

# Board of Building Standards Minutes

May 3, 2017

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, May 3, 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:	Terrance Bowles	Earthel Bowles
	Lupe G. Sanchez	John O'Connell
	Joel Flores	Bruce Kreidler
	Margarita Amezquita	

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

1. Mr. Beard stated, the first order of business was the review and approval of the minutes from the March 1, 2017 meeting. Mr. Allred made the motion to approve, Mr. Schroeder seconded and the motion passed.

## 2. CASES FOR REHABILITATION OR DEMOLITION:

Mr. Michael Moffitt, Code Enforcement Officer, presented the cases to the board in the order in which they were listed on the agenda.

Case No.	Address & Description	Owner	Board Action
11-044	2926 Beech St NORTH PARK ADDN, BLOCK 15, LOT S75 N319 OF E138.5, Abilene, Taylor County, Texas	Flores, Joel 5726 Chachalaca Ln Abilene TX 79605	Order owner to repair- 90 days to obtain rough-in inspections and all final inspections shall be completed by the expiration of all permits.

Mr. McColum made a motion to untable and Mr. Allred seconded. Motion carried.

A checklist to verify proof of ownership and lienholders was provided to the Board. County records showed a quit claim deed naming Joel Flores to be the owner. Taylor County Appraisal District showed owner to be Joel Flores. No records of this name found under the search through Secretary of State. Tax records of the municipality is not applicable. Utility records of the municipality showed to be inactive since 12/1/2016. Search reveals Joel Flores to be the owner of this property. A timeline of notifications have been presented to the Board. On March 9, 2012, the BOBS decision letter was sent. The initial notice of condemnation to the new owner, Joel Flores, was sent on October 23, 2014. On July 1, 2015, the owner provided a plan of action and also obtained a building permit. A timeframe for repairs letter was sent on November 12, 2015. The new notice of condemnation was sent on March 14, 2017. A notice for the April 5, 2017 BOBS meeting was sent on March 20, 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. Joel Flores stated he intended for this property to be a rental property. Mr. Flores stated he has found several issues with the structure that he did not know existed, so this is taking more time to finish. Mr. Flores has been working with Mr. Moffitt and he understands the time limits.

After discussion, Mr. Schroeder moved to give property owner 90 days to obtain rough-in inspections and if this is done, all final inspections shall be completed by the expiration of all permits and Mr. Allred seconded. The motion carried.

Case No.	Address & Description	Owner	Board Action
12-050	359 Lancaster St PASADENA HEIGHTS, BLOCK 4, LOT 28, Abilene, Taylor County, Texas	Daniels, Eleanor 1250 Yeomans Rd Apt 7108 Abilene TX 79602	Declared property a Nuisance and ordered Demolition
<p>Mr. McColum made a motion to untable and Mr. Allred seconded. Motion carried.</p> <p>A checklist to verify proof of ownership and lienholders was provided to the Board. County records showed deed of trust and release of lien naming Eleanor Daniels as the owner. Taylor CAD showed owner to be Eleanor Daniels. No records for this name found through the Secretary of State search. Tax records of the municipality is not applicable. Utility records of municipality showed service has been inactive since 10/10/2008. Search revealed Eleanor Daniels to be the owner of this property. A timeline of notifications have been presented to the Board. On August 12, 2012, the initial notice of condemnation was sent. A timeline for repairs was sent on December 11, 2012. On December 19, 2014, a notice was sent for the January 7, 2015 BOBS meeting. A tabled BOBS decision letter was sent on January 7, 2015. A new notice of condemnation was sent on March 14, 2017. A notice for the May 3, 2017 BOBS meeting was sent on April 17, 2017. Mr. Moffitt explained to the Board, this property was involved in a fire in one of the bedrooms on the south side of the house.</p> <p>Staff recommendation:  <b>Order owner to repair, 30 days to obtain all permits, 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.</b></p> <p>After discussion, Mr. Schroeder moved to declare the property a public nuisance and Mr. Allred seconded. The motion carried. Mr. Schroeder moved to order the property owner to demolish structure, appeal the order, or the City may demolish and Mr. Turner seconded. The motion carried.</p>			

