

Board of Building Standards Minutes

August 5, 2015

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, August 5, 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	Absent

Visitors:	Alicia Smith	Daniel Cato
	Rosa Sims	Blanca Cortez
	Alton Smith	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 July 1, 2015 meeting. Mr. Allred made the motion to approve with the correction of Mr. Ellinger adjourned last meeting, 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.

4. Mr. David Sartor stated that there is a request to leave the foundation, after the demolition of the garage structure at 801 Victoria. The City Ordinance on a demolition of a structure requires that all footing, foundation, sidewalks, ect. be removed at the time of the building is demolished. There is an option for a request to the Board of Building Standard to ask that the slab remain for some purpose.

The owner has stated his desire is to use this slab for parking vehicles. Mr. Sartor stated that to the best of his knowledge the owner will be inclosing the slab with a fence so that is would not be visible from the street. The owner is intending to remove the tile that is currently on the slab. There are some gaps and the intent by the owner is fill them in with concrete. Mr. Ellinger asked if the slab is frontage on the public street or alley. Mr. Sartor stated the slab has an approach from the street and there is no approach from the alley.

Mrs. Kelley Messer asked if Mr. Sartor checked with Planning and Zoning about the potential of being a fence in the front of the property. Mr. Sartor replied to Mrs. Messer that where the slab is, is not the front of the property. Mr. Ellinger asked if there was going to be a requirement for an approach. Mr. Sartor stated that there would have to be some kind of approach if the slab was approved to remain.

After discussion, Mr. McColum moved to approve that the slab remain as long as all the City standards are meet with the approach and anything that the Public Works department would require and Mr. Allred seconded. The motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
10-031	617 Jeanette 3 185 5 Wise ABL OT Piedmont, Abilene, Taylor County, Texas	Blanca Cortez 410 University Odessa, TX 79764	Assess civil penalties in the amount of \$14, 871.00

Mr. Moffitt stated that the City has had to secure and mow this property on several occasions. There has only been one inspection made on this property and that was on the gas lines. No other inspections have been made. The owner has had 90 days from the last board order to bring property out of condemnation. There has been no progress within that 90 day period. A building permit was obtained in December 2013, and electrical permit was obtained March 2015 and a plumbing permit was obtained September 2014.

Staff recommendation: For findings: (1) The owner Blanca Cortez, 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 her need to comply with those requirements.

(2) On May 6, 2015 the Board made the following order: The Board granted the owner 60 days to complete the repairs and bring the property out of condemnation. (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: Staff moves that the Board assess civil penalties in the amount of \$14,871.00, being \$163.00 per day from May 6, 2015 to August 5, 2015.

Mrs. Blanca Cortez stated that at this time she has two other houses that she is trying to work on and bring them out of condemnation. Mrs. Cortez was under the impression that since she was not going to be doing any plumbing work that she would not need a plumbing permit. Mrs. Cortez stated with the time frame that was granted to her from the board that was not enough time to get two houses completed. Mrs. Cortez is asking the board for more time to finish the work that is needed for this property.

Mr. Alton Smith stated that Mrs. Cortez is in the same kind of business as he is. The houses that are being bought are considered their inventory. Mr. Smith would like for the board to grant Mrs. Cortez more time.

After discussion, Mr. McColum moved to follow staff's recommendation for findings and the order of civil penalties in the amount of \$14,871.00 and Mr. Turner seconded. The motion carried with Mr. Beard opposing.

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	Grant owner two weeks to bring property out of condemnation.

Mr. Moffitt stated on December 3, 2014, the Board granted the property owner 60 days to bring property out of condemnation. The electrical permit was finalized out prior to the December order. A mechanical contractor has inspected the property and states that it seems to be in working order. The interior finishes are near completion. Recently Mr. Sims was notified by a plumber that the sewer line from the house had collapsed and would have to be replaced. This issue has slowed the progress with completion of getting the property out of condemnation; however the owner has had 120 days from April 2015 to date to bring the property out of condemnation. Mr. Moffitt stated that this property is 90 percent complete.

Staff recommendation: For findings: (1) The owner Rosa Rodriguez aka Rosa 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 her need to comply with those requirements.

(2) On April 1, 2015 the Board made the following order: Table for 30 days.

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

Staff recommendation: For Order: Staff moves that the Board assess civil penalties in the amount of \$3365.00, being \$28.00 per day from May 1, 2015 to August 5, 2015.

Mrs. Rosa Sims stated that the only issue they are lacking is the main sewage line that Mr. Moffitt was speaking about earlier. Mrs. Sims stated that if she could have two weeks, then this property would be brought out of condemnation. Mr. Ellinger asked if there was a reason this has not happened within the last 60 days. Mrs. Sims indicated that they were having a hard time getting the plumber to the property to finish the necessary work.

