

Board of Building Standards Minutes

September 4, 2013

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, September 4, 2013, in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

Board Members:	Steve Ellinger, Chairman	Present
	Wayland Schroader	Absent
	Alana Fletcher Maddox	Present
	Gretchen Denny	Absent
	Delbert Allred	Present
	David Beard	Present
	Jeremy Kahl	Absent
	Anthony McColum	Absent
	Edger Cordova	Absent
	Lloyd Turner	Absent
	David Brosig	Present

Visitors:

Staff Present: Michael Moffitt, Code Enforcement Officer
Kelley Messer, Legal Department
Van Watson, Building Official
Meagan Baker, Recording

1. The meeting was called to order by Steve Ellinger, Chairman, at approximately 8:15a.m.
2. Mr. Ellinger said the first order of business was the review and approval of the minutes of the August 7, 2013 meeting. Delbert Allred made the motion to approve, Mr. Brosig seconded and it passed with Mrs. Maddox abstaining.
3. CASES FOR REHABILITATION OR DEMOLITION:

Michael Moffitt, Code Enforcement Officer, then rearranged the order in which the cases were to be heard by the Board to accommodate the citizens and/or owners in attendance waiting to speak about the properties they were interested in.

Case No.	Address & Description	Owner	Board Action
12-027	2841/2849 S 12th JW Weems of Sayles Sub, Block 1, Lot 2, Abilene, Taylor County, Texas	David A. Newton Jr. 4087 Deaton Dr Unit 6813 Olivehurst, CA95961-9375	Declared a Nuisance & Demolition

Mr. Moffitt stated the structure was subject to a fire and was condemned back in June 2012. The outside of the house does not look like it was badly damaged however the structure of the house was severely damaged through the center of the house. Rafters and support structures were severely damaged by the fire. Mr. Moffitt believed it is possible to rehab this house. This property had also been subject to theft; just about anything that can be taken out of this house has been stolen. There is an adjoining lot that does not have a structure on it, but this particular house encompasses two lots. The lot to the west has a storm seller which is included in the condemnation. The property owner lives in California and Mr. Moffitt has not been able to contact him. Mr. Moffitt stated that he does not believe that the house is in immediate danger of falling down.

Staff's recommendation is demolition.

After discussion, Mr. Beard moved to declare this property a nuisance and Mr. Allred seconded and the motion carried unanimously. Mrs. Maddox moved to order demolition and Mr. Brosig seconded and the motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
12-057	1309 Locust OT ABL BLK 208 John T Toombs/Riney-Hays, Lot 2, 2-C, Abilene, Taylor County, Texas	John Lopez Life Estate%Frank Lopez 1309 Locust Abilene, TX 79602	Declared a Nuisance & Demolition

Mr. Moffitt stated this property came to him as a complaint for unsightly conditions and high grass and weeds. Mr. Moffitt was able to work with Adult Protected Services and Child Protected Services to get the family some help because Mr. Moffitt believed they were in immediate danger from health and safety issues. The sewage system for the house had failed; the line erupted and there was sewage in the yard constantly. This house had been put together and repaired with whatever materials that could be found. The owner of the house had spoken with Mr. Moffitt and stated that he wanted to repair the house. However over the past four to five months Mr. Moffitt has not had any contact with the property owner. Several citations for non-compliance have been issued to the property owner.

Staff's recommendation is demolition.

After discussion, Mrs. Maddox moved to declare this property a nuisance and Mr. Allred seconded and the motion carried unanimously. Mr. Allred moved to order demolition and Mr. Brosig seconded and the motion carried unanimously.


4. Assistant City Attorney, Kelley Messer spoke about the current ordinance referencing the items in the current 1991 Uniform Code for Abatement for Dangerous Building and the 1991 Housing Code which do not reflect the requirements of the Chapter 214 Local Government Code. The reason for this discussion is so that the board may make a recommendation for City Council. Mrs. Messer stated that it makes sense to have the Board to review the ordinance before bringing to Council.

Mr. Beard brought up an issue regarding Section 8-553(b), the wording "the building official can enter any structure without notice, without provocation, without probable cause". Mr. Beard feels like this statement is a little overbearing, so he would like to have some of the wording changed. Mrs. Messer explains that the building official has the authority to inspect to determine the condition of residential and non-residential structure within the City of Abilene without prior notice to owner, occupant of the property. The code is stating that the building official is authorized to make an inspection, which is the way the City is operating now. Mr. Ellinger asks the question, "What would trigger an inspection being made"? Mrs. Messer explains the trigger would be a citizen calling code enforcement and saying a house in the neighborhood is in really bad shape or if a code officer observes dilapidation. Mr. Ellinger states the sentence could be reworded like "the building official is authorized to make an inspection as a result of complaint or other visible or known deficiencies". Mrs. Messer agrees with changing of the way the sentence is written.

Mr. Beard makes a comment on Section 8-563(b)(2) "the property shall be demolished if the board makes a finding that a property shall be demolished and the board shall reference its finding, each condition that exists that cause the property to be substandard and dangerous". When the board orders a demolition we, as the board, are suppose to identify the reason why the structure is to be demolished. Mrs. Messer explained that in event there is an appeal, the board will have met all the requirements to make a strong case. Mrs. Maddox asks the question, "Can the staff put in their recommendation the highlights of the issues"? This can be accomplished by putting conditions of the property in the staff report and having a motion that the property is substandard and dangerous based upon the conditions in the staff report. Mrs. Messer believes this is something that should be become part of the motion from the board in the future.

Mr. Ellinger questioned the requirement in 8-565(c), The Board of Building Standards shall not allow the owner more than 90 days to repair, remove or demolish a building. Mr. Beard stated that the majority of the properties that were brought before the board would not have been done in 90 days. Mrs. Messer referred to Tex. Loc. Gov't Code 214.001(k) that states if a municipality allows more than 90 days for the completion of repair, removal or demolition, the municipality shall require the owner to regularly submit progress reports to demonstrate compliance. Mrs. Messer stated this appears to put more responsibility on the owner than merely the submission of a plan of action. With the compliance agreement the property owner has to demonstrate compliance with the schedules requirement with the commencement and performance of work.

After discussion, Mr. Beard moved to recommend the Minimum Standards for Buildings and Structures Ordinance to City Council and Mrs. Maddox seconded and the motion carried unanimously.



Approved: _____, Chairman Date: 09.04.13