

**BOARD OF BUILDING STANDARDS
MEETING MINUTES
March 04, 2020 8:15 a.m.
BOARD OF BUILDING STANDARDS OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL**

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

Staff Present: Mr. Mike Warrix, Director of Planning and Development Services
Mr. Tim Littlejohn, Assistant Director of Planning and Development
Services / Building Official
Mr. Trent Dietz, Assistant City Attorney
Mr. Clay Door, Community Enhancement Division Manager
Mr. Carl Collum, Code Compliance Officer
Mr. David Cline, Code Compliance Officer
Mr. Josh Mares, Code Compliance Officer
Mr. AJ Gamez, Code Compliance Officer
Ms. Catina Betoncur, Office Assistant III

Others Present: Mr. Devin Ngin
Mr. Dale Rankin
Mr. Josh Black
Mrs. Alicia Smith

CALL TO ORDER

Mr. Beard 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.

APPROVAL OF MINUTES

The minutes of the last meeting, January 08, 2020 meeting minutes were provided in advance to Board Members for review.

Mr. McColum made a motion to approve the minutes as written and was seconded by Mr. Schroder, motion carried.

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

NAYS: None

ABSTAIN: Mrs. Yeilding

The minutes of the canceled February 05, 2020 meeting were provided in advance to Board Members for review.

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

AYES: Dr. Paris, Mr. Allred, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

ABSTAIN: Mr. McColum, Mrs. Yeilding

AGENDA ITEMS & PUBLIC HEARINGS

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 14-024: 1002
MULBERRY ST. (1 204 4-D HUGHES OT ABL), Owner, Mattson, Kimberly

Mr. Mares presented the case and provided a recent update on the case. The owner's son spoke to Mr. Clay Door on Tuesday, March 3rd explaining that his parents were out of the country for a funeral and was willing to come to the hearing and speak on behalf of his parents.

Finding: 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 Chapter 8; Sec. 8-554 (d, e, f)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous Electrical Wiring, Chapter 8; Sec. 8-554
- (5) Hazardous plumbing, Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (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

Dr. Paris requested additional clarification on the procedures of the 6 month redemption period, and Mr. Mares explained that the previous owner could redeem his former property within 6 months of a tax sale for the price the new owner paid excluding any renovation expense that was invested after the property was purchased.

Public Hearing:

Mr. Beard opened the public hearing.

Mr. Devin Ngin, the owner's son came to request an extension so that they can pull the permits and complete the work required at the property. Mr. Ngin explained the intention is the rehabilitate the home and put it on the market to sell.

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

The Board had discussion as to whether rehabilitation of the property is a viable option and perhaps the structure could be covered and protected.

Mr. Mares confirmed ownership by Mr. Ngin to allow permits to be pulled.

Public Hearing:

Mr. Beard opened the public hearing.

Mr. Devin Ngin responded that he did not have the deed with him, but told the Board that his mother, Kimberly, should have the Sheriff's Deed and receipt of the paid delinquent taxes.

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

Mr. Mares confirmed that his copy of the deed was proof of rightful ownership by the Mattsons.

The Board considered tabling the case because the owners were not present. It was decided that there would be no need since the owners are planning to return and pull the permits on the property. The Board wanted clarification of ownership of the property. Mr. Mares confirmed that Kimberly Mattson was the owner.

Dr. Paris made a motion to order owner to repair, 30 days to obtain all permits and provide 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. Mr. Schroeder, seconded the motion, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mrs. Yeilding, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 17-009: 633 S 11th (OT ABILENE BLK 208 ANDERSON 1-A, LOT 7-12), Owner, Abilene Courts Dev Corp LLC.

Mr. Mares presented the case, staff recommendation is as follows:

Finding: 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 Chapter 8; Sec. 8-554 (d, e, f, & l)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (d & g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (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.

Public Hearing:

Mr. Beard opened the public hearing.

Mr. Dale Rankin, the manager and owner, [8278 FM 89, Tuscola] and Mr. Josh Black [97 Glen Abbey] of the Abilene Preservation League were sworn in to testify for the record. Mr. Rankin provided updates to the property. There have not been any tax credits. He explained the renovation plan but did not get any quotes. He provided a copy of the demolition quote from AML Environmental to demolish the quadrangle portion of the structure and keep only the façade. He would like to donate the building to Abilene Preservation League and requested an extension for 1-2 months.

Mr. Josh Black of the Abilene Preservation League explained about the asbestos risk with the property and the League's gift acceptance policy. He said that 30% of the materials of the original structure would need to remain intact to renovate it. He requested a 30 day extension to speak with the Texas Historical Commission to accept the property for the Preservation League. He thinks that a developer can construct a building behind the property. He explained that the gift could not be accepted while the property is still condemned.

A question was asked from The Board if the land value is included in the 70/30 formula.

Mr. Black said that it was not.

The Board inquired about the monetary value for only leaving the north façade and what will remain of the structure.

Mr. Black explained that the Texas Historical Commission requires at least 20% of the original materials such as door frames, hinges, window, casings, structural wood and but preferred 31%.

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

Mr. Mares clarified that the property could not be removed from condemnation until the property is up to code. Only when the final inspection is passed will the property given a certificate of occupancy and the condemnation sign removed.

The Board discussed the option to preserve the building by tabling the case before demolishing the structure and would re-iterate to the property owner that he should consider the health, safety, and welfare of the property. The Board asked legal counsel about the guidelines for removing the property from condemnation.

Counsel was not sure if the practice was pursuant to the ordinance and referred to Tim Littlejohn for a response.

The Board discussed the possibility of enclosing the property from public view using an opaque fence; there was concern that the wall on east side of the building had substantial damage and may not be able to be fenced in from public view.