After discussion, Mr. Allred moved to grant property owner two weeks to bring property out of condemnation and Mr. Turner seconded. The motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
10-062	629 & 629 ½ N. 8th St. 6 146 2B Conrad & Menefee OT ABL TIF #1, Abilene, Taylor County, Texas	Terrence Sims 5317 Pueblo Dr. Abilene, TX 79605	Table

Mr. Moffitt stated the owner has had a total of 90 days from the last board order to comply. There was a meeting arranged between Mr. Moffitt and Mr. Sims to go over all the properties, inside and out. Mr. Sims did not show for that meeting.

Staff recommendation: For findings: (1) The owner Kerri 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 her need to comply with those requirements.

(2) On May 6, 2015 the Board made the following order: The Board issued civil penalties in the amount of \$1900.00 and ordered the owner 60 days to complete the repairs and bring the property out of condemnation. (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: Staff moves that the Board assess civil penalties in the amount of \$9039.00, being \$99.00 per day from May 7, 2015 to August 5, 2015.

Mrs. Rosa Sims stated that indeed they have not made as much progress as the other properties. Mrs. Sims stated that there has been some paint added to the exterior of the house. Mr. Ellinger asked Mrs. Sims if she knows why Mr. Sims was a no show at the meetings that were arranged by Mr. Moffitt. Mrs. Sims stated she does not know the answer and that she was unaware that a meeting had been arranged. Mrs. Sims stated that a plumbing permit was pulled on August 4, 2015. Mrs. Sims is not sure how far along this property is and how long it would take to bring property out of condemnation. Mr. Moffitt advised the board that an electrical permit has been obtained but no inspection has been made. Mrs. Sims expressed to the board that she feels this property would be complete by the end of August.

Mr. Beard asked Mr. Moffitt to explain the formula in which staff comes up with an amount to assess civil penalties. Mr. Moffitt explained the formula is based on the highest value of the property that is listed with Taylor County Appraisal District, then staff determines the percentage of completion. If a property is 90 percent complete then staff will subtract 90 percent from the highest value of the property, then assess civil penalties on the remaining 10 percent. In this particular property, they are only 20 percent complete; therefore staff assess civil penalties on the remaining 80 percent of the highest value, then divide that by 91 days.

After discussion, Mr. Turner moved to table this case and Mr. McColum seconded. The motion carried with Mr. Allred and Mr. Ellinger opposing.

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 two weeks to bring the property out of condemnation.
<p>Mr. Moffitt stated that there was been some improvement in regards to the exterior being painted. Building, electrical, and plumbing permits have been obtained; however no inspections have been made. The owner has had 120 days since the last board order to bring this property out of condemnation and has failed to comply. Building permit was obtained March 2014, electrical and plumbing permits were obtained in April 2015. Mr. Moffitt believes that this property is about 50 percent complete on the interior.</p> <p>Staff recommendation: For findings: (1) The owner Rosa 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 her need to comply with those requirements.</p> <p>(2) On April 1, 2015 the Board made the following order: The Board granted the owner 30 days to complete the repairs and bring the property out of condemnation. (3) Owner has failed to comply with the order of the Board and has failed to take action necessary for compliance with the ordinance.</p> <p>Staff recommendation: For Order: Staff moves that the Board assess civil penalties in the amount of \$6810.00, being \$57.00 per day from April 2, 2015 to August 5, 2015.</p> <p>Mrs. Rosa Sims stated that just like the Taos property, they are almost finished with bringing the property out of condemnation. A plumbing inspection was made on August 4, 2015, there was a minor problem that needed to be fixed. Once that is resolved then the plumbing will be complete. Mrs. Sims is requesting from the board that they give her two weeks, then the project will be completed.</p> <p>After discussion, Mr. McColum moved to grant property owner two weeks to bring property out of condemnation and Mr. Beard seconded. The motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
11-022	871/873 Cedar St. LTS 6 179 3 Radford ABL OT, Abilene, Taylor County, Texas	Antonio Ortiz 1025 S. Willis St. Abilene, TX 79605-3921	Assess civil penalties in the amount of \$9231.00
<p>Mr. Moffitt stated that the City is having to maintain this property. The City has had to secure the property several times. Mr. Moffitt explained that property owner has had plenty of time to comply with the boards order. A building permit was obtained in September 2013. No electrical or plumbing permits have been obtained by the property owner. There has not been any significant progress made on this property. Mr. Ellinger asked Mr. Moffitt when the last contact that he had with Mr. Ortiz was. Mr. Moffitt stated that Mr. Ortiz has made no contact with him since the last board meeting.</p> <p>Staff recommendation: For findings: (1) The owner Anthony Ortiz, 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 her need to comply with those requirements.</p> <p>(2) On April 1, 2015 the Board made the following order: The Board granted the owner 90 days to complete the repairs and bring the property out of condemnation. (3) Owner has failed to comply with the order of the Board and has failed to take action necessary for compliance with the ordinance.</p> <p>Staff recommendation: For Order: Staff moves that the Board assess civil penalties in the amount of \$9231.00, being \$77.00 per day from April 2, 2015 to August 5, 2015.</p> <p>After discussion, Mr. Turner moved to follow staff's recommendation for findings and the order of civil penalties in the amount of \$9231.00 and Mr. McColum seconded. The motion carried unanimously.</p>			