10-049	2142 Shelton St SEARS PARK, BLOCK 21, LOT 3, Abilene, Taylor County, Texas	Sanchez, Lupe G. 2345 N 20 <sup>th</sup> St Abilene TX 79603	Declared property a Nuisance and ordered Demolition
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A checklist to verify proof of ownership and lienholders was provided to the Board. County records showed quit claim deed naming Lupe G. Sanchez to be the owner. Taylor CAD showed owner to be Lupe Sanchez. Secretary of State showed Lupe Sanchez as a member and registered agent of an entity that has been forfeited. Tax records of the municipality is not applicable. Utility records of the municipality showed to be inactive since 12/8/2006. Search revealed Lupe Sanchez to be the owner of this property. A timeline of notifications have been presented to the Board. On April 10, 2015, the initial notice of condemnation to new owner. A notice of BOBS meeting was sent on September 23, 2015. The BOBS decision letter was sent on October 7, 2015. The new initial notice of condemnation was sent on July 26, 2016. The owner provided a request letter to leave slab, to the Chief Building Official. The notice for May 3, 2017 BOBS meeting was sent on April 17, 2017. Mr. Moffitt explained to the board, the structure was demolished without the proper permit.

Staff recommendation:

**The Board made the following finding(s) and order:**

**Findings:**

**The property is a hazard to the public health safety and welfare and is therefore a public nuisance.**

**Pursuant to Chapter 8; Sec 8-54 the following conditions exist:**

**(1) Nuisance (Chapter 19-15, h)**

**(13) Improper Demolition**

**Order:**

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

Mr. Lupe Sanchez stated to the Board, he was not aware he needed a permit for the demolition. Mr. Sanchez would like to keep the slab and rebuild on the slab. Mr. McColum explained to Mr. Sanchez, he would have hire an engineer to inspect the slab to verify it was good to rebuild on. Mr. Alex Sanchez (Lupe Sanchez's son) asked the Board for more time, in order to see if the slab is able to rebuild on.

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

16-004	<b>1101 Grape St</b> W75 LT 6 & W75 S1/2 LT 5 204 4 F HUGHES OT ABL, Abilene, Taylor County, Texas	Amezquita, Juan & Wife 1101 Grape St Abilene TX 79601	Declared property a Nuisance and ordered Demolition
<p>A checklist to verify proof of ownership and lienholders was provided to the Board. County records showed warranty deed with vendor's lien to be Juan Amezquita and wife as owners. Taylor CAD showed owner to be Juan Amezquita and wife. No record for this name found through the Secretary of State search. Tax records of the municipality is not applicable. Utility records of the municipality showed to be inactive since 3/24/2015. Search revealed Juan Amezquita and wife to be the owners of this property. The initial notice of condemnation was sent on February 11, 2016. The new initial notice of condemnation was sent on June 22, 2016. On April 17, 2017, a notice for the May 3, 2017 BOBS meeting was sent. Mr. Moffitt explained to the Board, there is severe water damage to the roof structure.</p> <p>Staff recommendation:</p> <p><b>Findings:</b>  <b>The property is a hazard to the public health safety and welfare and is therefore a public nuisance.</b>  <b>Pursuant to Chapter 8; Sec 8-54 the following conditions exist:</b></p> <ul style="list-style-type: none"> <li>(2) Structural Hazards (g)</li> <li>(3) Nuisance (Chapter 19-15, d)</li> <li>(7) Faulty Weather Protection (b,c,d)</li> </ul> <p><b>Order:</b>  <b>The owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish.</b></p> <p>Mrs. Amezquita stated to the Board, they have tried to repair and wanted to remodel. There became limited funds for the remodel. They would like to demolish the structure. They have paid to check for asbestos, and there was asbestos found in the structure. At this time, Mrs. Amezquita explained they do not have enough money to hire a contractor to demolish.</p> <p>After discussion, Mr. Allred moved to declare the property a public nuisance and Mr. Schroeder seconded. The motion carried with Mr. McColum recusing himself from this case. Mr. Allred moved to order the property owner to demolish structure, appeal the order, or the City may demolish and Mr. Turner seconded. The motion carried with Mr. McColum recused from this case.</p>			

