

**BOARD OF BUILDING STANDARDS
MEETING MINUTES
September 04, 2019 8:15 a.m.
BOARD OF BUILDING STANDARDS OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL**

AMENDED

Members Present: Mr. Delbert Allred
Mr. David Beard, Chairman- absent
Mr. Anthony McColum-Acting Chairman
Dr. Wayne Paris
Mr. Wayland Schroeder
Mr. Lloyd Turner-absent
Mr. Gary Webb

Staff Present:
Mr. Michael Rice, Assistant City Manager - absent
Mr. Mike Warrix, Director of Planning and Development Services - absent
Mr. Tim Littlejohn, Building Official-absent
Mr. Van Watson, Acting Building Official
Mr. Chace Craig, Assistant City Attorney
Mr. Odis Dolton, Assistant Director of Neighborhood Services
Mr. Clay Door, Community Enhancement Division Manager
Mr. Carl Collum, Code Compliance Officer
Mr. Josh Mares, Code Compliance Officer
Mr. Robert Marsh, Code Compliance Officer
Mr. Robert Norton, Code Compliance Officer - absent
Ms. Catina Betoncur, Office Assistant

Others Present: Mr. Jacques Rutebuka, Intern
Mr. Dan Graenser, Citizen

CALL TO ORDER

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

Public Hearing:

Mr. McColum opened the public hearing.
There being no speakers, Mr. McColum closed the public hearing

APPROVAL OF MINUTES

The minutes of the last meeting, June 05, 2019 were provided in advance to Board Members for review.

A motion was made to approve the minutes as written and was seconded by Mr. Allred, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. Webb, Mr. Schroeder, Mr. McColum

NAYS: None

AGENDA ITEMS & PUBLIC HEARINGS

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 19-00489: 718 Mulberry St. (S78 1/2 N 157 E140 149 2 E PARRAMORE OT ABL) Maria Ramirez, (owner), Lienholder, Group of Thirty Threes, LLC

Mr. Door presented the case and read the staff findings into the record.

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

- (1) Inadequate Sanitation (a, c, d, e, l and p)
- (2) Structural Hazard (b, c and d)
- (3) Nuisance Chapter 19-15
- (4) Hazardous electrical wiring
- (5) Hazardous plumbing
- (7) Faulty weather protection (b, c, and d)
- (8) Fire hazard

Findings: The rear building of 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.

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

Mr. Door wanted to re-iterate to the Board that the owners obtained permits for the front structure only and they were required to include a demolition in the completed plan of action. Estimates were only for the front of the building.

Mr. Webb asked if the previous order was for the entire building or the front only. Mr. Door said that it was for the entire property.

Mr. Allred asked to review the slide of the front of the house again. He wanted to clarify that there was a request for demolition for the back building only.

Public Hearing:

Mr. McColum opened the public hearing. There being no speakers, Mr. McColum closed the public hearing.

Mr. Allred made a motion to order the owner to repair order owner to repair, 30 days to obtain all permits and provide a plan of action including a time frame for repair and cost estimates, and if this is done, 60 days to obtain rough-in inspections, and if this is done all final inspections shall be completed by the expiration of all permits.

Motion withdrawn by Mr. Allred.

Mr. Allred made a motion to accept the staff recommendation that the owner is ordered to demolish or appeal the order to the district court within 30 days of the City may demolish.

Mr. Craig asked Mr. Allred to clarify his motion as to which part of the structure is being discussed for demolition. Mr. Allred clarified that his motion was for the rear building and followed up with the staff recommendation.

The Board discussed that due to the inactivity and extra time allotted there is no evidence that any work was done since the last Board of Building Standards meeting in June and believes that the entire property is a nuisance.

Mr. Craig advised the Board that they did have the authority to consider the entire property for demolition.

Mr. Allred withdrew his motion for demolition of the back structure.

Mr. Webb disagreed with the Board's decision and said that the owner had made an effort and they did have the intention to repair the home and have made the effort for the front. He feel like the order should be included in the recommendation for the rear building.