Case No.	Address & Description	Owner	Board Action
11-027	1934 S. 3rd (Rear Bldg. Only) E63 W 148 S 190 207 OT 2 ABL, Abilene, Taylor County, Texas	Blanca Cortez 410 University Odessa, TX 79764	Grant property owner 60 days to bring property out of condemnation.

Mr. Moffitt stated that initially there was much progress being made to rear building but has since come to a halt. The owner has had 90 days to bring property out of condemnation, since the last board order. The rear building is about 80 percent complete.

Staff recommendation: For findings: (1) The owner Blanca Cortez, 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 her need to comply with those requirements.

(2) On May 6, 2015 the Board made the following order: The Board granted the owner 60 days to complete the repairs and bring the property out of condemnation. (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: Staff moves that the Board assess civil penalties in the amount of \$2617.00, being \$29.00 per day from May 7, 2015 to August 5, 2015.

Mrs. Blanca Cortez stated that they are almost finished with the rear building, they only lack a slab under the exterior stairs. Mrs. Cortez explained to the board that she was working on five condemned properties and she feels that she took on more properties than what she was able to handle.

Mr. Alton Smith stated that he has the neighboring property to 1934 S 3rd. Mr. Smith advised the board that he feels that Mrs. Cortez is doing a good job on the property. Mr. Smith described that with the board assessing civil penalties that they are violating Texas Constitution and the United States Constitution for private property owner's rights. Mr. Smith expressed to the board that they approach property owners in a supportive manner, instead with firmness.

Mrs. Alicia Smith stated that Mrs. Cortez has put up a fence around this property. Mrs. Smith stated that in her opinion that if Mrs. Cortez was granted more time by the board then she could bring this property out of condemnation.

Mr. Ellinger asked Mrs. Cortez how long it would take her to get this property out of condemnation. Mrs. Cortez asked the board to grant her 60 days.

After discussion, Mr. Allred moved grant property owner 60 days to bring property out of condemnation and Mr. Beard seconded. The motion carried with Mr. McColum opposing.

Case No.	Address & Description	Owner	Board Action
13-011	1934 S. 3rd E63 W 148 S 190 207 OT 2 ABL, Abilene, Taylor County, Texas	Blanca Cortez 410 University Odessa, TX 79764	Grant property owner 30 days to bring property out of condemnation.
<p>Mr. Moffitt stated this is the main structure to the rear building case that was just heard. Mr. Moffitt stated that there was progress being made in the beginning but has since halted. The property owner has had 90 days to bring property out of condemnation. There was an electrical inspection made; however the inspection was rejected. No building or plumbing inspection has been made.</p> <p>Staff recommendation: For findings: (1) The owner Blanca Cortez, 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 her need to comply with those requirements.</p> <p>(2) On May 6, 2015 the Board made the following order: The Board granted the owner 60 days to complete the repairs and bring the property out of condemnation. (3) Owner has failed to comply with the order of the Board and has failed to take action necessary for compliance with the ordinance.</p> <p>Staff recommendation: For Order: Staff moves that the Board assess civil penalties in the amount of \$11,777.00, being \$129.00 per day from May 7, 2015 to August 5, 2015.</p> <p>Mrs. Blanca Cortez explained that electrical inspection was rejected but within the next couple of days the inspection should pass. Mrs. Cortez stated that the interior is almost finished, maybe another week. Mrs. Cortez requested 60 days to bring the property out of condemnation. Mr. Ellinger stated that if plumbing is the only element that is lacking, 60 days is a little excessive.</p> <p>Mr. Alton Smith shared information to the board and Mrs. Cortez that a licensed plumber is not required to put in a sewer line.</p> <p>After discussion, Mr. McColum moved to grant property owner 30 days to bring property out of condemnation and Mr. Beard seconded. 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	Access civil penalties in the amount of \$8924.00.

Mr. Moffitt stated on April 1, 2015 the board granted the property owner 90 days to bring property out of condemnation. To date, only the electrical rough-in has been inspected. The property is less than 20 percent complete. The owner has had a total of 120 days to complete and has failed to comply. Mr. Moffitt stated this case has been before the board three times and each time the owners were given a time frame for completion and each time the owner has failed to comply with the boards order. A building permit was obtained in April 2013 and electrical permits were obtained in January 2015. Mr. Moffitt explained that an insulation inspection is needed prior to installing dry wall, the property owner has failed to have that inspection before installing the dry wall. Mr. Ellinger asked how much work is being done without permitting or inspections. Mr. Moffitt answered that he believes one framing inspection with the roof early on in the project. Mr. Ellinger asked is work is being covered up without an inspection. Mr. Moffitt said "yes".

