
BOARD OF BUILDING STANDARDS

MEETING MINUTES

April 4, 2018 8:15 a.m.

BOARD OF BUILDING STANDARDS OF THE CITY OF ABILENE, TEXAS COUNCIL CHAMBERS, CITY HALL

Members Present: Mr. David Beard, Chairman
Dr. Wayne Paris
Mr. Delbert Allred
Mr. Anthony McColum
Ms. DeAnn Yeilding
Mr. Wayland Schroeder, Alternate
Mr. Lloyd Turner

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Clay Door, Code Enforcement Division Manager
Mr. Odis Dolton, Assistant Director of Neighborhood Services
Mr. Ken Flynn, Interim Director of Planning & Development Services
Mr. Tim Littlejohn, Chief Building Official
Mr. Chace Craig, Assistant City Attorney
Mr. Larry Wright, City Engineer
Ms. Kathy Ellis, Code Compliance Officer
Ms. Stephanie Lindsay, Code Enforcement Officer
Mr. Brandon Barr, Code Compliance Officer
Mr. Josh Mares, Code Compliance Officer
Mr. Chris Herd, Code Compliance Officer
Mr. Eric Hughes, Code Compliance Officer
Ms. Melissa Farr, Administrative Secretary

Others Present: Mr. Doug Offermann Councilman Bruce Kreidler
Ms. Candy Wang Mr. Josh Davis
Mr. Alfonso Vincente Ms. Mary Pena
Ms. Mary Collier Mr. Tyrone Collier
Mr. Randy Beyer

CALL TO ORDER

Mr. Beard called the meeting to order at 8:15 a.m. and Ms. Farr recorded the minutes. A quorum of members was present, and the meeting proceeded.

APPROVAL OF MINUTES

The minutes of the last meeting, March 7, 2018, were provided in advance to the members and

were approved with one revision.

Mr. Allred moved to approve the minutes with the revision to remove the word "Alternate" from Mr. Wayne Schroeder's name. Mr. McColum seconded the motion. The vote was approved by seven (7) with none in opposition.

AYES: Paris, Allred, Turner, Yeilding, McColum, Schroeder, Beard

NAYS: None

AGENDA ITEMS & PUBLIC HEARINGS

Case No. 10-088: 1818 Jefferies St North Park Addn, Blk 26, Lot W100 E578.33 N100 2.3 AC TR, Abilene, Taylor County, Texas

Mr. Allred moved to untable this case. Mr. McColum seconded the motion. The case was removed from the table, and Mr. Clay Door presented to the Board.

The staff recommendation is to uphold the order to demolish.

Mr. Beard opened the public hearing.

There being no one present and desiring to be heard, the public hearing was closed.

Board and Staff discussion included: 1) The plumbing permit has expired and little activity has occurred, 2) The civil penalties order would have been filed as a lien against property.

Mr. Schroeder moved to declare the property a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable. Mr. Allred seconded the motion. The vote was approved by seven (7) with none in opposition.

AYES: Paris, Allred, Turner, Yeilding, McColum, Schroeder, Beard

NAYS: None

Mr. Schroeder moved to uphold the previous demolition order. Mr. Allred seconded the motion. The vote was approved by seven (7) with none in opposition.

AYES: Paris, Allred, Turner, Yeilding, McColum, Schroeder, Beard

NAYS: None

Case No. 10-091: 2058 Graham Street (Sears Park, Block 34, Lot 10, Abilene, Taylor County, Texas)

Mr. Clay Door presented this case. The staff findings and order are as follows:

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:

- (1) Inadequate Sanitation (d, e, f & l)
- (2) Structural Hazard (d,g)
- (4) Hazardous electrical wiring
- (5) Hazardous plumbing
- (7) Faulty weather protection (b, c, d) Nuisance (Chapter 19-15, b, d)

Order:

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

Mr. Beard opened the public hearing.

Ms. Mary Pena informed the Board that she has transferred the Deed to a new property owner. She provided the current mailing address for this new owner.

Mr. Beard closed the public hearing.

Board and Staff discussion included: 1) A dilemma of due process was noted, as notification letters were not sent to the new owner, 2) It was recommended to table to this case so a 30/60 letter could be included by Staff to allow the possibility of redeeming the building, although it is unreasonable to rebuild on the foundation.

Mr. Schroeder made the motion to table this case until the June meeting in favor of due process. Dr. Paris seconded the motion. The vote to table this case was approved by seven (7) with none in opposition.

AYES: Paris, Allred, Turner, Yeilding, McColum, Schroeder, Beard

NAYS: None

Case No. 16-012: 2029 N 20th St Lot: 17 Block: 37 Addition: Sears Park

Mr. Clay Door presented this case. Staff findings and order are as follows:

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:

- (1) Inadequate Sanitation (d, e, & f)
- (2) Structural Hazard (g)
- (3) Nuisance, Chapter 19 sec. 15 (d, b & s)
- (7) Faulty weather protection (b, c & d)

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

Mr. Beard opened the public hearing.

Mr. Randy Beyer, the son-in-law, of William McKinnon. He has inquiries from prospects interested in purchasing the property. The owner is currently in the hospital. Mr. Beyer shared the wish of the owner is to sell the property.

Mr. Beard closed the public hearing.

Board and Staff discussion included: 1) Staff has not seen the inside of the building, 2) Structural hazards are dictated by the condition of the roof, as repair is unreasonable, and 3) Lack of motivation to maintain property until recent purchase inquiry

Mr. Schroeder moved to declare the property a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable. Mr. McColum seconded the motion. The vote was approved by six (6) with none in opposition and one (1) abstained.

