

ATTACHMENT 3**MEMORANDUM**

TO: W. Calvin Horton, Town Manager
FROM: Lance Norris, Inspections Director
SUBJECT: Update on the Inspection and Corrective Order issued to Wicked Burrito
Located at 214 West Franklin Street
DATE: March 24, 2005

The purpose of this report is to present information regarding enforcement of State Statute 160A-425, Defects in buildings to be corrected, in response to complaints regarding the condition of the Wicked Burrito located at 214 West Franklin Street.

BACKGROUND

State Statute 160A-425, Defects in buildings to be corrected, defines and regulates maintenance of existing building and provides power to the local building inspector to inspect, determine defects and to require the owner to immediately remedy the violations of the law on the property he or she owns.

DISCUSSION

On February 28, 2005 the Inspections Department conducted an external inspection of the Wicked Burrito located at 214 West Franklin Street, Town and State Building Code Violations were cited.

On March 2, 2005 a 30 day order to Correct Defective Conditions was emailed and mailed to Mr. John D. White Executive Vice President, Chief Financial Officer, and Treasurer of Lone Star Steakhouse & Saloon, Inc. and to Mr. Dave Benning, Facility Administrator. The inspection revealed the following items needing repair in order to comply with the provisions of State General Statute 160A-425 and local codes:

1. Schedule an interior inspection of the building with the building inspector to determine extent of water/weather damage to foundation and exterior walls from backed-up stormwater catch basin, failing gutters, and compromised doors.
2. Repair the stormwater catch basin north east of the building, and
3. Repair/replace the compromised rear threshold, and
4. Repair/replace all door weather-stripping as necessary (rear door is loose), and
5. Repair/seal or replace rotting front wood doors (base is compromised), and
6. Repair/replace rotting fascia boards, and
7. Repair/replace failing gutters and downspouts (southeast side of building), and

8. Repair/replace awnings, and
9. Continue to secure the vacant property, and
10. Schedule a final inspection with a Code Enforcement Officer for compliance of the above actions within thirty (30) days of receipt this written notice.

On March 3, 2005 the Inspections Department received a letter from Jamie B. Coulter Chief Executive Officer stating that the discrepancies cited in the Inspections Department letter of March 2, 2005 will be corrected and complied with within the 30 day time period (see attached letter from Jamie Coulter).

CONCLUSION

Lone Star Steakhouse & Saloon, Inc. will be required to comply with State Statute 160A-425 upon expiration of the 30 day deadline of April 1, 2005, to avoid further enforcement. We will be following up once that time period expires. Enforcement actions will continue until the violations are resolved.



JAMIE B. COULTER, Chief Executive Officer

(14)

Rec'd 03-03-05
Cal

224 E. Douglas / Suite 700 / P.O. Box 12726 / Wichita, Kansas 67277-2726 / Phone (316) 264-8899 / Fax (316) 267-8897

March 2, 2005

Ms. C. Maggie Bowers
Senior Code Enforcement Officer
Town of Chapel Hill
306 N. Columbia Street
Chapel Hill, N.C. 27516

FEDERAL EXPRESSED

Dear Ms. Bowers:

Dave Benning, Facility Administrator for our Company, told me of the call he received from you today requesting that he arrange an inspection of the interior of our Wicked Burrito property located at 214 W. Franklin Street.

The unfortunate deterioration in the appearance of this facility was first brought to our attention when our Executive Vice President, John White, received a call from someone in Chapel Hill about the buildings appearance. This was a surprise to us since we had an individual who was supposedly keeping the building maintained, weeds pulled, etc.

Upon receiving the call, Dave Benning immediately flew to Chapel Hill to inspect the Wicked Burrito building and arrange to have it repaired to a virtually new appearance. Before leaving Chapel Hill, Mr. Benning prepared the attached list of work to be done and retained the services of Johnson's Interiors to perform the work. Unfortunately, the rain and inclement weather that your area has experience for approximately the last two weeks has prevented the building from being painted and new awnings being attached to the building.

**Ms. C. Maggie Bowers
Senior Code Enforcement Officer
Town of Chapel Hill
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The Company has plans for this property and has considered a variety of uses for it. At one time, there was a significant effort made to lease this property to other well-known retailers, however, those negotiations proved fruitless.

Your letter dated March 2nd contains some of the exact items that are on Dave Benning's punch list dated February 11, 2005. All of the work that could possibly have been accomplished to this point has been taken care of; the weather is the only factor which has limited our progress on restoring the Wicked Burrito to a "like new" look.

The Board of Directors and our outside counsel are well informed of this situation, and I am personally embarrassed by the failure of our building overseer to keep these premises in excellent condition.

Lone Star Steakhouse & Saloon was founded in North Carolina and we have always maintained excellent relationships with the various communities and their regulatory bodies, and it is our intention to be good citizens of the community in Chapel Hill as well.

Your request that the discrepancies listed in your letter be corrected within thirty (30) days is noted, and you have my personal commitment to comply with the items in your letter at the earliest possible date.

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Senior Code Enforcement Officer
Town of Chapel Hill
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I appreciate you taking time to visit with Dave Benning about this situation.

Sincerely,



**Jamie B. Coulter
Chief Executive Officer**

JBC/bp

**cc: Bill Greene, Chairman
Lone Star Board of Directors
Lance Norris, Director of Inspections
Roger Waldon, Planning Director
John D. White, EVP
Dave Benning, Facility Administrator**

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MEMORANDUM

TO: Joey Johnson
FROM: Dave Benning
DATE: February 11, 2005
RE: Wicked Burrito
Site Visit 2-10-05

Exterior

- Repair fascia board.
- Repair broken windows.
- Replace rotted window sill/reset glass.
- Prep, prime, and paint exterior.
- Replace awnings.
- Clean gutters.
- Check downspouts, snake if necessary.
- Replace broken window glass.
- Clean entire site.
- Trim landscaping shrubs and evergreens and remulch.
- Paint iron fence and railing.
- Power wash brick wall, sidewalks, and patio area.
- Get rid of bird nests.
- Repair efs and paint.
- Paint yellow ballards at the rear of building.
- Repair fence around HVAC units.
- Paint metal doors and jambs.
- Remove wire hanging on west side of building.
- Reset handicap parking signs/new posts.
- Clean windows.
- Replace pad locks on patio gates.

Interior

- Replace security system.
- Wipe down surfaces.
- Sweep and mop floor.
- Replace missing ceiling tiles.
- Clean windows.
- Black out windows with black plastic
- Clean office.
- Throw out trash.
- Check lights bulbs.
- Clean restrooms.

