at what cost. Now, the time is the issue here. The programs that I have to offer and possibly Wake County may have to offer are all wonderful programs, but they all have pretty long wait lists. There are people who have been in line for a year or more for some of these programs, and it would not be fair to skip the line to help Ms. Mayo.

By the same token, though, I've got to think for a minute, it's puzzling, but if she had not paid that water bill, we might not be here tonight. Think about it. I mean, that's what set this whole thing off. And I have to think about this, as everybody said, has been going on for a long, long time. And so I'm not questioning the health issues of the home for anybody to live in, but I think as long as that's been there, it's almost the proof is in the pudding that it really wasn't a terrible issue to the town or the community. It's been there for years and years like this. That's not to say it shouldn't be resolved and that we should ignore it. But one thing I've just—the elephant in the room that nobody's talked about is how much—how many bills have been accumulated so far that the town would have to recoup? Do we got a rough idea?

Hetrick: I'm trying to think. We have not received invoices, but it's certainly several thousands of dollars that we will be paying out to the folks that have spoken here tonight. So it's not free services that they're providing by any stretch.

Loucks: Sure.

Hetrick: But, you know, based on the circumstances and in this case and in this situation, based on the folks that had entered the room, we weren't going to put our staff in a position to get them in that, and I will say that we had several inspectors; both home inspectors—certified home inspectors, as well as exterminators—turn us down for services as we informed them of what we were needing their services for. So—and it—the reason Mr. Lynn was even found is I contacted NC State to ask their director, you know, "Who would you recommend?" And he recommended Mr. Lynn, so that's even how he came into the picture, and we're

thankful that he did, but that's kind of how we got, you know, the folks here tonight anyway.

But we haven't been invoiced for them. But it's certainly several thousands of dollars for that.

Valletta: Do you recall what the extermination bill was?

Hetrick: I do not but certainly, Mr. Lynn can speak better to what that—

[INAUDIBLE]

Valletta: That's the total bill [ph]?

Lynn: Just for right now.

Valletta: Okay.

Loucks: How much was that once again?

Lynn: \$730.

Loucks: Okay, 730?

Lynn: Yeah, and that's without—[OVERLAPPING]

Loucks: I'll let you speak in the microphone so we have it on the recording.

Lynn: Yeah, okay, the current bill is \$730. We were also made aware that because of the situation with the rodents and the odors and stuff, that we may end up having more roach issues. We have addressed, as I stated earlier. Once we get in there and once they get in there and start going through the stuff we may find other issues. You know, so here again now, one thing is with the odors and stuff, I've been in situations before where the problem was so bad we put out rat bait inside an apartment and it was cluttered like that and the rats couldn't even smell the bait

to go eat it. So here again, you do have a lot of issues that still can come up and we still haven't checked understructure [ph] either, so.

Loucks: Regardless of how we proceed, do you think the house needs to be treated again?

Lynn: Yes.

Loucks: Okay.

Lynn: There will have to be other stuff [ph]. I mean, we'll see more and more as we get into it, I'm sure.

Loucks: All right, approach the podium so that you can speak into the microphone.

V. Mayo: I do understand that there was—he did find German cockroaches. My ex-husband was an exterminator and I do know what the cockroaches were. But I'm allergic to the spray, and we was trying to figure out what do we do.

There weren't a lot of cockroaches. It was not—he was even laughing because he had said that when he went into an apartment building, that they met him at the door. This is a one-level house. You can get rid of the cockroaches. You know, they're not going to—they're not that bad because my husband did this type of work, and once you're on one level, you're able to contain them. But if you're on multi-levels [ph], then everybody's got to go one, two, three, and everything has got to go off at once because they travel. We just only had the issue of them in the kitchen. If you notice that if it was infested, if he had to lift something back, he would have saw a million roaches. We didn't have it like that. They just got in because we didn't go into the cabinet.

We're in there now, we're throwing stuff out. It doesn't even look the same. It was just clothes, and they weren't dirty clothes. And then when they say

the pee, the urine or whatever, that's because the cats—the pound lady came here and scared the cat. That—the urine is from the cat. We didn't urinate on the floor. You know? And we tried to tell them, "This is not what happened," you know? So it's like we're just between a rock and a hard place and we're just asking—we're just at your mercy to give us a chance, because the house is really not that bad.

When he built it, he actually used the tresses like that. That's what's in the house, is these big beams like this. He actually made them from a tree, and I ran into the lady that it was her father's house. She's a nurse and she said, "You know what? You live in my grandparents' house." She cried actually, and I said, "Oh, my goodness. How do you know?" She said because of the address. So she asked me did I see all the nice crown molding, did I see the bookshelves, the china closet, and all that stuff that he built into the house, which is a desk and—he just built a lot of features into the home. He actually put a picture window in the back and it's really a nice home once you bring it, you know, up and just, you know, clean it out and do the floor and do what you need. It's really a nice house, and the flooring is very, very sturdy. You can walk—I walk in there all the time, but there is damages from where the water did leak. But as far as it goes, walking in, you can walk in, and I feel that it can be safe and I would appreciate if you would allow us a chance to save it.

We've been in there. We have not seen a bunch of cockroaches. And to be honest with you, they don't live when it gets cold. That's the best time to exterminate is when it's cold because between the chemical that you're using and



the cold weather, they can't live and the house doesn't have heating in there.

There's no heat on, so we don't have them. We exterminated, they're pretty much gone. I'm just going to be honest about it, and we're going to gut the cabinet—we're going to gut out what was the—you saw the cabinets and all that, that's coming out. It's not going to stay. It was never going to stay. All that stuff is going to be redone, and it's going to be kept really nice. We just want an opportunity, please. Thank you.

Loucks: You may continue.

Mitchell: Well, before you continue—

Valletta: We need to talk about the condition of the house [ph].

Mitchell: Hold on. Sorry, before you continue, you brought up that if the water had not been turned on, this would not come to our attention, correct? That's what you just said.

Valletta: Good possibility.

Mitchell: The cats were what brought the attention to the town.

Valletta: The water got us to go out and you could smell the odor and—[OVERLAPPING]

Mitchell: We can actually—we can go back to the record here with the cats, where someone reported that the numerous cats in the neighborhood is what drove someone to the home.

Valletta: Okay, well, I won't argue that point. I'm just here to try to tell you what I can do to help the situation.

Mitchell: Thank you.

Valletta: All right. We run a number of programs. We run—just to let you know the kind of work we do, we administer the City of Raleigh and the Town of Cary's limited repair programs. Those are programs that couldn't be effective here, but they're like \$7,500 in repairs for a home. So we administer the North Carolina Housing Finance's Urgent Repair Program, which it repairs up to about \$8,000. We have other programs that we have access to. We have a Duke Fund, if you're a Duke client—now in Zebulon, I don't know if that's a possibility. There might be some Duke Power clients here that have some health and safety repairs. But if you add all of our programs up, it's going to take a monumental effort, one, to be eligible for those and she probably is; two, to go through the waiting period that I alluded to earlier for these programs. I've also reached out to Rebuilding Together of the Triangle. Again, they have a long wait list, but he had mentioned the USDA had programs that could help.

So we routinely try to leverage dollars. We run into problem—you know, problems that we can we can't pay for it with one program, so we'll fix the problem with another and then come in and piggyback programs and things like that. But what's going to have to happen is that she's got to have to be allowed time and that's the big critical thing here. There's no doubt the house needs to be—it needs to be gutted, like he said. I'm a licensed North Carolina home inspector. I've had a commercial general contractor's license. I've been in construction for 40 years, and I agree with the gentleman who did the assessment of the house. It needs to be gutted back to the studs. The crown molding can

probably be saved if somebody was careful. But nevertheless, it takes—it's going to take a major repair.

We have volunteer groups for our weatherization program, which is another program that could possibly help with heating and air and insulation. We've got volunteer groups that will go into homes that are cluttered and remove stuff. We just take it out. My church, Trinity Baptist Church, is a fairly large church and we've gone and done projects with our volunteers and our Baptist Men Disaster Relief and volunteers come out and do that type of thing, too. It's just going to take a lot of organization, a lot of time on a lot of people's part to be willing to take this on, and I understand your pause about it's been this way for a long time—what's going to change it? I think Mr. Blevins will talk to that later about Wake County. We're certainly willing to make the effort if we can. We can't promise anything tonight because we just don't know enough about the details. I've not really heard anything about a mortgage situation on the home.

V. Mayo: I have a homeowner's insurance actually \_\_\_\_\_ take care of it [ph].

Valletta: No, I don't mean insurance. I mean, how much—is there a mortgage remaining on the home?

V. Mayo: There is a mortgage that remains on the home [ph].

[OVERLAPPING—INDISCERNIBLE]

Loucks: Unfortunately, you have to speak in the microphone so we can get it on the recording.

Valletta: This is off track, but we do have a number of programs that we can probably piggyback and we do have other folks that we could reach out to in the county.

I'm just sort of an advertisement for Wake County. This is a very affluent county and we sometimes miss a lot of abject poverty in this county. I see a lot of houses and every day, that's what we go do and we run into situations like this, and the only reason we're there is to help and that's the only reason I'm here tonight. I hope that you can give her the time that the town has recommended to you to give her, to see if we can help prevail and save her home. Because this is an asset of the family and once it's gone, it's gone. And it would be awful to think that maybe a few thousand dollars that was owed to the town that she may not have right now would cause the town to condemn the house, take the property, and demolish the house. So anyway, has anyone got questions for me?

Estes: I do. Have you been in the house?

Valletta: I have not been in it. I did go all around it. I couldn't get in. It was still closed up. I went in after our initial meeting that we had several weeks back.

Estes: I see you have certification in asbestos. I didn't know if you—[OVERLAPPING]  
if that's going to a problem in the—

Valletta: Yeah, well, the age [ph] could possibly be right. Will be maybe [ph].

Estes: And one other question. You're dealing with these programs, her having a different physical address on her driver's license, having another dwelling, does that—

Valletta: Not as long as she—

Estes: —sometimes go into play to [ph]—

Valletta: Not as long as that Wake County slip says she's the owner of it. It's—

Estes: So tax dollars would go to repair her second home.

V. Mayo: No, that's not true [ph]. Hello. What has happened is that 114 is my home, you know, for 17 years. But what happened is that my brother has had strokes and heart attacks and stuff, and we were trying to repair the home and the shed fell. We went to look at prices to get a storage. It's \$180 a month to get a storage. He had to store stuff, I had to store stuff. So we said, "Well, might as well just get a vacation home—you know, get a vacation home." So he just picked a mobile home, you know, and we put a lot of stuff in it. You know, like we put stuff in it, you know, from the shed. The rest of the stuff came inside the home and we was going to go through it and throw some stuff out. That's what was going on. But 114 is my physical address. That is my home and I love it, and I want to save it, you know?

They're saying tear the walls down and stuff. But in my opinion, I mean, you know, if they want to tear the walls down, the walls are something like these walls here.

Estes: Yeah, sheetrock [ph].

V. Mayo: You know, and there are—to be honest with you, they've been painted. We have pictures and they've been painted and it's very pretty to me. The wall is very nice and there's no damages on it, but to take it down, they're saying to take everything out, to gut it out. I mean, I never thought it would come to that.

Estes: Okay, well, while you're still up here, back to the other. I've looked at this. It did not look like you're delinquent in taxes, but I could not research to see if there are any liens on the property, but you said there is a mortgage.

V. Mayo: I'm actually—yeah, I'm actually up to date in taxes and everything is up to date because it was paid and I—[OVERLAPPING]

Estes: Yes, but I couldn't see if there are any liens, like you've got a mortgage on the house?

V. Mayo: It's not [ph]. It's just the mortgage. I didn't do a second—I didn't do any leans or anything against the property.

Estes: Okay.

V. Mayo: There's never been any liens against the property, and the taxes and everything is paid up to date and there is a mortgage on the house.

Estes: Are the mortgage, are they involved in this? The mortgage holders? Or does that matter?

Loucks: No. Mr. Valletta, one question for you is the ordinance, as I understand it, talks about remedying the situation within 90 days.

Valletta: Right [ph].

Loucks: So I have that on this side of my brain. On the other side, I'm thinking if the grants help with this and there's a long waiting list, what would be the probable time that \$63,000 would be available to help?

Valletta: As I said, there's a lot that has to be investigated. I think the town's recommendation to you is good, that you set milestones. I think we would have to probably at least not set them tonight because we'd need to go do a little bit of research about the eligibility for the programs and those sorts of things, so that we can see what could be put together. I mean, it may happen that it just can't happen, and I wouldn't—I hope that's not the case. But, you know, most of these

programs have yearlong wait lists, and so anything that could be done to that home to protect the community and health and safety would probably be volunteer efforts like going in there.

Well, for instance, Lonnie Poole, who owns Waste Industries, is a member of our church. He's a very benevolent man and I bet you if I told him I need dumpsters to put stuff in, he'd probably put them out there and pay for them. Now, that's just me saying that right now. Listen, I'm not offering that on his behalf or anything. We have a lot of people in our church who help. We have groups that would come out and probably get things cleaned out and at least get it in a—my proposal is to get it in a position where it's not a health issue for them or the community.

[INAUDIBLE]

Valletta: Well, anyway. We—there's more that needs to be done, and so I would think that would be the first milestone, is to investigate with and maybe do some legwork for you and find out how we can get this thing to where it's at least not a health issue for the community—boarded up, whatever has to be done to keep cats and animals from going in and out of it. And then do a little bit of research into the programs to see what could be done.

North Carolina Housing Finance has a program. It's called "Single Family Rehabilitation." I don't think anyone in Wake County has that now. They've moved that pot of money around the state as need be for—a lot of them shifted to the east because of the hurricanes we've had down there, and so a lot of that money is down there. So some of these programs are sort of mobile. That

would be a great program to address the house because it will invest a sizable amount of money into the home to actually bring it back up. Possibly, the entire amount.

So, the things are there. I think my parting words to you I had written down is I think the milestones is a great idea. I think we need to just have a little bit of time to establish those because I don't think any of us have enough information for you to establish those milestones. But does anybody else have any questions for me?

Mitchell: Who contacted you? Ms. Mayo?

Valletta: No, I was contacted by the town, as a matter of fact. They've been working on her behalf. I mean, I can't say anything but good things. The town has got their hands tied. I realize that. They've got ordinances. They have to follow them, and they did. And right after our meeting when we talked about that and they ordered them, they took her right downstairs and filed this appealed and helped her file it. And so as I said, nobody wants you to lose your house, and I don't think that's why we're all here, but sometimes, things get to the point where there's no point in that return. I hope we're not there yet. Anyone else?

Loucks: No further questions. Mrs. Mayo?

V. Mayo: We have removed a lot of things out of the house and we have pictures and we took a lot of things from outside. Everything has been basically removed and inside the house has been moved and they constantly say that there's a health issue. I really didn't know the maintenance of any cats or anything like that, and when the labs came back, the labs or very low. But even though the labs are low,



they're insisting that there's an odor and there's a problem. But there's not an odor, there's not a problem. It's just that there was clutter. There was things that need to be moved. To take the house down to the studs to me seems very unjust. It seems very—I don't know. It just seems a lot to just do that. The walls are good. It just needs work.

Loucks: Please, yes?

Valletta: Ms. Mayo, when the house gets in that condition and there are so many points of entry for insects and pests and animals and things like that, roaches, if they get in the wall, they're depositing feces in the walls, in the insulation, and you don't see it. I mean, you could have a wall that looks just wonderful and not know what's going on behind it. And so that's why everybody's saying that. We're not saying we want to demolish your house just because we want to demolish your house.

V. Mayo: I have no problem with that, but my thing is when something's sealed tight and you cannot go in it, you know, there's a lot of parts of the house that is completely sealed where there's no way a roach can get in because it's sealed so tight. And to tear it down, to tear certain parts of the house down, I know the cabinets that he showed need to be replaced. But we have pictures of the top cabinets that cost close to \$4,000 and they're completely ruined and he's—the man is saying, "Do not turn them down." He's saying to leave the top cabinets, tear the bottoms down, replace the doors on them, but the cabinets are in good condition. This is what he said. He said, "Just clean the cabinets. You know, clean the top, take the bottoms out, and just throw them out."

And the floor is just completely hardwood. I forget. It's like the older wood that's in this building. You know, it's wood from back in the day. He [ph] made sure that the wood was very sturdy. It was very sturdy wood, but it does need repair because we had a tree that hit and it made damages, but we was in the middle of repairs. So to me, to say, "Tear it down and bring it down to the studs," seems very extreme to me, because the house is not falling and it has, you know, trusses like that and it's very, very sturdy. It just needs work.

Loucks: All right, do you have some more witnesses that would like to speak?

Valletta: One last comment.

Loucks: Yes?

Valletta: Being a home inspector, I see a lot of things and I crawl under houses and I crawl in attics and go places that nobody wants to go. And I think one of the first milestones is to get the place cleaned out so that we can really establish what's going on in the crawl space. I mean, is it termite-ridden? Is the floors getting ready to fall [ph]? We just don't know. And what's going on in the attic? What's going on with the roof? I mean, the estimate he's got, he was not able to see a lot and, by the way, you got great estimates. I would think that would be our first milestone. Get it cleaned out so that a real accurate assessment could be done, and being—sorry, in the process of that, you're going to get the house in a much better health and safety condition, too, just by cleaning it out. So that would be my first suggestion for a milestone. Anyone else?

Loucks: Any other questions?

Estes: No.

Loucks: Okay. Any further witnesses?

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Blevins: I do.

Markland: State your name and address, please.

Blevins: Darryl Blevins, 302 Allendown Lane, Knightdale, North Carolina. Good evening, board. I wish we were meeting under some other circumstances. But my name is Darryl Blevins. I'm the director of the Eastern Regional Center here. I work for Wake County Human Services. And I got a call from Mark awhile back about similar issues, not this specific issue but about other issues and what could we do as an agency to help, you know, with families who maybe they hadn't had water in a while or lights in a while or things like that. So I talked to him a little bit about our programs that we could offer, and lo and behold, Davida called me and wanted to talk about this particular case.

And so I was called into a meeting to sort of like look over everything before they made their determination. And one of the things that I said to them is it doesn't make a difference if we pour \$100,000 in this house. If we don't provide her the support that she needs, it will be back like that in six months. That's just my personal opinion about it.

And so what I wanted to offer—and I've been talking to the family—it's just to offer them that support, to get somebody there to help coach them through the things they're dealing with. And I know there's challenges. I mean, she has

medical problems. She has medical issues and they're real issues, and it makes it hard to do things when you have those kinds of issues.

So what I have strongly suggested is getting a social worker to really work with her and do some in-home services to really support her in her effort to make some of the changes that she desires to make. And as you guys heard tonight and I've looked at some facial expressions and it gets a bit frustrating when you see pictures like this and then you hear Ms. Mayo talk. Because the evidence is overwhelming that that house is in disrepair and it needs to be taken care of.

So I'm not a construction expert. I don't know what it would take to repair the house. I can't speak to that. But what I do know is that regardless of what direction we take, this family is going to need support. And so I've talked to them on several occasions. I've talked with Ms. Mayo, I've talked with her daughter. And just tried to be a support for them. And I think Mark definitely has a better take on the resources in the community to help with the repairs, but I wanted to assure the board that if the—if we do go this route and decide that repairs are what's going to be done, that we're going to provide that family with the support they need to be productive and be good citizens. If I gave up on people, I wouldn't—I'm going to change professions because I need to get out of the business.

So I believe wholeheartedly that this family can be helped, and whether it's in this home or in another home, the family needs support. And so that's what we want to offer to them, is that more support and having some of our social workers really just work with her around certain issues to help her be productive,

and so that the house don't get back in that shape. And, you know, I know her—her heart is good and, you know, it's in the right place, but, you know, again, as I think Mark said something really, really important and sometimes we're in environments so long, what everybody else sees we don't see. I mean, they don't—you know, everybody else can see everything going on but we don't see it, and I think that's in fact what's going on in this case; that they've been in that situation for so long that they don't see it as bad as we see it, outside people looking in. But I want them to know and I've talked to them, that we're here to support them and we want to make sure that they—if they are given this opportunity, that we wrap them with some resources so that they can be successful and that they can enjoy a beautiful home that they want to be a part of. They love this community, I know, and they want to be in this community and we want to be able to help support that effort.

So if the concern is, "Well, what's going to happen if we do put this kind of money in this house? What's going to happen, you know, a year from now? We're going to be back here a year from now talking about the same issues." What I can assure you is that we're going to try to provide that support to her along as she'll allow us to—to ensure that it doesn't happen again. We care about our seniors in this community. We care about our seniors throughout Wake County. And so there are resources to help our seniors to be stable and we want to make sure that we provide that. So that's—you know, that's my contribution tonight, is to say that if she is offered the opportunity, that we will—I will

definitely make sure that we get resources in her corner to help with sustainability of the effort.

V. Mayo: Excuse me, I do have something to say, please.

Loucks: Okay, any questions for Darryl before Darryl—

Mitchell: Yeah, but go ahead and let Ms. Mayo speak because she obviously really wants to speak, so.

V. Mayo: I do appreciate everybody's support, but I did see the problem. You know, I did see it. I'm not a person that—I'm not a person that can't see anything. I did see it, but what happened is that I had my kids later in life. I had my son at 36 and he's 23, and then I had my other twins—they're twins, there's a twin to my daughter. And they go to school and they have to be at the bus stop at six o'clock in the morning. I have to be mobile to help them get to the bus stop and help them do things and I've had to do that for years. So by me being 60, I mean, you know, I had them later in life, I'm old enough to be their grandma, you know? So I dedicated my life to my kids and their schooling and making sure they went to school on time and they were, you know, clean, fed, and they did what they did in the house.

They would get out of control because we brought things in from the shed. You know, there is people that do know me and know my family and do know that I'm a person who—I have a big family and—you know, half of Wake County is related to me. I'm kin to the Goodsons [ph], the Paces [ph], and half of Eagle Rock and Wendell Falls is my mother's and them [ph] property actually that's coming in, you know? And I am a good person. I'm just sorry that it led to us

coming before you. They didn't say it was going to lead to this and I apologize.

It's not going to be like that again. I have nothing but time to do the house, and

that's what I'm going to do. You can trust me, I have very nice things in my

home and I will bring my home to code and I will do what you want me to do.

I'm not a person that needs to do anything else but that, and I promise you that it

will not be like that again. I promise you that. There's no way. And I just want

to thank everybody. I will not do that because I don't have to worry about them

in school no more. They're out. So now, I just only have time to make sure

everything is okay, and I promise I'll do it. You can trust me. I give you my

word. Thank you. I am at your mercy. Thank you.

Loucks: Okay, any other witnesses?

Mitchell: Darryl, real quick, your reputation precedes you because I actually firsthand know someone that you've helped, an elderly grandmother in her 80s with dementia.

Your organization did everything they possibly could, but you can't change a situation that doesn't want to be changed. Do you feel this is a situation like that?

Because you have here, her testimony is totally contradictory to fact. You offer unbelievable services. Do you feel that she's going to take advantage of these?

Blevins: I—

Mitchell: In your past experience.

Blevins: This could be a challenge, but I think there are some other assessments that need to take place. And so I don't have all of the information in front of me in terms of really getting a thorough assessment. So that's one of the things that I would be offering to Ms. Mayo up front, is to get a thorough assessment completed so we

get a better picture of what's going on. I don't want to make any assumptions now—

Mitchell: Of course.

Blevins: In terms of how—you know, what her motivation level would be. But I do think some other assessments would be necessary to get a better feel for what that possibility would be.

Mitchell: And do you feel that should be one of the milestones that is established if we allow this route to go?

Blevins: Absolutely.

Mitchell: Thank you.

Loucks: Okay. Are there any other witnesses or photos or exhibits that you'd like to present?

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

A. Mayo: Yes.

Markland: State your name and address, please.

A. Mayo: Alexis Mayo, 114 East Lee Street in Zebulon. I have photos, but they're on my phone, so I don't really know how to show you, not unless you want me to pass my phone to you for you to see it.

Hampson: Probably the best thing to do is just to come around I think and show them on your phone. Obviously, we won't be able to have them in evidence but if you wanted to illustrate some of the pictures.



Loucks: Yeah, you could just kind of show them and walk in front of us so we can all kind of see them.

A. Mayo: Okay.

Loucks: These are photos you took in the home?

[INAUDIBLE]

Estes: Okay, how old are these?

F: [INAUDIBLE]

Estes: Yesterday, okay.

Loucks: And so we can kind of talk while you're doing this. These are photos of cleaning and painting that's been done.

A. Mayo: Mm-hmm. That's the front door we enter.

[INAUDIBLE]

Estes: While you're doing that, can I ask a question? Has the town ever demolished a house?

Loucks: And maybe show two of us at one time.

Estes: Gone through the process and actually done that?

Hetrick: Yes, we've—we haven't hired a contractor. We have had dilapidated houses. Mainly vacant, you know, boarded up type that are about to implode on their selves. So the town has taken enforcement mechanisms, but the property owners have abated those themselves.

[INAUDIBLE]

Loucks: I guess for the recorded record, these are primarily photos that were taken of the house where the walls have been cleaned and painted and generally tidied up.

Markland: I need a point of clarification from the attorney. If this is being entered into evidence—

Loucks: It hasn't been entered into evidence yet.

Hampson: It's not being entered in as evidence.

[INAUDIBLE]

Loucks: I was just describing what we basically saw.

Markland: I guess my question would be—okay, never mind.

Loucks: Yeah, and then we will have to determine. It has not been entered as evidence and the board will have to decide whether or not if they want to consider it in their ruling or the questions. I think is the best way I can put it unless you—

Hampson: That's right because it cannot be entered into the record specifically, so essentially, it's just sort of been used to illustrate her testimony and information, kind of illustrative. I think what I would ask Ms. Mayo, Alexis, is that you kind of gave a summary of those photos as you were showing them to each of us. If you would, just kind of do that—

Loucks: In your voice for the record.

A. Mayo: Yeah.

Loucks: Kind of describe the photos to us.

A. Mayo: Well, the first photo I showed you guys was the family—well, it was the kitchen, and the kitchen had got scrubbed and repainted and it's painted yellow now. And then they called it "Bedroom 1," I believe. The walls had been scrubbed and it had been repainted and the ceiling got painted pink, too. So the whole room is repainted pink. And the dining area, that had got painted and also the foyer [ph],

when you walk in, it had got painted and, you know, we—it got scrubbed and painted and then, the outside, I don't know if you saw that, but the carport had got cleaned out and cleared.

Loucks: Okay, thank you. Any other witnesses or exhibits from the petitioner? Anybody else care to speak?

Hetrick: Can I make one comment, Chairman?

Loucks: Yes, you may.

Hetrick: I will say that we made a request for an additional inspection prior to this hearing. We were trying to get it three days prior to kind of go in and see for ourselves if any work had been done, and the property owner did not allow us in to do that inspection, so it was not performed.

Loucks: So you did request entry and were denied?

Hetrick: Yes.

D. Moore: We requested entry and were denied. So we asked to see if we could go in there to see if she had done any changes from the time that the order of judgment was served, which was September 22<sup>nd</sup>, 2017. But once we requested it, she did not allow us to go in there.

Loucks: Okay. The podium?

V. Mayo: What happened with the property is that once they allow us to go into the property, there was—I said to her to let me repair everything before it even started, so they put tags on the door and nobody was able to get anybody out to look at the property because of the red tags that was on the door for hazard. So that put a stop on everything. So then, after that happened, they let us into the

place, and once they let us into the place, I said to her, "Could I get this and go ahead on and do the work?" Because it's just—like it's probably the size of this here, the damages on the ceiling is like about the size of this. And I said, "Well, can I get someone to just come and take you to get the permit [ph] and just put everything back? By the time we go to the board, everything would be back." They said, "No, we have to come to the board first."

