

**Board of Building Standards
Minutes**

February 1, 2017

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, February 1, 2017, in the Council Chambers at City Hall, 555 Walnut St, Abilene, Texas.

Board Members:	David Beard, Chairman	Present
	Wayne Paris	Present
	Delbert Allred	Present
	Anthony McColum	Present
	Lloyd Turner	Present
	DeAnn Yeilding	Present
	Wayland Schroeder	Present

Visitors:	Mary Pena	Rosa & Kerry Sims
	Bruce Krietler	Nassau Wilson

Staff Present:	Tim Littlejohn, Building Official
	Michael Moffitt, Code Enforcement Officer
	Chace Craig, Legal Department
	Katie Roberts, Recording

admonished to include request for TAYLOR CAD representative to appear before the board with procedure on tax sales of condemned property. DDB 3-1-17

1. Mr. Beard stated, the first order of business was the review and approval of the minutes from the January 4, 2017 meeting. Mr. Allred made the motion to approve with the corrections of Mr. Paris being present at the meeting and the spelling of Mr. Gene Dezell's name, Mr. McColum seconded and the motion passed.

2. CASES FOR REHABILITATION OR DEMOLITION:

Mr. Michael Moffitt, Code Enforcement Officer, 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	617 Jeanette St 3 185 5 WISE ABL OT PIEDMONT, Abilene, Taylor County, Texas	Cortez, Blanca S. 410 W University Blvd Odessa Tx 79764	No board action – pulled from the agenda
Property was pulled from the agenda, there are new owners for this property.			

Case No.	Address & Description	Owner	Board Action
10-052	5281 Taos Dr ALAMEDA ADDN SEC 5, BLOCK T, LOT 11, Abilene, Taylor County, Texas	Rodriguez, Rosa M 5358 Laguna Dr Abilene TX 79605	Granted property owner 15 days to obtain final inspection.
<p>Mr. Moffitt provided the Board with the checklist for records search. County records showed a general warranty deed showing the owner as Rosa Rodriguez aka Rosa Sims. Taylor County Appraisal District showed the owner to be Rosa M. Rodriguez aka Rosa Sims. Secretary of State provided no records for this name. Tax records of the municipality is not applicable. Utility records of the municipality show the last known user to be the previous owner Isobel Westmoreland. Records search validates the owner of this property to be Rosa Sims. On December 3, 2014, a BOBS decision letter was sent granting owner 60 days to complete. On April 2, 2015, a BOBS decision letter was sent tabling for 30 days. On August 5, 2015, a BOBS decision letter was sent granting owner 2 weeks to complete. Another BOBS decision letter was sent on September 2, 2015, for the issuance of civil penalties. A new notice of condemnation was sent on July 26, 2016. A notice for the BOBS meeting on November 2, 2016 was sent on October 12, 2016. On November 2, 2016, the BOBS decision letter was sent granting owner 2 weeks to obtain all permits, if that is done 30 days to complete. A notice for the February BOBS meeting was sent on January 17, 2017.</p> <p>Staff recommendation:</p> <p>Findings:</p> <ol style="list-style-type: none"> 1. The owner(s), Rosa Sims, has/have received notice of the requirements of the Code for the Abatement of Dangerous Buildings and the current Minimum Standards for Building and Structures Division on July 26, 2016, and was advised of his/her need to comply with those requirements. 2. On November 2, 2016, the board made the following order: 2 weeks to obtain permits, if that is done, 30 days to complete all repairs and bring the property out of condemnation. 3. Owner has failed to comply with the order of the board on November 2, 2016 and has failed to take action necessary for compliance with the ordinances. 			

Order:

Assess civil penalties, from November 2, 2016 to January 31, 2017, in the amount of \$19,582.4176 per day (91 days) with the sum of \$1,782.00.

Mr. Carey Sims explained to the Board they have had their plumbing inspection final, and they are waiting for the final inspection.

After discussion, Mr. Allred moved to grant property owner 15 days to obtain the final inspection and Mr. Paris seconded. The motion carried.