16-015	4718 N 7 <sup>th</sup> St PARK PLAZA SEC 1, BLOCK D, LOT 4, Abilene, Taylor County, Texas	Bowles, Earthel Scroggins 750 Camri Ln Abilene TX 79602	Order owner to repair, 30 days to obtain all permits, 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.
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Mr. McColum recused from this case.  
 A checklist to verify proof of ownership and lienholders was provided to the Board. County records showed warranty deed naming Earthel Scroggins Bowles as the owner. Taylor CAD showed owner to be Earthel Scroggins Bowles. No records for this name found through the Secretary of State search. Tax records of the municipality is not applicable. Utility records of the municipality showed inactive since 7/8/2016. Search revealed Earthel Scroggins Bowles to be the owner of this property. On August 1, 2016, the initial notice of condemnation was sent to the new owners. On April 17, 2017, a notice of the May BOBS meeting was sent. Mr. Moffitt stated the owners secured the structure. The fire emanated from the electrical panel.

Staff recommendation:

**Order owner to repair, 30 days to obtain all permits, 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.**

Mrs. Earthel Scroggins Bowles stated to the Board she has gotten estimates on repairs for the property. She has also spoken with Mr. Moffitt about how much it would cost for demolition. Mrs. Scoggins Bowles stated she believes the property can be repaired and this is her plan. Mrs. Scoggins Bowles has requested more time from the Board. Mr. Terrance Bowles explained to the Board, he feels the structure is not as bad as it looks. Mr. Bowles also asked for more time.

After discussion, Mr. Allred moved to follow staff's recommendation and Mr. Paris seconded. The motion carried.

16-022	1735 N 8 <sup>th</sup> St D A WINTERS OF CANNON, LOT 4, Abilene, Taylor County, Texas	Piwonka, Robert & Loreta E. 1735 N 8 <sup>th</sup> St Abilene TX 79603	Declared property a Nuisance and ordered Demolition
<p>A checklist to verify proof of ownership and lienholders was provided to the Board. County records showed special warranty deed with vendor's lien to Robert L Piwonka and wife Loreta E. Piwonka. Taylor CAD showed owners to be Robert L. Piwonka and wife Loreta E. Piwonka. No records for this name found through the Secretary of State search. Tax records of the municipality is not applicable. Utility records of the municipality showed to be inactive since 6/5/2013. Search revealed Robert L. Piwonka and wife Loreta E. Piwonka to be the owners of this property. On September 15, 2016, the initial notice of condemnation was sent to the owners. A timeframe for repairs was sent on October 25, 2016. The notice of May's BOBS meeting, was sent on April 17, 2017. Property owner has walked away from the property and Mortgage Company has not responded to condemnation notices.</p> <p>Staff recommendation:  <b>The property is a hazard to the public health safety and welfare and is therefore a public nuisance.</b>  <b>Pursuant to Chapter 8; Sec 8-54 the following conditions exist:</b></p> <ul style="list-style-type: none"> <li>(1) Inadequate Sanitation (a,d,e,j,l,p)</li> <li>(2) Structural Hazards (e,h)</li> <li>(3) Nuisance (Chapter 19-15, b,d,q)</li> <li>(7) Faulty Weather Protection (a,b,c,d)</li> </ul> <p><b>Order:</b>  <b>The owner is order to demolish or appeal the order to district court within 30 days or the City may demolish.</b></p> <p>After discussion, Mr. Allred moved to declare the property a public nuisance and Mr. McColum seconded. The motion carried. Mr. Allred moved to order the property owner to demolish structure, appeal the order, or the City may demolish and Mr. McColum seconded. The motion carried.</p>			

Item 4

- a. Presentation on the effect of tax foreclosure on civil penalties liens.

Mr. McColum made a motion to alter agenda to hear from the representative of Taylor CAD, Mr. Turner seconded. The motion carried.

