

## **Board of Building Standards Minutes**

**September 3, 2014**

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, September 3, 2014, in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

Board Members:	Steve Ellinger, Chairman	Present
	Alana Fletcher Maddox	Present
	Delbert Allred	Present
	David Beard	Present
	Anthony McColum	Present
	Lloyd Turner	Absent

Visitors:	Jim Cutbirth	Jim Moore
	David Bermy	

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 August 13, 2014 meeting. Mr. Allred made the motion to approve, Mr. McColum seconded and it passed unanimously.

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
14-004	1642 Roosevelt St LEON STEVENSON, Lot W93FT LT 6, Abilene, Taylor County, Texas	Linda Cortinez Lopez 1642 Roosevelt St Abilene, TX 79601	30 days to complete Plan of Action and pull permits, if that is done then 30 more days to bring property out of condemnation.
<p>Mr. Moffitt stated this property was subjected to a fire. The structure was not fully involved; however, there was substantial damage done throughout the house. Just to give a little history on this property, the structure was burned back in April 2014. Michael has asked the owner to clean up and secure the property per the requirements of condemnation. Property owner has stated to Mr. Moffitt that they want to rehab the structure and since April nothing has been done. Mr. Moffitt had an abatement crew at the property to clean up the property; however, the abatement crew was told to leave the property by the owner. Mr. Moffitt states that there was an addition done on the house and it was done illegally without the proper permits being pulled. Mr. Moffitt believes that there are around 200 tires on the property.</p> <p>Staff's recommendation is demolition.</p> <p>Mr. David Bermey states he has known the property owner long before the fire and property was condemned. Mr. Bermey states that they have had a structural engineer look at the house and the engineer said it looks like around \$800 of damage. Some of the rafters will need to be changed. The garage part of the house will have to be torn down. Most of the house is structurally sound. Mr. Ellinger asked Mr. Bermey who was the engineer that came out to look at the house. Mr. Bermey could not remember his name. Mr. Bermey stated he was a licensed professional engineer. Mrs. Maddox asked "does the property owner have the resources to get the property out of condemnation." Mr. Bermey answered "yes." Mr. Ellinger states that in the past the board has been agreeable to allow the property owner to submit to the board a Plan of Action within 30 days. Mr. Ellinger asked "do you have enough estimates to get the property out of condemnation?" Mr. Bermey stated "we have an electrician's estimate and a structural engineer's estimate. We are still looking for a plumber." Mr. Ellinger asked if there was time frame in which this could be completed. Mr. Bermey explained that within the next two weeks they should have all the estimates and have the permits pulled. Mr. Beard asked "do you know how long it would take to clean the property up?" Mr. Bermey explained "the property is pretty much clean. It's going to take some time to get all the tires off the property." Mrs. Maddox states that there seems to be a lot of other clutter that is in the yard. Mr. Bermey explains "when your house burns down they had to go through everything in the house." Mr. Sartor asked "if you are trying to save up money for the minimal fee for the building permit, are you going to have enough money to make the repairs?" Mr. Bermey explained "we have all the lumber and friends helping with the repairs so the problem is just coming up the fees."</p> <p>Mr. Moffitt stated that he would not put much faith in the plan because we have sent documentation to them time and time again. Mr. Moffitt has never heard from them. Mr. Bermey was interfering with Mr. Moffitt's investigation while he was trying to speak with Mr. Lopez. In light of what they plan to do and the resources that they have to do it in, Mr. Moffitt does not have much faith in the future plans that they have. Mr. Ellinger stated that he shares the same concern. However it's always been the practice of the board that they would rather see a building rehabilitated and brought out of condemnation.</p>			

After discussion, Mrs. Maddox moved to grant property owner 30 days to complete the Plan of Action and pull permits, if that is done then 30 more days to bring property out of condemnation and Mr. Beard seconded and the motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
14-014	1792 Jefferies St E W BARR, BLOCK 26 (W120 E370 N100). LOT 2, Abilene, Taylor County, Texas	Connie R. Morris C/O Kathy McElroy 18152 Private Road 343 Abilene, TX 79601	Declared a Nuisance & Demolition
<p>Mr. Moffitt stated this house was fully involved in a fire. The occupants made it out of the house barely and only sustained minor injuries. The owners have complied with the requirements for cleaning up the property and securing the building. The owners have stated to Mr. Moffitt that she does want to demolish the house. She would like to pull the permit and perform the demolition herself. Mr. Moffitt brought this case before the board in case that does not happen, we will have an order for demolition.</p> <p>Staff's recommendation is demolition.</p> <p>After discussion, Mr. Beard moved to declare this property a nuisance and Mrs. Maddox seconded and the motion carried unanimously. Mr. Beard moved to order demolition and Mr. Allred seconded and the motion carried unanimously.</p>			