Case No.	Address & Description	Owner	Board Action
10-088	1818 Jefferies NORTH PARK ADDN, BLOCK 26, LOT W100 E578.33 N100 2.3 AC TR, Abilene, Taylor County, Texas	Sims, Rosa 5358 Laguna Dr Abilene TX 79605	Granted property owner two weeks to bring property out of condemnation.

Mr. Moffitt provided the Board with the checklist for records search. County records showed a deed of trust and warranty deed between Kenneth and Sharon Dennison (lienholders) and Rosa Sims (owner). Taylor County Appraisal District showed the owner to be Rosa Sims. Secretary of State provided no records for this name. Tax records of the municipality is not applicable. Utility records of the municipality show to be inactive since November 4, 2010. Records search validates the owner of this property to be Rosa Sims. On September 20, 2013, the initial notice of condemnation was sent. The timeframe for repairs letter was sent on November 7, 2013. A BOBS decision letter granting 30 days to complete repairs and bring property out of condemnation was sent on December 4, 2014. On April 1, 2015, a BOBS decision letter sent granting 30 days to complete. Another BOBS decision letters granting 2 weeks to complete was sent on August 5, 2015. On September 3, 2015, a BOBS decision letter was sent assessing civil penalties. A new notice of condemnation was sent to both lienholder and owner on July 27, 2016. A notice of the November 2, 2016 BOBS meeting was sent on October 12, 2016. A BOBS decision letter granting 2 weeks to obtain permits, if that is done 45 days to complete was sent on November 2, 2017. The notice of February BOBS meeting was sent on January 17, 2017.

Mr. McColum asked if there were any active permits on this property. Mr. Moffitt stated he believes the Building Permits is the only active permits and is not sure if that is expired.

Staff recommendation:

Findings:

- 1. The owner(s), Rosa Sims, has/have received notice of the requirements of the Code for**

the Abatement of Dangerous Buildings and the current Minimum Standards for Building and Structures Division on July 26, 2016, and was advised of his/her need to comply with those requirements.

2. On November 2, 2016, the board made the following order: 2 weeks to obtain permits, if that is done, 30 days to complete all repairs and bring the property out of condemnation.

3. Owner has failed to comply with the order of the board on November 2, 2016 and has failed to take action necessary for compliance with the ordinances.

Order:

Assess civil penalties, from November 2, 2016 to January 31, 2017, in the amount of \$74.843956 per day (91 days) with the sum of \$6810.80.

Mrs. Rosa Sims explained to the Board, they have an active plumbing, electrical, and building permit. Mrs. Sims also explained, they have made a lot of improvements to the interior of the structure. Their plumbing will not be able to finish his job until the weekend. Mr. McColum asked how long it was going to take them to bring the property out of condemnation. Mr. Sims stated about 2-3 weeks.

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

Case No.	Address & Description	Owner	Board Action
10-089	2001 Graham St SEARS PARK, BLOCK 35, LOT 18, Abilene, Taylor County, Texas	Pena, Mary Baca 2042 Kirkwood St Abilene TX 79603	30 days to obtain all permits and provide plan of action including a timeframe for repair and costs estimates, and if this is done, 60 days to obtain rough-in inspections and all final inspections shall be completed by the expiration of all permits

Mr. Schroeder made a motion to untable and Mr. Allred seconded. Motioned carried.

Mr. Moffitt provided the Board with the checklist for records search. County records indicates a sheriff's deed to Mary Baca Pena. Taylor County Appraisal District shows owner to be May Baca Pena. There are no records for this name found in the Secretary of State search. The tax records of the municipality is not applicable. Utility records of the municipality shows last known user was an occupant or renter and service has been terminated since December 3, 2008. Search reveals Mary Baca Pena to be the owner of this property. On September 8, 2014, the initial notice of condemnation was sent. On July 27, 2016, a new notice of condemnation was sent. The notice of the January 4, 2017 BOBS meeting was sent on November 16, 2016. On January 4, 2017, the BOBS decision letter was sent. A notice of the February BOBS meeting was sent on January 17, 2017.

