

Board of Building Standards Minutes

December 3, 2014

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

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

Visitors:	Darrell Jones	Adam Gutierrez
	Alton Smith	Alicia Smith
	Kerry Sims	Rosa Sims

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

1. The meeting was called to order by David Beard, Chairman, at approximately 8:15a.m.
2. Mr. Beard said the first order of business was the review and approval of the minutes of the November 5, 2014 meeting. Mrs. Maddox 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
10-062	629 & 629 ½ N. 8 th St. 6 146 2B Conrad & Menefee OT ABL TIF #1, Abilene, Taylor County, Texas	Terrence Sims 5317 Pueblo Dr. Abilene, TX 79605	Grant property owner 120 days to bring property out of condemnation.
<p>Mr. Moffitt stated the date of condemnation was September 23, 2010. Deed transfer date to current owner was March 6, 2012. The original time line that staff gave to the property owner was 60 days to provide a plan of action and building permit, 60 days to get the rough in inspections and 60 days for final inspections. A plan of action was provided by the owner on March 12, 2014 and building permit was obtained on that same day. There have been 6 citations issued to the property owner for non-compliance. There were two on site meeting arranged by the City with the home owner and both times the owner did not show up. There has been no progress to date. Progress is determined based on permits obtained by contractors and building permits. This case has been before the BOBS 6 times during the life of condemnation, this will be the first time for the new owner to appear before the board.</p> <p>The staff recommendation is to grant property owner 90 days to bring out of condemnation.</p> <p>Mr. Terrence Sims states that it won't take him long to get this property out of condemnation. Mr. Sims paid an electrical contractor to pull permits and get started on the property and the contractor has not done any work. Mr. Beard asked Mr. Sims if 90 days would be sufficient amount of time to bring the property out condemnation. Mr. Sims feels it would take him a little bit longer to complete. Mr. Sims is not sure how long it would take to the plumbing and electric contractor's to start working. Mr. Sims stated that if he could have 6 months, he would for sure have the property out of condemnation. Mr. Beard asked if Mr. Sims had the funds to get this property out of condemnation. Mr. Sims explained that he now has the funds to complete the process. Mr. Allred expressed his concern that Mr. Sims has had this property for two years and it's not complete but now Mr. Sims is stating that he could have it done in six months. Mr. Sims explained that he has been working on three properties that are also in condemnation.</p> <p>Mr. McColum made a motion to un-table this case and Mr. Allred seconded and the motion carried unanimously.</p> <p>After discussion, Mrs. Maddox moved to grant property owner 120 days for bring property out of condemnation and Mr. Allred seconded and the motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
10-052	5281 Taos Alameda Addn SEC 5, Block T, Lot 11., Abilene, Taylor County, Texas	Rosa Rodriguez 5358 Laguna Dr. Abilene, TX 79605-2529-58	Grant property owner 60 days for bring property out of condemnation
<p>Mr. Allred made a motion to un-table this case and Mr. McColum seconded and the motion carried unanimously.</p> <p>Mr. Moffitt stated the exterior of the house has been repainted. The date of condemnation was September 7, 2010; the deed transfer date to current owner was April 4, 2013. The original time line from staff was 60/60/60. A plan of action was provided to our office; a building permit was obtained on April 2, 2014 but has expired. The current owner was going on the previous owner's plan of action and building permit. The building permit will have to be re-issued under the current owner. There have been 6 citations issued to the property owner for non-compliance. There was progress made by the previous owner. Mr. Moffitt believes they are not far away from bringing this property out of condemnation. This property has been before the BOBS 6 times, this will be the first time with the current owner.</p> <p>The staff recommendation is to grant property owner 30 days to bring out of condemnation.</p> <p>Mrs. Rosa Sims explained that her husband's name was on the deed before she had her name on the deed. Mrs. Sims stated that they have done a lot of work to the outside of the house and there has been some work done on the inside. Mrs. Sims explained that she was not aware that she would have to get a new plan of action and permits. She thought that because it was her husband it would be fine. An electrician has been paid and they have gone in started some of the work. There are new electrical boxes on the outside and the inside. He has not finished running the electrical through the house. Mrs. Sims explained the contractor they paid to finish to work, has not returned to the property to finish the work. They have since hired a new electrical contractor. Mrs. Sims stated it would take about three weeks to get everything the electrical contractor needs to start working. Mrs. Sims and Mr. Sims stated that if they could have 90 days, they could get this property out of condemnation.</p> <p>After discussion, Mrs. Maddox moved to grant property owner 60 days for bring property out of condemnation and Mr. Turner seconded and the motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
10-088	1818 Jefferies St. North Park Addn, Block 26, Lot W100 E578.33 N100 2.3 AC TR, Abilene, Taylor County, Texas	Rosa Sims 5358 Laguna Dr. Abilene, TX 79605-2529-58	Grant property owner 90 days for bring property out of condemnation
<p>Mr. McColum made a motion to un-table this case and Mrs. Maddox seconded and the motion carried unanimously.</p> <p>Mr. Moffitt stated this property has changed hands four since the date of condemnation. Presently Rosa Sims is the property owner. The City has had to secure this property at least three times in the last two months. Currently all the windows and doors are secured. Mr. Moffitt stated that there has been a lot of work that has been done on this property however there is still a lot more work that needs to be done. The date of condemnation was November 16, 2010; the deed transfer date to the current owner was July 8, 2013. The original time frame that was given to the owner was 60/60/60. A plan of action was provided by the Sims's on March 12, 2014. A building permit was obtained on March 12, 2014. There have been two citation issued for this property for non-compliance. There has been no progress to date by the owner. This property has been before the board three times by the previous owner and this is the first time with the current owner. Mr. Beard asked "did I hear you correctly in saying that the City has had to secure this property?" Mr. Moffitt answered "The City has had to mow, secure and also have had to remove a dead tree on the property."</p> <p>Staff's recommendation is to grant property owner 60 days to bring property out of condemnation.</p> <p>Mrs. Rosa Sims stated in reference to the whole in the roof, it was her understanding that was done by the electrician to run wires. Mrs. Sims would like to ask the board for 90 days. In reference to tree that needed to be removed, Mrs. Sims had contacted an electrical company to see what needed to be done. The electrical company informed them that they were going to go out and take the tree down.</p> <p>After discussion, Mr. Allred moved to grant property owner 90 days for bring property out of condemnation and Mr. Turner seconded and the motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
12-036	209 Amarillo St. Harris Addn Outlot 1 Barrett of Harris, Block 16, Lot N60Ft, S315Ft, E121Ft, LT1, Abilene, Taylor County, Texas	Alton & Alicia Smith P.O. Box 4139 Abilene, TX 79608	Grant property owner 60 days for bring property out of condemnation
<p>Mr. Moffitt stated extensive exterior work has been done but there is still some work that remains. While on location to take pictures for the meeting, Mr. Moffitt observed plumbing being performed, as well as electrical. There have been no plumbing or electrical permits pulled to date. Mr. David Sartor issued a "stop work order" due to the work that was being done with no permits. Since November 25, 2014 when the "stop work order" was issued, permits have been pulled for both plumbing and electrical by bonded and licensed contractors. The deed transfer date for the current owner was October 30, 2012. The original time line given to the owner was 60/60/60. A plan of action was provided October 31, 2012, a building permit was obtained on the same day. There have two citations issued for this property for non-compliance. Mr. Moffitt stated the property owner is about 90% complete with the architectural finishes on the house. This is the first time this property has been before the board.</p> <p>Staff's recommendation is grant property owner 60 days to bring property out of condemnation.</p> <p>Mr. Alton Smith made a presentation to the board about his businesses. Mr. Smith voiced his concerns about the ability that Mr. Moffitt has on writing citations to property owners. Mr. Beard stated to Mr. Smith that he would like for him to confine his comments to this case. Mr. Alton stated that he is sure that 60 days will be an adequate amount of time to get this property out of condemnation. Mr. Smith makes reference to Dallas vs. Stewart. Mrs. Kelley Messer stated that she believes that there is a difference in their interpretation of the law. Mrs. Alicia Smith stated that she thinks 60 days would be an adequate amount of time to get this property out of condemnation.</p> <p>After discussion, Mr. Allred moved to grant property owner 60 days for bring property out of condemnation and Mr. McColum seconded and the motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
12-043	424 Elm Creek Rd. AO349 20 A Thompson Tract 2 (Hagar Add) Acres 1.9, Abilene, Taylor County, Texas	Alton & Alicia Smith P.O. Box 4139 Abilene, TX 79608	Grant property owner 60 days for bring property out of condemnation

