

Board of Building Standards Minutes

May 6, 2015

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, May 6, 2015, in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

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

Visitors:	James Francis	Kerry Sims
	Gary Corpian	Richard Meek

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 April 1, 2015 meeting. Mr. Allred made the motion to approve, Mr. Turner 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
10-031	629 & 629 ½ N. 8 th St. 6 146 2B Conrad & Menefee OT ABL TIF #1, Abilene, Taylor County, Texas	617 Jeanette 3 185 5 Wise ABL OT Piedmont, Abilene, Taylor County, Texas	Grant property owner 60 days to bring property out of condemnation.
<p>Mr. Allred moved to untangle this case, Mr. McColum seconded, and the motion carried unanimously.</p> <p>Mr. Moffitt stated the date of condemnation for this property was June 6, 2010. The deed transfer date to the current owner was September 26, 2013. The original timeline given to the property owner was 60/60/60, which was sent to him on September 20, 2013. The current owner provided a Plan of Action and obtained a building permit on December 17, 2013. There has been one citation issued to the owner for non-compliance. Progress for this property includes, exterior painting, window repair and roof repairs. This property has been before the board three times: This is the first time for the current owner. The City has had to secure and mow this property on several occasions. The two accessory buildings in the back of property are included in with the condemnation. There has only been an inspection on the gas lines, no other inspections have been performed. Mr. Moffitt stated that Mrs. Cortez called him the morning of the meeting to state that she was unable to make the meeting but stated to Mr. Moffitt that she could have this property finished within two months.</p> <p>Staff recommendations is to grant property owner 90 days to bring property out of condemnation.</p> <p>After discussion, Mr. Beard moved to grant property owner 60 days to bring property out of condemnation and Mr. Allred seconded. The motion carried unanimously.</p>			

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	Accessed civil penalties in the amount of \$1,900.00 and granted property owner 60 days to bring property out of condemnation.

Mr. Moffitt stated the date of condemnation was September 23, 2010. The deed transfer to the current owner was March 6, 2012. A timeframe of 60/60/60 was sent to the property owner. A Plan of Action was provided on March 12, 2014 and a building permit was obtained on the same date. There have been 6 citations issued to the property owner for non-compliance. Mr. Moffitt stated that it is his understanding that Mr. Sims has hired contractors and paid them in full; in hopes that the contractors will start on his property immediately. Instead, the contractors are working on other jobs that have an incentive for getting paid. This case has been before the board five times with the previous owner and this is the second time with the current owner.

Mr. Sims stated that this is his last property to bring out of condemnation. Mr. Sims spoke with the electrician on May 5, 2015, and he pulled a permit on that date. The electrician is about 3 weeks out before being able to start on this property. Mr. Sims asked the board to grant him 60 days to bring property out of condemnation. The inside of the building is finished; Mr. Sims is just lacking the electrician and plumber to complete their job. Mr. Ellinger asked Mr. Sims if it is normal practice to pay the contractor in advance. Mr. Sims responded "no, that is his normal practice, he was feeling pressured from the board and the letters that Mr. Moffitt was sending him. Mr. Sims stated that he bought this property for his son and his son was supposed to help Mr. Sims bring this property out of condemnation. Mr. Sims's son bailed on the job and left Mr. Sims with the responsibility of finishing the project. Mr. Beard asked if Mr. Sims has the resources to do all of the condemned properties. Mr. Sims stated that yes he does, one of his condemned properties is roughly a week out from completion. The only thing lacking for this property is getting the contractors in to finish their jobs. Mr. Ellinger asked how long it would take to bring this property out of condemnation. Mr. Sims responded with 60 days.

Staff recommendation for finding: (1) The owner, Kerry Sims has received notice of the requirements of the Code for the Abatement of Dangerous Buildings and the current Minimum Standards for Buildings and Structures Division and was advised of his need to comply with those requirements.

(2) On 12/3/2014 the board made the following order: 120 days to complete repairs.

(3) Owner has failed to comply with the order of the board and has failed to take action necessary for compliance with the ordinance.

Staff recommendation for order: The Board assess civil penalties in the amount of \$3,825.00, being \$25.00 per day from December 4, 2014 to May 6, 2015.

After discussion, Mr. Beard moved to follow staff's recommendation for findings and the order of civil penalties in the amount of \$1,900.00 and grant property owner 60 days to bring property out of condemnation, and Mr. Allred seconded. The motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
11-011	726 & 726 ½ N 13 th St. College Drive Replat Block 28 Lot E & F, Abilene, Taylor County, Texas	Interested Citizens of Abilene North I-CAN 701 Mesquite St. Abilene, TX 79601-5220	60 days to bring property out of condemnation

Mr. Beard moved to untable this case and Mr. Allred seconded and the motion carried unanimously.