So what we did once we was allowed back on the property, we cleaned and took everything out because that's what we were doing anyway. We went on and we painted everything, and we put everything back. By the time she asked to come in, we was in the middle of repairing and they had to put the public sign out. Once they put the public sign out, it was like really hard for us to get things done because we really wanted someone to come and, you know, do the work, and it was like they was asking questions, "What are these signs for?" You know, "Can we go in? Are we allowed to do the work?" You know, and they started asking questions, so we wasn't able to be successful in repairs. But we were willing to do the repairs. There was actually no problem. We was in the middle of it when they came.

We had installed the hot water heater and we had plowed the lot [ph] back. And you're looking at it. To plow that lot was a lot of money. It was really a lot. And we plowed that whole lot back and because of the—the city don't take care of it anymore, and it comes from the creek all the way to the property, you know, and we have to learn how do you manage it, because it's coming up to the home now. So we will be aware of that and take care of it, and they could have come

back to the home if they had of wanted to, but with them putting signs and doing things, we weren't able to get repair people there, you know, to do any work because they wouldn't—they didn't—they said no.

So we just painted and did basic, what we could do to better the place.

Loucks: Okay, are there any other witnesses or any other testimony that I could be presented tonight from anybody else in the audience?

Mitchell: Davida, do you have a record of that phone call or request to her? I mean—

D. Moore: We do have a record of when we called her. We don't have that right now. It's in the office [ph].

Mitchell: But it's in your phone log? I mean, you—

D. Moore: Yeah, it's in our phone log.

Mitchell: Right.

D. Moore: Of when we called her asking to get in there, at least three days before the hearing. The reason that we hoped to get into the home was to at least be able to show you or to prove to you some of the repairs that she stated that she had done.

Mitchell: In case you were trying to help her case?

D. Moore: Exactly. But that was denied to us, so.

Mitchell: Thanks.

D. Moore: Mm-hmm.

[INAUDIBLE]

Loucks: Oh, there'll be probably by deliberations [ph]. Okay—

V. Mayo: Excuse me, sir. I do have—

Loucks: Yes?

V. Mayo: I do have a problem. I never denied her, because I never spoke to her. The only thing I said was that we were cleaning up and we were doing things. They said, "That's good." They said, "You could take pictures of it. You could show the board." Ms. Julie [ph] asked me, we could probably get back in and take pictures. That was all that was said to me. She never phoned me and said, "You know what? It's three days. Have you done any work? Do you want us in?" That never happened. I would have let her in. I have no problem, you know, in letting her in. She could have told me way ahead of time or, you know, "Once you get everything clean or get everything good, we could come in." That was never discussed with me.

We just went on with our plans. I would have let her in because she came in anyway. I would have welcomed her in to see the change, but that never took [ph]. She never said that to me. She only—Ms. Julie told me since I had done the place, that I could let them see it, but I never spoke to Ms. Davida about that, so.

Loucks: Okay.

V. Mayo: Yeah, because I had no problem with her coming in.

Loucks: All right, a question for the board or the town—your staff recommendation talked about milestones and consequences, et cetera. Have you given any thought to what type of timetable you have in mind or you were thinking of?

Hetrick: I think the reason that the milestones were passed out is—I guess first of all, I want to thank Mark, as well as Darryl, and then Brian Neil [ph], who I don't believe is here tonight, but he's with weatherization of Wake County. All three of them attended the minimum housing hearing that was held for Mrs. Mayo back at

the end of August, and it was our effort to bring them in to try and offer all of these programs that Mark and Darryl spoke about, to offer that assistance to her and to try and get her that help, and I think probably what was key to me in what Darryl said was as long as she allows us to. You know, Davida and I have been kind of begging her to speak with these folks as well as to apply for some of these assistance programs. And certainly, in talking with Mark, I think some of the programs may be spread out over months, if not years, depending on, you know, which programs she may kind of fall into or be awarded for. So I certainly agree that it would be a long process, but I think, you know, we've certainly been trying to kind of bring her in and get her some of these programs to assist her with that.

So with that being said, I think part of the appeal—I mean, the determination that staff made, we're limited with the ordinances in the time frame and then our determination itself, based on the value of the house, and then the value of the improvements that Taylor spoke to. So with all of that in, you know, and our limitations, that's why we kind of threw out some of the milestones and we feel that we along with, I think, everybody else here, do not want Ms. Mayo to lose her house. However, you know, we all do feel based on the evidence, that I think something has to be done to the structure. So what staff's intent was is to try and—as part of the appeal, throw out some milestones. Certainly, the type of milestones, the days attached to that is certainly up to the board's discretion. But I think we as staff just don't want to spin our tires in mud, so to speak. You know, we want to make sure that, you know, she's getting help and then whatever is to come with the house based on the board's decision that, you know, there are

milestones set to that to keep, you know, this on track and to keep it moving forward.

Whatever that determination is, whether you take some of these milestones or not, that was just our intent with them.

Loucks: In other words, it's more of a guidance than it is setting some milepost for us.

Hetrick: Correct.

Loucks: And I want to thank you as a citizen and chairman of the board, and I think I speak for the board for all of the effort you guys have already put into this project. You've done so many things I didn't know you did, because I was thinking about offering as a suggestion and it's already been done. You guys have done a really good job trying to move this along. Appreciate that.

Does the board have any questions before we start deliberations? And as I like to do, to summarize what we're doing, we basically have an appeal against the enforcement code officer that we have to decide whether or not we agree with or disagree with. In other words, do we agree what Mark has brought to us that's been appealed? And then, we have recommendations about milestones, timelines, consequences, how this would move along. Now, if you disagree with him, we don't have to do that, because this is null and void at this point in time. But if you agree with his ruling, then the next recommendation is timeline, consequences, milestones, and I know you're all thinking about that if you've read the package, which I spent a couple of nights reading. Very good job on the package. Very thorough.

Adams: I think it's the biggest packet I've ever—



Loucks: Yeah, yeah. I guess what I need to officially do is close the public hearing at this point so we deliberate here, so.

Estes: Can I ask a question about it, just in generality? If the house is demolished, does the town pay for that and put a lien against the property to collect the cost, reimbursement? Or how does that work? Who absorbs the cost of demolition?

Hampson: Well, initially it would be the town but then it would—

Estes: There would be a lien on the property?

[OVERLAPPING—INDISCERNIBLE]

Hampson: —mitigates the property owner on the property and—

Estes: There's already a mortgage on the property, according to—

Hampson: The—

Estes: But yeah, I was just—[OVERLAPPING]

Hampson: And before—like before that—that demolition order, there would actually be action by the Board of Commissioners as well, pass—enacting an ordinance, moving that forward as well.

Loucks: Does the board have questions? We're deliberating now, so we can talk among ourselves and we can still ask anybody who has testified if you have questions.

Mitchell: My main question is to the legality. Can we legally require her to assist—seek Darryl's assistance? Or I mean—I know we're really—

Loucks: I think that would be one of the conditions or milestones we may want to mention.

Mitchell: But can we request that legally?

Loucks: I don't think we can force it but we can ask for it. That outside resources be brought in as needed or required.

Mitchell: Because, you know, if that's not something that can even be offered up, the rest of it, as Mark said, might be just spinning our tires and wasting time of the town, who has spent lots of man-hours trying to help out the situation. And you both should be commended, the whole department, and I know how it is working for another town that the man-hours are the one thing that kind of get swept under the rug, but it adds up, so.

Hampson: I think my comment would be that under this sort of—the minimum housing piece, really what we're focused on is the condition of the house. If the house can be brought into compliance with minimum housing requirements, then that's done. Otherwise, it has to be demolished. Obviously, there are other peripheral and important components, but I don't think it's something that this board or really even the town can force—

Mitchell: Correct.

Hampson: —to be brought to bear. But certainly, those recommendations could be suggested or made.

Mitchell: Okay, thank you.

Loucks: The 90-day requirement in the ordinance seems very tight; even if you have deep pockets and can find contractors, 90 days is quick time for something.

Mitchell: You spoke of what, six to eight weeks and that would be ideal, perfect conditions and you're near the wrong season now for perfect conditions, because I'm having a house built, so I know perfectly well that would not happen. So.

- Loucks: Yeah, one recommendation for the board to think about is what do you think about a thorough inspection being done on the house, which includes attic, main floor, and crawl space?
- Estes: That's what I was wondering, if we can reconvene in 30 days, which would allow them to clean out the clutter and allow people to get under the house to see if it's totally termite infested and—[OVERLAPPING]
- Mitchell: Agreed.
- Estes: Can we do that? Like, postpone the hearing in order to get—[OVERLAPPING]
- Loucks: Yeah, we can recess this, but—you know, first of all, our number one business is to deal with the appeal on do you or do you not agree that it didn't meet minimum standards, and then after that, we can recess to come up with the conditions, milestones, and maybe suggest some things take place over the next 30 days, such as a complete inspection of the home with cost estimates. And maybe an inspection to see how much has been cleaned, actual progress and bring photos to us. I don't know if we need a field trip, so to speak. A question in the back of the room.
- Valletta: That place is actually awful [ph]. And as a licensed North Carolina home inspector, if we can get the house—at least so I can get in there, I would do an inspection and give you a report and I won't charge Ms. Mayo or the town, just in her interests. So I'm just offering that up.
- Loucks: Are you qualified to also do construction estimates or just an inspection?
- Valletta: I could, but I don't think I should be involved in that component of it. It's sort of a conflict of interest for me to do that.

Mitchell: Yeah, that would be a conflict. But by doing the inspection, we could—there are several firms that will do it pro bono. That would give us, just again, we can get another estimate here to get a true estimate of cost. So as long as we could have an inspection within that 30-day window.

Valletta: Yeah.

Mitchell: I mean, the sooner the better, actually.

Valletta: Well, there needs to be some—some stuff has got to get out of the way.

Mitchell: Correct.

Valletta: And that's a component we'll have to figure out, but I just wanted to offer that.

Mitchell: Thank you.

Estes: Yeah, I mean, my concern is—is Mark's decision, the cost estimate he got is one. I mean, could you get—I hate to get three bids, but, I mean, are we considering—I mean, you could go back with seconds, dented appliances. I mean, the house doesn't have to be brought up to 2017 new house. It just has to be brought back up to a minimum—

Loucks: To housing code, correct.

Estes: Right, so you don't have to buy the most expensive things to replace it with. So, I mean, if anybody can do it less, then that—which would not—

Mitchell: That estimate has shown no appliances, no appliances, no fixtures of lighting, anything. I mean, it just the gut of the house, correct? So to get appliances, light fixtures, you're talking even second scratch, dents, we wanted Habitat for Humanity, it'd still be—

Estes: But you may find out it's even more astronomical.

Mitchell: Yeah, I mean—

Estes: The price that—

V. Mayo: Could I say something, please?

Loucks: Yes, come back to the microphone. Oh, yeah. The hearing is closed, but I guess we could listen to a comment.

V. Mayo: What happened to the home is that I had someone to look at it, they took the house down to the studs, and I asked him could he give me his opinion of the house. He came in and he did give me his opinion. He told me that the house was good. He said that the cosmetic—he said, “Cosmetically, you can fix it and repair it, or you could take it down to the studs. It depends upon what you want done to the house.” He said, “But the house is in good condition.” And he went underneath, an engineer, to actually take the house all the way down to the studs. And he makes about \$2,000 a day doing this type of work and he actually—I saw the house that he did take down to the studs and he put it back up. He put the entire house back up. So all I want to say is that I feel that the house can be repaired, and I feel that it can be brought up to code if we’re allowed to do that. I think the house is good and I think maybe, you know, it can be saved. Thank you.

Loucks: Could I make a recommendation or thought to the board, that number one, we considered voting on the code enforcement decision, and then along with that, what additional information you think you may need before you come up with any timelines, consequences, or milestones? And one of those may be the inspection of the home, a complete inspection, and along with that, it may require the clutter to all be removed and/or maybe additional treatments during this time

frame. I'm not an exterminator either, but I'm assuming what has been chased out will just come back, especially with the cold weather, at least to control that. And then reconvene at some point in time, maybe 30 days. Just an idea to be floating out there to be thinking about.

Estes: And you're saying if we vote \_\_\_\_\_ we don't have to come back in 30 days? That's—

Loucks: Well, we can—

Estes: That's a twofold thing.

Loucks: Twofold, yeah. Number one, we have to rule on the appeal. I think that's priority one, but then beyond that, you may want to do some conditions and you may want to hold off on those with the following things being done. Because we are lacking. We have a lot of information, but we're still lacking some information.

Adams: All right, my question would be are we to—I know when we talk about variances and everything, that that's ones that just seems to be completely a different—

Loucks: Right, this is an appeal. Yeah, this is different.

Adams: Right. Where if we agree that the Planning Department was right in their decision-making—

Loucks: That it didn't meet minimum housing standards.

Adams: Right.

Loucks: Correct.

Adams: And we agree to that or disagree, whatever the vote would be. Then basically, it's I guess how the Planning Department wants to proceed. Let's say we uphold their finding.

Loucks: Yeah, and their—one of their recommendations was that we help come up with milestones, consequences, et cetera. So this thing either moves along successfully or moves along in demolition.

Mitchell: That's our only two options: milestones or demolitions. That's all we've got.

Estes: Is there any—well, I mean, there's no way to ensure that this property won't return to the present condition in two years.

Loucks: That's up to you. If you wanted to put some regulation in there, maybe it would be inspected, making sure it meets the minimum standards, in which case, it's kind of off the list. But it needs to be monitored. And then, you know, I have questions like, if a car has been sitting vacant on a lot for four years and nothing's been done, well, why wasn't anything done? And then I also think about a house not having water or power. I know there's not a system in place to tell us that, but if I was on the Planning Board, that is something I would kind of want to know, if there's no water in a house for a couple of months, is it vacant or is there somebody just living in there? I mean, I'd be—I'm going to call it nosy. Because legally, I don't think you can do a whole lot, but you can keep an eye on that property. If there's somebody living in it, there's no power and water, there's going to be issues sooner or later.

Mitchell: I think there was power. There was power.

Loucks: The whole time?

V. Mayo: Yes.

Mitchell: Well, we don't know for sure. The contention is that there was probably power most of the time. While the water is guaranteed that it was off since 2013.

Loucks: Yeah, and I'm only speaking in keeping tabs on this so things don't get out of control. You know, like I like to think I'm a little policeman in my neighborhood and that I monitor and if somebody's grass gets a little bit too high, I offer to maybe help mow or wonder why they didn't mow, or I have a neighbor who likes to park in his front yard, and I told him, "We don't park in the front yard. We have driveways and streets." And there's just some general codes you follow in a neighborhood. So, and I'm just wondering if the town can do a little bit better job of looking for vacant cars and, you know, turning that stuff in. And after it sits there a couple of months, somebody ought to ticket it or notices a violation and help move things on—donate the car, do something.

Mitchell: The problem with that house—

Loucks: So it doesn't sit there.

Mitchell: Believe it or not, that car was actually cleaned a few times over the years. We live two blocks away. But it sits under those trees, so it's just a constant—it was kind of hard to tell. I mean, that being said, it could have been brought up. I'm going to ask this question: are we going to allow them to—one of the conditions is they're going to have to stay in their, quote, "vacation home" during this process. They cannot move back in.

Loucks: Well, if we rule in favor that it doesn't meet minimal housing standards, nobody lives in it.

Mitchell: All right, has anyone from ZPD gone by to see if there's even—have you—do we have any inkling that someone is still living in the home?



- Hampson: Well, let me just say, the hearing is closed. You cannot take any more into evidence.
- Michell: Yeah, sorry. I should have asked that—[OVERLAPPING]
- Loucks: We can wonder among ourselves.
- Mitchell: Yeah.
- Loucks: So once again, priority one is the appeal on whether or not we agree that it does or does not meet minimum housing standards. The town says it does not, and they presented very thorough evidence on why they feel that way. They've also told us everything they've done to move and help this thing along, but we have an appeal to deal with.
- Mitchell: Yep.
- Adams: Okay, so let's—can we—
- Mitchell: I move for a vote.
- Loucks: Someone—okay.
- Estes: [OVERLAPPING]. Can the town demolish a house where the mortgage holder not been notified their investment is being demolished?
- Hampson: That's, you know, that at some point, the mortgage holder will have—will likely be notified.
- Mitchell: After the fact. [LAUGHS]
- Hampson: Well, but it's the—yeah, a lot of times, that's really between the holder and the—
- Estes: That was my question and, you know, if the mortgage holder—
- Adams: If that's the case, the mortgage holder may want to close the mortgage.
- Mitchell: And they're foreclosing the home and—

[OVERLAPPING—INDISCERNIBLE]

Loucks: Yeah, so once again, priority one is the appeal on do we agree or disagree with the code enforcement officer that the house did not meet minimum housing standards. And then beyond that, we can discuss the additional information we may require and/or milestones, timelines, consequences. If we would like to make some recommendations to the Planning Board. Because they will enforce those, and then whether it's legal or not—

Estes: Can I make a motion to uphold his decision that it does not meet the minimum?

Loucks: Okay, I have a motion on the floor—

Mitchell: I second.

Loucks: That you agree—

Estes: I agree with that decision, that it does not meet the minimum.

Loucks: If the code enforcement officer's decision that it does not meet minimum housing codes.

Estes: Yes.

Loucks: So I have that motion made.

Mitchell: Yes.

Loucks: And I heard a second?

Mitchell: You did.

Loucks: Okay, so all those in favor of agreeing with the code enforcement officer that the house does not meet minimum housing standards—well, let me back up a second. We have a motion on the floor, but I have six board members up here plus an attorney, and only five board members vote, and I need at least four votes to the

affirmative for the motion to pass. Because Annie over here on the end is our alternate member and we have six members, she is the one that gets excluded because the other five of us are on—our—what's the word I'm looking for? Permanent board—not permanent board members, but at large. We're not alternates.

Hampson: And actually, that raises a good point, Mr. Chairman. Mr. Adams came in just at the very—during the preliminary remarks of the hearing after the hearing had, in fact, been open. So I just want to clarify with him that he had an opportunity to hear all of the substantive evidence presented in the case, ask all the questions he was—felt compelled to ask and is in a position to make a—

Mitchell: Informed decision.

Hampson: An informed decision, thank you.

Adams: Thank you, so, and I referred to my packet prior to the meeting.

Hampson: Okay. Thank you

Loucks: So the five board—the five voting members will be the primary members and not the alternate, and we have to have at least four out of five. So a motion on the floor. It's been seconded to agree with the code enforcement officer's decision that it doesn't meet minimum housing standards. All those in favor say aye.

M: Aye.

Loucks: All those opposed? So it's unanimous. We uphold the ruling by the code enforcement officer. Our next topic is, is there any additional information you would like to request and possibly meet again? In other words, recess this

meeting and come back to discuss the milestones, consequences, et cetera, based upon the additional information.

Mitchell: The first thing, as Mr. Estes says, it needs a thorough inspection ASAP. I mean, within 30 days, period. And then, once that inspection is conducted, we can come back and make true [ph] milestones from there.

Estes: If they're not allowed access to go in there and inspect it and all that, then, I mean, that's off the table.

Loucks: Yeah, okay. So I've got an inspection within 30 days—

Estes: Let's set a date—

Loucks: Okay.

Estes: —for a scheduled meeting.

Loucks: And then you also want the Planning Department access to review it within the 30 days and report back. I'm just asking.

Estes: I'd like us to reconvene and then to make an informed decision and finalize the process or make a plan of action that's enforceable.

Loucks: Okay, do you feel like you need a—

Estes: Well, whoever has—it takes to do that. I mean, it needs to be inspected and—

Loucks: Right. Do you feel like you need any cost estimates updated or are you going to be happy with the inspection?

[OVERLAPPING—INDISCERNIBLE]

Mitchell: Once the inspection has occurred because—

Estes: If there's additional need [ph].

Mitchell: If there's additional need, yes. We definitely need an updated cost estimate because the figure could skyrocket.

Estes: I'm not balking at what, Mr., I think, Johnson came up with. I'm just—he said there could be additional costs incurred and that's what I don't know.

Mitchell: Yeah.

Loucks: Okay. Now let me ask the board, on the cost estimate, you want it brought up to 2017 standards—

Hughes: No.

Loucks: Or just minimum housing standards?

Adams: Well, I think Wake County would—is going to require in this scope of the work that's to be done, everything will have to be up to 2017—

Mitchell: Current code.

Adams: There's no question about that.

Mitchell: You can't grandfather the structure in. It has to come up to current code. It's basically like a total renovation. So current code has to be enforced. And another condition I would want at 30 days is another inspection of what the condition is in terms of pests. While it has gotten cold and that is an argument, we all know electrical wires carry heat and cockroaches and everything else love those wires and that's why they tend to fry and pop and cause fires, especially when it gets cold.

Loucks: Okay, so in my little notes here, I have the board would like to have a thorough house inspection done within 30 days, that you would like to have a Planning Department have access to review all the work done up to that 30-day point, that

we have a cost estimate for repairs to bring it up to current code, and possibly, some type of a past estimate or treatment to be done within that 30 days, and then we have the issue of who covers the cost.

Estes: And at what time—what waiting period it is to get funding for that kind of thing.

Loucks: That, I don't think—

Estes: I mean, we'd have to find a funding source—[OVERLAPPING]

Loucks: Yeah, that would have to wait until we got this before it would go off to—for grant, because we have an idea—

Estes: That's why I wanted to expedite [ph]—[OVERLAPPING]

Loucks: I'm thinking out there, too.

Mitchell: Yeah, because in the next 30 days, hopefully, we need to see that they have done some progress to apply for these grants to meet some conditions. Not that, oh, we're going to—the holidays came, Thanksgiving. That's not an excuse. This is your house. This is an important thing. So I would—every opportunity: churches, knock on doors, there are neighbors—do what you need to do, just to show us something.

Estes: Even with the tax bill that was introduced in addition to the other one that's at a higher one, it still does 60%—

Mitchell: Yeah, the 60% was—yeah.

Estes: Still, either way, it's a lot to spend [ph].

Hampson: Yeah, and the—just for clarification purposes, the percentage of cost and percentage—their cost versus value of the house is really—what that comes down to is whether the town can require somebody to actually undertake repairs or if

it's over a certain amount, you can't require them to make those repairs but you have to require them only to demolish. So that's really the way [ph].

Estes: But you can offer them the option. If they can afford to do it, that they can do it.

Hampson: Well, they can all—well, yes. They can always—they can always repair. It's just that the town can't enforce them to spend—

[OVERLAPPING—INDISCERNIBLE]

Mitchell: Yeah, we couldn't force them to go beyond the 60%. Basically, you're giving them the, quote, "cheap option" now. Fine, we'll—you can demolish our house and we'll bill you and—

Estes: And they're supposed to let the mortgage company know [ph].

Hampson: And just as a sort of the point of clarification on the 30 days, I'm hearing 30 days to obtain an inspection.

Mitchell: But we—I know we need longer to actually—

Hampson: Well, because we—if it—if they have 30 days to inspect, you know, that, the 30 days would then, I think, probably begin around the—we would need to notice a public hearing, advertise the public hearing again.

Mitchell: Correct, yeah. So we wouldn't meet until January at the earliest—

[OVERLAPPING—INDISCERNIBLE]

Loucks: We can recess this and reconvene next week if we want to.

Hampson: That's right, you can recess to a—

Loucks: As long as you don't end the meeting.

Hampson: —time, date, place, certain.

Hetrick: Can I make one suggestion?

Loucks: Of course.

Hetrick: I think, while—while I agree with the 30 days and trying to meet milestones, I do think it's going to take her a little bit of time to get some coordination and some help since she does have some health issues, to try and get some of this assistance. Plus, the 30 days is going to be hitting, you know, around holidays and either getting—I know Mark offered assistance for inspections. But I just think the timing may—you know, it—one, for the meeting. But also two, to give her a little bit more time, but also give staff a little bit more time, knowing kind of where that time frame is hitting.

Loucks: So you're thinking maybe the second or third week of January?

Hetrick: I think so. I don't know the meeting dates—

Loucks: We're maybe talking six or seven weeks?

Hetrick: I don't know the meeting dates offhand, but what the next regularly scheduled meeting is but—

Spriggs: We haven't approved the meeting dates yet.

Hetrick: That's right.

Spriggs: It happens at the December meeting, so.

Markland: Well, the meeting dates for you are not approved by the Board of Commissioners. Only the Board of Commissioner dates are approved, so if you want to wait until the second or third week in January, the second Thursday is January 11<sup>th</sup>.

Loucks: Okay, I was looking at the 11<sup>th</sup> or the 18<sup>th</sup> as a possible recess and reconvene then with these following items, which someone will have to make a motion on, and



once again, we were talking about an inspection done and rather than 30 days, you can say by January—whenever the meeting date is going to be.

Mitchell: Yeah, we'll say the 18<sup>th</sup> just to give them this [ph]. Mark, does that give you a realistic time for staff to do what they need to do? Because the staff is—your resources are stretched to begin with. So, we are now—I know we're putting more stress on that, so.

Hetrick: I think the 18<sup>th</sup> would probably work better for us and give her a little bit more time as well.

Spriggs: Can I interject? If we're going to do that, I would need—I would still probably need any information that's going into the agenda before Christmas.

Mitchell: Yeah, because, you know—

Spriggs: Because I have to put the agenda out. We have to have time to review the information that's going to be back into the recessed meeting before you have new information to review; it's not necessarily part of the public hearing, but it's part of your next decision. So we would need some time to prepare that for you. So I'd have to have all that documentation ready so I can write my staff report. I need several days for it to be denied and get our staff report together, and then the next agenda packet printed, delivered. So if we're looking at, say, the 18<sup>th</sup> of January—

Mitchell: You'd have to have your staff report in, what? December 18<sup>th</sup>?

Spriggs: I would deliver the agenda to you on the 5<sup>th</sup> of January. So I would need at least a week or so. With the holidays, we're closed three days for Christmas. So I would

need something by December 21<sup>st</sup> so I could make that agenda to you on the 18<sup>th</sup>,  
so—

Estes: It would leave it to be determined or is it by the town?

Spriggs: Just to let you know what the staff to go through in order to prepare for one of these meetings. We need to give Ms. Mayo as much time as possible, but then we need to give staff as much time as possible to get that information back in your hands.

Loucks: We could go with a recess until January 18<sup>th</sup> and I guess you communicate when the inspection is due to you. Because we really don't care as long as we have a copy in our package roughly the first week of January so we have—we can review it before the 18<sup>th</sup>, right?

Spriggs: And if we're working with her, we may be able to get that staff report working while we're getting some of that information. We can run some things concurrently. So if we have a little control over those deadlines, it would be a little bit easier on staff.

Loucks: Right, and we'll let you—I guess the deadline would be controlled by you.

Spriggs: Yeah.

Loucks: We're only concerned about—by January 18<sup>th</sup>.

Spriggs: Yeah.

Loucks: Okay.

Mitchell: So, for your submittal process because I go through this in my other position. You're going to need three to four weeks lead time to do what you really need to do, correct? With the holidays, it's sounding like that's not really a possibility for

January 18<sup>th</sup>. So if we went to the end of the month or even the 1<sup>st</sup> of February, would that allow you to do what you needed to do?

Spriggs: Yes, but at the same time, I don't know if we want to hold her out of the home for that time [ph].

Mitchell: Correct, that's the kind of balance we need—

Spriggs: It's the trade-off of how soon we can get things done for her so that we can get her in a position where she's able to be in the house and making the repairs and being able to live in the house again. As we make some of those decisions and come up with some of those milestones, at the same time, we don't want to purposely delay something that we can get through a little bit quicker. So I would say the 18<sup>th</sup>—it probably gives us just enough time, but it is going to be tight to make that but I wouldn't want to push it back any farther.