Mr. Moffitt stated electrical work being performed and new electrical wiring being installed; all of this is being done without a permit. The roof has been inspected by the City's building inspector. The property owners do have a building permit; however they do not have a plumbing, electrical or mechanical permit. The date of condemnation was August 6, 2012. The deed transfer date to the current owner was January 29, 2013. The original time line for the property owners was 60/60/60. A plan of action was provided April 17, 2013 and a building permit was obtained the same day. There have been six citations for this property. Those citations vary from Off Street Parking, Unsightly Condition and for non-compliance. Mr. Moffitt stated the property owner is about 90% complete with the architectural finishes on the house. This was the first time for this property to go before the board.

Staff's recommendation is grant property owner 60 days to bring property out of condemnation.

Mrs. Alicia Smith stated their intent when purchasing the property was to make it their home. Mrs. Smith was under the impression that if they were going to make this property their homestead, they would be able to do all the repairs themselves. Mrs. Messer explained that they would have to be living in the house to for that to apply; they would still have to pull permits to make the repairs. Mrs. Smith explained to the board that she like to have the water turned back on because she has horses on the property. Mr. Beard asked Mrs. Smith if the 60 days that staff is recommending would be enough time. Mrs. Smith stated that she did not think that would be enough time, she feels 120 days would better.

