

Board of Building Standards Minutes

June 4, 2014

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, June 4, 2014, in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

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

Visitors:	Blanca Cortez	Jose Sanchez
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Staff Present:	Michael Moffitt, Code Enforcement Officer
	David Sartor, Building Official
	Kelley Messer, Legal Department
	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 March 5, 2014 meeting. Mr. Allred made the motion to approve, Mr. McColum 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
11-039	534 Palm St LT 5 Less 8X10 159 OT, Abilene, Taylor County, Texas	Blanca Cortez 410 W. University Odessa TX 79764	120 Days to Bring Property out of Condemnation

Mr. Moffitt stated this property was involved in a fire several years ago. The building is showing some structural issues, the house is starting to lean to the north, off the piers. The building has been gutted; the dry wall has been removed therefore the integrity of the building has been breached. The front porch area has severe dilapidation. Mr. Moffitt has been working with the owner for over a year to try to make progress; however nothing has been done.

Mrs. Blanca Cortez stated that she has had the structure re-roofed. There have been several break-ins after the building had been secured. The house is being worked on for re-bracing under the house and on the outside of the house. Mrs. Cortez stated that there has been improvement made on the house since the last time Mr. Moffitt has been out. Mrs. Cortez is asking for 120 days to bring property out of condemnation. Mr. McColum stated that there was no indication that there was a building permit pulled for this property. Mrs. Cortez stated she does have a building permit. Mr. Ellinger asked Mrs. Cortez if she has provided City staff with a Plan of Action. Mrs. Cortez explained that she had provided that information.

Mr. Moffitt stated it took over a year for Mrs. Cortez to get the deed over to the staff. This property has been sitting idle with nothing being done until she got the notice about this meeting. Mr. Moffitt questioned the work that had been done because of the time frame the work was done. Mr. Ellinger asked why the staff's recommendation is demolition, when the owner had provided a Plan of Action and work has been done. Mr. Moffitt explained that Mrs. Cortez has not provided that information.

Staff's recommendation is demolition.

After discussion, Mr. Beard moved to grant property owner 120 days to bring out of condemnation and Mr. McColum seconded and the motion carried with Mr. Allred opposing.

Case No.	Address & Description	Owner	Board Action
12-033	1827 N 7 th St Heyck/Cunningham, Block 2, Lot 12, Abilene, Taylor County, Texas	Blanca Cortez 410 W. University Odessa TX 79764	120 Days to Bring Property out of Condemnation

Mr. Moffitt stated this house was involved in a fire. The City has had to abate this property, fix the fence and mow the property several times. The City also has had to secure the property multiple times. Mrs. Cortez has done nothing as far as repairing and bringing out of condemnation. After Mrs. Cortez received her notification that this property was going before the board, she then started working on the property.

Mrs. Cortez explained to the board that when she buys the condemned properties, she buys them to fix them up. She also explained that she is having a hard time finding contractors to help with the repairs. Mrs. Cortez is asking for 120 days to bring the property out of condemnation. She has made some improvements; the inside of the house has been gutted and repainted. Also new doors have been installed. She is waiting on the plumber and electrician to pull their permits and start working.

Staff's recommendation is 120 days to bring property out of condemnation.

After discussion, Mr. Beard moved to grant property owner 120 days to bring out of condemnation and Mrs. Maddox seconded and the motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
13-015	2009 Sandefer Sears Park, Block 1 Lot 27 & E40 of LT 26 ACRES .234, Abilene, Taylor County, Texas	Lone Star Sovereign Investments, LLC 2310 Cicily Ln. Abilene TX 79606-1213	Declared a Nuisance & Demolition

Mr. Moffitt stated this property was fully involved in a fire, due to arson. It is believed that the property was set on fire three different times by the same arsonist. The property owner intends to demolish the house at some point and time. The structure cannot be secured due to the fire.

Staff's recommendation is demolition.

After discussion, Mr. Brosig moved to declare this property a nuisance based on staff recommendation and Mr. McColum seconded and the motion carried unanimously. Mrs. Maddox moved to order demolition based on section 8-564 and Mr. Allred seconded and the motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
14-001	2017 N 9 th St Lakeside Addn, Block 12, Lot W62FT, LTS1-2, Abilene, Taylor County, Texas	Jose Louis Sanchez III & Olivia Anne Martinez 2017 N 9 th St Abilene TX 79603-4931	Declared a Nuisance & Demolition
<p>Mr. Moffitt stated this property was fully involved in a fire. This property has been a nuisance for some time now. Also the City had to secure the structure from vagrancy breaking in. Mr. Ellinger asked if Mr. Moffitt has had any contact with the property owner. Mr. Moffitt explained that Mr. Sanchez was at the meeting and has made contact several times.</p> <p>Staff's recommendation is demolition.</p> <p>After discussion, Mr. Allred moved to declare this property a nuisance based on staff recommendation and Mr. Brosig seconded and the motion carried unanimously. Mr. McColum moved to order demolition based on section 8-564 and Mr. Allred seconded and the motion carried unanimously.</p>			