Mitchell: Okay. I make a motion that we plan to hold a hearing on the 18<sup>th</sup>, to reconvene our hearing on the 18<sup>th</sup>.

Loucks: Yeah, if we recess a meeting with a reconvening on January 18<sup>th</sup> at six o'clock.

Spriggs: Let's do six o'clock because that—

Loucks: So we can start earlier—

Spriggs: That will give you more time. I mean, it's already almost 10 o'clock tonight, so it has been a long meeting and it will probably be the same kind of deliberation at that night.

Loucks: And then if I could also get someone to make a motion or a recommendation to the staff of the following things we wanted, and they were: an inspection by January 18<sup>th</sup> of the home; the Planning Department have access to the home to

review any work/progress being done between now and January 18<sup>th</sup>; a cost estimate to bring the house up to current housing code by January 18<sup>th</sup>; and then some type of a pest estimate treatment will be done between now and January 18<sup>th</sup> to control the situation, and I guess that goes on the exterminator to give us some recommendations. Yeah, he's back there raising his hand because—

Mitchell: Hello, sir.

Loucks: Yeah.

Mitchell: Is that something you can accommodate in that amount of time? Because I know we're not asking questions but this is for our—

Lynn: That's okay.

Mitchell: Okay, can you accommodate that?

Lynn: Yeah.

Mitchell: Okay, making sure. Yeah, because—I know we're asking a lot with the holidays here, but, you know?

Loucks: Yeah, for clarification at this point and because we upheld the appeal, no one can live in the house between now and January 18<sup>th</sup>, but they have access to the home to work, remove things, et cetera.

D. Moore: Correct.

Mitchell: That's correct.

D. Moore: That's correct.

Mitchell: I figured that's where you were going. Yeah, we had a kind of question from one of our officers and I knew that's where it was going, so thank you for clarifying.

Loucks: Basically, I'm assuming the board has just directed staff what we'd like to have by January 18<sup>th</sup> without a motion.

Mitchell: I'll make the motion that all of the conditions that we—were just outlaid by the chair need to be hopefully, at least worked towards, if not resolved by the 18<sup>th</sup>.

Loucks: Of 2018?

Mitchell: Of 2018, sorry.

[OVERLAPPING—INDISCERNIBLE]

Estes: I'll second that.

Loucks: Second. Any discussion? All those in favor say aye.

M: Aye.

Loucks: It's unanimous. And with that, we'll close this evening's meal [ph]—or any old business?

Hetrick: Can I make one comment right before you do that? I guess, Toby, since the meeting is being recessed, the ex parte communication still because of the meeting—

Hampson: Yeah, you should still—this board should also continue to avoid ex parte communication because I think ultimately, what's going to have to happen is a reopened public hearing in order for this board to receive new evidence. That's so from that standpoint, you know, hence that the public hearing would have to be renoticed and advertised.

Mitchell: Good point.

Loucks: Yeah, so we should not be talking? We should be waiting for additional information on the 18<sup>th</sup>.

Mitchell: Okay.

Loucks: Good point. Yes, question?

Pulley: As far as enforcement, if they are caught living there—

Mitchell: Get to the podium.

Loucks: Yeah. Microphone.

Pulley: As far as enforcement action for us, if they are caught living there, what are our choices, I guess you could say?

Loucks: As the board chair, I'm going to either give it to the attorney or back to Mark. I don't know.

Hampson: Yeah, and I think that's—I think that's a—I mean, I—it's you have an enforceable order. The violation of housing code, we can talk about options.

Pulley: Right. Is it trespassing?

Hampson: We can talk—we'll talk about some options.

Pulley: Okay.

Estes: Well, and I think you should spend some hours [ph]. I mean, if they're there at two o'clock in the morning, sitting there retrieving belongings [ph], they should be living—I mean, there's certain hours, like from 8:00 to 12:00 or something like that.

Loucks: Okay, yeah. I would say access to the house is access to the house. Because I work at two o'clock in the morning.

Estes: Well, you wouldn't know if they're in there sleeping or packing boxes.

Loucks: Yeah, well, they—yeah, they could be taking a nap, et cetera, but you have to look at the frequently and how often it's happening.

Pulley: All right. Okay, cool. Thanks.

[INAUDIBLE]

V. Mayo: I do respect the rule [ph] and once someone tells me to not enter property, I don't enter. I was licensed and bonded out of New Jersey. I used to work for food stamps and I was licensed and bonded under the Essex County Sheriff Department out of New Jersey. So any time any law enforcement tell me, "Do not enter any property, do not go somewhere," I obey. I do not do that. If the property is not in good condition enough to live in, I honor your decision. I will not live in it—I will only repair it, and I promise you, when they told us that we could not go in, Mr. Mark, Ms. Davida, they will all tell you, we always obeyed the command. We will not try to live in there. We just want to fix it. You won't have a problem with us.

We don't try to stay. We might be late there, you know, hours there because, you know, I walk, you know, sort of slow. But we leave every night. We've never tried to stay there since they said we can't live there. Okay, so I just wanted to let you all—

Loucks: Yeah, and I'm sure the town staff is going to continue to work with you to help resolve this but we have—

V. Mayo: Yes, sir.

Loucks: You have a lot of work to do.

V. Mayo: Yes, I do.

Loucks: Between now and January 18<sup>th</sup>.

V. Mayo: And I promise you I will do it if I'm allowed to get in touch with my insurance agencies and different things, because the house is insured and if I'm allowed to let them know what's going on, they will take care of it. They will take care of most of the damages.

Loucks: Okay, so this evening's meeting is being recessed and will reconvene on January 18<sup>th</sup>, 2018 at 6:00 p.m. Okay, thank you.

[INAUDIBLE]

[END RECORDING]

[INAUDIBLE]



**Board of Adjustment  
Reconvened Meeting from November 16, 2017**

**Today's Date is January 18, 2018**

<b>Loucks:</b>	<b>Larry Loucks, Chairman</b>
<b>Estes:</b>	<b>Jay Estes, Board Member</b>
<b>Adams:</b>	<b>Tad Adams, Board Member</b>
<b>Hughes:</b>	<b>David Hughes, Board Member</b>
<b>Hampson:</b>	<b>Toby Hampson, Attorney</b>
<b>Hetrick:</b>	<b>Mark Hetrick, Planning Director</b>
<b>Moore:</b>	<b>David Moore, Code Enforcement Officer</b>
<b>Markland:</b>	<b>Lisa Markland, Town Clerk</b>

Loucks: So I need a motion that we recess tonight's meeting to a different date and a specific time.

Adams: I make the motion to move it to Tuesday, January 30<sup>th</sup> at six o'clock.

Loucks: I have a motion. Any discussion?

Estes: I second.

Loucks: Second.

Loucks: All those in favor, say "aye."

M/F: Aye.

Loucks: Aye. Note there are none opposed. So we will recess tonight's meeting until Tuesday, January 30<sup>th</sup> at 6:00 p.m. Any other business?

Hetrick: No.

Loucks: Okay. We'll recess the meeting till next Tuesday, January 30<sup>th</sup> at 6:00.

Estes: I sure am glad you got to watch your husband work.

[INAUDIBLE]

[END RECORDING]

**Board of Adjustment  
Reconvened Meeting from November 16, 2017**

**Today's Date: January 30, 2018**

<b>Loucks:</b>	<b>Larry Loucks, Board Chair</b>
<b>Adams:</b>	<b>Tad Adams, Board Member</b>
<b>Estes:</b>	<b>Jay Estes, Board Member</b>
<b>Hughes:</b>	<b>David Hughes, Board Member</b>
<b>Hampson:</b>	<b>Toby Hampson, Staff Attorney</b>
<b>Spriggs:</b>	<b>Julie Spriggs, Town of Zebulon Senior Planner</b>
<b>D. Moore:</b>	<b>Davida Moore, Code Enforcement/Permitting Officer</b>
<b>Markland:</b>	<b>Lisa Markland, Town Clerk</b>
<b>Hetrick:</b>	<b>Mark Hetrick, Town of Zebulon Planning Commission</b>
<b>Lynn:</b>	<b>Jimmy Lynn, Surety Exterminating Company</b>
<b>Johnson:</b>	<b>Taylor Johnson, Better Off Construction</b>
<b>Mayo:</b>	<b>Virginia Mayo, Appellant</b>
<b>M/F:</b>	<b>Male/Female Speaker</b>

Loucks: Call the meeting back into session. We needed an update on cost estimates to bring the house up to current code. We wanted another pest inspection done to make sure things were brought up to code. And we also want to know if they were—in of the—what work was done to apply for grants to help cover any cost, to be presented tonight. Does a board member—can you think of anything else that was brought up? I'm just going from notes from the motion. If not, since we're going to be getting information this evening, all those people who are going to testify or present, if we could swear them all in at one time?

Hampson: Actually, Mr. Chairman, if I could—

Loucks: Yes?

Hampson: —ask for just two procedural steps. Number one, if we could have a motion just to excuse Mr. Mitchell from the proceedings, since he was here at the last meeting—

Loucks: Okay.

Hampson: —and will not be here—[OVERLAPPING]

Loucks: That would be wise.

Hampson: [INDISCERNIBLE]

Loucks: Do I hear a motion from a board member?

Hughes: So moved

Adams: I second.

Loucks: Okay. We have a motion to excuse James Mitchell made by David Hughes, seconded by Tad Adams. All those in favor, say “aye.”

M/F: Aye.

Loucks: Aye. It’s unanimous. James Mitchell is excused.

Hampson: And then second, assuming there will be new evidence presented tonight, we’ll need a motion to reopen the public hearing.

Loucks: All right. Do I hear a motion to reopen the public hearing for additional information?

Adams: I move that we open the public hearing for further information.

Loucks: Do I have a second?

Hughes: Second.

Loucks: Okay. Motion by Tad Adams, seconded by David Hughes, to reopen the meeting for additional information. All those in favor, say “aye.”

M/F: Aye.

Loucks: Aye. It’s unanimous. We’ll open the meeting for additional information. At this point, could we swear in the witnesses?

Markland: I request we swear them in one at a time.

Loucks: As they—

Markland: As they come—

Loucks: —present. Okay.

Markland: —to speak, just like we did last time, please.

Loucks: That'll be fine.

Hetrick: And Mark Valletta with Resources for Seniors is on his way, but I think we got a text from another individual saying the traffic was bad. So he may be caught up in that as well. We do have the PowerPoint for him. So if need be, we may have to bump him to the end.

Loucks: Okay. Did they give you any idea of an ETA?

Moore: No, but I mean, I can call his [ph]—

Estes: Is this the petitioner in question?

Loucks: Now, who is running late?

M: [INDISCERNIBLE]

Moore: Mark Valletta, Resources for Seniors. The petitioner in question, Ms. Mayo [ph]. We have someone from Therapeutic Alternatives, for Ms. Mayo, that also stated that they were running late due to traffic. So those three.

Loucks: Okay. May I suggest possibly we wait—

Moore: Okay.

Loucks: —10 minutes to see if they get here? Is the traffic because of the accident up here?

Moore: I assume so. I'm not entirely sure.

Loucks: Okay.

Moore: But I just got an email from one of them saying traffic is bad and they're caught up in that.

Loucks: All right. What are the comments from the board?

Estes: You need a motion to wait 10 minutes? I'll make a motion that we put off the meeting for 10 minutes due to heavy traffic.

Loucks: I hear a second?

Adams: Second.

Loucks: I have a motion to recess the meeting for 10 minutes waiting for some people to arrive due to traffic. Seconded by Tad Adams. All those in favor, say "aye."

M/F: Aye.

Loucks: Aye. Unanimous. We'll wait for 10 minutes and reconvene at approximately 6:20.

Hampson: And, Mr. Chairman, if I might, just the usual caution to avoid any ex parte communication about this matter while this board is in recess.

Loucks: Well taken, thank you.

Hampson: Thank you.

Loucks: Recess for 10 minutes.

Estes: Thank you.

Meeting Reconvened after recess

D. Moore: —completely cleared. Kept us from being able to look in this area in the corner here, which is above the crawl space, to really inspect what was going on here, what happened. It also kept us from being able to see areas near the baseboard.

We did get some photos, but we were—the fact that there's so many things up against the outer part of the room here—kept us from being able to see the baseboard, if there was any separation there from the floor to the baseboard, which we did, in fact, see that there was according to one photo. And I will show you that as well.

This was bedroom two in the first photo. This room had not been cleared at all. As you can see from pages 484 to 501, there was still just a small space to walk in this room. We could not inspect really anything in that first—excuse me—in that bedroom number two. The second photo here is of bedroom number one. You'll notice in your book on pages 507 to 523, there was a mattress there. She had cleared—she had removed that mattress, but there was still items in that room that kept us from doing a complete inspection in that room. So she had not entirely cleared bedroom number one either.

The kitchen was painted yellow. That was a change that we noticed. Some of the items in the cabinets had been cleared, and you'll notice a big difference if you look in your books on pages 381 to 409. In those photos you'll see that the cabinets were completely filled with items.

There was—on page 392 of your book, there is an electric panel that we were unable to open or touch just due to the amount of roach feces that were in that cabinet. While some of what was—excuse me—while some of the cabinets had been cleared, the issue was that roach feces still remained there. We did notice that she had painted over some of the roach feces. That is still an issue, because that does not remove it. It's—they're still there. They can still smell it.

It's still evident. But you'll notice that she did try to remove some of the items in those cabinets.

If you look in your book on page 557, you'll see a chart that gives you all my findings and the violations that attributed to those findings. On page 559 of that chart, that goes over Chapter 153-11 Standards and Requirements for Fitness number seven. I talk about the electrical wiring hanging loose. This photo was actually located in bedroom two. We were able to see a little bit better that—about that—the electrical wiring was just hanging loose. That light fixture there seemed as though it was about to fall. And again, this was located in bedroom two. This was one of the things we could see.

Chapter 153-11 Standards and Requirements for Fitness page 558 in your book, number three talks about flooring. This was one of the reasons—this photo basically is one of the reasons why we—why it was very important for Ms. Mayo to remove the items—all of the items in the room, so that we could see if there was any separation. As you can see in this picture, the floor is separating from the baseboard. And we will have expert testimony to go a little bit more into that, but this was one of the photos that we got of that. This was why it was so critical to remove the items that were there, so that we could see issues like this.

Again, Chapter 153-11 Standards and Requirements for Fitness page 558—number three I believe—also talks about flooring. And here you'll see that due to moisture, this floor is badly damaged. There was a newspaper covering it, but from what we could see, you can tell here it's pretty much gone due to all the water that was getting into this floor.

So we're moving into the shed—or the storage room again. Back on the chart that listed my findings, Chapter 153-11 Standards and Requirements for Fitness page 559 number five, talked about the accessory structure. As you can see from the photos, the crawl—the—excuse me—the storage room does show that there was moisture coming down. It was destroying the wood that was there.

The photos here give the outside part of where that moisture was hitting. You can tell here where that arrow is, this is where what you saw in the slide before, where a lot of that moisture was getting in and just really messing up the wood there. That wood was just crumbling apart and needed to be replaced. I would like to submit into record at this time, staff recommendations.

Loucks: This will be Exhibit J.

D. Moore: Staff recommends upholding the code enforcement officer's decision as communicated through the property owner on September 22<sup>nd</sup>, 2017, which was Attachment 15, the Order of Judgment Minimum Housing that was given to you guys on November 16, 2017, in your packet. Based upon the evidence submitted into record, the staff acknowledges the appellant has some minor improvements. The dwelling remains unfit for human habitation per 153-10 Fitness for Habitation of the Town of Zebulon and Code of Ordinances. Remaining improvements necessary to make the dwelling habitable in accordance with Chapter 153 Minimum Housing Standards exceeds 60% of the value of the dwelling, qualifying the dwelling as dilapidated. Staff's recommendation is based on estimates provided by a licensed North Carolina general contractor and expert witness testimony.



Though you'll see a chart there that gives 90 days, we do recommend giving a period of at least six months for demolition or to make improvements. We also recommend within 15 calendar days—February 15<sup>th</sup> at eight o'clock—by that time that the appellant get all of her belongings out of the home. On that date we will also post an "Unsafe to Occupy" and that no one should be on that property unless they are tied to the permit. Reasons for this are due to safety from the home being uninhabitable and through future testimony that you will get from our experts. We feel as though that home—that the home, unless you're attributed to the permit and unless you are there to fix something, it is not safe at all for anyone to be in that home or to be living in that home.

And the result that the order to demolish is upheld. It is important to note that nothing herein would preclude the appellant from bringing the home into compliance within the time period specified for demolition. An ultimate decision, which is page two of the evidence that you received. If the board determines to give the appellant more than 90 days, which we recommend six months, to bring the dwelling into compliance, below is an approximate time frame in which the improvements may be completed.

The deadlines detailed below are based upon Wake County building code official Steven Kellen's estimate of time needed to complete work. All work completed should fully address improvements recommended in and based on expert testimony provided. According to given—according to evidence given by Mr. Steven Kellen, he estimates that it may take approximately five to six months to bring the home into compliance and to a habitable state. The timeline

established is based off of that approximation. So if you look at the chart here, the first thing is to obtain an engineering inspection for the entire home. This is one thing that our Wake County inspector, Steven Kellen, is requiring before a residential building permit can be submitted.

This will—anything that we may have missed—anything that our experts may have missed during that inspection, that engineer will—what we assume—that engineer will basically tackle that, and he will turn in an engineer report that discusses anything that our expert testimony may not—or, excuse me—that our experts may not have seen or went over. We hope—we ask that Ms. Mayo bring—have that finished by day 30. By day 60, we ask that she submits a completed residential building permit application, engineer report, plans, and all supporting documentation to the Zebulon Planning Department. That—the reason why we've stated day 60 is because that includes any resubmissions of any plans that may not be approved at first submittal. She may include in her submittal of the engineer's report—she may include the plans.

But the Wake County inspector may have questions. He may not—something that the contractor is wanting to do, the Wake County inspector may want them to do something else or may advise that something else may need to be brought up to code. So that 60-day time limit basically allows the Wake County inspector enough time for plan and review, and any questions that he may have on the engineer report that allows him to speak with that engineer as well as the contractor.

By day 150, once the permit is approved, we ask that she obtains all required inspections, including a building final. By day 157, we ask that she obtains a minimum housing inspection and an extermination inspection. And by day 165, we ask that there—that Ms. Mayo obtains a certificate of occupancy from the Wake County inspector.

That certificate of occupancy basically will state that all questions that may have come into play during the violations, anything that the engineer said in his report, all of that will be taken care of, completed, and approved by that Wake County inspector. The certificate of occupancy basically gives Ms. Mayo the approval from that Wake County inspector that her home is, at that point, up to date. And that completes my testimony.

Loucks: So these are basically your conditions and your timeline. You have staff recommendation on Exhibit J, page one, and then you have an alternate recommendation on the back of page two.

D. Moore: Yes, sir.

Loucks: The board have any questions?

Estes: Yeah. Yes, I do. I've got several, I think. As far as if we give them an extended period of time within the new deadline, if they over—if this deadline exceeds what it says or they don't meet a deadline, is that going to initiate a whole new legal proceeding as far as—not an injunction to stop the demolition, but a—

D. Moore: If—

Estes: If they're not in compliance with the new outline, is that—

D. Moore: So if you were to give an order of six months, if on that last day Ms. Mayo had not followed the deadline and turned in everything that she needed to turn in by that last day, then that gives the town permission to move forward with demolition procedures.

Estes: So she would not be able to get an injunction or anything to stop demotion based on certain percentage of—[OVERLAPPING]

D. Moore: We would move toward getting approval from the Board of Commissioners.

Hampson: Yeah, just from a—to clarify. From a legal perspective, under the ordinance, if by the end of the six months the house is not built up—put either into full compliance or demolished, based on y'all's recommendation, the next step would actually be then to ask the Board of Commissioners for an order allowing the town to demolish. So that would be the next step.

Loucks: Any other questions, Jay?

Estes: No.

Loucks: Other board members? Does the town have any other testimony other than Exhibits G through J?

D. Moore: We do, and I would like to call Taylor up from Better Off Construction.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Johnson: I do.

Markland: State your name and address, please.

Johnson: Taylor Johnson, 115 Sauder Way, Zebulon, North Carolina 27597. I would like to give Ms. Day time to pass out my PowerPoint, and I'd like to submit it to record, please.

Loucks: And this PowerPoint will be Exhibit K. And, Lisa, you'll swear him in.

Markland: I just did.

Loucks: You just did, okay. Sorry.

Johnson: Okay, the first thing I'm going to speak about is going to be the moisture barrier, of course, in the crawl space area. In the first picture here you see, you can see where there's a moisture barrier that's applied on the home. It seems to be the moisture barrier was put down in the time that the water—the hot water heater was replaced. We were told there was a water leak at the home where, you know, it was pretty clear it was put down at that time, I'm assuming just to prevent from crawling around in mud, and water, and that extent. And you can see in the second picture here, the moisture barrier isn't—you need a—this house, you need 100% coverage. You can get by with 75, 80%, and it's fine. The moisture level under this home, recommend 100% for sure.

The moisture barrier that we've seen under the home just went maybe halfway underneath, just where the plumber had to crawl, but did not extend the whole entire area under the home whatsoever. This is just two slide pictures of it, but mainly this is soon as when this is kind of probably—you have about I would guess a good 45, 50% coverage under there now.

Moving on to—we're going to talk about the ledger board. As you can see in this picture here, there's actually a broken ledger board, and you can see it

better in the picture—in the slide picture two [ph]. Okay, the ledger board is what the floor joists are going to sit on, notched on, resting on. Here it's actually broke. And where it's broken at here is on the back side of the home, this—where above that is the bay window.

And the bay window, if you remember in the other pictures in the testimony the video was given, you seen the little arrows showing the baseboard. Well, there's about a two-inch gap between the baseboard and the hardwood floor of the home. So from this area here till about 12 foot back is where the ledger board has deteriorated and rot, and has broken and fell. And the floor joists are mainly sitting on the brick exterior of the home. Again—

Estes: Is that a crawl space vent behind that ledger board?

Johnson: Right here? Yes, sir.

Estes: Crawl space?

Johnson: Yes, sir. The floor joists. As you can notice here, you can see the difference in the floor joists. See how they're gray? That means they're—the moisture in there has, you know, has mainly sucked out all of what's good into the—in the wood. Makes the wood dry. Makes the wood crumble, in a sense. You know, the floor joists—I seen about 12 floor joists under there that needed sistering, where you add one to the side of it to make it stronger. The main concern under here with the floor joists that I seen is a lot of it is just the span of the floor joist. And we'll move on to another slide, and I'll show you what I mean by this. But there's a notching of the floor joist that—when you have a ledger board against your rim

joists, ledger boards notch and sits on it. That's what keeps the—that's your weight-bearing there.

Well, these floor joists are notched over four inches on the end, so you're not—you have a 2x10 floor joist, you're not having a 2x10 strength on the end; you're only having five inches of it [ph]. The strength is notched too much. Not today's code by no means. Back then, sure, it was possible. We noticed a lot of the bottom of the floor joists—about a half inch up from the bottom into the floor joists—was deteriorated on probably 60% to 70% under the home.

Main structural problems I seen, again, were notching on the ends of the floor joists and the span of the floor joists given its size and diameter. So just to kind of show you what we're talking about here is this is up to today's code now, and you see here's your—this is your rim joists. That's your outer band, and then you got your seal plate, okay. Well, there's not seal plate there. What they did was their rim joists sits flush with the inside of the brick, causing you to have to put a ledger board. Well, the ledger board is what's broken now. We'll make—you know, we always install a seal plate, which all the weight-bearing is on the wall itself.

You know, so here we have the rim joists. Here we have the floor joist. Of course, here's the seal plate. This goes to show you [ph] some of the rim joists issues we have here. You can see the deterioration of some of the rim joists. Here's actually a ledger board that's tied into the rim joist. Well, this ledger board, if you're going to apply a ledger board, you have to have a—you have to have two nails on either side of the floor joists. You have to have that for support.

Well, there's nails that are—some where there's not even no nails, and they got nails that are just periodical [ph]. But you have to have them on either side of the floor joists here. But you can also see the notch that I'm talking about, how much of a notch that is on—that's actually a 2x4 ledger, and they're notching it three-and-a-half inches. Takes away structure support.

Again, this is where I was showing you where the ledger board was broke on the rim joist. This is the location. It's hard to see, but there's a—this is actually in a—I believe it was in the family room. Yeah, the family room. It's hard to see in the picture, but it's a separation of about an inch-and-a-half. That's right there below where Jay said, "Was that a crawl space vent?" That—right above that is that location where the floor is falling.

Okay, here's some of the subfloor [ph] damage you can see. This time we can physically see it from underneath. We've seen it. You could tell a lot from above, but you couldn't really see the mass majority of it till you're underneath. This here is actually the bathroom where somebody has actually put in a piece of plywood here. But again, you can see it did not carry over to the outside of the wall, and there's the plumbing.

There's the gap between the floor and the floor joists. And you can still see daylight through there. There's—it should've been complete coverage here. And again, here's a lot of saturation of the subfloor that we were talking about that could be from any type of water leaks they might've had, any type of animal feces inside; it's whatever got spilled, leaked, ran, poured from the top side down.



Again, here's some more subfloor damage that runs along. Again, when that water seeps in the subfloor, it's going to keep traveling, and it's going to carry wherever it's going to go. Again, here's another rim joist here that's attached to the floor joist. That one's saturated with the water as well. It just travels wherever it's going to travel to. It'll soak down through the floor joists. You can see the color differences up here and here, on the pictures. You can see where it just soaks through.

As far as the carport attic, structurally, it look—it's—it was in stable condition. There was nothing that would tell me that it's, you know, any danger. On the ends on the eaves on the soffit side over here, of course, you could see where the fascia board was coming off of the outside of the home. Because you could see daylight coming in, not from the soffit, but from the fascia board itself. But structurally sound as far as any of the rafters and the ceiling joists [ph]. All that was structurally sound. There was no issues there whatsoever. This here is—when you go in through the—when you go up through the pull-down stairs on the carport, this is looking to the inside of Ms. Mayo's home here. There's actually—there's a wall. You can't see in the home. That's where it stops, so that you're not actually portraying [ph] into the home in any these pictures. This is just the carport.

Excuse me. The attic in the home, again, you can see the saturation in some—in lots of the sheeting on the roof. I did not see any saturations in a lot—of any of the rafters. They seem to be in workable condition. There were no issues there, just in the sheeting itself. Here's one location. There's another

location behind it, and there were several locations throughout. The only other concern was some of the electrical and the R-value of insulation needs to be updated, of course. Because you can see if you're looking at the pictures here, you can see the ceiling joists. You can see how you see most of the width of the joist. The insulation is way below, it just needs to have wood insulation [ph] added to it to bring it up to the R-value that it needs. That also helps with the moisture tremendously in the attic.

So here's the quote of a breakdown, basically of the difference from last time we had the breakdown. Now, we actually have a breakdown where we can see from the crawl space itself. Moisture barrier to remove what—vapor barrier [ph] that was in there. It needs at least a six mil [ph] vapor barrier. So, you know, if the other was six mil, yeah, I'd say I can understand leaving it and just adding to what it needed. But it's not six mil, so remove the moisture barrier that was applied under there, and install new moisture barrier to 100%. That means full coverage. Turn it up the walls. Don't just stop it at the wall. Don't keep it away from the wall. Don't be scared to cut around a block. Put it all the way through it [ph]. It's a cost of \$450. That's material. That's labor.