Staff recommendation:

Order owner to repair- 30 days to obtain all permits and provide plan of action including a timeframe for repair and costs estimates, and if this is done, 60 days to obtain rough-in inspections and all final inspections shall be completed by the expiration of all permits.

Mr. Allred asked if there has been any improvements or permits pulled on this property since 2014. Mr. Moffitt stated there has not been any work or permits obtained.

Mrs. Pena explained to the Board that they have cleaned the unsightly conditions. She also stated, she would pulling the permits on the day of the meeting. There was no need for an electrical permit, everything was up to code.

After discussion, Mr. McColum moved to 30 days to obtain all permits and provide plan of action including a timeframe for repair and costs estimates, and if this is done, 60 days to obtain rough-in inspections and all final inspections shall be completed by the expiration of all permits and Mr. Allred seconded. The motion carried with Mr. Paris opposing.

Case No.	Address & Description	Owner	Board Action
12-025	1441 S 2 nd St OT ABILENE, BLOCK 120, LOT W1/2 OF 11 & 12, Abilene, Taylor County, Texas	Sanchez, Benjamin S. 2009 Victoria St Abilene TX 79603	

Mr. Moffitt provided the Board with the checklist for records search. County records revealed deed of trust, trustee's deed, release of lien, special warranty deed with vendor's lien and a second deed of trust all in the name of Benjamin S. Sanchez. Taylor County Appraisal District list the owner as Benjamin S. Sanchez. There was no listing for the name Benjamin S. Sanchez in the Secretary of State search. Utility records of the municipality list last known user as Joanna Rodriguez and service was terminated on December 21, 2011. On May 4, 2012 the initial notice of condemnation was sent. The timeframe for repairs, 60/60/60, was sent on May 7, 2012. On June 14, 2013 the initial notice of condemnation was sent to the registered agent. A notice of violation was sent on November 7, 2016. The notice for the December 7, 2016 BOBS meeting was sent on November 16, 2016. On December 7, 2016 the BOBS decision letter was sent explaining 30 day to obtain all permits, if that is done 60 days to obtain rough-in inspection, if that is done, provide a plan of action including time frame and cost estimates. A notice for the February BOBS meeting was sent on January 18, 2017.

Staff recommendation:

Findings:

- 1. The owner(s), Benjamin Sanchez, has/have received notice the requirements of the Code for the Abatement of Dangerous Buildings and the current Minimum Standards for Buildings and Structures Division on November 7, 2016, and was advised of his/her need to comply with those requirements.**
- 2. On December 7, 2016, the board made the following order: 30 days to obtain all permits, if that is done, 60 days to obtain rough-in inspections, if that is done provide a plan of action including time frame and cost estimates.**
- 3. Owner has failed to comply with the order of the board on December 7, 2016, and has failed to take action necessary for compliance with the ordinances.**

Order:

Assess civil penalties, from December 7, 2016 to January 31, 2017 in the amount of \$668.535714 per day (56) days with a sum of \$37,438.00.

After discussion, Mr. Schroeder moved to access civil penalties in the amount of \$10 per day with a sum of \$560.00 and Mr. Turner seconded. After further discussion, Mr. Schroeder withdrew his motion and Mr. Turner withdrew his second. Mrs. Yielding made the motion to access civil penalties in the amount of \$66.85 per day (56 days) with the sum of \$3743.00 and Mr. McColum seconded. The motion carried.