CASE FOR CONSIDERATION OF CIVIL PENALTIES:

Case No.	Address & Description	Owner	Board Action
07-022	541 Oak St Block 89, Lot 7, & S ½ of 8, TIF #1, OT, Abilene, Taylor County, Texas	Gary Lee & Marilu Corpian 70 Castle Dr. Abilene TX 79602	Civil Penalties effect November 6, 2013 in the sum of \$600.00 a day. Equals \$126,000.00
<p>Mr. Moffitt stated this property is being brought before the board to seek civil penalties. The property has been brought before board several times. Building was condemned back in February 2007. Gary Corpian came before the board back in September 2007 requesting time to sell the property, the board granted him 180 days to sell. Mr. Corpain continued to try to sell the property until the property appeared back before the board in July 2013. Mr. Corpian was not successful in selling the property. The last time this property was brought before the board was August 2013. Mr. Corpian has not made any progress with rehab or demolition, which he was ordered to demolish back in 2007. Mr. Moffitt explained to the board that back in August 2013 the order was: "This property is a hazardous to public safety and welfare and therefore a public nuisance with a vote of 5 in favor and 0 against. The board also made following order, the owner is ordered to demolish or appeal the order to the distract court with 30 days or the City may demolish. This was found in favor of 5 and 0 against". Mr. Ellinger asked if Mrs. Kelley Messer would explain how the civil penalties work. Mrs. Messer stated that the guidelines contain language that may assist the board in wording motions. The guidelines contain a sample finding that the owner has received notice of the requirements of the Code for the Abatement of Dangerous Building and the current minimal standards for Building and Structures and the need to comply with those ordinances. Another thing that the board has to find is on a certain date the owner was given the following order of the board and the owner failed to comply with that order. The final order that the board would have to make, would be the amount of civil penalties. It is</p>			

important that the board find that the owner was given notice of the ordinance requirements and reiterate that the board made an order that the property owner violated. Mr. Ellinger asked "what happens if Mr. Corpain fails to pay the penalty". Mrs. Messer explained "It would be a lien; the City would seek a judgment lien against him". Mr. Ellinger stated he was a bit leery making the order retroactive back to the last time this property was before the board. He would like for the property owner to be notified that civil penalties will start when he gets the notice. Mrs. Messer explained that we could not access an amount that would start accruing in the future. Mr. Ed McRoy also explained that the board made an order and the board is determining today that the property owner failed to comply with that order. Therefore we are accessing civil penalties because of the property owner's failure to comply with the order. Mr. Ellinger asked "Could Mr. Corpian argue that he was unaware that civil penalties could be applied 333 days ago, had he known about the civil penalties he would had taken addition steps"? Mr. McRoy explained "I don't believe that the staff has a responsibility to inform Mr. Corpian of that." Mrs. Messer informed the board that she thinks that Mr. Corpian was aware of the civil penalties because he has keep up with the ordinances. The ordinance went before this board; it was passed by City Council and is now on the internet. Mr. McColum asked "When did the City adopt the civil penalties ordinance?" Mrs. Maddox explained that she is comfortable starting the time from when the civil penalties started. Mr. McRoy stated to the board that the new ordinance was passed on October 24, 2013 by City Council and became effective November 6, 2013.

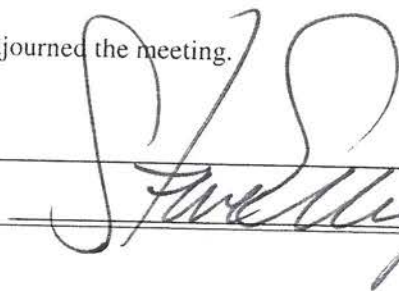
Staff's recommendation is to seek civil penalties for noncompliance of the boards order.

After discussion, Mr. Beard moved that the owner has received notice of the requirements of the "Code for the Abatement of Dangerous Building" and the current "Minimal Standards for Buildings and Structures Division" and was advised of his need to comply with those requirements. In August 7, 2013 the board made the following order to demolish this building; "the owner has failed to comply with the order of the board and has failed to take action and necessary for compliance with the ordinances". Mr. Allred seconded and the motion carried unanimously.

After further discussion Mrs. Maddox moved that we access civil penalties in the amount of \$600.00 a day, effective November 6, 2013 to June 4, 2014, which equals \$126,000.00, and Mr. Brosig seconded and the motion carried unanimously.

Mr. Ellinger adjourned the meeting.

Approved:



Chairman

Date:

07.09.14