Ledger board. There was about 12 feet of the ledger board, again, that was on the back side of the home below the bay window that needed to be cut out and replaced. And that involves basically getting some screw jacks and building you a beam underneath the home, jacking the home up just enough to loosen up the floor joists from the ledger board. Cut it out, install new. That's a \$310 labor and material price.

Floor joists. There was at least a dozen floor joists that needed sistering. There was a few that actually needed to come out and just have a new floor joist installed. Not sistered. It was not enough meat to sister one to [ph]. Again, that's going to involve the same situation with doing the piers, doing the screw jacks, lifting the floor joists up enough to replace them or sister them as need be. That cost, labor and material is \$970.

The rim joists. There was about 32 feet of deteriorated rotten rim joists on the home that needed to be replaced. Well, due to the home being a brick home, you would have a little bit more extent in the labor of getting the rim joists out. First, it's going outside, taking off the siding, and physically seeing the rim joists. So to replace the rim joists with new 2x10s, that cost, labor and material is 2,750, with a total of 4,480 [ph].

We have to keep in mind that this is to bring the home up to the—its original standard. This isn't brand-new floor joists all over the house. This isn't new seal plates, and this isn't new, all new—this is just what was bad. This is to make it safe to go under, for an engineer to say, "Okay, guys. This is what this home needs." The span on a 2x10 on this home cannot be here. We got weight-bearing walls here. We need to add triple beams in this location. This is just to make the home safer in the locations that are bad, because it does need [ph] an engineer to look at it for sure and to see what the inspector is going to actually want. And I've done this for a while, and a lot of the inspectors, they want engineer report to kind of cover their backside. So again, that price is just to

make it safe to go up under and to be in, get the floor back up to the bottom of the baseboard, get the floor level to an extent where it's safe.

My overall recommendation of the home is, could it be fixed? Yes. Can it be fixed? Yes. The question is, do you fix it? Do you invest more money than it's worth? You know, we all have, you know, we all understand that certain things mean certain things to us. You know, there's memories. There's things that you want to remember about the home. You just can't imagine it—you know, you can't fix it. Well, it can be fixed, but costly, very costly. Is it worth more than it needs to be? So my recommendation to me would be not to fix, not to fix the home just because of the cost to bring it up to today's code, to me, in my opinion, would not be what I would do. Any questions?

Loucks: Board members have any questions? Thank you.

Johnson: Thank you.

Loucks: Does the department have any other witnesses? Okay?

D. Moore: Yes, we do. Our next witness that we would like to call is Mark Valletta.

Valletta: Ms. Day is passing out another PowerPoint of some of the photos I took there.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Valletta: I do.

Markland: State your name and address, please.

Valletta: Mark Valletta, 582 Wimbleton Drive, Raleigh, North Carolina 27609.

Loucks: And his PowerPoint presentation will be Exhibit L.

[TECHNICAL COMMENTS] [INAUDIBLE]

Valletta: Well, I don't—I won't belabor you with all of these, because you've seen a lot just a few moments ago, of the pictures that I took that day. It will be in \_\_\_\_\_ let's see where we are. So this is just a shot of the front of the home and the carport there, which he rightfully pointed out is in pretty good shape. I mean, I didn't see anything terrible up there that really that even needed repairing other than to clean it out. And I will note in my report that I first remembered that that shed wasn't covered in brick, but it is. So I said the whole house was brick veneer with the exception of that, but I wrote that in error. The whole house is brick veneer, including the area there. And that door is the entry into a storage room in—that you saw the stored items [ph] where you access the crawl space.

This is just a shot of some of the damage. When you have fascia board that's deteriorated, and a lot of times the shingles are cracked when it hangs down over [ph], it starts allowing water to go in behind it. That migrates back into the walls, and then it can go down in walls and find its way down to the floor areas and the ledger boards, as you saw the pictures of, and create the rot damage that you see. And it has—it takes a long time for a house to get in that condition. It's—that's not a year or even a five-year thing probably. It's longer than that when you see that sort of damage.

Here's some more fascia board. And you can see how the shingles have sort of just curled down around it, and they're cracked along the top edge, so they're allowing water to get in behind there. I guess I'll \_\_\_\_\_. Just down the bottom side of that same area, you see what damage—the curves from the fascia board and shingles cracked along it can do. It's pretty devastating if it's

allowed to go on for a good period time. You can also see the black receptacle there that's hanging down. Not much chance somebody would get shocked on that, but that's certainly not something you want to see. It's just a closer shot of that electrical receptacle there.

You can see a mound of pine-straw that's been allowed to collect on top of the house, and that just keeps moisture on the roof surface and just adds to deterioration. And really, if you don't keep it, it ruins your roof much quicker than it would normally live. I mean, a typical lifespan of a roof may be 20, 25 years. If you leave it in that condition, it could drastically cut it down. So that's some of the reason for the problems we see.

This is just a crack in the veneer. I noted several of them. In a house this age, I'm not alarmed by that. I mean, you—it's—when you look at something that's built in, I think, 1949, it takes time, it settles. And so that's not one of the issues with this home. This is in that same room where I think we saw the floor joists and ledger, and I think it was a little closer to the—this side of the picture over this way. But you can see if that much water is allowed to dump into a wall, it's going to find its way down to the lower parts of the house and create the kind of deterioration you saw in those pictures a moment ago. It's just a few more of the cracks that you see in some of the brick veneer there. Again, nothing major, but they are there.

That was a hole I just noted walking around the house that might've been the source of entry of some of the cats and other things that had gotten into the house. You can see the condition of this window. It's uncaulked, and it's

deteriorated pretty badly. And that's going to allow water to infiltrate the house and do everything that we've seen it do. It's just another shot of the—one of the windows in the home. Where the seal meets the verticals in the house is the first place an inspector always goes when they're inspecting a house. They just take their finger, and a lot of times your finger will go in. It'll be if that house has been kept up, and painted, and caulked, you won't find that.

This was after we'd gone under the house. You've seen a pretty close shot of this a few minutes ago. One thing I don't think was pointed out is if this part of the—I don't know if you guys see this dot here or not. But in the—I guess it would be the lower left corner of the picture, you see the vapor barrier that was placed, but it wasn't completely to the wall. There was a good couple feet of exposed soil, and that was almost black. It was—from accumulation of rainwater [ph] and plumbing leaks that had gone under the house. So at one point in time, there was some pretty serious leaks, and there may be, still. When I was there, I didn't [ph]—their water was not on, and so I couldn't run anything. Or if the water were on, we would've gone under there and seen leaks, I'm pretty sure, but I can't say that for a fact.

That was just an exposed electrical junction box there. That is kind of typical of some of the plumbing that I saw under the house. You could see there's radiator hose clamps and PVC stuck in the end of a pipe. And even with the water off, you can't see it, but there was a few drops of water coming out of that patch there. So—and that was directly over where that black soil was there. The plumbing is in pretty bad shape in the home.

These are just some shots of—from below of deteriorated floor. Some of the areas you could actually see the hardwood, and the subfloor was already rotted away. That was under the kitchen sink, and you can see how much water and gray water has leaked around that pipe. Of course, it went out the pipe, too, but that much water has been allowed to accumulate over time [ph]. And that is a very good-sized hole around that pipe where it comes through the floors, so mice and insects could easily come and go through that.

There's the section there, I believe that was the one where the piece of plywood was nailed down in the living room. So you're looking at a hole in the floor. And if the plywood was not there, you'd be looking up into the house.

There is a joist, and it's a double joist. Apparently had something cut through the left-hand joist at one point in time. You can kind of see a crack running up through there. I guess maybe plumbing was there, and they abandoned it and moved the pipe to the side, but that joist is badly deteriorated. Just really bad.

Here's another area of flooring and another plumbing pipe that you can see that just has—just all to pieces. It's super bad shape. That's another waste pipe and evidence of it having leaked in the past. I don't know if it's still leaking or not. There's some of the ductwork under the house. And out in front of that shot is some abandoned plumbing. It just kind of hung down. It was not used anymore apparently.

There's a shot of—a pretty expansive shot of it. You can see there's a lot of soil exposed there, still. It's not completely covered with vapor barrier. And



those are—that's probably as good as the ducts looked under that house there.

There's another area of deterioration. You see a hole in the floor. I think that one goes all the way through the finished hardwood. And you can see, again, you could see the ledger board that he was talking about earlier, and you can see that these joists are not probably half the depth of the height of that member. And typically now, that whole member would rest on the seal plate. So basically what you do, when you notch that halfway, you basically supporting that floor with half of that piece of wood. Everything below that notch is just there for looks now, because when you've cut that much away, you've taken the strength away from it.

That appeared to be where maybe an old register floor oil furnace used to be, where kids used to run over them and burn the bottom of their feet [LAUGHS] when they were in the hallway. And I guess that was just plywooded over. They didn't add any additional joists in there to span that area. That's not a major issue, but I did note it.

There's a real good shot of that broken ledger board. If you look at the brick and the line of brick, you can see that it really sags down a good ways. And basically, those joists are just, for all practical purposes, unsupported. There's the same shot a little bit closer there. You can see, again, how much those joists are notched, and that that ledger board is badly deteriorated.

This was standing in the—I went up the—there's a pull-down stair in the carport out there, and I went up there. And this is a shot from that carport area. It is walled off, but there used to be an old gable there before the carport was added.

And you can look into the main house, the attic of the main house, from there.

And it's—I mean, the framing structure is amazingly in pretty good shape there. Like he said, the—some of the roof sheeting is deteriorated, had some water leaks, as you would expect from the condition of the roofing on it. But the roof is not a major issue with this home. I did see leaks around the chimney, which is where you would always expect them. It's a flashed [ph] area, and if it sits for a while, that's not unusual to see leaks around a chimney in a home this age. You can see there's very minimal insulation there. That's not unusual for a house this age either. They put the—might not even been any when the house was built. But those wooden members are—what are they? Well, they was 2x4s up there, aren't they? In that [ph]. So that's not even, you know, three inches of insulation, if you can see the wood.

Technically, today you'd insulate R-38, which would be about 15 or 16 inches depth of insulation. And you can't hold that against it. I mean, that's—this house was built in 1949, but it does need it. This was looking right from the pull-down access in the hallway, looking back toward the carport. And you can see there's a lot of stored items up there. That mattress is there. There's actually some animal feces on that mattress where the, I guess, the cats or whoever had been staying up in the attic there. That attic had not been accessed in a lot of years. Because from one end to the other—I had a stick—and I pushed my way through it, and it was cobwebs from one end to the other, so nobody'd been up there in a lot of years. Here's some shots around the chimney. And there's some staining there, but I'd seen a whole lot worse.

Again, I don't have much pause about the roof system on this house. The biggest issues are down in the floor. Now you can see there where some staining, where water has gotten around the chimney, got by the flashing. And this is the lower side of the chimney where some moisture has gotten in.

This is in the bathroom where the tub meets sort of the closet door. That deteriorated area there is pretty much a hole all the way to the crawl space. This is another shot of that same area. I pulled back the curtain, and you can see that all of this wood, the trimming [ph] in there is badly deteriorated. Really, that—there is a new tub there, but it—that should've all been fixed before that tub was set in place. And then, of course, you've got to seal all this back with tile, or some sort of wall panel, or something so that water doesn't get in there. And I know Ms. Mayo said they haven't used it since that happened, and of course, you wouldn't want to. But it's just another issue of the home that would have to be resolved.

There's another picture here at the other end of the tub. The lower picture is the exterior wall end of the tub, and you can see there is no interior wall insulation. Again, in 1949, energy was not an issue, so you didn't insulate the walls. But you would probably want to see that happen at this point if this house were to be renovated.

Here's a couple areas that you've seen in other pictures of damaged ceiling. And it had been raining probably day or so before this, and I didn't see any active [ph] kind of wet spots on the ceiling. So again, the roofing is not the major issue with this house.

Overall recommendation for the home, I came out a little differently on it than my predecessors did there a minute ago. I agree with all that he said about the house in that, can it be fixed? Yes, you can fix anything with two things. You can fix it with time and with money. Now, you have it in your power to grant the time, but money, I can't weigh in on that. I don't know where it would come from. I'm here because we do have programs—okay, well, I'm going to let your mom present that. She'll have time to speak, I think.

We have funded programs, and that's why I was called in initially here. The programs that we have are limited in scope. I mean, probably 7,500, \$8,000 or something like that. And I only know of—well, North Carolina has a—Finance Agency has a program that's about an \$8,000 loan. The Wake County Human Services—Arlene Vinson's office has—I don't know how many dollars they would have available.

But we're coming far short of what I'm seeing the total cost of this to be. Now, Ms. Mayo, I've had some conversation with her, and she said that her family might be in a position to help finance some of this, and I can't speak to that as far as how accurate it is or not. I know she probably wants to tell you about some things tonight that she's relayed to me in the past.

It's a hard call for me. I've been working where I'm at for four years now, and I've been in construction for years and years. If I was just somebody was going to buy a house, I would say tear the house down because it would be easier to build a new house. But I don't have the emotional attachment to it. I don't have my memories there, and it's not my home. So to just casually say "Tear the

house down” is hard for me to do. I’d say in the four years I’ve been at Resources for Seniors, this has been the most emotionally trying thing for me to be involved in.

I’m here because I do want to be in Ms. Mayo’s corner. I can’t control all the things that you have to deal with as far as township, and the zoning, and all of that, and the decisions you folks have to make about time. So I would say, you know, I hope that you can grant her the time that Ms. Davida had offered to her, and I hope that she’ll be able to, in those six months or more—I don’t know if you have the power. You may have the power to grant her more time. I don’t know. To get things together to be able to save her home.

Now, one—I’m not here to ask you guys questions, but I had pause about it. Because if she goes through five or six months and actually invests money and does things in here, but doesn’t make the mark in six months, would you still tear down a home that all that was invested in? So that’s just putting it out there for that. Does anybody have any questions of me? Be glad to answer them.

Loucks: Board members have any questions, remark? Not at this time, all right.

Valletta: All right, thank you for hearing me.

D. Moore: Next expert we would like to call is Jimmy Lynn from Surety Exterminating.

[INAUDIBLE]

Lynn: If Ms. Day will pass out the PowerPoint presentation, I’d like to submit this into record—

Markland: Let me swear you in before you do anything. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Lynn: I do.

Markland: State your name and address, please.

Lynn: Jimmy Lynn, 2524 South Wilmington Street, Raleigh, North Carolina.

Loucks: Jimmy's PowerPoint will be Exhibit M.

Lynn: On our overview, we'll be looking at the crawl space, the attic updates, of course our pest control inspection on the inside as well. The one thing I would like to make the board aware of is that when we checked this—when we did this check, it was during the time when we were—when we had the five days of below freezing temperatures. And so obviously, that would affect insects going out there, and obviously, it may have been what caused the water pipes to burst underneath the house in the situation like that. So—but that makes a very, very, you know—that's concerning in the fact that, you know, we not—we're not going to see as much activity on some of these issues as we do in the others.

So, we did notice that there was some new plumbing put in as well as a hot water heater. It was still plumbing lines laying on the floor—I mean, on the ground—that had not been hooked up. So, there was also the partial moisture barrier like Taylor said. That was more to keep the people from being able to get muddy and dirty underneath there with that.

Now, on the underside, we also—Mark Valletta made a comment about the gray water [ph]. One of the things I'd like to say about that is we have an insect called phorid flies [ph] that breed in sewage. And what's going to happen is later on in the year, I've seen situations where a sewer pipe would burst, and they wouldn't clean up the material. And then in six months to a year, they

started having phorid flies all over the place. Then you got to go in, pull all that plastic and everything up, remove that soil, and then go ahead and plate—and, you know, put everything back together. So here again, before you start doing any of that situation, you may want to consider the fact that some of this other work may have to be done before a moisture barrier is put down so that we don't have future problems from it.

Spiderwebs, you'll notice the number of spiderwebs throughout the inside foundation wall. Moisture, with the fact that we do have moisture in this situation, there's no insulation here. So that allows, basically in a crawl space area, the ground will emit about six gallons of water a day. As this travels up, it gets into the floor joists, and then of course it starts off as mold and mildew. And then it'll move on into some type of fungi, depending on the moisture level.

I did take moisture readings in the wood. And as Taylor was talking about, the bottom part of the floor joists itself, you've got a probably a half an inch, maybe three-quarters inches of it where the wood is deteriorating. That's because we were looking at 20% moisture in that wood, and this was on a day when it was sub—when it was below freezing.

Now, my concern is, is that when we get into June, July, and August when we have a lot of humidity out there, these numbers are going to escalate up 50, probably 45, 50%. And of course with that, anything over 20% is in decay. We're in the cold part of winter, and we still got decay in the wood. So that's something that really, you know, needs to be addressed and something that we really don't know the—it looks like the structural integrity on the wood is in fairly

good shape, but a lot of this stuff, you're not really going to know until you start going in there and tearing some of these floor joists out. All right, okay.

Here's—now, with this particular one slide here, you can see—I have never in my life seen a termite shield deteriorate to the degree this one's doing. This is a termite shield here. It's metal. It has totally rusted away and fallen down. As far as in termites, these are termite tubes that are coming down off the pipes that are also all along in between the beams. This house has been treated more likely by what I'm guessing—it was probably treated with chlordane in probably 1960, 1970. Chlordane has a 30-year lifespan on average. With the fact that we're seeing—a lot of these tubes that we're seeing in the substructure are actually a lighter color. That means that it's probably been abandoned; they haven't been in there for a while. Why they left, we don't really know. They would—they may come back later on. It'll be a feeding site. But with that, like I say, the—that drying-out process in there shows me that whenever we do a termite treatment, we'll go in there and remove all these termite tubes. So when we start seeing additional tubes in there, we know that an infestation has come along after the fact.

Now, with my graph here, you've got the area where we saw all the gray water. And, like I say, when we take that moisture barrier up or that plastic down there, we may find more soil that may need to be taken out in order to prevent phorid flies [ph] and other insects that breed in sewage. There's termites along the areas here. A lot of these are inactive, but there's a tube here and one in the back that I can show you in just a second that you're going to see that—here's



your old [ph]—here's some of your termite tubes along the foundation wall. All through here, your spiderwebs. So, then you come along in here, you got bigger tubes as you can see. Here's where our ledger boards are dropping down. You can see all the spiderweb activity there.

As well as this was one of the bigger tubes that I saw in the corner. If you look at this one, it's a darker color than some of the white. That shows that it's still getting moisture, which means it's still an active tube. And then of course here's one that—termites have a tendency to try to make shortcuts, so occasionally as they're trailing down an area, they'll drop down to the ground so it'd make them a shortcut going back and forth.

Here's the biggest tube that we found in there in that one corner. These tubes go on into the seal plate, into the band plate, into the walls. There's really no way to tell the extent of the damage until we start going upstairs and taking a lot of this stuff apart. So here again, you may have a lot more damage than what we can actually see based on this. And then here again, you can see more tubing right here. So where your tubes are coming down, again, trying to come out of the—make the shortcuts.

So, there was a large amount of spiders that were in the attic as well as in the crawl space. As I stated before—as I, yeah, stated before, whenever we went in there, Ms. Mayo made the comment that there wasn't a lot of—we weren't seeing a lot of roaches, and this is probably true. It was no heat in the house. All the insects now are lethargic. They're not going to be out moving around unless we have a heat source in there to activate. All insects have some form of a

antifreeze in them that makes them survive. And so here again the cold weather—in most situations cold weather will only affect the very young and the very old. That's what Mother Nature uses to offset the population as such. With that, of course, the spiders themselves show me that there's—there were still a lot of spiders within there, so that shows that there is an active source of food there or else the spiders wouldn't be there.

So here again the fact that we're not seeing insects now really does not have a lot of bearing on the situation because of the fact that, you know, with it being so cold, you're not going to be able to do anything. I've actually been in test studies before with Bayer [ph] where we actually scrape the tubes down, had to hold the termites in our hands for 5 or 10 minutes and warm them up, see if they were still alive for our studies. So here again we're quite aware of that situation. So—and then what my suggestion would be is just like Taylor was saying, we need to have a 100% moisture barrier with that, and that six mil poly coat [ph]. The termite treatment in this situation, imidacloprid [ph] is a product made by Bayer. And with that it does colony control. It's not necessary to drill all the walls out and make sure that you cover every inch of the property like you would have to do with chlordane.

Once we establish a barrier around the structure and under the structure, the termites as they forage into the area will pick up the material, take it back to the colony. We kill the colony out. That's the most successful way of controlling termites in North Carolina, is killing the colony and not just repelling it within that situation. These products have no odor [ph], so you don't have to worry

about some people having to leave. Or your fumigation, you got to tent the house and leave for a couple of days as such. So you don't really have to worry about that situation with these treatments. That these products will last about 20 years.

The attic. In an attic area, you have a lot of variations in temperature as well as insects and stuff, so it's been my opinion that the only way to really treat an attic successfully is to dust it, especially with all the materials in there. Throw the dust there. It's going to be slow-acting, but here again it's going to do a better job to go in there and spray. You'd have to go in several times over and over, and then you really don't know what you'd get, you know, depending on how much moisture, weather conditions, heat—ultraviolet light breaks down our chemicals just as fast as others.

On the interior, we were not able to—I had called Davida after the last meeting and told her to make sure that we were able to access the Nuvan Strips because they were reusable. However, they had already been disposed of. You cannot say within—you cannot be in the structure within 2 hours every 24 hours. So what happens there is the Nuvan Strips in this particular situation, if they're going—people are going to be in and out working, obviously we're not going to want to use that.

So we're going to have to go back with another general-use termite [ph]—I mean a pesticide, go through there and treat it, probably on several different occasions. Because as things are torn out, opened up and stuff, then of course you may address other areas that you weren't able to treat before. So basically, you're looking about another additional \$1,500 on top of, you know, the basic repairs of

that such, so—and then of course, the overview itself, like I say, there's no heat.

The insects were very lethargic. We have winter pests, you know—we have pests in there that'll over-winter [ph]. Right now all your pests are trying to come inside, and then from that, they'll over-winter—every time we have a—every time the temperature changes, we get mice—we get mice influxing in the areas, rats, and things of that nature.

So, Mother Nature has provided that, you know, they're able to come in and find the harborage. And then leave during the latter part of the year. But here again, it's all going to depend on what type of winter we get and spring and everything else. So—but as you can see, the biggest thing with the cockroaches is that, you know, they're probably still in there—and the feces on the—in the cabinets and stuff as it show—as Davida showed a picture of painting over that, we—I gave you a packet earlier the last time I was here, talking about how this material has to be physically removed. It cannot just be painted over, because it still continues to attract the insects in there. So we still have a lot of issues going on with the insect populations. And as we get into the warmer weather, it's only going to be a situation where it increases to, you know, in relative to what's there. So, is there any questions?

Loucks: Board members have any questions for Jimmy? Not at this time, thank you.

Hampson: Actually, Mr. Lynn, just very quickly, procedurally, attached to the PowerPoint presentation you gave us—looks to me that there's a—what I'll call an inspection report, dated January 11<sup>th</sup>, 2018 from Surety Exterminating Company, an estimate and hand-drawn chart. Did you prepare that report and estimate?

Markland: Mr. Lynn, would you please go to the microphone and speak, please?

Lynn: I'm usually pretty loud. [LAUGHS] So, yes, I provided this to them at the time after the inspection. Like I say, you know, with the—the one thing, like I say, with that—the termite shield, I've never seen one deteriorate like that. So, you know, that's from the pH imbalance there, stuff like that in there. But here again that's what you're dealing with in this particular situation.

Hampson: Thank you. And actually, I just procedurally also have that same question for Mr. Valletta, that there's a—

Valletta: Yes, I prepared all the—on the back, that written portion. Yes, that's me.

Hampson: Great. Perfect, thank you.

Loucks: Any other testimony or witnesses?

D. Moore: That completes testimony of all the witnesses that we had today.

Loucks: Okay. Does the board have any questions for town staff while they're here in front of us? If not, at this time, I guess do you have questions for Ms. Mayo?

[INAUDIBLE]

Loucks: Yeah. Ms. Mayo, do you or anybody from your family would like to come forward, and be sworn in, and update us with any information you have?

Hampson: And just for the record, it does look like Ms. Mayo and Mr. Mazzio [ph] are present for the hearing. They came in towards the beginning of the public hearing as we had reopened it, so they are present here.

Loucks: I believe I noted in my notes, they arrived at 6:42, and we actually opened the meeting at 6:20.

Hampson: Perfect.

V. Mayo: [INDISCERNIBLE]

Hampson: If you would, come up and be sworn, please.

[INAUDIBLE]

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

V. Mayo: I do.

Markland: State your name and address, please.

V. Mayo: Virginia Mayo, 114 East Lee Street in Zebulon, 27597.

Loucks: Do you have any information to update us on since we met back November 16<sup>th</sup>?

V. Mayo: Yeah. I've spoken to my insurance, and they did say they would take care of things for me. I'm not able to get a permit [ph] or to let anyone go into the home because they tell me to do a permit, and when I ask them what do I need or who do I send, they tell me maybe within a week or so ago that I was allowed to do it. But they're not sure if it was going to be approved, and they didn't know if I was going to qualify for his program. His program says that I'm not going to probably qualify for that, because it's in a timely manner. But we do have the means to move forward if they will allow us to, because we were in the process of doing work when she said that they had programs that would help us. Okay, we know the house is in—badly repaired. It was never upgraded, and, you know, we know it needs work.

And when she came in to code me, I thought she would at least code me and come back, and the repairs would be done to what she wanted done. But none of that never took place. She just said, "Do the program," so I waited to go

into the program. Then we had to come before, just keep coming backwards and forward, backwards and forward. So all these pictures, and then the house is not repaired. And, you know, it just—it's just a mess. But we're willing to do it. We want to save the home. You know, it's what we're trying to do. You know, when we bought it, it was never a great—that house, I was really amazed how they never, you know, had upgraded anything. And in spite of, you know, the way it looked, we do take responsibility for it. If they will allow us to get—my contractors to get a permit, and they will be licensed. Allow people to go in, you will—we'll do it.

If they will allow us to do whatever we need to do, we will do it, and they can come back, and they can code us. Everybody—we'll bring the house up to code. They will do it. I've spoken to people about it, and we do want to do that. I know it looks bad, and, you know, it looks one way when you're looking at it. But when you go in, it looks another way.

And then the moisture, that was a—they sealed the chimney. The fireplaces has been sealed up. It's been sealed up since the cats. There's no ventilation for the house. The fireplace in the living room is sealed. There's no ventilation actually for that. Plus it was snow on the ground, so we don't know if that's due to moisture. I did speak to a couple people who said that could be—that did have something to do with moisture, but at the same time, there's brick—the house do have brick columns. The house do have brick columns, and the wood do look sturdy. We know it's joists that do need replacing, but the only

thing we're asking for—if they will allow us to get up—allow the contractors to get a permit, a licensed permit to go in and do the work, they will do the work.

And they allowed to come back out and code us, because it's law [ph].

We never had a problem with that. We was in the middle of doing that when they came in, but she said, "No, go through the program." And so this is, you know, where we are. But we're willing to get it fixed. You know, we just asking you to please grant us that, you know. We'll do it. We'll get it fixed, you know. That's all I can say. We'll—Joey [ph]. We're willing to get it fixed. This happened ever since August, and I thought everything would've been resolved by now, but it hasn't. But if you would just please allow us, you know, to get the licensed people in to do the work, it would be brought up to code, and it will be fixed. And we will give the house 100%, I promise. The kids are not in school anymore. My arthritis is a little bit under control. This has been the most for me, really. I came out of a car wreck [ph], so this is really a lot. I just want to save the home.

