

## Board of Building Standards Minutes

**October 1, 2014**

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, October 1, 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	Present

Visitors: David Berry

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 September 3, 2014 meeting. Mr. McColum made the motion to approve, Mr. Allred 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	Allow the home owners to submit the Plan of Action within two days as stated in order from the board from the last meeting and also allow the owners until the following meeting in November to bring out of condemnation

Mr. Moffitt stated this case was heard on the last month and the staff was seeking demolition. Staff is still recommending demolition based on non compliance from the boards order from the last meeting. The boards order was for the home owner to submit a Plan of Action; thus far the home owner has failed to submit such document. Mr. Moffitt had visited with the property owner a couple of times at the property to let them know what was required however they still have not complied. Mr. Moffitt expressed that there is more debris in the backyard than there was before. According to Mr. Moffitt there has not been any cleaning of the property, there are still piles of trash and tires in the backyard.

Staff's recommendation is demolition.

Mr. David Berry stated that in the last meeting they were told that they would have to submit a Plan of Action, which they have. They have estimates from a plumber, electrician and an architect. Mr. Berry stated that they have the money for the building permit but cannot submit the Plan of Action to Mr. Moffitt. Mr. Berry stated that Mr. Moffitt had issued a citation to the property owner without their acknowledgement therefore a warrant was issued for his arrest. The Plan of Action has everything filled out except Mr. Moffitt's signature. Mr. Ellinger asked Mr. Berry if he did submit a Plan of Action. Mr. Berry stated that they have all the estimates but have not turned it into Mr. Moffitt. Mr. Ellinger said "you do realize that was the direction the Board of Building Standards in the last meeting." Mr. Berry explained "Mr. Moffitt has had him arrested on a warrant on a ticket he was never aware of." Mr. Berry stated that Mr. Moffitt has not talked to the property owner at all, just had him arrested. Mr. Berry believes that there is no working with Mr. Moffitt to get this done. Mr. Ellinger asked "did you say that you not been able to make contact with Mr. Moffitt?" Mr. Berry said "no, there is no way to go through him, he was contacted multiple times. He had him (property owner) arrested or called the police, stuff like that. He has never talked to us as far as what needs to be done." Mr. Ellinger explained that the property was condemned and they have a certain amount of time to get the property out of condemnation. Mr. Ellinger explained their predicament; the board requested or required the property owner to submit the Plan of Action to Mr. Moffitt. If we (the board) don't act on what we have required of you then we are not doing our job. Mr. Berry stated that they would need another city official to work with. Mr. Berry also stated that they were given 30 days, so we have two more days. Mr. Beard asked if Mr. Berry had the Plan of Action with him. Mr. Berry stated no, but could have it as soon as the meeting is over. Mr. Ellinger established that the last meeting was on September 3<sup>rd</sup> 2014 therefore the 30 days had not expired. Mr. Berry acknowledged that there is a lot of things going on right now and has contacted the FBI. Mr. Ellinger asked to him



to explain why he called the FBI. Mr. Berry explained "he is a marine and an honor physicist from ACU and commission missionary from the Church of Christ. I have to call them in because I was evicted from my own home, my mom and dad are a fireman and nurse and they were evicted on 9/11." Mr. Ellinger expressed "I don't think this is relevant to what we are talking about." Mr. Beard asked "can you produce this Plan of Action in the next two days." Mr. Berry said "yes sir." Mr. Ellinger asked if he has a clear understanding of what that Plan of Action must include, which are the estimate and a time frame. Mr. Berry agreed with that information. Mr. Allred asked "why has the lot not been cleaned up during this period of time?" Mr. Berry explained "we have cleaned quite a bit but a lot has to do with going to jail. It's hard to see what has actually been cleaned. Every day I have trucks loads of trash taken out." Mrs. Maddox stated that it appears that there is more trash than there was the last time. Mr. Berry explained that it looks that way cause more of it is getting cleaned out. Mrs. Maddox asked if they were still living on the property. Mr. Berry answered that they are living in hotels as much as they can but yes there are still tents there. Mr. Ellinger stated that he is a little put out that the Plan of Action has not been submitted at this point. He would be inclined to a motion that states if staff does not receive the detailed Plan of Action by October 3<sup>rd</sup> 2014 then we implement an order that the property is nuisance and an order for demolition. Mr. Berry stated he would agree with that but he would like to submit the information to Mr. Moffitt's boss or someone else in the office. Mr. Ellinger explained that would not work, Mr. Moffitt is the condemnation officer and that is who he would have to go through. Mrs. Kelley Messer expressed her recommendation is to bring the case back in thirty days/next meeting since the thirty days have not expired from the order of the last meeting. Ms. Maddox asked if we could make a motion to give him two days to complete the Plan of Action and for the next meeting to bring out of condemnation. Mrs. Messer and Mr. Ellinger agreed that would be an adequate motion. Mr. Allred asked Mr. Berry if they have the money to take care of the contractor's bids. Mr. Berry conveyed they have the money for the electrician and we got some of the money for the rest. They (property owner) are hoping to receive a home improvement loan for the rest of the money. Within the next two months they would be able to make that much money. Mr. David Sartor explained that they only have thirty two days, you don't have two months. That means finished, out of condemnation in thirty two days. Mr. Berry stated that there is no way he could have it finished/out of condemnation in thirty two days.

Mr. Moffitt added that it seems every time he goes out to the property to speak to the property owner that they don't fully understand our procedures and what he is asking them to do. He has asked them to come to his office, get the paperwork that for the Plan of Action. Get all the estimates that are required and bring the paperwork back to Mr. Moffitt and then they can get the building permit. They have never come to the office or called Mr. Moffitt.

After discussion, Mrs. Maddox moved to allow the home owners to submit the Plan of Action within two days as stated in the order from the board from the last meeting and also allow the owners until the following meeting in November to bring out of condemnation and Mr. McColum seconded and the motion unanimously.

Case No.	Address & Description	Owner	Board Action
11-053	<b>2114 Henson</b> AO187 SUR82 John Jarmon, Tract LT 8 133N220 LT 4&5 Big Elm 53.83 AC, Abilene, Taylor County, Texas	Stan and Linda Casady 620 Grand Av Abilene, TX 79605	Declared a Nuisance & Demolition

Mr. Moffitt stated that this case has been in our files for some time now, since 2011. The structure that is there is on a lot that was adjoined a house to the west. The structure that is still there was a garage or a shop of some sort. The structure is continuing to dilapidate over the years. Mr. Moffitt stated the Mr. Ed McRoy suggested that the staff bring this case before the board to seek a demolition order. Mr. Moffitt expressed that there is no sense to continue issuing citations to the property owner for non-compliance. Her husband has passed away and she does not want anything to do with the property. The property that was adjoining went to tax sale and someone bought the property. They are rehabbing and bringing the property out of condemnation.

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. Mr. McColum moved to order demolition and Mrs. Maddox seconded and the motion carried unanimously.

4. Staff update on 541 Oak Street.

Mrs. Kelley Messer explained that the owner has obtained an asbestos survey and provided Legal with a copy of that survey. The owner also had an engineering firm look at the property and they are waiting on a report from the engineer. Mrs. Messer also stated that the engineer firm is looking at if they will need to leave part of the slab, part of the wall because they need to protect the adjoining building. They will provide a report to Mrs. Messer of those results. Ultimately if they do decide to leave part of the slab they will come back to the board after the major part of the demolition is completed and provide a copy of the report to the board and ask that the Board allow the slab to remain.

Mr. Ellinger adjourned the meeting

Approved:

 , Chairman Date: 11.05.14