Mr. Alton Smith expressed his concerns again about the citations. Mr. Smith feels as though he is being harassed. He feels that should be able to do his own electrical and plumbing. Mr. Smith has an electrical contractor that will perform the wiring. Mr. Smith does not feel that 120 days would be enough because he is not sure when they would be able to get on this project. Mr. Smith stated he would need a year to finish this property.

After discussion, Mrs. Maddox moved to grant property owner 60 days for bring property out of condemnation and Mr. Turner seconded and the motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
04-040	1934 Victoria S40' Lot 4, George McDaniel Addn., Abilene, Taylor County, Texas	Darrell Jones 165 Maxwell Dr. Abilene, TX 79602-1055-65	Grant property owner 60 days for bring property out of condemnation
<p>Mr. Allred made a motion to un-table this case and Mrs. Maddox seconded and the motion carried unanimously.</p> <p>Mr. Moffitt stated this property was old church that was involved in a fire. The structural instability still remains as the result of the fire. There has been some framing done on the interior. Property owner has removed the original building from its original footprint. The building has been leveled with bricks and concrete blocks; this is not acceptable and would not pass code. There is some work that is being done that would not pass code. The date of condemnation was July 12, 2004; the deed transfer date to the current owner was July 1, 2013. Original time frame given to the property owner was 60/60/60. A plan of action was provided on July 29, 2013 and a building permit was obtained on the same day. There have been three citation issued for this property for non-compliance. Some exterior finishes and interior framing has been done. Roof repairs have been made without replacing the burned components. This property has been before the board three times, and this will be the first time for the current owner.</p> <p>Staff's recommendation is demolition.</p> <p>Mr. Darrell Jones stated to the board how much money, time and supplies that he has put into the property. Mr. Jones also stated to the board some of the medical issues he has had over the past year. Mr. Jones stated that he did have a gentleman advising them on what they should do and he now realizes that he was getting the wrong information. Mr. Jones explained to the board that he does have a licensed and bonded plumber and electrician waiting to get to work, the building just need to stabilize. Mr. Jones would like for the board give him 90 days, after that 90 days he would like to show the board the improvements he has made the property. Mrs. Maddox asked Mr. Jones what his intentions are for the building. Mr. Jones explained he would like to make it a residence for himself. Mr. Beard expressed that the worst thing that could happen is that Mr. Jones has a lot of money into the property and he stills has a long way to go. Mr. Beard feels that 90 or 120 days would be an adequate amount of time to get this property where it needs to be. Mr. Jones explained that it would at least show the board that I am serious about getting this property out of condemnation. Mr. Allred asked if there were any plumbing or electrical problems in the house. Mr. Jones explained that there is no plumbing or electrical at this time. Mr. Gutierrez stated to the board that he thinks it would take about eight months to get this property out of condemnation. Mr. Jones explained to the board that if in 90 days the board does not feel like Mr. Jones has done an adequate amount of work, then at that time the house can be demolished.</p> <p>Mr. Ed McRoy explained the process how the staff comes up with the recommendation for the board.</p>			

After discussion, Mr. Allred moved to grant property owner 30 days to do all the estimates and time frame to bring property out condemnation and bring back and present this to the board at the next available meeting and Mrs. Maddox seconded and the motion carried unanimously.

	Address & Description	Owner	Board Action
12-059	557 N 11 th St. LTS 1 199 4-2 Sharp ABL OT, Abilene, Taylor County, Texas	Hortense Friday 3873 Blodgett St. Houston, TX 77004-6501	Declared property a nuisance and ordered owner 30 days to demolish.

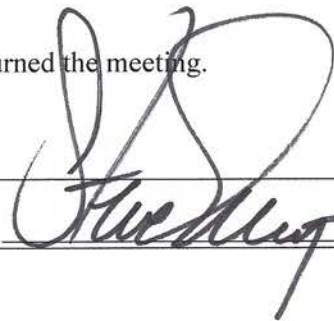
Mr. Moffitt stated the owner of this property is deceased. They have not had any contact with staff in last eight months and have not worked on house. All window and doors have been stolen out of the house. The house is literally falling down on itself. There is large hole in the roof that was present the day of condemnation and still there to date. Date of condemnation was November 19, 2012. The original time frame was 60/60/60. There has not been a plan of action submitted and no permits pulled. There have been two citations issued for non-compliance. The City's has been maintaining this property. This is the first time this property has been before the board.

Staff's recommendation is demolition.

After discussion, Mrs. Maddox moved to declare this property a nuisance because this property does not meet minimum standards for Abilene and Mr. McColum seconded and the motion carried unanimously. Mrs. Maddox moved to order demolition and Mr. Allred seconded and the motion carried unanimously.

Mr. Beard adjourned the meeting.

Approved:



, Chairman

Date

01.08.15