Loucks: Do the board members have any questions for Ms. Mayo?

Adams: I do. When did you purchase the home?

V. Mayo: 2000, December 22<sup>nd</sup>, 2000.

Adams: 2000.

V. Mayo: Yes.

Adams: So you've had it 17 years.

V. Mayo: Yeah, but it hasn't been—I have pictures [ph]. It's not been in that shape for 17 years. It's just that they never upgraded anything in there. We did work in there.

Adams: Well, when you said, "They never upgraded"—



V. Mayo: –The people who owned it prior to me.

Adams: Who did?

V. Mayo: Mm-hmm, the people that owned it prior to me, Ms. Strickland [ph].

Adams: Right.

V. Mayo: They—when I got in there, it was cast iron sinks, cast iron tub. And actually speaking, when he's talking about the new tub, what happened, we had a new tub put in. But it had all this [ph]—I'm sorry. It had all that stuff around the tub. What happened, the pulled it out when he brought in this tub. He measured the thing, and he brought this tub in to go in that slot. So he actually put plaster, and different things that was around the wall, but it was some decaying [ph] on that—a piece of crown molding was decayed, but the rest of that stuff, it's not damaged or anything like that. We didn't—we never used it, because he had just really put—just had done the tub. He had just put it in. We didn't want no water to get back there.

Adams: And when was that done?

V. Mayo: It was done in the summer. It was done through the summer when he—  
[OVERLAPPING]

Adams: 2017?

V. Mayo: Yeah.

Adams: Well, if the town had not started these proceedings, when—what date had you scheduled all the repairs that need to be done in that house? So you had already started 17 years after you had bought the house, you decided to fix it.

V. Mayo: No, no, no. What happened is that the house didn't look that bad. What happened is that a tree fell on the house, and we had wall-to-wall carpet. And we had to take the carpet up. Once we took the carpet up, then we was—we had the hardwood floor. I wanted to do the hardwood floor, but they said, "No, you have to get somebody to sand the hardwood floor." It has to be sanded. You can't just do it like that. You have to sand it. Through just years of using the floor, and it was never varnished or anything like that, the floor became discolored. Okay, it was just different things—

Adams: When did the tree fall on the house?

V. Mayo: It fell a couple times on the house. The tree fell in 2000 and—it—actually speaking, the tree fell in 2015. It actually hit my car, and it hit half the—it hit the house and the car. But I just got lucky that when it hit the car, it just cracked the windshield, and I think it—what else did it do? It did something. I forgot what it did to the car, but it damaged the house more. The house had—that's where you see the hole up by the family room. That's when it fell right there. But what happened, a tree fell and hit the shed, so we brought stuff in. And what really happened was that we had a lot of stuff that was—we was doing stuff. We had stuff outside. The city came and said, "You can't have anything outside. Everything outside has got to go in."

So they start—we started taking stuff away, and we started bringing stuff back inside. Then we put stuff in the shed. A tree fell and hit the shed, and all the stuff from the shed came into the house, and that's how we had all this—yeah.

That's how we had all this stuff in the living room. But the thing of it was is that

we had decided that we was going to fix the house, because the kids had came out of school. And I had a set of twins in school. It was very costly for me. But when we bought the house, my brother was working. I was disabled when we bought the house. We didn't know my brother was going to get sick. My brother has had one heart attack and about six strokes, but he became disabled is what really started, you know, things being, you know, with not a lot of money.

But what happened is that when they came in, we'd already done one replacement of the roof, hot water heater, and we already had the lot plowed back. When she came, I told her that we was in the process of getting work done. So she says, "Well, let me see." Then it was the lady with the thing with the cats. The lady was saying something about the cats, so it started with the \$1,500 cat—they wanted—it's just a long story. And she said—I said, "Well, we'll bring it up to code." She said there was programs. So all I know, it just went from the hole there, the hole, and the hole, and getting to the programs [ph].

Then when I made him come this time, this is when we found out about the floor joists is because of all the water that had came in from when the tree hit. It separated, and that came from when the tree hit, and we had to clear the house to get the adjusters there. We didn't—we couldn't—we didn't get the adjusters there because the room was full. So we said we'll clear everything out and get the adjusters there. But before we could get the adjusters there, that's when she came and said, "Go into the program." So—okay.

Adams: Well, she started this procedure in the summer of 2017—

V. Mayo: That is correct.

Adams: —and you're basically telling me that the accident happened two years prior—

V. Mayo: Yeah, it did.

Adams: —and it took two years to get an adjuster out there?

V. Mayo: Yeah, because—yeah. Well, yeah, it did because what happened is that I had this—I know—

Adams: I don't think insurance companies work that way.

V. Mayo: No, it—what happened is this here. When they came, it was my weather hat [ph] that had gotten damaged, so they replaced the weather hat. But the other stuff was still left for them to come and decide. There was a shed that was in—that they were supposed to give me, but they never gave me the shed. It was never completed. When they did everything for me, they were supposed to give me a shed. But I could—but the shed was put on a slab, and I could never find a shed to get—to show them what the shed looked like. So we just ended up with stuff into the living room. It was just got where I had gotten sick, and I just couldn't move anything, and I had to clear everything out. And I just was not healthy enough to do it. But my thing is this here. It has to be done. I was in the process.

I'm sincere about it. I was in the process of doing it. I have asked her for a chance, and I am sincere before you tonight. I'm not just talking. If you allow my contractors, my licensed people—I don't know anything other than licensed people, to be honest with you—to come in and do this work, I grant you, this work will be done. I've already lined up a team of people that will come in and see what needs to be done, and I know it has to be brought up to code. That's why I never had a problem with the code. Never had a problem with anything.

I'm willing to do it. I'm willing to do it if you will allow us. It's just that the kids was in school. I know you're saying, "Well, lady, what was you doing?" I have chronic arthritis, and it's gotten worse through the years.

It's some days I can't even walk. I'm just going to be honest with you. But now I have good therapy, and I take medication that do work for me. And I just thank God that I'm able to do more. I don't have to get up 4:30 in the morning to make sure the kids are, you know, in school by 6:00. I now have time to give the house 100%. I've enlisted someone now that will take the lot. They will maintain all the—everything that needs to be maintained for me. They have promised me that this will not happen again, that they will make sure that the lot is completely plowed back all the time. Everything that needs to be done on the property will be done. Anybody's welcome to come to the house. I have no problem. You're welcome to come.

I promise you I will do whatever it takes if you will allow me. I have written it in my hardship letter. And I know it seems like what you're doing, but I'm going to be honest with you. I'm 60, and I was really on my last leg. I'm just going to be—you know, I know, you know, days go so fast, and—

Adams: I have no further questions.

V. Mayo: If you will just allow me, I would definitely get the people that needs to do the job to do it, and they're welcome, you know—that's law. They have to code me. They can do their job to code me, and everything will be put back the way it's supposed to be. I just want that from you all, just to be allowed to move forward.

Estes: Had you received estimates from anyone before the program was initiated or the talk about a program?

V. Mayo: Yes, I had.

Estes: Were they as high as what we've discovered here?

V. Mayo: Absolutely not. Absolutely not.

Estes: Did you commence or proceed with any of those improvements by those estimates [ph]?

V. Mayo: They just told me to call them once, you know, they're able, you know, to obtain the permit, you know. They, you know, because I had to have a permit, she says. I have to have a permit now. So they just said call them. Long as they can get the permit, they will move forward with whatever needs to be done. And I grant you, it would be licensed people.

Estes: Do you remember the cost of that estimate?

V. Mayo: Yes. It was less than 20,000, to be honest with you. It was less than that. Because see, the house is basically brick. And believe it or not, when you go underneath, when you first look at it, some houses are put together by cinderblock. This house actually has brick steeples. It was actually a brick mason that, you know, had the mason, you know—it had, you know, ties to this house. And he just really made sure that everything was done good. I even had—heard comments when they were under the house, that the house was put together well. I heard that when they was under the house. I heard, "Whoever built this house built it well." I heard that.

I heard them when they asked Jimmy about the bathroom plumbing, because every [ph]—some of his stuff was done new, you know, with the, you know, with the flooring. Is it the right entrance, and is it a right whatever? And I heard Jimmy says, “Everything under here is the way it’s supposed to be.” I did hear that. He said, “You know what? Everything under here is the way it’s supposed to be.” Is there moisture? He said, “Not where I’m standing. I don’t see any moisture. Not here.” And he was right up by the bathroom area. He said, “Not here.” And they said, “Well, what do you see? What’s going on?” He said, “Everything that’s supposed to be here is here.” That’s exactly what I heard him say, and I heard Jimmy say that. So.

Loucks: One question I have for you is I’m looking both backwards and forwards. And backwards, I see where this has been going on roughly almost six months, with possibly limited resources put towards the project, and the house is nowhere near code. Based upon estimates tonight, we’re looking at almost \$70,000 to get it up to code where it’s habitable. And a recommendation is made that you only have six months to do that.

V. Mayo: They—nobody have allowed my—they have not let me have my people’s permit. My people need a permit to do it. I want my people to go in to her, and I want her to tell them whatever it cost for the permit, and let my people get the permit, and come to the property, and do the work.

Loucks: Okay, but looking forward, I’m looking at the paperwork and the testimony tonight. And it looks like it’s going to cost approximately \$70,000 to repair the house and bring it up to code. And they’re—what they’re recommending is you’d

have six months to do it. So if those two things are facts, and it's going to cost \$70,000 in resources, and you only have six months' time, do you think you could meet that? Otherwise, the house would be torn down at the end of six months, even if it's only half done.

V. Mayo: Right. If she allows my people to come in, and she let them do the work, within six months, I do believe with God's help, this job will be done. I believe that.

Loucks: Well, there's still some engineering reports and things that would have to be done. That's going to cost money and can't be done by you or your family unless you have a licensed engineer in the family.

V. Mayo: No, no, no. Sir, I will, you know—I told here—because I don't know—you know, really to be honest with you, I'm definitely a professional person, even though the house look, you know—definitely a professional person will do the job. A licensed contractor, whoever needs to do it will do it. Will do it. She just got to allow them—give them what they need and allow them to do the work. That's all I need from her. Just allow the work to be done. That's it. Then they will do it. It will be done. Because if I'm only granted six months, and that is all I can have is six months, I do prefer to take the six months and talk to God or do whatever I need to do to do it, than to not do it. And I know I'm working with licensed people. I feel they can do it. I feel they can get it done. I do. Yes, I think they're qualified to do it.

Loucks: Okay, any other questions from board members?

Adams: Can I direct the question to the board or only to the witness at this point?



Loucks: Once Ms. Mayo is finished, then we can ask anybody who's testified if you have a question. The board is free to ask them. I believe you have a question for the town?

Adams: Mm-hmm.

Loucks: Thank you, Ms. Mayo.

V. Mayo: Yes, sir. I thank you all.

Adams: In the time frame that this all first started in August, of course we found out about it in November \_\_\_\_\_. From August to November, could, in the way proceedings were done, could she have contacted a contractor to begin work to sort of alleviate some of this judicial proceedings, or would she have been prohibited from, you know, engaging a contractor in September and to begin work, you know, if she had wanted to?

D. Moore: As I informed Ms. Mayo several times, the town cannot prohibit her or stop her from turning in a permit. We cannot do that. The only thing that we can do is either approve the permit, reject the permit submittal, or we vote the permit if for some reason we were to find out that there was work being done that was not approved.

During the time from August 24<sup>th</sup> when we did the minimum housing inspection up until right before the hearing, we urged Ms. Mayo to apply to several different programs. One of them was Mark Valletta—Resources for Seniors. Another was the revitalization program of Wake County. We urged her to speak with a lady by the name of Arlene Vinson. She did speak—she did

indeed speak with Ms. Arlene. Ms. Arlene informed me that she mailed her a packet. I confirmed with Ms. Mayo that she had received that packet.

The issue, though, is that Ms. Arlene never received the packet back. So that means that everything that she'd asked her to fill out, documentation that she'd asked her to submit for proof—for example, documentation from doctors proving that she was or is disabled—was never submitted to Ms. Arlene Vinson. Ms. Arlene had hoped that with the submittal of that packet, she would be able to reward Ms. Mayo with the help of \$15,000. She even went so far as to say that she would be speaking to her supervisor, after she saw conditions of the home in photos, to try to get \$20,000. The unfortunate part about that is that Ms. Arlene never received a call from Ms. Mayo after she had sent that packet. I spoke to Ms. Arlene, and she confirmed that she never received a call after that packet had been sent.

Adams: Okay.

[INAUDIBLE]

V. Mayo: It's things like this that I'm speaking about. What happened is that Ms. Arlene, she told me I could go into a program, and the lady said okay. She sent me papers that would say that my son has no tie, my daughter has no tie to the property. She told me that if it's over 20—if it's over \$20,000, they wouldn't even—I wouldn't even get the money anyway. This is what the lady tells me, okay? And I—she knew this. I'd asked her before when she came in—I said to her when she first knocked on my door, "I have another place that I'm living," is what I said to her, because I know the law. And I said to her—I said, "I have another place to which

I'm residing. Please allow me to move forward with my repairs." This is what I said to her. She says, "No, it's a hazard. Leave."

I've been—I was born and raised in North Carolina. I grew up here, pretty much of my life. And I went to school with a lot of people—a lot of people I went to school with. And for me to be able to come out before everybody with these pictures where I was too sick to do anything—I never even looked in the cabinet—this has really been an embarrassment to me and to my family. And with all good conscience, I want to make good of everything. I've asked her this. It has been backwards and forward with her—with her and I. I don't want no more. I just want tonight, you good people to tell me that I have the right to move forward. I just found out two weeks ago that I have the right to obtain a permit, which was never told to me. It was told to me that I can get a contractor to come for it. It was never told to me if it's under 30,000 or whatever, then I can do it, or I can get the permit and allow my workers. That was never told—I don't want to get into a situation with her. You know, I don't want to.

Adams: You already are.

V. Mayo: I really don't want to, but you know what? I'm going to be honest. That is what I'm going to do, because this is my brother. Joey [ph] knows it. My kids know it. They'd even finish the sentence for me. You know, she enlisted this lady that said the amount was horrific, and she wouldn't be able to do it. Okay, she said I probably wouldn't even get the—I probably wouldn't even get any of the money. Okay, this is what the lady tells me. She's saying, "You didn't even try the program. You didn't do any of these things." That's not what I didn't do. I have

spoken to her, and she told me, "You know what? Things look good on paper, but you still got to run it through to see if you qualify, because you might not qualify." I was talking to Mr. Valletta. He said, "You know what? If you live somewhere else, sometimes it—you don't qualify because of where you're living now." You know, if you're staying somewhere else, and there's certain things for certain things. He said it's different things that they look at when you qualify.

All I'm asking is this here, just like she says. I might get turned down. If you noticed, I might not be able to get it. Why not? I mean, I'm going to bring licensed people in. I'm going to bring them in. So I don't know what make her think I'm not going to do it. Yes, I am. Everybody's going to be licensed. They're going to do the job. So, you know, she's saying, you know, she's saying, "Oh, she might not be able to get this. She might not—" No, I am—with God's help and y'all allowing me to do it, I will do it. I will do it. I would've done it the first night we met, okay. But, you know, I don't want to go backwards and forward with her, please. I can't do it. I can't take it.

Loucks: Could I ask staff to go over the alternate decision guidance recommendation just one more time with us? Which I believe is page two of Exhibit J.

D. Moore: Would you like for me to go over the chart?

Loucks: Yeah, the chart. If you would, kind of go through the timeline for us on that recommendation. What would have to happen in, basically, 165 days, if I'm reading this correct.

D. Moore: So the first thing that our Wake County inspector is requiring after seeing some of the photos and video that we provided to him is to obtain an engineer inspection.

One of the reasons for that is because they could not—he could not go into the home himself due to the fact that there was still various items there that prohibit any Wake County inspector from going into the home, or for me even trying to submit a work permit for them to go. So they are requiring an engineer inspection to be done and a report to be given to them. We are—we assume that that should be done by day 30. That—and the reason that is, is because first and foremost, 30 days gives Ms. Mayo time to find an engineer, to have that engineer be able to fit in his timeline or his schedule to come out, and then it's—and then time to be able to do the inspection.

By day 60, we ask Ms. Mayo to submit a completed residential building permit application, that engineer report, plans, and all supporting documentation to Zebulon Planning Department. That—and the 60 days includes the resubmission of any plans that may not be approved at the first submittal. This gives the Wake County inspector time to approve the submittal, to reject the submittal, to ask for more documentation, which we have that right as town. By day 150, once the permit is approved, we ask that by that time she has obtained all required inspections, including a building final. So—

Loucks: In other words, all the work is done in 150 days.

D. Moore: Yes, that's what I was just trying to say. All the work, by day 150, should be completed and ready for her to receive a building final. By day 157, after that building final has been approved, we are recommending that a minimum housing inspection be done for the final time and an extermination inspection be done, just to make sure that there are no other minimum housing violations that are still

outstanding, and to make sure that the pest issue has been taken care of properly.

By day 165, we would then ask Ms. Mayo to obtain a certificate of occupancy, which at that time, if a building final has been completed, any contractor or homeowner through a building permit process—once that building final is done, you have the right to receive that certificate of occupancy. We cannot deny you that.

That certificate of occupancy basically shows that that home is habitable, and the Wake County inspectors have given—have no reason to not—or to stop her from occupying that home. So then by that time, that would complete any questions, any open violations, that closes—that would close that case.

Loucks: Board have any questions on that time flow?

Estes: I've got a question. I'm not sure it's exactly pertaining to that, though.

Loucks: All right. Well, go ahead.

Estes: It is in the decision—it says in the result that the order to demolish is upheld, it is important to note that nothing herein would preclude the appellant from bringing the code into compliance within the time period specified for demolition. Does that mean if we vote to demolish or uphold the decision, does that mean that she could still apply for a permit, get a permit?

D. Moore: She can. She has that right. And that—

Estes: Simultaneously with the demolition?

D. Moore: Yes. I can, as I said before, as a town, we cannot stop her from submitting a permit.

Estes: She has some options [ph] to try.

D. Moore: Yes, sir. Yes, sir.

Estes: Thank you.

Loucks: In which case you would negotiate a timetable, much like you have on page two.

D. Moore: Yes. Actually on page two is what we hope that you will put into your order, require for her to follow. That ensures that, say for instance you give six months, that ensures that she is using all that time that she's given wisely. Say for instance on day 150, she can't come in and, you know, try to give a—try to submit a permit and think that it's still going to get done within that time specified. So that is one of the reasons why we are asking that you require this deadline, if you go with that alternate decision.

Loucks: All right, thank you. Does the board have any other questions, or are you ready to deliberate now?

M: No further questions. We can deliberate.

Loucks: Okay. Are there any other people who would like to testify or have any additional information they could present to us?

Estes: I have one more question for her, if I could.

Loucks: Okay.

Estes: You made the comment that you found out a couple weeks ago that you getting a permit on your own, did you—have you made any attempt to do that?

V. Mayo: Yes, I did. She'll tell you. I came and I saw her. And she told me—she said—

Estes: Did she fill out the required—

V. Mayo: I'm sorry, Ms. V [ph], I came and I saw her. And what they informed me of, they said, "Well yeah, you could get it." They said, but at this particular time, they

weren't going to allow me to have it because the program might do it, and then I'll be laid money out or something, she said. She said, but I could—she would let me have the permit, you know, depends upon what's said here tonight if they're willing to do it for me, which, you know, it seems like I'm not qualified. So she did say that if this fell through, she would allow me to push forward with whatever I need to do.

Estes: So you're comfortable knowing that you can get a permit on your own?

V. Mayo: Well, I mean, of course I am comfortable.

Estes: Okay.

V. Mayo: And I'm also comfortable—she—they're only asking me—you know, I have no problem with the law, everyone. I've tried—I'm 60 years old, and this is the first time I was brought before anyone, you know. And I, you know, it kind of hurts me a little bit, you know, but, you know, that's just the way it went. I have no problem with the law, you know. I—she will tell you. Mr. Mark will tell you. I didn't go in when I wasn't supposed to, am I right? Mr. Mark, he will speak for me. He will tell you. Anything they asked me to do, I did. They asked me to let them into the crawl spot [ph]. It was against my better judgment, because I knew the squirrels and stuff had chewed around the walls, this—I'm having a problem with the, you know, the wildlife coming into the home. But I still allowed them to come in to do their job. And all I'm asking from them—because the house is so sentimental to me—I just want to save it [ph].

Loucks: Does anybody else care to testify or have any additional information to present tonight? If not, we'll kind of close the fact-finding part here. We can deliberate



and talk among ourselves. We may still have an additional question to ask someone, but the public input part is basically over with. I want to thank everybody for presenting tonight. Board members have any questions or any recommendations?

Estes: Not yet.

Loucks: You guys are normally not this quiet.

Adams: I mean, we'll talk among ourselves.

Loucks: Okay, do.

Hampson: Mr. Chair, maybe I'll sort of, kind of sum up where we are following the prior meeting, and maybe that'll help generate some discussion amongst the board.

Loucks: All right.

Hampson: As you will recall, at the last hearing, this board voted to uphold the planning staff's initial decision that this was in fact a dilapidated building, meaning it required more than 60% of its value in repairs. And so really what's left for this board is to determine what the remedy is, I guess. You know, whether to—and y'all have a very, frankly, much broader purview than planning staff has. The Planning Department can only provide up to 90 days before the demolition deadline passes. This board has flexibility there, and so you have the option of accepting the planning staff's original determination, or you have—obviously, you have their new recommendation in front of you. Or you can certainly fashion your own remedy.

As we heard in the evidence, the planning staff has recommend this six months with this sort of general timeline. That's kind of guiding posts for

progress. And I did note the additional condition, I want to make sure, which would be that in 15 calendar days from the date of this board's decision, which approximately right now would be February 15<sup>th</sup> at 8:00 a.m., that the property would be placarded as unsafe. That would provide a couple of weeks to allow Ms. Mayo to enter the property and remove any personal belongings, that kind of thing. I think that's where we kind of left off, so [ph].

Loucks: Good summation. I remind the board, too, since we have excused James Mitchell, we still have a quorum of four members. But any vote we make will have to be four out of four or unanimous in our ruling.

Hampson: Well, certainly we'll need to modify planning staff's—if you're simply upholding the planning staff decision—initial decision, the original 90 days, that could actually be by a majority vote.

Adams: In discussion, we can—I guess I sort of have more comment to sort of make.

Loucks: Comment, great.

Adams: And my comment is that I actually applaud the board's—you know, the Planning Department staff from the standpoint that I think they've gone beyond—I mean, they've been very gracious in trying to be very accommodating to allow, you know, the extensions. I know that I really can't say necessarily just due to my past permitting processes that have gone on with me in the town, my businesses, or personal at my home. You know, it is the right for anyone to try to obtain building permits. Now, I've usually always gone from the standpoint that I personally did not apply for, you know, an application for a permit because I had

always contracted with a contractor, and he went through the permitting processes.

But, you know, that was my question, is that this has been going on since August. And August the 24<sup>th</sup> is not when all the problems all of a sudden presented themselves. Problems had been there for years prior to then, which had—there had been, you know—I mean, I can't speak to other people as what prompts somebody to make a decision that they need to improve their property. But the—you know, it's like having a disease. The symptoms were there. The disease was there. The problems with the house was there prior to the diagnosis or the finding in August, but it looks like that there was never or very little attempt to remedy the situation. Nobody sought any help, you know, really getting a contractor in there to do the work. And I don't think that the town's findings in August precluded the homeowner from moving forward to get work done.

Some of the extent of the problem was, I think, presented and basically—I don't want to say ultimatums, but basically. We're going to have to take this to the Board of Adjustment. So I definitely find that the town has been very accommodating in trying to work with Ms. Mayo. However, I would say that we also need to stick—if we decide to go with page two, Document J—that a firm deadline is set and followed. Because I think past history shows that that is not going to happen. That from 2000 to 2017, basically very little was ever done for the upkeep of the home. I think everybody here is homeowner, and you realize

that there is constant maintenance on your property, which has to be done. Not everybody is under the same financial opportunities as others.

There's some things I don't think were necessarily indicative of financial means. It's just lifestyle. And I know I really probably can't comment on that, but I, too, am wanting to, you know, not see an abandoned lot. I would like to see things brought up, but we did find technically it is dilapidated. It would be on schedule for demolition. A hundred and sixty-five days, we hold hard and fast. And, you know, like I say, I commend Davida and Mark for making a very generous timeline to get things done, but I think that the timeline should be held. I'm not making a motion.

Loucks: Right, right.

Adams: My comment.

Loucks: Yeah, five months and two weeks would basically put us about July 15<sup>th</sup>, give you some idea of now to then. David, Jay? Any other comments or thoughts?

Hughes: I'd like to say well spoken, what you just said. [LAUGHS] I mean, really. That kind of put it in a nutshell for me. That's—I would make that a recommendation, exactly what you just said. Kind of took the words right out of my mouth. I mean, I'm a soft-spoken guy, and I feel the same way. I mean, I just feel like it's been going on long enough. I feel like it's time, and it's just time.

[INAUDIBLE]

Loucks: So the board's leaning on upholding the land-use administrator's ruling, but going along with alternate decision guidance number two, which is page two of Exhibit

J, which would give them a period of up to—not beyond—five months and two weeks to have the house fully back up to standard. No if, ands, or buts.

Hughes: Right.

Loucks: That pretty much the consensus of the group?

Adams: It is. It's as presented, page two.

Loucks: So you would allow a little variance on day 30. That could be day 31, or day 29, but July 15<sup>th</sup>—

Estes: I would not allow them to stack. I wouldn't allow the second item to be 30 days past the completion of the first item. It would have to be—[OVERLAPPING]

Loucks: Yeah, well, by July 15<sup>th</sup> they would have to be up to code, a COP [ph].

Estes: Right.

Loucks: Or it's demolished [ph].

Estes: That extended from day 30 to day 35. Then the next one shouldn't go to day 65. It should—[OVERLAPPING]

Loucks: No, exactly. So you want to stick with a due date of July 15<sup>th</sup>, 2018?

Estes: Absolutely. With the suggestion of the town staff guidelines and the inspector, Wake County inspector estimates.

Adams: But also the stipulation that if things are not progressing, well—

Hughes: You'll know that in 30 days.

Adams: Yeah, you'll know that in 30—I mean, in other words, these milestones have to be met.

Estes: Right.

Adams: Yeah, we're not doing it at 149 days to let me now start. No time clock starts again. It's proceeding to demolition.

Hughes: Right.

Hampson: I think ultimately, even if they're—the reality is even if they were close on day 165, that would be the expiration. And, you know, the deadline is kind of—under the ordinance [OVERLAPPING] the deadline to bring it up to the minimum housing standards.

Hughes: Right.

Hampson: Prior to that point, staff can then proceed to the Board of Commissioners, you know, to obtain a permission [ph]—an order to demolish. So, I mean, obviously, there's even more time sort of baked into this process, you know, for that sort of final enforcement piece.

Loucks: Does anyone like to entertain a motion that we uphold the land-use administrator's ruling and that we go with option two? I'm going to call it here on page two of Exhibit J, where we give them a period not to exceed July 15<sup>th</sup>, 2018, to have the COP granted. And also, I guess you could add the caveat that the property be noted by February 15<sup>th</sup> as uninhabitable other than construction work, but no one can live there.

Estes: I'll make a motion that we uphold the code enforcement officer's decision and also choose alternate decision guidance provided by the town staff—what you're calling option two—of five months, two weeks to completion, which would be July 15<sup>th</sup>, I believe, of 2018.

Loucks: Motion's been made. Do I hear a second?

Adams: Second.