AYES: Allred, Turner, Yeilding, McColum, Schroeder, Beard

NAYS: None

ABSTAIN: Paris

Mr. Schroeder moved to demolish or appeal the order to district court within 30 days or the City may demolish. Mr. McColum seconded the motion.

The vote was approved by six (6) with none in opposition and one (1) abstained.

AYES: Allred, Turner, Yeilding, McColum, Schroeder, Beard

NAYS: None

ABSTAIN: Paris

Case No. 17-016: 2174 China Street, Cockerell Subdivision, Block 7, Lot 112, 113 Replat & S125 W140 of 2, Acres .8027

Mr. Clay Door presented this case. The staff findings and order are as follows:

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:

- (1) Inadequate Sanitation (d, e, f & l)
- (2) Structural Hazard (d,g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring
- (5) Hazardous plumbing
- (7) Faulty weather protection (b, c, d)

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

Mr. Beard opened the public hearing.

There being no one present and desiring to be heard, the public hearing was closed.

Mr. McColum moved to declare the property a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable. Mr. Allred seconded the motion. The vote was approved by seven (7) with none in opposition.

AYES: Paris, Allred, Turner, Yeilding, McColum, Schroeder, Beard

NAYS: None

Mr. McColum moved to demolish or appeal the order to district court within 30 days or the City may demolish. Mr. Turner seconded the motion. The vote was approved by seven (7) with none in opposition.

AYES: Paris, Allred, Turner, Yeilding, McColum, Schroeder, Beard

NAYS: None

Case No. 17-01732: 301 Sewell Street, W A CURE OF H WARD, BLOCK 1, LOT 1 ACRES: 0.21574130

Mr. Clay Door presented this case. Staff findings and order are as follows:

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:

- (1) Inadequate Sanitation (d, e, f & l)
- (2) Structural Hazard (d,g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring
- (5) Hazardous plumbing
- (7) Faulty weather protection (b, c, d)

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

Mr. Beard opened the public hearing.

Ms. Candy Wang requested additional time now that funds are available to hire a professional contractor.

Mr. Larry Wright, city engineer, addressed the floodway issue pertaining to this property. FEMA regulations state a house is considered "substantial" improvement if the value of improvements is over 50% of the value of the house.

Mr. Beard closed the public hearing.

Board and Staff discussion included: 1) Suggested Mr. Tim Littlejohn visit with Ms. Wang to help her understand procedures and answer any questions she may have. 2) This is the first case before the Board where the federal government mandate affects the subject property 3) The Federal Emergency Management Agency (FEMA) 50 percent rule states that a building must be elevated and brought into compliance if damaged by any cause for which the repair costs are 50% or more of the value of the building.

Mr. Schroeder moved to table this case with the stipulation that Mr. Littlejohn will visit with the homeowner and City Staff provide flood maps relevant to this subject address until the next meeting, being May 2, 2018. Mr. Turner seconded the motion. The vote to table was approved by seven (7) with none in opposition.

**AYES: Paris, Allred, Turner, Yeilding, McColum, Schroeder, Beard
NAYS: None**

Case No. 17-04094: 1401 Bridge Avenue, Westwood Addn Rep Block 2 Lot 23

Mr. Clay Door presented this case. The order is as follows:

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.

Mr. Brandon Barr announced that he has spoken with the owner's son, who currently resides in Fort Worth. He would like to sell the house, or repair it for rental property. The house was abandoned and is vacant, as the owner has been in a nursing home.

Mr. Beard opened the public hearing.

There being no one present and desiring to be heard, the public hearing was closed.

Mr. Allred moved to accept the Staff recommendation to grand the owner 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. Mr. Schroeder seconded the motion. The vote was approved by seven (7) with none in opposition.

**AYES: Paris, Allred, Turner, Yeilding, McColum, Schroeder, Beard
NAYS: None**

Case No. 18-00207: 1441 Mesquite Street, S100FT W150FT LT I 201 2 H&I MCNAIRY OT ABL

Mr. Clay Door presented this case. Staff recommendation is for the 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. The findings and order are as follows:

Findings: The property is a public nuisance in that it is a hazard to the public health, safety and

following conditions exist:

- (1) Inadequate Sanitation (d, e, f & l)
- (2) Structural Hazard (d,g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring
- (5) Hazardous plumbing
- (7) Faulty weather protection (b, c, d)

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

Mr. Beard opened the public hearing.

Mr. Tyrone Collier spoke for his grandmother to request an extension of three to six months to repair plumbing, exterior, and electricity.

Mr. Joshua Davis of the Abilene Police Department informed this is a problem area with the open air drug market. The owner, Ms. Mary (Medlock) Collier, has inherited the property, but has not transferred the Deed. The Abilene Police Department recommended demolition of the property.

Board and Staff discussion included: 1) The City's obligation is to notify all potential heirs. 2) A City code compliance officer, who was previously a police officer, stated he personally made traffic stops at the subject address and it is a danger to the community.

Dr. Paris made the motion to declare 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. Mr. Allred seconded the motion. The vote was approved by five (5) with two (2) in opposition.

AYES: Paris, Allred, Yeilding, McColum, Schroeder

NAYS: Turner, Beard

Dr. Paris moved to follow the order to demolish the property. Mr. Allred seconded the motion. The vote was approved by five (5) with two (2) in opposition.

AYES: Paris, Allred, Yeilding, McColum, Schroeder

NAYS: Turner, Beard

ADJOURNMENT

There being no further business to come before the meeting, the Board of Building Standards meeting was adjourned at 10:43 a.m.

Approved: David D Beard 6-6-58, Chairman