Mr. Beard made a motion to table the case for 30 days. Mr. Allred, seconded the motion, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mrs. Yeilding, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 19-01842: 501 Peach (11-12 159 OT ABILENE), Owner, Knapp, Robert B & Mary E % Blanca Cortez.

Mr. Mares presented the case, staff recommendation is as follows:

Finding: 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 Chapter 8; Sec. 8-554 (d, e, f,)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (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.

The Board wanted an explanation on the ownership of the property. Mr. Mares explained that Ms. Cortez told him that she was the owner but never produced valid proof of ownership. The owner is shown to be Mr. and Mrs. Knapp in care of Blanca Cortez, but Mr. Mares has never been able to reach them.

The Board inquired about the condition of both the primary and secondary structures and if both structures were salvageable. Mr. Mares stated that both structures are equally in poor shape. The interior photos are both current, but work had been done without permits.

Public Hearing:

Mr. Beard opened the public hearing

There being no speakers, Mr. Beard closed the public hearing.

Mr. McColum made a motion that 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 and was seconded by Mr. Allred, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mrs. Yeilding, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Mr. McColum made a motion that the owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish and was seconded by Mr. Allred, motion carried

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mrs. Yeilding, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 19-004517: 1050 CHESTNUT ST. (NORTHINGTON, BLOCK A, LOT S40 E180), Owner, Smith, Alton
Mr. Mares presented the case, staff recommendation is as follows:

Finding: 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 Chapter 8; Sec. 8-554 (d, e, f,)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (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.

The owner submitted a plan of action as requested since the last time the property was on the agenda on December 5, 2019. Mr. Mares confirmed that the only rough-in inspection that was completed was for the plumbing, so the 30/60 order was not completed and no other inspections have been scheduled.

The Board and Mr. Mares held discussion on the condition and occupancy of the structure.

Public Hearing:

Mr. Beard opened the public hearing

Mrs. Alicia Smith (3026 Woodway Circle), wife of the owner Alton Smith, was sworn in to testify for the record. She stated that she hired an electrician and requested an additional 120 days, but will settle for a 60 day extension to complete the work. Mrs. Smith confirmed that she and her husband did own the property when the fire occurred and both have owned the house since the 1990s. She also presented updated photos of the painting that has been done.

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

Mr. Mares confirmed that the current pictures were for January 2020 and no new pictures were required when only painting is done to the property. Clarification was given from Mr. Mares that recommendation for demolition was because Mr. Smith refused to hire professional contractors to complete the work in a timely manner.

Mr. Littlejohn explained the property was not the homestead so professional contractors needed to be hired. Mr. Mares said that a stop work order was issued because work was done without permits.

Mr. Schroeder made a motion to order owner to repair-60 days to obtain rough-in inspections, and if this is done all final inspections shall be completed by the expiration of all permits. Mr. McColum, seconded the motion, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mrs. Yeilding, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 19-004688: 610 ELM ST. (OT ABILENE TIF #1, BLOCK 126, LOT 2) Owner, Alcantar, Brenda Leticia

Mr. Mares presented the case, staff recommendation is as follows:

Finding: 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 Chapter 8; Sec. 8-554 (d, e, f,)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (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.

The Board and Mr. Littlejohn held discussion about inquired on the length of time the demolition permit stayed active.

Mr. Littlejohn said that within 90 days action must be taken or permit becomes void.

Public Hearing:

Mr. Beard opened the public hearing

There being no speakers, Mr. Beard closed the public hearing.

The Board inquired about the last communication with the owner and her intention with the property since the permit has been pulled.

Mr. Mares said that he last spoke with the owner in February and she intended to demolish the property.

Mr. Allred made a motion that 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 and was seconded by Mr. Schroeder, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mrs. Yeilding, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Mr. Allred made a motion that the owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish and was seconded by Schroeder, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mrs. Yeilding, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 19-004718: 3025 N 12TH ST. (A0050 SUR 88 PATRICK E DURST, BLOCK A, TRACT N 133.5 W 129 LOT), Owner, McNeill, Kerri L

Mr. Mares presented the case, staff recommendation is as follows:

Finding: 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 Chapter 8; Sec. 8-554 (d, e, f,)
- (2) Structural Hazard Chapter 8; Sec. 8-554 (g)
- (3) Nuisance, Chapter 19-15 (b & d)
- (4) Hazardous electrical wiring Chapter 8; Sec. 8-554
- (5) Hazardous plumbing Chapter 8; Sec. 8-554
- (7) Faulty weather protection Chapter 8; Sec. 8-554 (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. Mares had previous discussions with the owner about the option of sale or repair of the property.

The Board inquired about the property's history and Mr. Littlejohn explained that the structure began as a dilapidation case and then the structure was gutted and left unfinished therefore a condemnation case was opened which is now the current condition of the property and no action has been taken.

Mr. Mares explained that the work done in the pictures presented were all done without permits being obtained. Mr. Mares reiterated that there is a concern for the health, safety, and welfare of the structure and therefore since no work has been done it is unsafe for the public.

Public Hearing:

Mr. Beard opened the public hearing

There being no speakers, Mr. Beard closed the public hearing.

The Board had discussion on the timeline for securement of the property. Mr. Littlejohn clarified that the time of securement is flexible. It would be more cost effective to enclose the property.

Mr. Schroeder made a motion that 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 and was seconded by Mr. McColum, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mrs. Yeilding, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Mr. Schroeder made a motion that the owner is ordered to demolish or appeal the order to district court within 30 days or the City may demolish and was seconded by Mr. McColum, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mrs. Yeilding, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

ADJOURNMENT

There being no further business to come before the meeting, the Board of Building Standards meeting was adjourned at 10:20 a.m.

X *David D Beard* 7-1-20

Approved, Chairman