Loucks: Motion's been seconded. Any discussion?

Hampson: May I just ask for clarification? Did that include that the second condition that was recommended by the staff tonight with the placarding of the property within 15 days is—

Estes: No occupancy.

Hampson: With no occupancy.

Estes: Yes. That would include that.

Hampson: Great.

Loucks: By February 15<sup>th</sup>, 2018. Okay, I have a motion. I have a second. Any discussion? All those in favor of the motion, say aye.

M/F: Aye.

Loucks: Aye. Have it be noted it was unanimous, four out of four. I mentioned to you at the November meeting when we went into recess for a couple months that you had a lot of work to do in a few months. You actually have more work to do in just five months and two weeks.

[INAUDIBLE]

Hampson: Address the board.

Loucks: Okay. If not, do I hear a motion to close the meeting?

Adams: I move that we adjourn the meeting.

Loucks: Second?

Hughes: Second.

Loucks: All those in favor.

M/F: Aye.

Loucks: Aye. Meeting adjourned. We hope you can get the work—

[END RECORDING]

Adopted this the 19<sup>th</sup> day of September 2019

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Larry Loucks – Chairman

SEAL

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Lisa M. Markland, CMC – Town Clerk





**AP 2019-01.** A request by the owners of 324 Perry Curtis Road for an appeal and interpretation of Town of Zebulon Code of Ordinances §152.031, §152.032, §152.257. The zoning is Residential (R-20). [NC PINs: 2705704175].

**Case Information:**

Appellant(s):	Bill Perry
Applicant's Attorney(s):	Andy Gay
Law Firm:	Gay, Jackson & McNally, L.L.P.
Property Owner(s):	Perry Land & Investments Inc.

**Property Information:**

Location:		Acreage	NC PIN	Current Land Use	Current Zoning
324 Perry Curtis Road		2.75	2705704175	Office with associated commercial vehicle parking	R-20 (ETJ)
	<b>Total Acreage</b>	<b>2.75</b>			

**Surrounding Property Owners, Land Use, and Current Zoning:**

	Property Owner	Current Land Use	Current Zoning
<b>North</b>	Gary and Brenda Creech & Nell Creech	SFD & SFD	R-20 (ETJ) & R-20 (ETJ)
<b>South</b>	Harriet Beck & Roy A Beck Family Trust	Vacant	R-20 (ETJ)
<b>East</b>	Carla and Vladimir Madjar	SFD	R-20 (ETJ)
<b>West</b>	Bill Perry	SFD	R-20 (ETJ)

### **Uses Permitted and Permitted with Special Use Permit:**

Section 152.129 of the Code of Ordinances outlines uses permitted or permitted by right within each Zoning district located within the Corporate or ETJ limits of the Town of Zebulon. The Uses permitted or permitted by right for the subject property within the R-20 Zoning District are as follows:

#### **Permitted Uses**

Accessory building  
Agricultural production; crops  
Agricultural production; livestock  
Child care home  
Churches, synagogues, temples, and other places of worship, rectories, Sunday schools  
Dwellings, single-family detached  
Dwellings, two-family  
Family care home  
Handicapped, aged or infirm home  
Home occupations

Modular home (one-family detached)  
Public buildings; police, fire, rescue squad stations, museums, art galleries, parks  
Public recreational facilities; tennis courts, swimming pools, etc.  
Public utilities, static transformer stations, transmission lines and towers and telephone exchanges, radio and television towers and transmitting or relay stations, including service and storage yards

#### **Uses Requiring Special Use Permit:**

Animal kennel, breeder, or shelter  
Bed and breakfast inns  
Child care institution  
Clubs; civic, social, and fraternal (non-profit)  
Coal, wood lots  
Colleges, universities including fraternity, sorority houses, dormitories, and incidental uses when on the same unit of property  
Condominium  
Country clubs  
Day care center  
Duplex  
Dwellings, boarding and rooming houses  
Dwellings, conservation subdivision  
Dwellings, single-family residence with accessory apartment  
Dwellings, townhouses  
Flowers, plants, and garden supply sales  
Golf courses, including par three and miniature courses  
Golf driving ranges

Group care home  
Handicapped, aged or infirm institution  
Halfway house  
Intermediate care home  
Intermediate care institution  
Multi-family apartment, conversion, and townhouse  
Nursery (horticultural) and greenhouses  
Nursing care home  
Nursing care institution  
Privately owned recreational facilities such as tennis courts, swimming pools, etc.  
Recreational facility; outdoor (private)  
Recycling deposit station (principal use)  
Schools (academic): kindergarten, elementary, secondary, public or private  
Schools (non-academic): commercial, vocational, public or private to include music and dance studios  
Stables, commercial  
Travel trailer parks

**Entered into Record:**

This agenda including attachments, all testimonies, presentations, and exhibits are to be entered into the record for the Board of Adjustment to reference when making their findings.

**Request:**

Mr. Gay, representing Bill Perry, is appealing the Code Enforcement Officer's Notice of Violation that the property should not have to comply with zoning ordinance regulations because the subject property is a bona fide farm. A Notice of Violation was mailed to the property owner dated February 14, 2019 (Attachment #4) that the property located at 324 Perry Curtis Road is a bona fide farm, exempting the property from zoning requirements. Staff is of the opinion that the primary use of the property is not a bona fide farm; therefore, the property is not exempt from the Town of Zebulon's zoning regulations.

**Burden of Proof:**

The Code Enforcement Officer and Land Use Administrator shall have the initial burden of presenting to the Board of Adjustment sufficient evidence and argument to justify the order or decision appealed. The appellant has the burden of producing competent, material and substantial evidence, and argument tending to establish the facts and conditions to the contrary. The burden of proof for overcoming such evidence shall rest with the appellant.

**General Description:**

§152.072(A)(1) An appeal from any final order or decision of the Land Use Administrator may be taken to the Board of Adjustment by any person aggrieved.

§152.072(E) The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board shall have all powers of the officer from whom the appeal is taken.

**Staff Report:****Background Information:**

On February 14, 2019, Davida Moore, Code Enforcement Officer for the Town of Zebulon issued a Notice of Violation stating the property was in violation of Code of Ordinances sections:

- §152.117 Residential Districts Established
  - The property is within the Town of Zebulon Extraterritorial jurisdiction, zoned Residential (R-20).
  - Complaints were filed from neighboring property owners that the storage of construction type vehicles was being stored on the property.
  - A site visit from the Code Enforcement Officer confirmed this also noticing signage on the property confirming a construction office was on the property while storing construction related vehicles.
  - This type of use is not allowed within the R-20 District as indicated in Section 152.129 of the Code of Ordinance.

- A conversation regarding filing a Zoning Map Amendment to a zoning district that would allow this use in a different zoning district was made with town staff and the property owner.
- §152.031 Permit Required
  - In the same meeting with town staff and the property owner information was disclosed that buildings had been constructed on the property without permits.
- §152.032 No Occupancy, Use or Sale of Lots Until Requirements
  - The use of the property as a business was to cease until a Zoning Map Amendment was filed with the town. Town staff would work with the property owner until the Board of Commissioners made a decision on the Zoning Map Amendment.
- §152.257 Permit Required

Relates to the property constructing a sign permit without permit approval.

A Zoning Map Amendment and Special Use Permit was filed with the Town of Zebulon on February 11, 2019. This was scheduled to be heard at the April 8, 2019 Joint Public Hearing. The applicant requested the item to not be heard at the April 8, 2019 Joint Public Hearing and requested the item be rescheduled for the May 13<sup>th</sup> Joint Public Hearing. The applicant then pulled both requests before the hearing date.

The applicant wanted staff to view his property as a farm which would exempt the property from zoning. Bona fide farms are exempt from zoning regulations in the state of North Carolina.

The Town of Zebulon Staff does not interpret the activity in question to be that of a farm use. The property was subdivided on April 21, 2016 (Book of Maps 2016, page 594). The property is a separate, +/- 3.0-acre parcel, not conducting farm operations such as growing crops, raising livestock and poultry, growing plants in a greenhouse or nursery, tree farming, aquaculture, and agritourism as the primary use on the property. It is these reasons why staff is of the opinion that the property is not viewed as a bona fide farm; therefore, the Town of Zebulon has the right to enforce zoning on the property. The primary use on the property is an office for Dixon Paving, Inc. providing a vehicular storage area for work related for Dixon Paving, Inc. Staff is also of the opinion that the buildings on the property are in violation of the Code of Ordinances in that they were constructed without a permit and are not an allowed use in the Residential-20 zoning district.

A timeline of the case is provided in Attachment #7. The timeline provides a thorough briefing on all aspects of the case from the initial field visit, to the filing of the appeal.

### **Findings for Appeal:**

The Board of Adjustment should consider all the evidence that has been presented. A reversal or modification of the Code Enforcement Officer's decision (denial of the appeal) should be based on specific evidence that results in not being able to make one or

more of the required findings. Any motion should explicitly reflect the findings being made, or which cannot be made, and the factual basis for that decision.

### **Staff Recommendation:**

Staff is of the opinion that based on the activities listed above defining bona fide farm, those activities are not taking place on the property; therefore, 324 Perry Curtis Road is not interpreted as a bona fide farm.

### **Public Notice:**

A notice of public hearing was mailed to the appellant and all property owners within 150 feet of the subject parcel (Attachment #6) on August 28, 2019, satisfying the mailing notice requirement of not later than twenty days, prior to hearing. The site was posted with public hearing signs (September 5, 2019) for the meeting held on September 19, 2019, and has remained in place which satisfies the posting notice requirement of no less than seven days prior to hearing. A legal advertisement of the public hearing was placed in the Wake Weekly (Attachment #8) for two consecutive weeks (September 6, 2019 and September 13, 2019) satisfying the zoning ordinance notice requirement of the first notice not less than ten days nor more than twenty-five days fixed before the hearing. The agenda was posted on the Town of Zebulon's website and a printed agenda available to the public was placed in the Planning Department.

### **Procedure of Hearing:**

#### **§152.082 HEARING REQUIRED ON APPEALS, APPLICATIONS AND AMENDMENTS.**

- (A) Before making a decision on an appeal, application for variance, special use permit, petition to revoke a permit or petition to amend the official zoning map or the land use ordinance, the Board of Commissioners or the Board of Adjustment, respectively, shall hold a hearing on the appeal, application, or petition. When the hearing is to be conducted by the Board of Commissioners, the Planning Board may sit jointly at the hearing.
- (B) Subject to division (C) below, the hearing shall be open to the public and all persons interested in the outcome of the appeal, application, or petition shall be given an opportunity to present evidence and arguments and ask questions of persons who testify. The order of testimony or presentations shall be as follows:
  - 1) Proponents of the appeal, application or petition, including anyone in a representative capacity;
  - 2) Opponents of the appeal, application or petition, including anyone in a representative capacity;
  - 3) Anyone else who wishes to speak for or against the appeal, application or petition, or wishes to give other relevant testimony or evidence as it relates to the hearing; and
  - 4) Anyone who wishes to ask questions of anyone else who gave testimony or presented evidence.



- (C) The Board of Commissioners or the Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- (D) The Hearing Board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six weeks or more will elapse between hearing dates.

### **Potential Motions:**

Potential actions by the Board of Adjustment: The Board may reverse or affirm, wholly or partly, or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it.

**Affirm (Wholly or Partly):** The Board of Adjustment upholds the Notice of Violation because the subject property is not a bona fide farm. The property must be brought into compliance.

**Reverse (Wholly or Partly):** The Board of Adjustment affirms the subject property is a bona fide farm and the property is exempt from the Town of Zebulon's zoning regulations.

**Modify:** The Board of Adjustment modifies the Code Enforcement Officer's decision or may make a decision and order as in its opinion ought to be made in the matter. The Board of Adjustment shall have all the powers of the Code Enforcement Officer, but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Code Enforcement Officer. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, to adapt the application of this chapter to the necessities of the case to the end that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

### **Board Decision:**

Every decision of the Board of Adjustment shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed with the Town of Zebulon Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Chairman of the Board of Adjustment at the time of its hearing of the case, whichever is later. The decision of the Board of Adjustment shall be delivered to the aggrieved party either by personal service or by certified mail return receipt requested. Decisions of the Board of Adjustment cannot be appealed to the Zebulon Board of Commissioners.

**Next Step(s):**

Petitions that are denied by the Board of Adjustment must abide by the current Code of Ordinances. Applicants can:

1. Accept the decision, or
2. Appeal the decision to superior court within 15 days of the Board's decision and may petition the superior court for an injunction within 30 days of the Board's decision.

**Attachments:**

- 1) Aerial Map
- 2) Zoning Map
- 3) Appeal Letter
- 4) Revised Appeal Letter
- 5) Appeal Form
- 6) Notice of Violation
- 7) Certified Mailing Receipts – Notice of Violation
- 8) Public Hearing Notice
- 9) Mailing Area
- 10) Wake Weekly Ad
- 11) Coates Cannon Blog – Bona Fide Farm
- 12) Site Photos
- 13) Zoning Map Amendment
- 14) Special Use Permit Application
- 15) Case Timeline

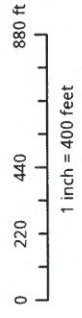
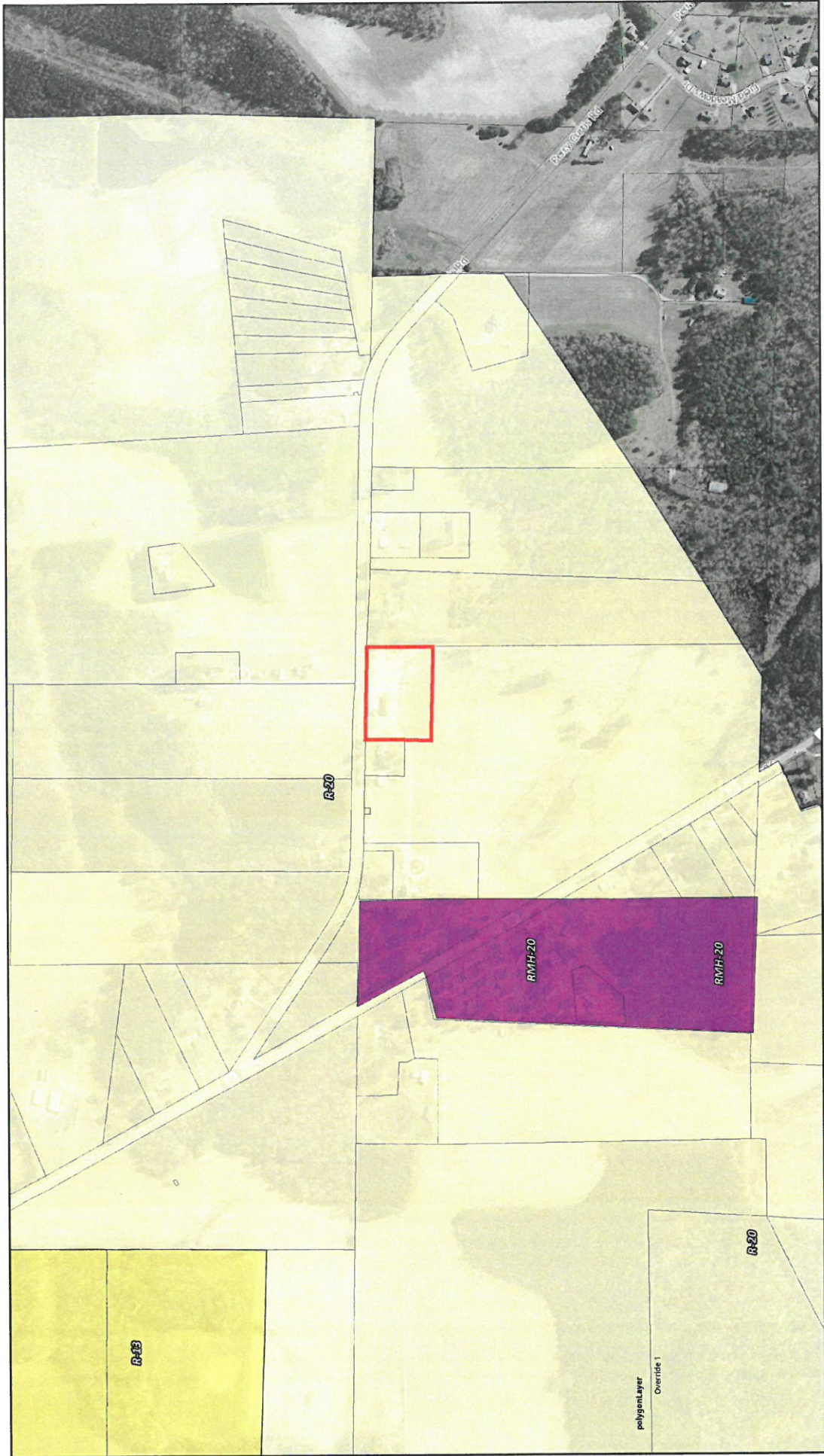
## **Attachment 1**





## **Attachment 2**





**Disclaimer**

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

**AP 2019-01 Zoning Map**

## **Attachment 3**

**GAY, JACKSON & McNALLY, L.L.P.**

A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW

P. O. BOX 10

500 N. ARENDELL AVENUE

ZEBULON, N.C. 27597

**RECEIVED**

5/31/19

3:33 PM

M.B.

ANDY W. GAY  
DARREN G. JACKSON  
DANIEL PATRICK McNALLY

TELEPHONE: (919) 269-2234  
FACSIMILE: (919) 269-2052  
www.gayjacksonandmcnally.com

May 29, 2019

**Via Certified Mail**

**Return Receipt Requested**

Ms. Davida Moore  
1003 N. Arendell Avenue  
Zebulon, NC 27597

Re: Perry Land Investments PO Box 598, Zebulon, North Carolina/ 324 Perry Curtis  
Road, Zebulon, North Carolina 27597

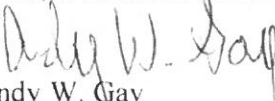
Dear Ms. Moore:

Please be advised that I represent the property owners above styled. We are in receipt of your letter date May 24th concerning your interpretation of the legal, planning and zoning issues regarding the above tract. Please allow this letter to be our notice of appeal to the board of adjustments pursuant to your Chapter 152.

I remain respectfully,

Very truly yours,

GAY, JACKSON & McNALLY, L.L.P.

  
Andy W. Gay

AWG/jc  
Cc: Perry Land Investments

## **Attachment 4**

GAY, JACKSON & McNALLY, L.L.P.

A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW

P. O. BOX 10

500 N. ARENDELL AVENUE

ZEBULON, N.C. 27597

ANDY W. GAY  
DARREN G. JACKSON  
DANIEL PATRICK McNALLY

TELEPHONE: (919) 269-2234  
FACSIMILE: (919) 269-2052  
www.gayjacksonandmcnally.com

June 4, 2019

Ms. Davida Moore  
1003 N. Arendell Avenue  
Zebulon, NC 27597

Re: Perry Land Investments PO Box 598, Zebulon, North Carolina/ 324 Perry Curtis  
Road, Zebulon, NC 27597

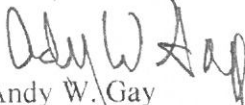
Dear Ms. Moore:

Please be advised that I represent the property owners above styled. We are in receipt of your letter date May 24<sup>th</sup> concerning your interpretation of the legal, planning and zoning issues regarding the above tract. Please allow this letter to be our Notice of Appeal to the Board of Adjustments pursuant Chapter 152. North Carolina Farms are exempt 160a-323.2.

I remain respectfully,

Very truly yours,

GAY, JACKSON & McNALLY, L.L.P.

  
Andy W. Gay

AWG/jc  
Cc: Perry Land Investments

## **Attachment 5**



APPEAL FORM

Application No. AP 2019-01

TOWN OF ZEBULON

APPEAL FROM AN ACTION OF THE ZONING ENFORCEMENT OFFICER and/or  
PETITION FOR AN INTERPRETATION OF THE ZONING ORDINANCE

Month May Day 29 Year 2019

TO THE ZEBULON BOARD OF ADJUSTMENT

I Andy W Gay hereby appeal to the Board of Adjustment from the  
following adverse decision of a Zoning Enforcement Officer of the Planning Department:  
non conforming use operate Business in R-20  
This adverse decision was made with respect to property described in the attached  
General Application Form.

I Andy W Gay hereby request an interpretation of:  
( ) the Zoning Map  
( ) the following section(s) of the text of the Ordinance:

other NC GS exempting farm vs

insofar as the map and/or the ordinance relate to the use of the property described in the  
attached General Application Form.

STATEMENT BY APPELLANT: (In the space provided below, or on the back of this  
form, present your interpretation of the ordinance provisions in question and state what  
reasons you have for believing that your interpretation is the correct one.)

Farms are exempt from municipal zoning

I certify that all the information presented by me in this application is accurate to  
the best of my knowledge, information, and belief.

Andy W Gay  
Signature of applicant

attorney for Bill Perry

## **Attachment 6**



## *Town of Zebulon*

*The Town of Friendly People*

February 14, 2019

Perry Land Investments  
P O Box 598  
Zebulon, NC 27597

324 Perry Curtis Road  
Zebulon, NC 27597

### **RE: Notice of Violation; 14 Days to Remedy Violation**

Dear Property Owner:

This letter serves as a Notice of Violation for **324 Perry Curtis, Zebulon NC (NC Pin # 2705704175)** in accordance with **§152.117 RESIDENTIAL DISTRICTS ESTABLISHED, §152.031 PERMIT REQUIRED, §152.032 NO OCCUPANCY, USE OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED, §152.257 PERMIT REQUIRED** of the Zebulon Code of Ordinances. You are receiving this notice due to the presence of an illegal use on the property as zoned.

#### **§ 152.117 RESIDENTIAL DISTRICTS ESTABLISHED**

(A) The following residential districts are hereby established: R-30, R-20, R-13, R-10, RMF, and corresponding mobile home districts (RMH). Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

(B) The R-30 and R-20 districts are designed to accommodate single-family residential development in areas within the town's planning jurisdiction that are not served by public water or sewer facilities and that are not yet appropriate for development at higher densities.

#### **§ 152.031 PERMIT REQUIRED.**

(A) Unless otherwise specifically provided, the use made of property may not be substantially changed, substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved or substantially altered except in accordance with and pursuant to one of the following permits:

- (1) A general use permit issued by the Land Use Administrator; or
- (2) A special use permit issued by the Board of Commissioners.

(B) All permits are issued under this chapter only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this chapter if completed as proposed. These plans and applications as are finally approved are incorporated into any permit issued and all development shall occur strictly in accordance with the approved plans and applications.

**- Rezoning must be approved prior to obtaining permit**

**FIRE DEPARTMENT**  
3 E. Vance Street  
Zebulon, NC 27597  
(919) 269-6487  
Facsimile (919) 269-2618

**POLICE DEPARTMENT**  
1001 N. Arendell Avenue  
Zebulon, NC 27597  
(919) 269-7455  
Facsimile (919) 269-0312

**TOWN HALL**  
1003 N. Arendell Avenue  
Zebulon, NC 27597  
(919) 269-7455  
Facsimile (919) 269-6200

**PUBLIC WORKS DEPARTMENT**  
450 E. Horton Street  
Zebulon, NC 27597  
(919) 269-5285  
Facsimile (919) 269-2617

**§ 152.032 NO OCCUPANCY, USE OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED.**

Issuance of a general or special use permit authorizes the recipient to commence the activity resulting in a change in use of land or, subject to obtaining a building permit, to commence work designed to construct, erect, move or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as otherwise provided, no building may be occupied, and in case of subdivisions, no lots may be sold until all of the requirements of this chapter and all additional requirements imposed pursuant to the issuance of a special use permit have been complied with.

**§ 152.257 PERMIT REQUIRED.**

No sign shall be placed, constructed, erected or modified on any lot without a sign permit unless the sign is exempt from the requirement. Before erecting the sign the owner of the lot must first apply to the Land Use Administrator for a sign permit.

**§ 152.096 PENALTIES AND REMEDIES FOR VIOLATIONS.**

- (A) Violations of the provisions of this chapter or failure to comply with any of its requirement, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a fine and/or maximum imprisonment as follows:
  - (1) Compliance violation: \$200; 60 days.
  - (2) Compliance violation is a violation involving a failure to comply with development standards or standards associated with the use of property in the zoning district in which it is located.
- (C)
  - (1) Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of \$50.
  - (2) If the offender fails to pay this penalty within 30 days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of debt.
  - (3) A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with § 152.095 and did not take an appeal to the Board of Adjustment within the prescribed time.
- (D) This chapter may also be enforced by any appropriate equitable action.
- (E) Each day that any violation continues after notification by the Administrator that the violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (F) Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this chapter.
- (G)
  - (1) Failure to comply with the violation notification will result in authorization of the proper town department to correct the violation and/or fine the violator exacting punitive remedy as provided by law.
  - (2) The owner of the property on which the violation exists will be responsible for compensation of cost incurred by the town.

**Forthcoming Corrective Actions:**

In order to address the issues being raised by the town, the follow corrective actions must be taken within the next **fourteen (14) days**:



- Must have the property successfully zoned as a heavy business district with the use being a construction storage yard with an approved use for the flammable liquids or gases.
- All business activities on the property must cease until the property is successfully rezoned.
- All business signs on the property must be removed until the property is successfully rezoned.
- The violation case on this property will close once the property has been successfully rezoned or the illegal use ceases.

In accordance with §152.072 *Appeals* of the Zebulon Code of Ordinances, an appeal from any final order or decision of the land use administrator may be taken to the Board of Adjustment by any person aggrieved within 30 days after the date of the decision or order.

If you have any questions regarding this property or the ordinances noted please feel free to call me at 919-823-1812 or email me at [dmoore@townofzebulon.org](mailto:dmoore@townofzebulon.org).