The Board pointed out that the owner was late with permits and was not at today's board meeting.

In addition, the entire structure does not appear to be salvageable and should be demolished as the staff recommended.

Mr. Craig reminded the staff that the Board could make a motion to declare both buildings a public nuisance or they could make a motion to declare either the front or the rear building a public nuisance. There must first be a finding that the property is public nuisance and vote before determining the order for demolition.

Mr. Schroeder made a motion to declare the entire property to be a public nuisance in that it is a hazard to the public health, safety, and welfare and repair of the structure would be unreasonable. Dr. Paris seconded the motion, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. Schroeder, Mr. McColum

NAYS: Mr. Webb

Follow up Motion: Mr. Schroeder made a follow up motion that the owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish. The motion was seconded by Dr. Paris, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. Schroeder, Mr. McColum
NAYS: None
ABSTAIN: Mr. Webb

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 19-02234: 2022 Anson Avenue (NORTH PARK ADDN OF JAMES, BLOCK 26, LOT W/2 1 ACRE TRACT) Owner, David Martinez, % Leticia Martinez

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.

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

The Board discussed what actions had been taken by the owner to repair the home. Mr. Door clarified that he and the code officer spoke with the owner and obtained inside pictures. They expressed a desire to repair the home, but due to limited finances, they could not complete the work nor did they pull permits or respond to clean up or tree removal. Mr. Door also explained that there are back taxes owned and the property would go to tax sale in March of 2020.

Mr. McColum asked Mr. Craig if there was anything the Board should consider about the property since it will be going up for a tax sale. Mr. Craig explained that an expedited tax sale could be requested by the Board.

Mr. Craig informed the Board that there is a monetary tax threshold that needed to be satisfied before the County could expedite the proceedings for a tax sale on the property. However, based on the Board's decision, the firm handling the property may negotiate and consider expediting the foreclosure process. A lien is only filed in an order of a demo.

The Board asked Mr. Craig if the City will be reimbursed if the property is demolished. Mr. Craig replied that in the State of Texas, pursuant to a Board order, the City is obligated to file a lien on the property in an attempt to recoup the costs. The amount collected is dependent on how much the lien is for and how much the property sells at the tax sale.

The Board also asked what happens if the property goes to tax sale and a demolition order is filed. The Board asked if this order be in affect and will the new owner be required to demolish the home before the property is sold at a tax sale.

Mr. Craig answered by saying that the order is passed on to subsequent buyers and they will be responsible for carrying out the demolition order because the information will be added to the real property records published by the City staff for both Jones and Taylor County even if the seller fails to disclose the existence of the order.

Public Hearing:

Mr. McColum opened the public hearing.

There being no other speakers, Mr. McColum closed the public hearing.

Mr. Schroeder made a motion to declare the entire property to be a public nuisance in that it is a hazard to the public health, safety and welfare and repair of the structure would be unreasonable. Dr. Paris seconded the motion, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. Webb, Mr. Schroeder, Mr. McColum

NAYS: None

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

Mr. Door read staff findings into record.

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

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

EXECUTIVE SESSION

The Board of Building Standard of the City of Abilene reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

A. 551.071 (Consultation with Attorney)

- **Conflicts of Interest**

Executive Session commenced at 8:58 a.m.

RECONVENED

Public Hearing:

Mr. McColum opened the public hearing at 9:45 a.m.

(There being no other speakers, Mr. McColum closed the public hearing.)

Mr. Schroeder made a motion in favor to approve the item from the Executive Session. Mr. Allred seconded the motion, motion carried.

**AYES: Dr. Paris, Mr. Allred, Mr. Webb, Mr. Schroeder, Mr. McColum
NAYS: None**

ADJOURNMENT

There being no further business to come before the meeting, the Board of Building Standards meeting was adjourned at 9:46 a.m.

X *Anthony O. McColum*

Approved, Chairman