Case No.	Address & Description	Owner	Board Action
15-007	1329 S Jefferson ELMWOOD WEST SEC 11, BLOCK D, LOT 26, Abilene, Taylor County, Texas	Blair, Bernard %Trisha Richardson 1282 S Bowie Dr Abilene TX 79605	30 days to obtain all permits and provide a plan of action including a timeframe for repair and costs estimates and if this is done, 60 days to obtain rough-in inspections and all final inspection shall be completed by the expiration of all permits.
<p>Mr. Moffitt provided the Board with the checklist for records search. County records revealed a warranty deed to Trisha Richardson. Taylor County Appraisal District showed owner to be Trisha Richardson. There were no records for this name found in the Secretary of State search. Tax records of the municipality is not applicable. Utility records of the municipality showed service has been inactive since January 28, 2015 and last user was previous owner, Bernard Blair. Search revealed Trisha Richardson to be the owner of this property. On July 28, 2016 the initial notice of condemnation was sent to Trisha Richardson. The owner provided a plan of action and obtained a building permit on January 11, 2016. On December 6, 2016, a timeline for repairs, 60/60/60, was sent. The initial notice of condemnation, notice of violation and timeline for repairs to a newly discovered address was sent on December 20, 2016. The notice for February BOBS meeting was sent on January 17, 2017. Mr. Moffitt explained a fire had taken place in one of the bedrooms and had done extensive damage.</p> <p>Staff recommendation: Order owner to repair- 30 days to obtain all permits and provide a plan of action including a timeframe for repair and costs estimates and if this is done, 60 days to obtain rough-in inspections and all final inspection shall be completed by the expiration of all permits.</p> <p>Mr. Nassau Wilson stated they have contacted an electrician and plumber in hopes to start working on the property. Mr. Wilson explained the structure and rafters are sound despite the fire. Mr. Wilson believes staff's recommendation would be a fair assessment.</p> <p>After discussion, Mr. Schroeder moved to follow staff's recommendation, Mrs. Yielding seconded. The motion carried.</p>			

Case No.	Address & Description	Owner	Board Action
16-018	1434 Hickory St OT ABILENE, BLOCK 204, LOT 12 & S/2 OF 13, OUTLOT 2-C BALDWIN, Abilene, Taylor County, Texas	Alcantar, Richard Tr. 10520 FM 1178 S Abilene TX 79602	Declared property a Nuisance and ordered Demolition

Mr. Moffitt provided the Board with the checklist for records search. County records showed deed of trust and warranty deed with vendor's lien showing Richard Alcantar to be the owner (deceased). Home went to his wife, Sally Alcantar upon Richard's death. Taylor County Appraisal District showed owner to be Sally Alcantar and the property is in care of Michael Alcantar. There are no records for these names found through the Secretary of State search. Tax records of the municipality is not applicable. Utility records of the municipality showed last known user was previous owner Richard Alcantar and last date of use was January 14, 2015. Search validate the owner of this property to be Sally Alcantar. On August 18, 2016, the initial notice of condemnation to owner and lienholder was sent. The timeframe for repairs, 60/60/60, was sent on September 20, 2016. The notice of the December 7, 2016 BOBS meeting was sent on November 16, 2016. On December 7, 2016, a BOBS decision letter explaining property owner had 30 days to obtain all permits and if this is done, 60 days to obtain rough-in inspections, if this is done, provide a plan of action including a time frame for repairs and cost estimates. The notice of the February BOBS meeting was sent on January 17, 2017.

Staff recommendation:

Findings:

The property is a public nuisance in that it is a hazard to the public health safety and welfare and repair of the structure would be unreasonable.

Pursuant to Chapter 8; Sec. 8-554 the following conditions exist:

Inadequate Sanitation, Sec 1, (d,e,f)

Structural Hazards, Sec 2 (g)

Nuisance (Chapter 19-15, d)

Hazardous Electrical Wiring, Sec 4

Hazardous Plumbing, Sec 5

Faulty Weather Protection, Sec 7, (b,c,d)

Faulty Materials of Construction, Sec 9, (a)

Order:

The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.

After discussion, Mr. McColum moved to declare the property a public nuisance and Mr. Schroeder seconded. The motion carried. Mr. McColum moved to order the property owner to demolish structure, appeal the order, or the City may demolish and Mr. Schroeder seconded. The motion carried.

Mr. Beard adjourned the meeting.

Approved: <i>David D Beard</i>	Chairman	Date: <i>3-1-17</i>
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