Respectfully,

  
Davida Moore

Code Enforcement & Permitting Officer

Town of Zebulon

1003 N. Arendell Avenue

Zebulon, NC 27597

Office: 919-823-1812

Fax: 919-269-6200

[dmoore@townofzebulon.org](mailto:dmoore@townofzebulon.org)

Attachments: Picture of site dated 3/24/17, 3/13/18, 8/16/18







## **Attachment 7**



7018 1130 0001 4482 0583

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
Total Postage and Fees	
\$	
Sent To	
Perry Land Investments	
P O Box 598	
Zebulon, NC 27597	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



0650 2846 1000 0001 4482 0583

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
Total Postage and Fees	
\$	
Sent To	
Owner	
324 Perry Curtis Road	
Zebulon, NC 27597	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



## **Attachment 8**

**To Whom It May Concern:**  
**Notice of Public Hearing**

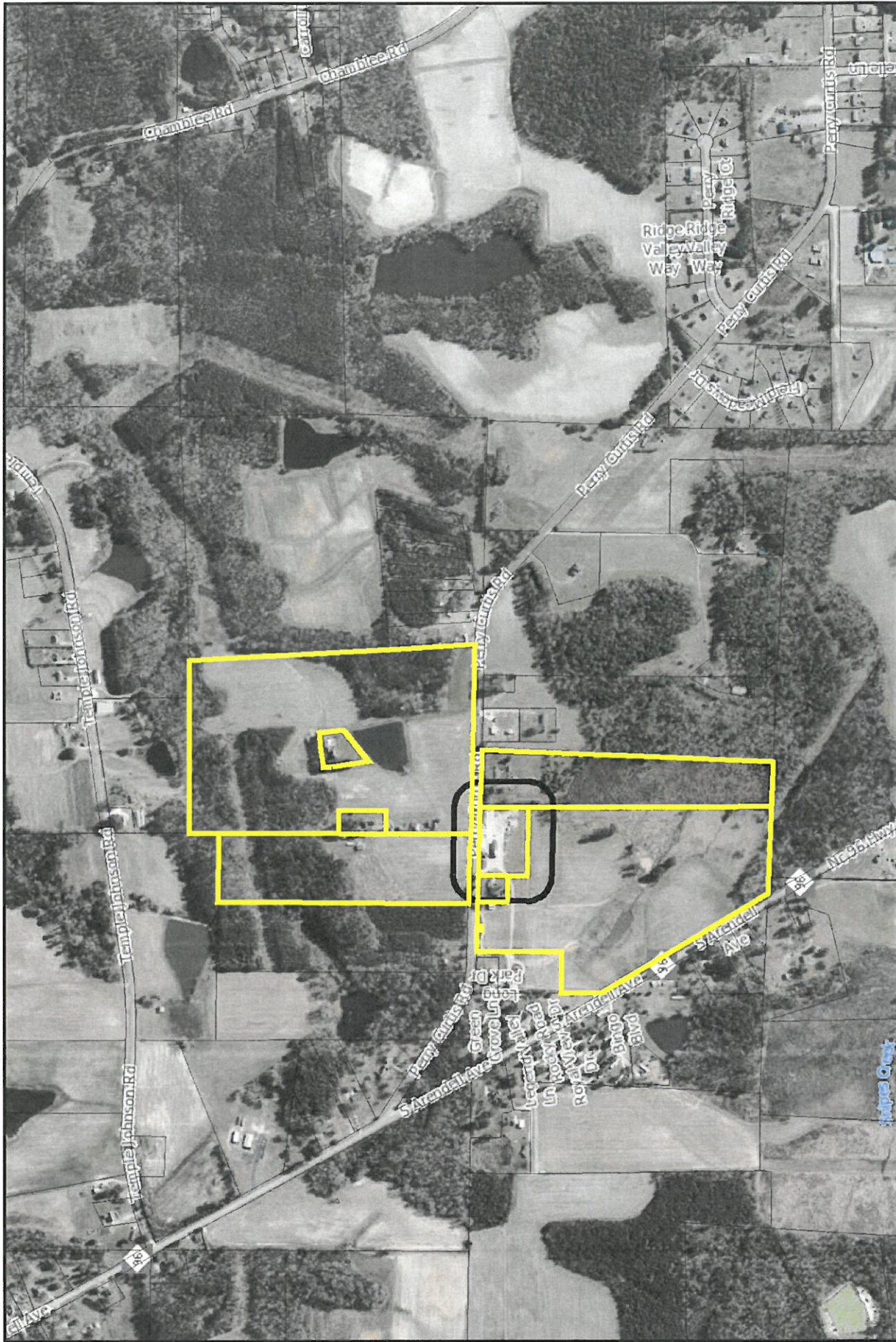
Notice is hereby given pursuant to the provisions of Section 152.083 of the Land Use Code of the Town of Zebulon that a public hearing will be held on **September 16, 2019 at 7:00 PM**. The hearing will be held at the **Zebulon Municipal Complex, 1003 N. Arendell Ave.**, and will be conducted by the Board of Commissioners of the Town of Zebulon and the Zebulon Planning Board sitting jointly for the purpose of considering the following items:

***AP 2019-01*** A request by the owners of 324 Perry Curtis Road for an appeal and interpretation of Town of Zebulon Code of Ordinances §152.031, §152.032, §152.257. The zoning is Residential (R-20). [NC PINs: 2705 70 4175].

Interested resident citizens are encouraged to attend and be heard. Maps and other relevant information pertaining to these matters are available at the Zebulon Town Hall and are filed with the Planning Department.

## **Attachment 9**



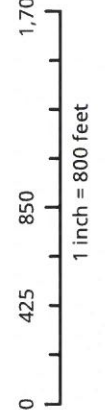


**150' Mailing Area**



**Disclaimer**

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



## **Attachment 10**

### **Notice of Public Hearing**

Notice is hereby given pursuant to the provisions of Section 152.083 of the Land Use Code of the Town of Zebulon that a public hearing will be held on **September 16, 2019 at 7:00 PM**. The hearing will be held at the **Zebulon Municipal Complex, 1003 N. Arendell Ave.**, and will be conducted by the Board of Commissioners of the Town of Zebulon and the Zebulon Planning Board sitting jointly for the purpose of considering the following items:

***AP 2019-01*** A request by the owners of 324 Perry Curtis Road for an appeal and interpretation of Town of Zebulon Code of Ordinances §152.031, §152.032, §152.257. The parcel is zoned Residential (R-20). [NC PINs: 2705 70 4175].

Interested resident citizens are encouraged to attend and be heard. Maps and other relevant information pertaining to these matters are available at the Zebulon Town Hall and are filed with the Planning Department.

WW 9/6/19 & 9/13/19

## **Attachment 11**





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## Coates' Canons Blog: What Does the Farm Exemption from Zoning Regulation Include?

By David Owens

Article: <https://canons.sog.unc.edu/what-does-the-farm-exemption-from-zoning-regulation-include/>

This entry was posted on February 17, 2016 and is filed under Constitutional & Statutory Limitations, General Local Government (Miscellaneous), Land Use & Code Enforcement, Zoning

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*Update Note: The General Assembly in 2017 amended these statutes. S.L. 2017-108 removed use of a USDA Farm Identification number as a means of establishing whether property is used as a farm. It also requires that a farm have either a farmer sales tax exemption or that the property be enrolled in the use value property tax program in order for agritourism to qualify as a farm use for purposes of exemption from county zoning. Also a residential use is exempt only if occupied by the farm owner, lessee, or operator. Also see Hampton v. Cumberland County, COA16-704, Dec. 5, 2017, where the court of appeals applied the farm exemption statutes prior to their amendment to a shooting range.*

When the legislature in 1959 extended zoning powers to counties, it was determined that farming should not be subject to county zoning regulation. Cities had been using zoning since 1923 to address "urban" issues such as the compatibility of adjacent land uses. Given the rural nature of unincorporated areas of counties in 1959, along with the considerable political influence of the agricultural community, exempting farming from county zoning regulation was a relatively noncontroversial policy choice.



That policy choice still applies and is still relatively noncontroversial. Counties can elect to use their zoning powers to regulate residential, commercial, and industrial land uses, but not farming.

A question that is increasingly arising around the state, however, is just what is "farming" that is exempt from county zoning regulation? It clearly includes growing crops and farm animals, but does it also include shooting ranges? Garden shops? Rodeos? Wedding and special event facilities? Are these land uses "farming" when it comes to zoning regulation?

The scope of the farming exemption from zoning has become contentious of late. In some instances this has involved a proposed land use that has more intense or different land use impacts than is the case with traditional farming, raising neighborhood concerns about traffic, noise, storm water runoff, and similar land use concerns. In other instances the surrounding farm community has expressed concern about activity that is "not really farming" using the exemption to avoid regulation and disrupt farm areas. These concerns are often pitted against the interests of the landowner — sometimes a farmer and sometimes not — seeking a more profitable use of the land.

### ***The Farm Exemption***

The original county zoning exemption for farming was simple and straightforward: "No such [zoning] regulation shall affect bona fide farms, but any use of such property for nonfarm purposes shall be subject to such regulations." That basic



proposition is still included within the county zoning statutes at G.S. 153A-340(b).

As Rich Ducker details in this [blog post](#), legislative and judicial refinements have been made to the basic policy over the decades. A definition was added for "farm purposes." What qualifies property to be considered a "farm" was specified. Some limited sale of non-farm products was allowed. Large-scale hog farms were allowed to be subject to county zoning. A half-dozen cases have litigated various aspects of the zoning exemption for farming.

The bona fide farm exemption has also been extended beyond county zoning. In 2011 G.S. 160A-360 was amended to exclude land being used for farm purposes from municipal extraterritorial jurisdiction (ETJ). Farming in the ETJ is not subject to city zoning, subdivision, or other municipal development regulations.

### ***Two Dimensions of the Zoning Exemption***

There are two critical qualifications an activity must have to be exempt from zoning regulation in county or municipal ETJ areas. First, the property involved must be on a "farm." Second, the activity must be a "farming purpose."

The first of these questions is usually easy to resolve. In the early decades of the farm exemption, some counties wrestled with what constituted a "bona fide" farm as opposed to a hobby farm or some clever developer's scheme to avoid regulation. Did the farm have to generate a minimum amount of farm income? Was it enrolled in the present use value property tax program? These questions are now rarely raised because in 2011 G.S. 153A-340(b)(2) was amended to simplify resolution of this first question. The statute now provides that production of any one of five items is sufficient to establish that a property is being used for bona fide farm purposes: a farm sales tax certificate; eligibility for present use value property taxation; a Schedule F for federal income taxes; a forest management plan; or a USDA farm identification number. While not the exclusive means to establish that property is being used as a farm, these qualifiers are sufficiently easy and inexpensive to obtain that they resolve most disputes as to whether the property qualifies as a "farm."

The second question is more difficult to resolve. While production of one of the five items noted above is sufficient to establish that the property is being used for farm purposes, it is very important to remember that just as was the case in 1959, G.S. 153A-340(b)(1) provides that county zoning regulation still applies "to the use of farm property for nonfarm purposes." Nonfarm land uses have never been exempt from county zoning. For example, the court in Ball v. Randolph County, 129 N.C. App. 300, *appeal dismissed*, 349 N.C. 348 (1998), held that use of farm equipment to till petroleum contaminated soil into farm land may look like farming, but it is pollution remediation, not farming, and is subject to county zoning. Any land use claimed to be exempt must itself be a farm purpose. The facts that the use is conducted on a farm or that it produces useful income for a farmer do not make the use exempt from zoning if it is a nonfarm purpose.

So what activities on a farm qualify as a bona fide farm purpose? The zoning statute provides that the exempt activities are the production of agricultural products. The statute incorporates the broad definition of agriculture from G.S. 106-581.1, which includes:

1. Production and harvesting of crops, including fruits, vegetables, sod, flowers and ornamental plants;
2. Planting and production of trees and timber;
3. Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals;
4. Aquaculture;
5. Operation and maintenance of farm land, structures and buildings;
6. Marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities that add value to agricultural items produced on the farm and on any other farm owned or leased by the bona fide farm operator; and
7. Public or private grain warehouses. There is also a limited additional exemption for production of a modest amount of nonfarm products identified under the "Goodness Grows in North Carolina" program if it is done on a farm subject to a conservation easement.

Activities "relating or incidental to" the production of these seven listed activities are also exempt. Merriam-Webster defines "incidental" to be "happening as a minor part or result of something else." In the context of this statute then, the activity claimed to be exempt as incidental to farming must be a minor part of or directly related to the exempt farm purposes listed above. Unless the activity falls within one of these categories, it is a nonfarm purpose that is subject to



county zoning even if conducted on bona fide farm property.

Two cases in North Carolina have addressed the scope of what can reasonably be considered incidental to exempt farm purposes. In *County of Durham v. Roberts*, 145 N.C. App. 655 (2001), the court held sale of excavated soil was incidental to the exempt activity of improving pasture land and expanding ponds for horses. In *North Iredell Neighbors for Rural Life v. Iredell County*, 196 N.C. App. 68, *review denied*, 363 N.C. 582 (2009), the court held a biodiesel production operation was an industrial use rather than a farm use. The fact that the facility would use some agricultural products grown elsewhere and would produce more fuel than could be used on-site were key factors in this determination.

### Questions at the Margins

If you consider a continuum with "farm purposes" on one end and "nonfarm purposes" on the other, activities on either end of the scale are easy to identify. A horse stable, a commercial greenhouse, and a pond growing fish for sale are farm purposes exempt from county zoning. An asphalt plant, a convenience store/gas station, or a residential subdivision are nonfarm purposes subject to county zoning even if conducted on a qualifying farm. A roadside farm stand is incidental to the farm. A Super Walmart that has a produce section is not. Clearing out the barn for a monthly square dance is likely incidental to farming or agritourism, but an outdoor amphitheater with regular large concerts is a nonfarm commercial activity subject to zoning.

It is the activities in the center of this spectrum, at the border between "farm" and "nonfarm" that are most difficult to characterize. A wine making operation located on a vineyard is exempt. An adjacent tasting room is likely incidental to that winery and would also be exempt. But at some point as the tasting room expands to a restaurant or bed and breakfast facility, it is no longer a minor part of the winery but a commercial use that is subject to county zoning. The difficult question, which must be resolved on a case by case basis, is determining just when this line is passed.

So, when a farm exemption from county zoning or municipal land use regulation in the ETJ is claimed, the zoning administrator must make a determination on whether the property qualifies as a bona fide farm AND, if so, whether the activity is a farm purpose. Land uses meeting both criteria qualify for the zoning exemption but if the activity is an industrial, commercial, or residential activity that is not closely tied to legitimate farming, it is subject to zoning.

### Links

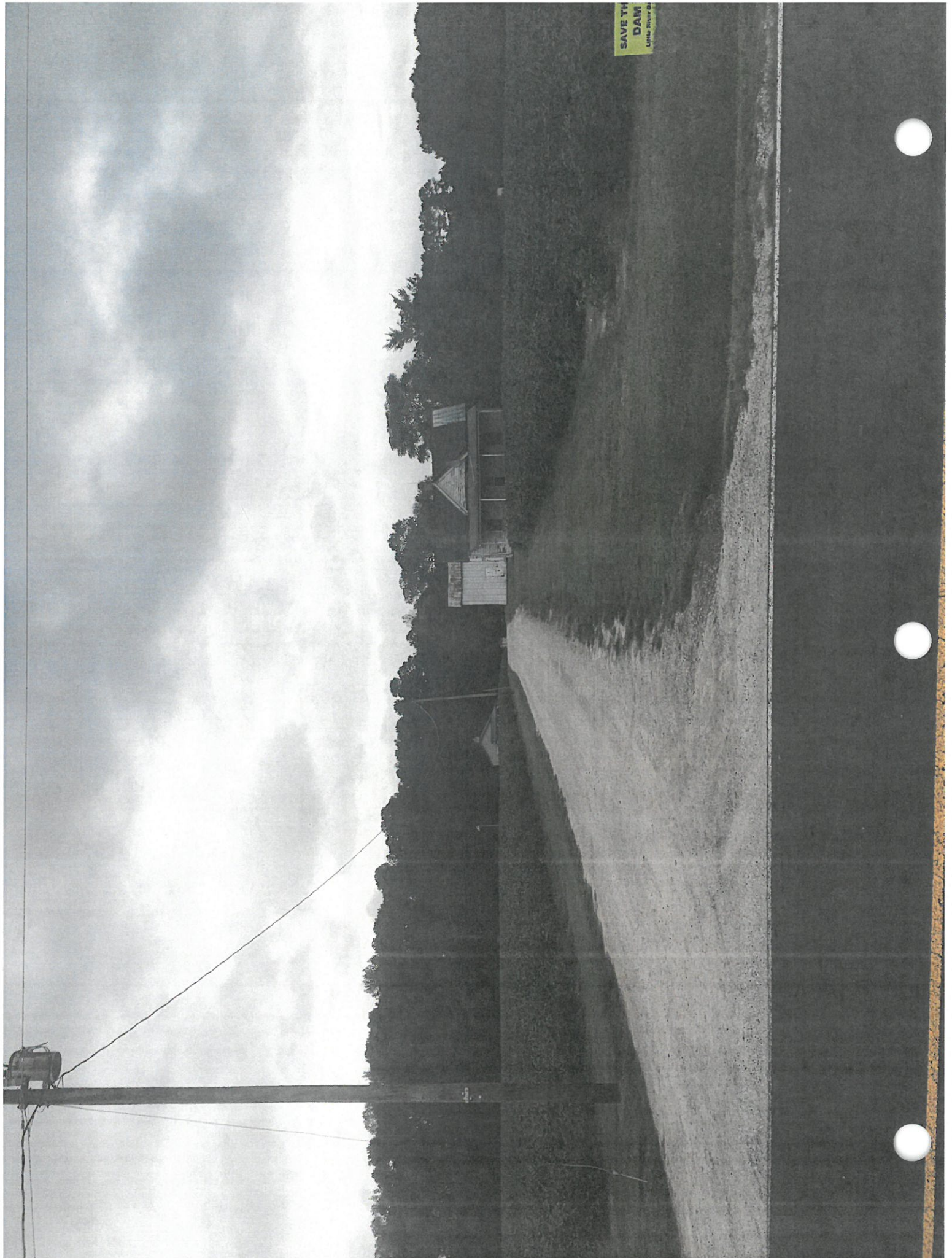
- [canons.sog.unc.edu/what-does-the-farm-exemption-from-zoning-regulation-include/ag-2/](https://canons.sog.unc.edu/what-does-the-farm-exemption-from-zoning-regulation-include/ag-2/)
- [canons.sog.unc.edu/?p=5237](https://canons.sog.unc.edu/?p=5237)

## **Attachment 12**



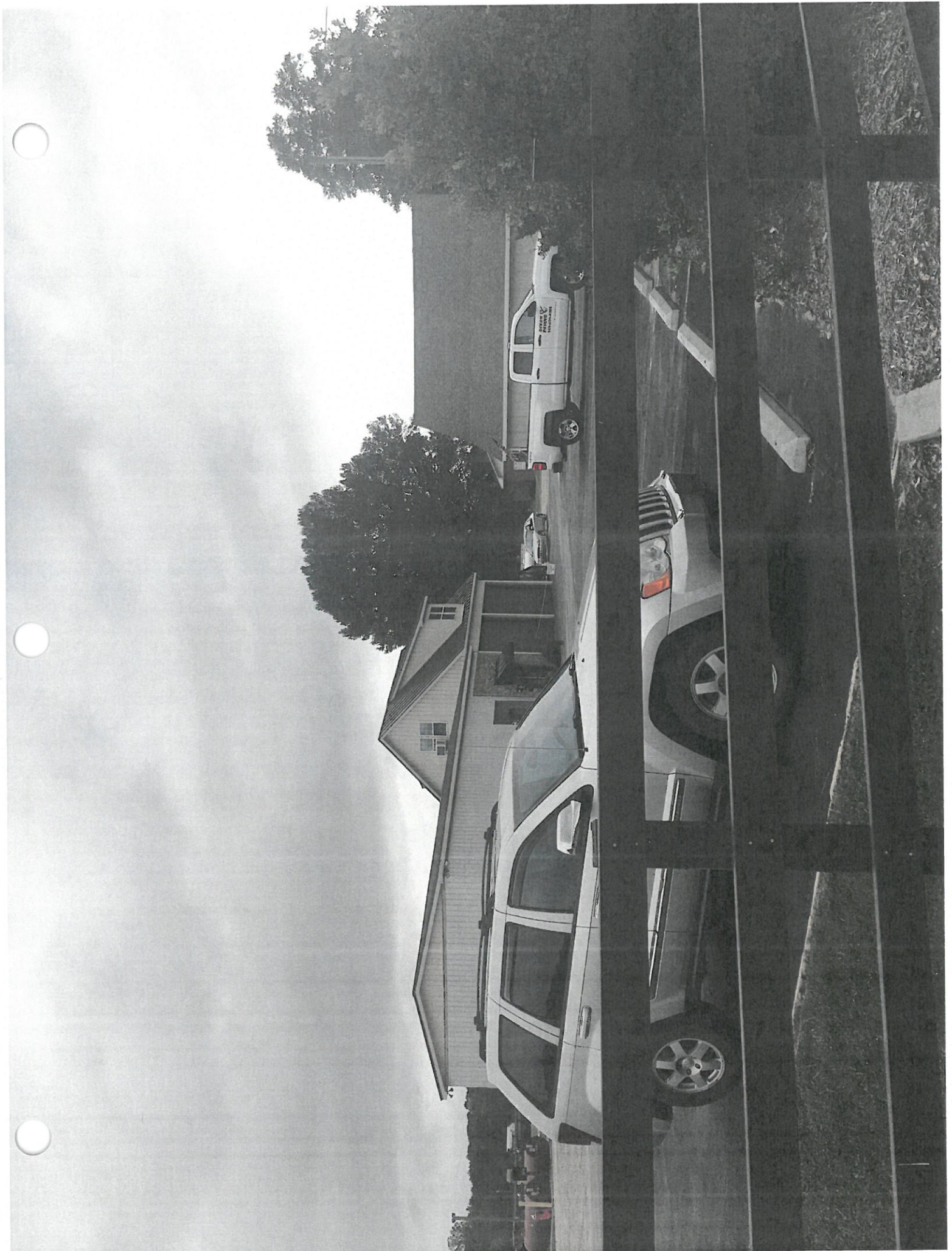






SAVE THE  
DAM  
Little River Co.



































## **Attachment 13**



# Town of Zebulon

## RECEIVED Planning Department

2/11/19

1003 N. Arendell Avenue, Zebulon, NC 27597  
Phone: (919) 823-1810 Fax: (919) 269-6200  
[www.townofzebulon.org](http://www.townofzebulon.org)

## ZONING MAP AMENDMENT PETITION

### GENERAL INFORMATION

A Zoning Map Amendment is intended to provide flexibility by allowing certain types of uses in areas where such a use is determined to not have an adverse effect on surrounding properties; the proposed amendment advances the public health, safety, and welfare; and supports the adopted plans and policies of the town. The Board of Commissioners shall not regard as controlling any advantages or disadvantages to an individual requesting an amendment, but shall consider the impact of the proposed change on the public at large. The Board of Commissioners shall consider whether the entire range of permitted uses and development in the requested classification is appropriate for the property (or properties) in question.

### INSTRUCTIONS

1. **Application Procedure** – The applicant requesting a Zoning Map Amendment must submit a written application to the Zebulon Planning Department using the forms included in this packet. The non-refundable application fee is **\$600.00**.
2. **Public Hearing Procedure** – Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. **APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING.** Notices of the public hearing will be mailed to all property owners having property located within 150 feet of the property being considered for a Zoning Map Amendment. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Planning Board will deliberate and forward its recommendation to the Board of Commissioners for final consideration. Deadline dates and Joint Public Hearing dates can be found on the Town of Zebulon's website or by scanning the QR Code located at the end of this application packet.

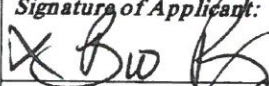
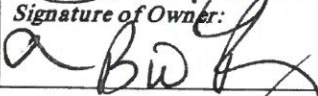




APPLICATION FOR  
Zoning Map Amendment

<b>PART 1. APPLICANT/AGENT INFORMATION</b>		
Name of Applicant/Agent: <b>BILL PERRY</b>		
Street Address of Applicant/Agent: <b>224 PERRY CURTIS RD, PO BOX 598</b>		
City: <b>ZEBULON</b>	State: <b>NC</b>	Zip Code: <b>27597</b>
Email of Applicant/Agent: <b>bill@dixonpavingandmilling.com</b>	Telephone Number of Applicant/Agent: <b>(919) 805-0778</b>	Fax Number of Applicant/Agent:
Are you the owner of the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Note:</b> If you are not the owner of the property, you <u>must</u> obtain the Owner's consent and signature giving you permission to submit this application.

<b>PART 2. DESCRIPTION OF REQUEST/PROPERTY</b>		
Street Address of the Property: <b>324 PERRY CURTIS RD.</b>		Acreage: <b>3 acres</b>
Parcel Identification Number (NC PIN):	Deed Book:	Deed Page(s):
Existing Zoning of the Property: <b>R20</b>	Proposed Zoning of the Property: <b>HEAVY BUSINESS</b>	
Existing Use of the Property: <b>FARMING &amp; PAVING COMPANY</b>	Proposed Use of the Property: <b>- SAME -</b>	
Reason for Rezoning: <b>BANK PURPOSES</b>		

<b>PART 3. PROPERTY OWNER INFORMATION</b>		
Name of Property Owner: <b>PERRY LAND INVESTMENTS, LLC</b>		
Street Address of Property Owner: <b>224 PERRY CURTIS RD, PO BOX 598</b>		
City: <b>ZEBULON</b>	State: <b>NC</b>	Zip Code: <b>27597</b>
Email of Property Owner: <b>bill@dixonpavingandmilling.com</b>	Telephone Number of Property Owner: <b>(919) 805-0778</b>	Fax Number of Property Owner:
<i>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i>		
Signature of Applicant: 	Print Name: <b>BILL PERRY</b>	Date: <b>02/11/19</b>
Signature of Owner: 	Print Name: <b>BILL PERRY</b>	Date: <b>02/11/19</b>

<b>FOR OFFICE USE ONLY</b>	
Application Received By:	Application Date:
File Name:	Case #:
Filing Fees Paid:	Date Fees Received:
Date of Public Hearing:	Date of Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied



## APPLICATION FOR Zoning Map Amendment

### REQUIRED FINDINGS OF FACT

Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary. The petition is justified based on the facts as stated as follows:

1. Would a valid public purpose be served by classifying the property in questions to the proposed use district?

☒ Yes

☐ No

Comments: Good location to provide local on call paving DOT work - NCDOT Highway maintenance

2. Is there a public need to classify additional land within the proposed use district?

☐ Yes

☒ No

Comments:

3. Why is this site especially appropriate for the proposed use district?

Dixon Paving is a NC-DOT Approved-certified heavy highway contractor. Prime asphalt paving, milling and concrete. Lot located in Wake County great location

4. Will all uses which are allowed by general use permits within the proposed district be appropriate on the subject property and harmonious with adjacent properties?

☒ Yes

☐ No

Comments: small amount of traffic - small operation quiet - lowkey 90% of time building match existing design farm - equipment environment shop-

5. Explain why this proposed amendment will confer a special benefit or restriction or allow a certain use on the property proposed to be reclassified:

Amended property will allow us to permit all buildings and get full appraised value of the property

6. Is the property to be reclassified small in area in comparison with surrounding properties that will not be reclassified?

☒ Yes

☐ No

Comments: 3 acres - adjoining properties are larger





# Town of Zebulon

## Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597  
Phone: (919) 823-1810 Fax: (919) 269-6200  
www.townofzebulon.org

RECEIVED

2/11/19

## SPECIAL USE PERMIT

### GENERAL INFORMATION

A Special Use Permit is intended to provide flexibility by allowing certain types of uses in areas where additional considerations may need to be addressed to reduce the adverse effects on adjacent or surrounding properties. A Special Use Permit may be authorized for a specific site for an additional land use when such use is determined to not have an adverse effect on surrounding properties and when such use is consistent with the purpose of the zoning district.

### INSTRUCTIONS

1. **Application Procedure** – The applicant requesting a Special Use Permit must submit a written application to the Zebulon Planning Department using the forms included in this packet and furnish plans and data concerning the operation, location, function, and characteristics of any use of the land or building being proposed. The non-refundable application fee is **\$800.00 or \$1,800.00 with TIA Review**.
2. **Site Plan** – Twenty four (24) copies of a site plan drawing shall accompany every application for a Special Use Permit. Such site plan shall include all the contents established for site plans as included in this packet.
3. **Public Hearing Procedure** – Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. State law requires Special Use Permit hearings to be conducted utilizing quasi-judicial procedures. Please review the section of this packet entitled “QUASI-JUDICIAL HEARINGS,” beginning on page 6, for an explanation of quasi-judicial hearings and the applicant’s responsibility in such hearings. **APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING.** Notices of the public hearing will be mailed to all property owners having property located within 150 feet of the property being considered for a Special Use Permit. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Planning Board will deliberate and forward its recommendation to the Board of Commissioners for final consideration. Deadline dates and Joint Public Hearing dates can be found on the Town of Zebulon’s website or by scanning the QR Code located at the end of this application packet.
4. **Approval and Conditional Approval** – In accordance with §152.039 of the Zebulon Code of Ordinances, each Special Use Permit application and related evidence will be evaluated by the Planning Board and the Board of Commissioners and may be approved or denied based on the evidence presented regarding certain required findings of fact (See the section of this packet entitled “REQUIRED FINDINGS OF FACT”). In the event of a conditional approval, any conditions imposed will be incorporated into the approving ordinance for permanent record.
5. **Building Permit Compliance** – No building permit for any structure will be issued, nor shall a Certificate of Occupancy be issued on any existing structure, until such development plans are consistent with the approved site plan and the conditions established for the Special Use Permit.
6. **Special Use Permit Amendments** – In accordance with §152.047 of the Zebulon Code of Ordinances, changes to a Special Use Permit or its approved site plan shall be processed in the same manner as the original approved request and will require a new application. Insignificant deviations from the permit or within a site plan may be authorized by the Planning Director. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.