4 Consideration with possible action on proposed amendment to Section 901.6.2 of the City of Abilene Fire Code.

Mr. Jim Moore from the Abilene Fire Marshal is requesting approval from the board, an amendment to the currently adopted 2009 IFC. This alteration would improve management of life safety systems in Abilene at no cost to city government. Life safety systems would be more likely to operate in the event of an emergency which should result in reduced loss of property and possible saving lives. The Abilene Fire Marshal Responsibilities include education regarding fire safety, ensure fire hazards are reduced or eliminated, ensure fire safety in public buildings, ensure fire safety systems are compliant, investigate fires and enforce fire code compliance. Some of the fire safety systems are sprinkler systems in any business, fire alarms, vent-hood fire suppression systems, private fire hydrants, fire pumps, standpipes and other systems exist. Mr. Moore stated that some of the difficulties that we are having now are there are 11 fire trucks. In the past they have performed fire inspections of every public building in Abilene once a year. The Texas Commission of Fire Protection determined you needed to be certified as an inspector to go and inspect buildings. This is a difficult certificate to obtain especially for 170 firefighters. At this moment and the last several years, fire companies have no longer been inspecting businesses. It has been put on the 6 individuals in Abilene Fire Department division to inspect the businesses as often as possible. Buildings are inspected based on life safety issues and state requirements. Mr. Moore stated for example, "we are more likely to inspect a daycare than a small 1000 sq ft bookkeeper's office." There are some buildings that have not been inspected for fire safety issues for several years due to the above-mentioned

reasons. Mr. Moore explained contractors that certify sprinkler systems, vent-hood to make sure the systems are working properly, have no authority to require a business to maintain those systems. The only time AFD knows a system is deficient is when a contractor is hired and finds issues. Chapter 9, Fire Protection Systems, 901.6.2 states, "Records of all systems inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request." Mr. Moore stated this is the ordinance we are looking to amend. We would prefer it read something similar or exactly like this "Contractors who perform inspection, testing and/or maintenance serviced on fire and life safety systems within the City of Abilene are required to electronically submit all compliant and non-compliant reports to the Abilene Fire Department via a method approved by the Fire Marshal." Mr. Moore explained he measured several web based third-party reporting systems and Compliance Engine is the one preferred. Compliance Engine has recognized the need to be proactive instead of reactive regarding life safety systems. Laredo and Victoria TX are two of the first fire departments that have utilizing this system. Those two cities have only been utilizing this system for about three months and Mr. Moore has not heard any complaints. There are many cities in Texas of comparable size that are looking at the system favorably. Mr. Moore stated that on a regular basis, the buildings we inspect that have life safety systems, we find them deficient or about to be. This causes us to have to re-inspect at a later date or have a system out of date for the better part of a year or more. Being proactive with a third-party reporting system should eliminate this issue or come very close. The third party reporting should be at no cost to the city. The contractors that do the maintenance on the life safety systems, are charged by Compliance Engine \$10 per system, per visit. The contractor can choose to incur this cost or pass it on to the business owner. The third-party reporting system acts as another hand of the Fire Marshal with his authority. Letters and/or emails from the Compliance Engine are sent proactively to the party advising that their system is in need of testing. Mr. Moore will be advised when these notifications are sent out. The system is updated by contractors detailing deficiencies, compliance, work in progress, etc. The Fire Marshal can see immediately the status of these systems within Abilene. Mr. Moore has requested approval from the board to move forward and approach the City Council for the requested ordinance change. Mr. Beard asked if the motivation behind this is the lack of budget/personnel to do these inspections. Mr. Moore stated that is correct. Mr. Beard asked if Mr. Moore was going to exercise any control over the contractor's fees to the businesses. Mr. Moore explained that we do not exercise any control over what the contractor's are charging now. Mr. Moore also explained that they would have a three year contract with Compliance Engine and the fees would be the same over the next three years. Mr. Ellinger made an observation that there may not be any cost to the city, but, it could be substantial cost to the business owner. Knowing the way City Council works, they are trying to encourage businesses in Abilene and that extra cost would discourage businesses. Mr. McColum asked what exactly the ordinance change is. Mr. Moore answered as it reads now is "Records of all systems inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official upon request" and would like to read "Contractors who perform inspection, testing and/or maintenance services on fire and life safety within the City of Abilene are required to electronically submit all compliant and non-compliant reports to the Abilene Fire Department via a method approved by the Fire Marshal." Mr. Moore explained that with this, all they are looking to change is how contractor let the fire department know what is going on with the fire and life safety systems.

After discussion, Mr. Beard moved to approve the ordinance change and move forward to City

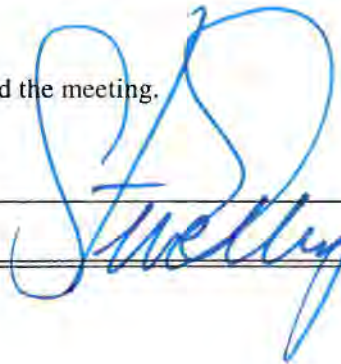
Council and Mrs. Maddox seconded and the motion carried unanimously.

5. Staff update on 541 Oak Street.

Mrs. Kelley Messer explained that there is not a lot to report. Mr. Corpian hired an attorney and filed an appeal before his deadline. On September 2<sup>nd</sup> the City Attorney's office filed their original answer. That is all that has occurred at this point. Mrs. Messer does not believe that it is appropriate to talk about trial strategy. Mrs. Messer can keep the board updated in open session and we also have the ability in a later meeting to do an executive session on litigation matters, but, there are a whole lot of requirements that have to be followed properly to complete an executive session. Mrs. Messer stated that we can keep this on the agenda and she can keep the board updated. They are looking into some kind of settlement agreement or pushing this along to get a judgment from the court.

Mr. Ellinger adjourned the meeting.

Approved:



Chairman

Date

10.01.14