Staff recommendation: For findings: (1) The owner Alicia and Alton Smith, 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 her need to comply with those requirements.

(2) On April 1, 2015 the Board made the following order: The Board granted the owner 90 days to complete the repairs and bring the property out of condemnation. (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: Staff moves that the Board assess civil penalties in the amount of \$8924.00, being \$74.00 per day from April 2, 2015 to August 5, 2015.

Mrs. Alicia Smith stated that she would like to correct a couple of facts that are being misrepresented. Mrs. Smith stated that in the minutes from the December 2014 meeting that Mr. Moffitt stated this property was 90 percent complete and then in today's meeting August 2015, Mr. Moffitt is stating that the property is 20 percent complete. Another fact that Mrs. Smith would like to clear is the property was condemned in August 2012 and on the paperwork for today's meeting states the property was condemned in 2004. After discussion, the mistake was determined to be a clerical error. Mr. Moffitt explained to Mrs. Smith that is 90 percent complete on exterior finishes and 20 percent complete on interior finishes. Mr. Sartor explained that dry wall and insulation should not be being installed without a wall framing inspection. Mrs. Smith explained that the walls that were being dry walled and insulation is being installed are existing walls, not new ones. Mr. Sartor expressed that it might be appropriate to have Mr. Moffitt or someone from Building Inspection come out and take a look at all the work that is being performed. Mrs. Smith explained that she contacted Mr. Moffitt about work being done with installing dry wall and insulation, and Mr. Moffitt never stated to her that an inspection was needed. Mr. Ellinger wanted to know what is remaining to get the property out of condemnation. Mrs. Smith stated that they would need at least 60 days to bring the property out of condemnation. Mr. McColum indicated to Mrs. Smith in the last meeting they were granted 90

days but it has actually been 120 days and from the pictures it does not look like very much has been done. Mrs. Smith pointed out that they had other projects going on that they were focused on. Mrs. Smith feels that 90 days would be a reasonable amount of time to bring the property out of condemnation.

Mr. Alton Smith communicated that the board should try to be reasonable with the time frames. Mr. Smith pointed out that he has spent around \$10,000 on the electrical for this property. Mr. Smith stated that he was offended that the board gives him a certain amount of time to work on his own personal property. Mr. Smith addressed Mr. Sartor as to why the temporary power pole was removed. Mr. Sartor explained that the temporary power pole was being abused. Mr. Ellinger stated that if the board is seeing an adequate amount of progress being made, then the board would be content. Mr. Smith wondered why this property is being looked at because there are no other residential houses around. Mr. Ellinger explained that the law does not deal with how many properties that surround the condemned property, it deals with the condemned property itself. Mr. Smith had requested from the board six months to work on this property, he would like for the temporary power pole to be connected, and he would like for the water to be connected in order to water the livestock. Mr. Ellinger stated that he is not going to get that until it is done properly. Mr. Ellinger also stated that staff is there to verify that all the work is done adequately, so that when there is an occupant in the structure, they are safe. Mr. Smith wanted to speak again on getting the temporary power pole at the property. Mr. Sartor explained to Mr. Smith that the temporary power pole is not a right, it is something that can be granted and it's been abused multiple times; therefore another one is not going to be obtained that would have to be monitored frequently.

After discussion, Mr. Beard moved to follow staff's recommendation for findings and the order of civil penalties in the amount of \$8924.00 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 180 days to bring property out of condemnation.

Mr. Moffitt indicated that this property was before the board on May 6, 2015 and the board granted the property owner 30 days to provide a plan of action and cost estimate. The property owner did provide a plan of action and obtained a building permit on June 22, 2015.

Staff recommendation: 60 days to provide a plan of action, 60 days to obtain permits and rough ends inspections, and 60 days to bring property out of condemnation.

Mr. Richard Meek explained to the board that a couple of weeks prior to this meeting, he had a trailer full of material to work on the house and all those materials were stolen. Mr. Meek stated that he is falling behind with this property and there is no way that he could get this property finished in 60 days. Mr. Ellinger clarified that he would have a total of 180 days to bring the property out of condemnation. Mr. Meek believes that 180 days would be an ample amount of time.

After discussion, Mr. McColum moved follow staff's recommendations being 180 days to bring the property out of condemnation and Mr. Turner seconded. The motion carried unanimously.

Mr. Ellinger adjourned the meeting.

Approved:  , Chairman Date: 09.02.15