# APPLICATION FOR Special Use Permit

## PART 1. APPLICANT/AGENT INFORMATION

Name of Applicant/Agent: <i>Connor Chase</i>		
Street Address of Applicant/Agent: <i>2508 Bonnie Brae Rd</i>		
City: <i>Durham</i>	State: <i>NC</i>	Zip Code: <i>27703</i>
Email of Applicant/Agent: <i>Connor@dixonpavingandmilling.com</i>	Telephone Number of Applicant/Agent: <i>919-559-2810</i>	Fax Number of Applicant/Agent: <i>919-390-0333</i>
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: If you are not the owner of the property, you must attach an "Owner's Consent Form" giving you permission to submit this application.

## PART 2. DESCRIPTION OF REQUEST/PROPERTY

Street Address of the Property: <i>324 Perry Curtis Road</i>	Current Zoning Classification: <i>R-20</i>	Acreage:
Parcel Identification Number (NC PIN):	Deed Book:	Deed Page(s):
Existing Use of the Property: <i>Single family residence</i>	Proposed Use of the Property: <i>Heavy business operation</i>	
Describe the nature of the proposed activity and any particular characteristics related to the use of the property:		

## PART 3. PROPERTY OWNER INFORMATION

Name of Property Owner: <i>PERRY LAND INVESTMENTS, LLC</i>		
Street Address of Property Owner: <i>224 Perry Curtis Road PO BOX 598</i>		
City: <i>Zebulon</i>	State: <i>NC</i>	Zip Code: <i>27597</i>
Email of Property Owner: <i>bill@dixonpavingandmilling.com</i>	Telephone Number of Property Owner: <i>(919) 805-0778</i>	Fax Number of Property Owner:

I hereby certify that I am, or that I represent, the legal owner of the property described above and do hereby submit this request for a Special Use Permit to the Planning Board and Board of Commissioners for consideration.

Signature of Owner: <i>[Signature]</i>	Print Name: <i>BILL PERRY</i>	Date: <i>8/11/19</i>
---	----------------------------------	-------------------------

## FOR OFFICE USE ONLY

Application Received By:	Application Date:
File Name:	Case #:
Filing Fees Paid:	Date Fees Received:
Date of Public Hearing:	Date of Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied



## REQUIRED FINDINGS OF FACT

All recommendations and decisions made by the Planning Board and Board of Commissioners regarding Special Use Permit applications shall be supported by findings of fact. **The applicant will bear the burden of presenting substantial, competent, and material evidence** sufficient to enable the Board of Commissioners to make the findings of fact required in §152.038(B) of the Zebulon Code of Ordinances, as set forth below. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary.

1. What evidence will you present to clearly show that the proposed special use will not materially endanger the public health, safety or welfare?

See photos, video —

2. What evidence will you present to clearly show that the proposed special use will not substantially injure the value of adjoining or abutting property?

See photos, video —

3. What evidence will you present to clearly show that the proposed special use will be in harmony with the area in which it is to be located?

See photos, video —

4. What evidence will you present to clearly show that the proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners?

u /

5. What evidence will you present to clearly show that the proposed special use will not cause undue traffic congestion or create a traffic hazard?

There has been NO complaints as far  
as traffic congestion is concerned —  
EMPLOYEES WORK OUT OF TOWN —





## APPLICATION FOR Special Use Permit

6. What evidence will you present to clearly show that the proposed special use is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection, and similar facilities?

See photos —

7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?

See photos —  
We are in the GTJ

8. What evidence will you present to clearly show that the proposed special use will not impede the orderly development and improvement of the surrounding properties?

See photos —

9. What evidence will you present to clearly show that the proposed special use is reasonably necessary for the public health or general welfare? Does the proposed special use enhance the successful operation of the surrounding area in its basic community function or by provide an essential service to the community?

See photos —

### APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

  
Signature of Applicant

BILL PERRY  
Print Name

02/11/19  
Date



## APPLICATION FOR Special Use Permit

### SITE PLAN REQUIREMENTS

Every applicant requesting a Special Use Permit shall submit **24 copies** and **1 pdf on cd** of a site plan drawing with the application for a Special Use Permit. The site plan shall contain sufficient information to adequately determine the type of development being proposed. The site plan drawing shall include, at a minimum, the following features unless otherwise specified by the Planning Department:

ITEM	CHECK IF SUBMITTED
1. Plot plan showing all existing and planned structures, building setback lines, perimeter boundaries, and easements.	<input checked="" type="checkbox"/>
2. Elevation drawings of all buildings indicating the proposed exterior finish materials.	<input checked="" type="checkbox"/>
3. Landscaping plan, lighting, fencing, screening, and walls, indicating all heights and locations.	<input checked="" type="checkbox"/> exists now -
4. Location of all ingress and egress.	<input checked="" type="checkbox"/>
5. Off-street parking and loading facilities, with calculations showing how the quantities were obtained.	<input checked="" type="checkbox"/> see video -
6. All pedestrian walks and open areas for use by residents, tenants, or the public.	<input checked="" type="checkbox"/>
7. Proposed land uses indicating areas in square feet.	<input type="checkbox"/>
8. The location and types of all signs, including lighting and heights, with elevation drawings.	<input checked="" type="checkbox"/> see video
9. Existing and/or proposed street names.	<input checked="" type="checkbox"/>
10. Proposed potable or reuse water, wastewater connections, and storm sewer line; proposed grading and drainage patterns; proposed water and sewer allocations.	<input checked="" type="checkbox"/>
11. Such additional items and conditions, including design standards as the Planning Board and Board of Commissioners deems necessary.	<input type="checkbox"/>
12. Trip generation data.	<input type="checkbox"/>

**NOTE:** In accordance with §152.042 of the Zebulon Code of Ordinances, the Board of Commissioners may affix conditions to the Special Use Permit. Examples of conditions that might be imposed would be conditions affecting the following:

- |   |   |
|---|---|
| a. Setbacks for buildings or structures                   | j. Mitigation of noise, fumes, odors, vibrations, or airborne particles |
| b. Public street access                                   | k. Exterior lighting  |
| c. Drainage   | l. Exterior construction materials                                      |
| d. Vehicular traffic, circulation, parking lots or spaces | m. Screening or buffer zones  |
| e. Hours of operation                                     | n. Outside storage and display of merchandise                           |
| f. Activities and uses permitted                          | o. Refuse and waste storage   |
| g. Landscaping  | p. Lot sizes and dimensions   |
| h. Pedestrian circulation                                 | q. Accessory buildings  |
| i. Signs  | r. Other conditions or restrictions as shown on the site plan           |





APPLICATION FOR  
Special Use Permit

OWNER'S CONSENT FORM

Name of Project: 324 PERRY CURTIS RD Submittal Date: 02/11/19  
PROPERTY

OWNER'S AUTHORIZATION

I hereby give CONSENT to \_\_\_\_\_ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that, pursuant to §152.046 of the Zebulon Code of Ordinances, so long as the land or structures (or any portion thereof) covered under an approved Special Use Permit continues to be used for the purposes for which the Permit was granted, then no person (including successors or assigns of the person who obtained the Permit) may make use of the land or structures for the purposes authorized in the Permit except in accordance with all the terms and requirements of the Permit. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

[Signature]  
Signature of Owner

BILL PERRY  
Print Name

02/11/19  
Date

CERTIFICATION OF PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

[Signature]  
Signature of Owner

BILL PERRY  
Print Name

02/11/19  
Date

\*Owner of record as shown by the Wake County Revenue Department ([www.wakegov.com](http://www.wakegov.com)). An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this form.

## **Attachment 14**



# Town of Zebulon

RECEIVED

2/11/19

## Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597

Phone: (919) 823-1810 Fax: (919) 269-6200

[www.townofzebulon.org](http://www.townofzebulon.org)

## ZONING MAP AMENDMENT PETITION

### GENERAL INFORMATION

A Zoning Map Amendment is intended to provide flexibility by allowing certain types of uses in areas where such a use is determined to not have an adverse effect on surrounding properties; the proposed amendment advances the public health, safety, and welfare; and supports the adopted plans and policies of the town. The Board of Commissioners shall not regard as controlling any advantages or disadvantages to an individual requesting an amendment, but shall consider the impact of the proposed change on the public at large. The Board of Commissioners shall consider whether the entire range of permitted uses and development in the requested classification is appropriate for the property (or properties) in question.

### INSTRUCTIONS

1. **Application Procedure** – The applicant requesting a Zoning Map Amendment must submit a written application to the Zebulon Planning Department using the forms included in this packet. The non-refundable application fee is **\$600.00**.
2. **Public Hearing Procedure** – Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. **APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING.** Notices of the public hearing will be mailed to all property owners having property located within 150 feet of the property being considered for a Zoning Map Amendment. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Planning Board will deliberate and forward its recommendation to the Board of Commissioners for final consideration. Deadline dates and Joint Public Hearing dates can be found on the Town of Zebulon's website or by scanning the QR Code located at the end of this application packet.



APPLICATION FOR  
Zoning Map Amendment

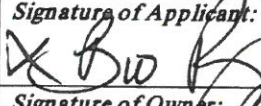
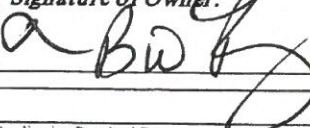
**PART 1. APPLICANT/AGENT INFORMATION**

Name of Applicant/Agent: <b>BILL PERRY</b>		
Street Address of Applicant/Agent: <b>224 PERRY CURTIS RD, PO BOX 598</b>		
City: <b>ZEBULON</b>	State: <b>NC</b>	Zip Code: <b>27597</b>
Email of Applicant/Agent: <b>bill@dixonpavingandmilling.com</b>	Telephone Number of Applicant/Agent: <b>(919) 805-0778</b>	Fax Number of Applicant/Agent:
Are you the owner of the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Note: If you are not the owner of the property, you must obtain the Owner's consent and signature giving you permission to submit this application.</b>

**PART 2. DESCRIPTION OF REQUEST/PROPERTY**

Street Address of the Property: <b>324 PERRY CURTIS RD.</b>		Acreage: <b>3 acres</b>
Parcel Identification Number (NC PIN):	Deed Book:	Deed Page(s):
Existing Zoning of the Property: <b>R20</b>	Proposed Zoning of the Property: <b>HEAVY BUSINESS</b>	
Existing Use of the Property: <b>FARMING &amp; PAVING COMPANY</b>	Proposed Use of the Property: <b>- SAME -</b>	
Reason for Rezoning: <b>BANK PURPOSES</b>		

**PART 3. PROPERTY OWNER INFORMATION**

Name of Property Owner: <b>PERRY LAND INVESTMENTS, LLC</b>		
Street Address of Property Owner: <b>224 PERRY CURTIS RD, PO BOX 598</b>		
City: <b>ZEBULON</b>	State: <b>NC</b>	Zip Code: <b>27597</b>
Email of Property Owner: <b>bill@dixonpavingandmilling.com</b>	Telephone Number of Property Owner: <b>(919) 805-0778</b>	Fax Number of Property Owner:
<b>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</b>		
Signature of Applicant: 	Print Name: <b>BILL PERRY</b>	Date: <b>02/11/19</b>
Signature of Owner: 	Print Name: <b>BILL PERRY</b>	Date: <b>02/11/19</b>

**FOR OFFICE USE ONLY**

Application Received By:	Application Date:
File Name:	Case #:
Filing Fees Paid:	Date Fees Received:
Date of Public Hearing:	Date of Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied





## APPLICATION FOR Zoning Map Amendment

### REQUIRED FINDINGS OF FACT

Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary. The petition is justified based on the facts as stated as follows:

1. Would a valid public purpose be served by classifying the property in questions to the proposed use district?

☒ Yes

☐ No

Comments: Good location to provide local on call paving DOT work - NCDOT Highway maintenance

2. Is there a public need to classify additional land within the proposed use district?

☐ Yes

☒ No

Comments:

3. Why is this site especially appropriate for the proposed use district?

Dixon Paving is a NC-DOT Approved - certified heavy highway contractor. Prime asphalt paving, milling and concrete lot located in Wake County great location

4. Will all uses which are allowed by general use permits within the proposed district be appropriate on the subject property and harmonious with adjacent properties?

☒ Yes

☐ No

Comments: small amount of traffic - small operation quiet - lowkey 90% of time building match existing design farm - equipment environment shop-

5. Explain why this proposed amendment will confer a special benefit or restriction or allow a certain use on the property proposed to be reclassified:

Amended property will allow us to permit all buildings and get full appraised value of the property

6. Is the property to be reclassified small in area in comparison with surrounding properties that will not be reclassified?

☒ Yes

☐ No

Comments: 3 acres - adjoining properties are larger



# Town of Zebulon

## Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597  
Phone: (919) 823-1810 Fax: (919) 269-6200  
www.townofzebulon.org

RECEIVED  
2/11/19

## SPECIAL USE PERMIT

### GENERAL INFORMATION

A Special Use Permit is intended to provide flexibility by allowing certain types of uses in areas where additional considerations may need to be addressed to reduce the adverse effects on adjacent or surrounding properties. A Special Use Permit may be authorized for a specific site for an additional land use when such use is determined to not have an adverse effect on surrounding properties and when such use is consistent with the purpose of the zoning district.

### INSTRUCTIONS

1. **Application Procedure** – The applicant requesting a Special Use Permit must submit a written application to the Zebulon Planning Department using the forms included in this packet and furnish plans and data concerning the operation, location, function, and characteristics of any use of the land or building being proposed. The non-refundable application fee is **\$800.00 or \$1,800.00 with TIA Review**.
2. **Site Plan** – Twenty four (24) copies of a site plan drawing shall accompany every application for a Special Use Permit. Such site plan shall include all the contents established for site plans as included in this packet.
3. **Public Hearing Procedure** – Upon submittal of a complete application, the Planning Department will schedule the application for a joint public hearing before the Planning Board and the Board of Commissioners. State law requires Special Use Permit hearings to be conducted utilizing quasi-judicial procedures. Please review the section of this packet entitled “QUASI-JUDICIAL HEARINGS,” beginning on page 6, for an explanation of quasi-judicial hearings and the applicant’s responsibility in such hearings. **APPLICANTS ARE STRONGLY ENCOURAGED TO CONTACT PLANNING STAFF AS SOON AS POSSIBLE TO ADDRESS ANY QUESTIONS ABOUT THE PUBLIC HEARING.** Notices of the public hearing will be mailed to all property owners having property located within 150 feet of the property being considered for a Special Use Permit. At the public hearing, the applicant, proponents, and opponents will be given the opportunity to offer evidence in favor of or against the proposal. After completion of the public hearing, the Planning Board will deliberate and forward its recommendation to the Board of Commissioners for final consideration. Deadline dates and Joint Public Hearing dates can be found on the Town of Zebulon’s website or by scanning the QR Code located at the end of this application packet.
4. **Approval and Conditional Approval** – In accordance with §152.039 of the Zebulon Code of Ordinances, each Special Use Permit application and related evidence will be evaluated by the Planning Board and the Board of Commissioners and may be approved or denied based on the evidence presented regarding certain required findings of fact (See the section of this packet entitled “REQUIRED FINDINGS OF FACT”). In the event of a conditional approval, any conditions imposed will be incorporated into the approving ordinance for permanent record.
5. **Building Permit Compliance** – No building permit for any structure will be issued, nor shall a Certificate of Occupancy be issued on any existing structure, until such development plans are consistent with the approved site plan and the conditions established for the Special Use Permit.
6. **Special Use Permit Amendments** – In accordance with §152.047 of the Zebulon Code of Ordinances, changes to a Special Use Permit or its approved site plan shall be processed in the same manner as the original approved request and will require a new application. Insignificant deviations from the permit or within a site plan may be authorized by the Planning Director. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.





# APPLICATION FOR Special Use Permit

## PART 1. APPLICANT/AGENT INFORMATION

Name of Applicant/Agent: <i>Connor Chase</i>		
Street Address of Applicant/Agent: <i>2508 Bonnie Brae Rd</i>		
City: <i>Durham</i>	State: <i>NC</i>	Zip Code: <i>27703</i>
Email of Applicant/Agent: <i>Connor@dixonpavingandmilling.com</i>	Telephone Number of Applicant/Agent: <i>919-559-2810</i>	Fax Number of Applicant/Agent: <i>919-390-0333</i>
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: If you are not the owner of the property, you <u>must</u> attach an "Owner's Consent Form" giving you permission to submit this application.

## PART 2. DESCRIPTION OF REQUEST/PROPERTY

Street Address of the Property: <i>324 Perry Curtis Road</i>	Current Zoning Classification: <i>R-20</i>	Acreage:
Parcel Identification Number (NC PIN):	Deed Book:	Deed Page(s):
Existing Use of the Property: <i>Single family residence</i>	Proposed Use of the Property: <i>Heavy business operation</i>	
Describe the nature of the proposed activity and any particular characteristics related to the use of the property:		

## PART 3. PROPERTY OWNER INFORMATION

Name of Property Owner: <i>PERRY LAND INVESTMENTS, LLC</i>		
Street Address of Property Owner: <i>224 Perry Curtis Road PO BOX 598</i>		
City: <i>Zebulon</i>	State: <i>NC</i>	Zip Code: <i>27597</i>
Email of Property Owner: <i>bill@dixonpavingandmilling.com</i>	Telephone Number of Property Owner: <i>(919) 805-0778</i>	Fax Number of Property Owner:
I hereby certify that I am, or that I represent, the legal owner of the property described above and do hereby submit this request for a Special Use Permit to the Planning Board and Board of Commissioners for consideration.		
Signature of Owner: <i>[Signature]</i>	Print Name: <i>BILL PERRY</i>	Date: <i>08/11/19</i>

## FOR OFFICE USE ONLY

Application Received By:	Application Date:
File Name:	Case #:
Filing Fees Paid:	Date Fees Received:
Date of Public Hearing:	Date of Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied



## REQUIRED FINDINGS OF FACT

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See photos, video —

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as traffic congestion is concerned —  
EMPLOYEES WORK OUT OF TOWN —



## APPLICATION FOR Special Use Permit

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See photos —

7. What evidence will you present to clearly show that the proposed special use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas?

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We are in the GTJ

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See photos —

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See photos —

### APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Commissioners of the Town of Zebulon to approve the subject Special Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

  
Signature of Applicant

Bill Perry  
Print Name

02/11/19  
Date



## APPLICATION FOR Special Use Permit

### SITE PLAN REQUIREMENTS

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4. Location of all ingress and egress.	<input checked="" type="checkbox"/>
5. Off-street parking and loading facilities, with calculations showing how the quantities were obtained.	<input checked="" type="checkbox"/> see video -
6. All pedestrian walks and open areas for use by residents, tenants, or the public.	<input checked="" type="checkbox"/>
7. Proposed land uses indicating areas in square feet.	<input type="checkbox"/>
8. The location and types of all signs, including lighting and heights, with elevation drawings.	<input checked="" type="checkbox"/> see video
9. Existing and/or proposed street names.	<input checked="" type="checkbox"/>
10. Proposed potable or reuse water, wastewater connections, and storm sewer line; proposed grading and drainage patterns; proposed water and sewer allocations.	<input checked="" type="checkbox"/>
11. Such additional items and conditions, including design standards as the Planning Board and Board of Commissioners deems necessary.	<input type="checkbox"/>
12. Trip generation data.	<input type="checkbox"/>

**NOTE:** In accordance with §152.042 of the Zebulon Code of Ordinances, the Board of Commissioners may affix conditions to the Special Use Permit. Examples of conditions that might be imposed would be conditions affecting the following:

- |   |   |
|---|---|
| a. Setbacks for buildings or structures                   | j. Mitigation of noise, fumes, odors, vibrations, or airborne particles |
| b. Public street access                                   | k. Exterior lighting  |
| c. Drainage   | l. Exterior construction materials                                      |
| d. Vehicular traffic, circulation, parking lots or spaces | m. Screening or buffer zones  |
| e. Hours of operation                                     | n. Outside storage and display of merchandise                           |
| f. Activities and uses permitted                          | o. Refuse and waste storage   |
| g. Landscaping  | p. Lot sizes and dimensions   |
| h. Pedestrian circulation                                 | q. Accessory buildings  |
| i. Signs  | r. Other conditions or restrictions as shown on the site plan           |



APPLICATION FOR  
Special Use Permit

OWNER'S CONSENT FORM

Name of Project: 324 PERRY CURTIS RD Submittal Date: 02/11/19  
PROPERTY

OWNER'S AUTHORIZATION

I hereby give CONSENT to \_\_\_\_\_ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in is the subject of this application. I acknowledge and agree that, pursuant to §152.046 of the Zebulon Code of Ordinances, so long as the land or structures (or any portion thereof) covered under an approved Special Use Permit continues to be used for the purposes for which the Permit was granted, then no person (including successors or assigns of the person who obtained the Permit) may make use of the land or structures for the purposes authorized in the Permit except in accordance with all the terms and requirements of the Permit. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Zebulon to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

[Signature]  
Signature of Owner

BILL PERRY  
Print Name

02/11/19  
Date

CERTIFICATION OF PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Zebulon, North Carolina, and will not be returned.

[Signature]  
Signature of Owner

BILL PERRY  
Print Name

02/11/19  
Date

\*Owner of record as shown by the Wake County Revenue Department ([www.wakegov.com](http://www.wakegov.com)). An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this form.



## QUASI-JUDICIAL HEARINGS

### Explanation of Quasi-Judicial Hearings

Quasi-judicial decisions arise in a variety of local government settings. In Zebulon, members of the Town's Board of Commissioners and Planning Board jointly hold quasi-judicial hearings for special use permits, as required by state law. Zebulon's Board of Adjustment also holds quasi-judicial hearings for variance requests and appeals of staff decisions. During a quasi-judicial hearing, the Boards must hold an evidentiary hearing based solely on written and oral evidence presented by witnesses testifying under oath and subject to cross-examination. The quasi-judicial hearings do not involve setting new policies, but rather the application of previously adopted policies to the parties involved. Unlike legislative decisions (like rezonings), where the Board's actively seek the public's input and opinion concerning the advisability of the matter before the Boards, state law and constitutional considerations require that a quasi-judicial decision must be based solely on the evidence presented and cannot be based on the Board's or witnesses' unsubstantiated opinions. Put differently, a quasi-judicial decision is one that requires the Board members to find facts and apply the standards set forth in the Town's ordinance to a specific situation.

### Evidence Required

There must be "substantial, competent, and material evidence" in the record to support each factual determination; the findings cannot be based on conjecture or assumptions. North Carolina General Statutes (NCGS) §160A-393 prohibits a person from giving opinions about scientific, technical or other specialized subjects unless the person, by knowledge, skill, experience, training or education, is in fact an expert on the subject. NCGS §160A-393 specially prohibits opinions that "the use of property in a particular way would affect the value of other properties" or opinions that "the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety" unless the witness is an expert on the subject.

### Burden

The applicant will bear the burden of presenting evidence sufficient to enable the Board of Commissioners to make the findings of fact required the Zebulon Code of Ordinances. Those in opposition to the issuance of the special use permit bear the burden of presenting evidence that a required standard will not be met. The findings of fact required by the Zebulon Code of Ordinances are as follows:

1. The proposed special use will not materially endanger the public health, safety or welfare.
2. The proposed special use will not substantially injure the value of adjoining or abutting property.
3. The proposed special use will be in harmony with the area in which it is to be located.
4. The proposed special use will be in general conformity with the ordinances, policies, land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

### Ex-Parte Communication

In all quasi-judicial hearings, all rulings must be based only upon the evidence in the record. Any direct or indirect communication (verbal, written, electronic or graphic) between a Board member and a proponent, opponent, or other interested party received outside of the record is considered "ex-parte communication". Board members should not receive evidence or argument on a pending quasi-judicial matter outside of the official public hearing on the matter. Note that this is different from a legislative matter before the Board, in which case Board members are free to discuss legislative matters with citizens at any time. It is inappropriate for the Board member to discuss or read correspondence concerning the quasi-judicial matter outside of the public hearing. Please do not approach or attempt to communicate with a Board member about the pending special use permit outside the public hearing; doing so may provide legal grounds for a court to overturn the Board's decision.

### Oaths

Those offering testimony are put under oath. If a witness has religious objections to taking an oath, he or she may affirm rather than swear an oath.



## **Attachment 15**

## Time Line of Events

*Timeline establishes events that happened from January 26, 2018 (citizen complaint) to May 31, 2019, 2019 (appeal of staff interpretation).*

<b>January 26, 2018</b>	Citizen Complaint to town staff
<b>February 1, 2018</b>	Code Enforcement Officer called to follow up with the citizen complaint
<b>March 13, 2018</b>	1 <sup>st</sup> site inspection - Only violation found was company signage posted on property without a permit. No sighting of construction vehicles although due to signage there is evidence of a business operating on residentially zone property.
<b>March 24, 2018</b>	2 <sup>nd</sup> inspection – same evidence as 1 <sup>st</sup> inspection.
<b>April 22, 2018</b>	3 <sup>rd</sup> inspection – same evidence as 1 <sup>st</sup> and 2 <sup>nd</sup> inspections.
<b>January 2019</b>	Appraiser called Code Enforcement Officer
<b>January 10, 2019</b>	Assistant Planning Director Meade Bradshaw, Code Enforcement Officer Davida Moore, Fire Chief Chris Perry met with Mr. and Mrs. Perry to discuss the potential violations on the property.
<b>January 2019</b>	Assistant Planning Director Meade Bradshaw met with Mr. Perry to give direction on bring the property into compliance. Direction was given to the Mr. Perry to file a Zoning Map Amendment and Special Use Permit to attempt to bring the property into zoning compliance.

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324 Perry Curtis Road, Zebulon, N.C. 27597  
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<b>February 11, 2019</b>	Mr. Perry Applied for a Zoning Map Amendment and Special Use Permit. To be heard at the April 8, 2019 Joint Public Hearing.
<b>February 15, 2019</b>	A Notice of Violation was sent to 324 Perry Curtis Road to provide a written record of the violations on the property.
<b>March 29, 2019</b>	Email from Mr. Perry requesting to pull the item from the agenda to be heard at the May 13, 2019 meeting instead.
<b>April 4, 2019</b>	Notices were mailed notifying property owners that the item would not be heard at the April 8, 2019 Joint Public Hearing.
<b>May 3, 2019</b>	Assistant Planning Director Meade Bradshaw met with Mr. Perry to talk about the property being classified as a bona fide farm. Meade Bradshaw gave Mr. Perry the interpretation that the property was not a bona fide farm and Mr. Perry could file an appeal to the Board of Adjustment regarding Meade Bradshaw's interpretation. Due to this direction the Zoning Map Amendment and Special Use Permit were not put on the May 13, 2019 Joint Public Hearing Agenda.
<b>May 31, 2019</b>	Letter from Gay, Jackson, & McNally, L.L.P. received by the Town of Zebulon appealing the Town's interpretation of 324 Perry Curtis Road not being classified as a bona fide farm.