Mr. Moffitt stated the date of condemnation on this property was March 10, 2011. Mr. Moffitt stated that it is his understanding that the I-CAN community was going to gift this property over to the occupant that is currently occupying the property. There was a time line letter for 60 days to provide a Plan of Action and 60 to complete. The I-CAN committee Chairperson submitted a Plan of Action which was provided on August 6, 2013 and a building permit was obtained September 9, 2013. Mr. Moffitt and Mr. Sartor met with the ICAN board on site and went over step by step what was required in order to get this property out of condemnation. That included cleaning the property inside and outside. Mr. Ellinger asked Mr. Moffitt if he could explain what the ICAN committee is. Mr. Moffitt stated it is the Interested Citizens of Abilene. Mr. Moffitt stated that their intentions are to rehab and improve living for the community. Shortly after the meeting with the committee, the property was cleaned up. Within the past couple of months there has been a flood of junk, debris and a junk vehicle that is not on the property. Citations could and may be issued if compliance is not obtained. Very little progress has been made, if any at all. This is the second time this case has been before the board with the current owner.

Mr. Francis stated that sometime this week, they will start putting siding on the structure and paint the fence. Mr. Francis stated that there is a lot of black history memorabilia in the structure at this time. Mr. Francis stated that the ICAN's intension for this property is for storage. Mr. Francis stated over the last four years, he has not had a clear understanding of what the City wants them to do with the property. Mr. Francis is asking on ICAN's behalf for 60 days to bring this property out of condemnation. Mr. Francis stated that they are in the process of obtaining a Black History Museum, and this property is going to be used for storage of the black history memorabilia. Mr. Ellinger asked Mr. Moffitt if 60 days would be an adequate amount of time to bring this property out of condemnation. Mr. Moffitt stated since they are planning on using this property just for storage, it would complicate things. Mr. McColum asked why the ICAN committee wants to gift this property to someone else if they are planning on using the property for storage. Mr. Francis stated that the committee is in talks about that right now and he is not at liberty to speak on that subject.

The staff recommendation is to grant the owner 90 days to bring the property out of condemnation or civil penalties may be assessed.

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

Case No.	Address & Description	Owner	Board Action
14-025	5134 Congress Av. Holiday Hills Sec 1, Block B Lot 8, Abilene, Taylor County, Texas	Richard Meek III & Angelica Hernandez 735 Redwood Dr Abilene, TX 79603-5524	Granted property owner 30 days to provide a Plan of Action and cost estimates.
<p>Mr. Moffitt stated this property was fully involved in a fire. The date of condemnation was December 16, 2014 and deed transfer date October 30, 2012. The time frame given to the property owner was 60/60/60. There has been no plan of action provided, and no building permit has been obtained. There have been no citations issued to the property owner. The City has had to mow and performed an abatement on this property. This is the first time this case has been before the board. The property owner has stated to Mr. Moffitt that he would like make the needed repairs to the property and bring it out of condemnation. Mr. Moffitt stated to the property owner that staff is seeking a demolition order.</p> <p>The staff recommendation is demolition.</p> <p>Mr. Meek stated that he purchased this house about two years ago for his son and his mother. After the fire occurred they left the property and wanted nothing to do with it. Mr. Meek has done an estimate on windows, securement and materials; the amount is \$2,500. This is not including a plumbing contractor or electrician. Mr. Meek stated that his intention for the property is to make the repairs that is needed to bring the property out of condemnation. Mr. Ellinger asked Mr. Meek if he was fully aware what is needed to bring this property out of condemnation. Mr. Meek stated that yes he did, he has been in contact with some contractors to get started on the work.</p> <p>After discussion, Mr. McColum moved to give property owner 30 days to provide a Plan of Action and cost estimates and Mrs. Yielding seconded. The motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
11-027	1934 S. 3 rd (Rear Bldg. Only) E63 W 148 S 190 207 OT 2 ABL, Abilene, Taylor County, Texas	Blanca Cortez 410 University Odessa, TX 79764	60 days to bring property out of condemnation
<p>Mr. Moffitt stated the property was condemned on June 8, 2011. Mrs. Cortez has expressed to Mr. Moffitt that the interior of the building has been completed and they are starting on the exterior of the building. This property brought before the board and a demolition order was obtained. Deed transfer date was June 13, 2013. A Plan of Action was provided on December 17, 2013. Two citations have been issued for this property for non-compliance. The exterior is around 90% complete. Plumbing and electrical permits have been obtained, there have been no inspections made.</p> <p>The staff recommendation is to grant property owner 60 days to bring property out of condemnation.</p> <p>After discussion, Mr. Turner moved grant property owner 60 days to bring property out of condemnation, and Mr. Allred seconded. The motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
13-011	1934 S. 3 rd (Rear Bldg. Only) E63 W 148 S 190 207 OT 2 ABL, Abilene, Taylor County, Texas	Blanca Cortez 410 University Odessa, TX 79764	60 days to bring property out of condemnation
<p>Mr. Moffitt stated this property was condemned on May 9, 2013. The deed transfer date to current owner was June 13, 2013. A building permit was obtained on December 17, 2013. Plumbing and electrical permits have been obtained and no inspections have been made. The exterior is around 90% complete.</p> <p>The staff recommendation is to grant property owner 60 days to bring property out of condemnation.</p> <p>After discussion, Mr. Allred moved grant property owner 60 days to bring property out of condemnation and Mr. McColum seconded. The motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
13-003	1302 Cedar St (Rear Bldg. Only) S75FT of E140FT 202 @W 1-3 OT ABL, Abilene, Taylor County, Texas	Donna Rhone 1302 Cedar St Abilene, TX 79601-3518	Considered property a nuisance and ordered property owner to demolish.