Mr. John O'Connell is a Partner for the McCreary, Veselka, Bragg & Allen Law Firm. Mr. O'Connell's firm is under contract with Taylor CAD and they handle properties with delinquent taxes, including City taxes. In 2012, Mr. O'Connell's firm entered in a memorandum of

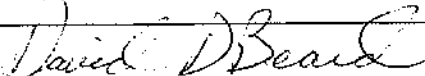
agreement between the City's attorney's office and Taylor CAD. The agreement stated during the delinquent tax process, if there are any municipal liens identified, then those liens would be added to the suit. Mr. O'Connell provided the board with a previous suit, in which a demolition lien was found. The lien will be added to the minimum bid when the property goes to tax sale. On this particular property, the market value is around \$3,000, and the demolition lien was around \$10,000; therefore, the chances of selling the property are slim. The starting bid for this property will be defaulted to market value and more than likely the municipal lien will not be satisfied. When this property is sold for market value, the liens are extinguished. Mr. McColum wanted to clarify, if a property is sold for market value, then in most instances the lien will go away. When selling properties at a tax sale, the court cost and back taxes are first to be paid, then what ever is left over will go towards any liens. Mr. McColum asked what is the timeline for a property to go to tax sale. Mr. O Connell stated in a best case scenario, around six months. It all depends on the total amount of taxes due before properties will go to a tax sale. Mr. Beard asked the question, how long before a property goes to tax sale when there are multiple heirs to a property. Mr. O Connell stated it could take as long as a year to eighteen months. He would have to prove to the court that he has attempted to notify everyone involved with the property.

16-026	1525 Sycamore St LEDBETTER, BLOCK A, LOT N54.1 S108.2 W 162.8 LT 3, Abilene, Taylor County, Texas	Lott, Delmer 260 S Ellen Dr Ashdown AR 71822	Declared property a Nuisance and ordered Demolition
<p>A checklist to verify proof of ownership and lienholders was provided to the Board. County records showed a warranty deed, deed of trust and release of lien in the name of Delmer Lott and Mable Lott. No Heirs assigned to this address and no other listed owners or interested parties. Taylor CAD showed owner to be Delmer Lott. No records for this name found through the Secretary of State search. Tax records of the municipality is not applicable. Utility records of the municipality showed to be inactive since 6/17/2016. Search revealed Delmer Lott and Mable Lott to be the owners of this property. On November 3, 2016, the initial notice of condemnation was sent to the owner. On November 3, 2016, a hand delivered notice of condemnation was given to the occupants. A timeframe for repairs was sent on February 7, 2017. On April 17, 2017, a notice of Mays BOBS meeting was sent. The City has had to secure the property multiple times. The roof has water damage throughout the house.</p> <p>Staff recommendation:  <b>Order owner to repair, 30 days to obtain all permits, 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.</b></p> <p>After discussion, Mr. Allred moved to declare the property a public nuisance and Mr. Paris seconded. The motion carried. Mr. Allred moved to order the property owner to demolish structure, appeal the order, or the City may demolish and Mr. Paris seconded. The motion carried.</p>			



17-013	2025 S 15 <sup>th</sup> St (Accessory Bldg only) MC MURRY PARK, BLOCK 4, LOT 14, Abilene, Taylor County, Texas	Solomons, Joy Corisande 2630 Old Anson Rd Abilene TX 79603	Declared property a Nuisance and ordered Demolition
<p>A checklist to verify proof of ownership and lienholders was provided to the Board. County records showed warranty deed naming Joy Corisande Solomons to be the owner. Taylor CAD showed owner to be Joy Corisande Solomons. No records for this name found through the Secretary of State search. Tax records of the municipality is not applicable. Utility records of the municipality showed to be inactive since 12/19/2014. Search revealed Joy Corisande Solomons to be the owner of this property. On March 29, 2017, the initial notice of condemnation was sent to the owner. The notice of May's BOBS meeting was sent on April 17, 2017. Mr. Moffitt stated the roof structure has collapsed and there is some illegal electrical within the structure.</p> <p>Staff recommendation:  <b>The property is a hazard to the public health safety and welfare and is therefore a public nuisance.</b>  <b>Pursuant to Chapter 8; Sec 8-54 the following conditions exist:</b>      (1)Structural Hazards ((a,d,e,h))      (4)Nuisance (Chapter 19-15, b,d)      (7) Faulty Weather Protection (a,b,c,d)</p> <p><b>Order:</b>  <b>The owner is order to demolish or appeal the order to district court within 30 days or the City may demolish.</b></p> <p>After discussion, Mr. McColum moved to declare the property a public nuisance and Mr. Allred 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. Allred seconded. The motion carried.</p>			

Mr. Beard adjourned the meeting.

Approved:		Chairman	Date: 6-7-17
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