Mr. Moffitt stated the garage in the rear of the structure caught fire and extensive damage occurred. The date of condemnation was January 5, 2013. A time frame that was sent to the property owner was 60/60/60. There has been no Plan of Action provided and no demolition permit obtained. There have been ten citations issued to the property owner for non-compliance.

The staff recommendation is demolition.

After discussion, Mr. Allred moved to declare this property a nuisance based on staff recommendation, Mr. Turner seconded, and the motion carried unanimously. Mr. Turner moved to order demolition, Mr. Allred seconded, and the motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
15-008	910 Lane Av. JD Lane of BLK 19 North PK Block 2, Lot 8, Abilene, Taylor County, Texas	Judy Kay Davis 25521 Indian Hills Ln, Unit 1 Laguna Hills, CA 92653-6057	Table

Mr. Moffitt stated this property was fully involved in a fire. The owner did act quickly to secure the property after the fire. This is the second time this structure has caught fire. After the first fire, the property owner rehabilitated the property with the insurance money. Mr. Sartor explained to Mr. Moffitt that this property is being managed by a real estate company. Mr. Moffitt tried to make contact with the agent; however she has not returned his phone call. The owner has not made any contact with Mr. Moffitt and mail has been returned.

The staff recommendation is demolition.

After discussion, Mr. Beard moved table until next meeting and Mrs. Yielding seconded. The motion carried unanimously.

4. Mr. Allred moved to untable this case and Mr. Turner seconded and the motion carried unanimously.

Mr. David Sartor stated that there is a request to leave the foundation after the demolition of the structure at 541 Oak St. The City Ordinance requires that all footings, foundations, sidewalks, ect. be removed at the time the building is demolished. There is an option for a request to the Board of Building Standards to ask that the slab remain for some purpose. Mr. Sartor states that it is his understanding that Mr. Corpian would like to use the foundation as a parking lot. The issue with leaving the foundation is that there are several different elevations in the foundation. The elevation against the adjacent building is low and is causing water to pool, something would need to be done to address that issue. There are also holes in the concrete that will need to be addressed. Mr. Ellinger asked if Mr. Corpian has stated who this parking lot would be for. Mr. Sartor stated that he is not for sure but Mr. Corpian has stated before that he leases a building south of this property and that parking lot would be for them.

Mr. Corpian stated the property next door is interested in buying the lot, if it was going to be allowed to be a parking lot. No price has been discussed between the two parties. Mr. Corpian would like to leave this foundation for a parking lot, and he would level out the concrete. Mr. Ellinger stated that Mr. Corpian is going to need a detailed engineer assessment on how the leveling is going to be addressed and how the drainage is addressed. Mr. Beard asked "what is the point of making this a parking lot and putting up a fence, if no one can use it." Mr. Corpian stated the point of the fence would be to secure work vehicles.

After discussion, Mr. Beard made the motion to table for 30 days and issued an order to bring the board design and cost estimates to leave the foundation as a parking lot, and Mr. McColum seconded. The motion carried unanimously.

Mr. Ellinger adjourned the meeting.

Approved:



, Chairman

Date:

6-3-15