

**BOARD OF BUILDING STANDARDS
MEETING MINUTES
July 01, 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
Mr. Gary Webb
Mr. Wayland Schroeder
Mr. Lloyd Turner

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Mike Warrix, Director of Planning and Development Services
Mr. Tim Littlejohn, Assistant Director of Planning and Development Services / Building Official
Mr. Chace Craig, 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
Ms. Catina Betoncur, Office Assistant III

Others Present: Mr. Antonio Ortiz
Ramon Benlvamondez
Mark Faught
Mr. Dale Rankin
Mr. Josh Black
Walter Pfeifer
Cal Sumrall

CALL TO ORDER

Mr. Beard called the meeting to order at 8:20 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, March 04, 2020 meeting minutes 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. McColum, motion carried.

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

NAYS: None

AGENDA ITEMS & PUBLIC HEARINGS

Case for Rehabilitation, Demolition, or Civil Penalties - Case# 11-022: 871/873 Cedar St. (LTS 6 179 3 RADFORD ABL OT), Owner: Ortiz, Antonio

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.

The Board wanted clarification on the civil penalties that were previously assessed and if they were paid.

Mr. Mares did not know if they were paid.

Public Hearing:

Mr. Beard opened the public hearing.

Mr. Antonio Ortiz (225 S. Willis) explained to the Board that due to theft of the copper in the property and contractor abandonment of the roofing project, he had to do the work twice and these delays also caused a financial stress. He explained that the house had a new roof, windows, and a complete electrical interior re-wiring work. The plumbing needs to be completed and the exterior needs siding. He confirmed that the citation fines are paid which was also a cause for the delay in the work. He requested an additional 6 weeks for the project completion which includes ceiling drywall, outside siding, and plumbing and electrical trim out. The property is also secured.

The Board confirmed again that the penalties were paid and then asked why it had been 9 years on the condemnation list with multiple Board orders. Mr. Ortiz confirmed that fines were paid 3 or 4 months ago. Mr. Ortiz conveyed that he has shown his commitment by paying the fines and continuing to complete the work in spite of the adversities he has faced.

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

Mr. Mares asked Mr. Littlejohn if a new Plan of Action was required. Since the permits are expired, he would allow Mr. Ortiz to reapply through the Building Inspections office for new permits after the owner meets with the building inspector to observe the progress that was made.

Mr. Webb made a motion to table the case for 30 days. Mr. Schroeder seconded the motion, motion carried.

AYES: Mr. Allred, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: Dr. Paris and Mr. McColum

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, staff recommendations 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. Roman Benlvalmondez (1010 Mulberry St.), neighbor, spoke about the condition of the property. He explained that there were homeless people living at the residence. They have started fires during the winter due to the property not having electricity. The tree from the property has damaged Mr. Benlvamondez's roof and he had to trim it. He recommended that the property be demolished due to the current condition and neglect.

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

Mr. Mares mentioned that a contractor was hired recently to mow and clean up the unsightly conditions at the property.

Board had discussions about not allowing this case to be delayed.

Dr. Paris 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, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: None

Dr. Paris 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, Mr. Webb, 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. Turner made a motion to un-table this case and was seconded by Mr. McColum, motion carried.

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

NAYS: None

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.

The Board Chair made a public statement that in light of the recent misinformation in the newspaper announcement, he wanted to clarify that the property was not on the demolition list.

Public Hearing:

Mr. Beard opened the public hearing.

Mr. Mark Faught, (634 S 11th St.), spoke as a concerned citizen who lives directly across the street. He says that the Abilene Courts is an eye sore and is still not secured. It has been condemned before and is in deplorable conditions. He has personally secured the gate to keep the

transients out. He said the property is an ongoing problem and is too costly to rehabilitate or restore.

Mr. Dale Rankin, (8278 FM 89, Tuscola), explained to the Board that he struggled to preserve the area. He received a quote for more than \$80,000 from AML Environmental for the asbestos removal in the quadrangle. The façade would be left intact and secured. He discussed this with Abilene Preservation League and other non – profits and decided to donate the property.

Josh Black, (97 Glen Abbey), President of the Abilene Preservation League spoke about the 20 year neglect of the property, and read the Plan of Action to the Board. He reminded the Board that The Abilene Courts is listed on the top 10 favorite places of interest in the Texas Historical Commission. Mr. Black believes it is financially substantial. He has bids for the asbestos clean-up as outlined in the plan of action. The façade will need to be rescued to ensure a ranking in the National Registry. If the façade is not intact, the historical status will be lost. There are bids for a metal barrier. The water and sewer line will need to be displaced. He is working to find contractors to complete this project, as well as, the stucco work. He will remove hazardous wiring and plumbing, repairing intrusive openings in the roof and walls for limited exposure but cannot provide a time line for completion. AML Environmental was chosen for the metal barrier to enclose the outer structure. He plans to take possession of the property in 15 days. Currently, the title transfer documents are in the legal department being reviewed. Mr. Black said that due to delays related to title transfers, appraisals, and Covid 19-related restrictions he could not provide a timeline. Mr. Black also informed the Board that he could not obtain State and Federal tax credits but other credits and grants are available. The long range plan is to save the entire structure or even design a museum to display vintage cars from the era. There are also mission organizations that are interested in utilizing the restored building for a treatment center. Favorable support is coming from interested citizens and the press. Funding in the form of donations is also being accumulated.

The Board inquired about the amount of funding that is currently available and how the funding will be supplied by the Abilene Preservation League.

Mr. Black explained that the APL has an emergency reserve fund subject to Board review. There is \$100,000 in the account for emergency situations and \$30,000 in grants that are immediately available for the structure and an additional \$10,000 for the fence and insurance subject to Board approval. There is no guarantee that the tax credits will be available.

The Board asked Mr. Black about the benchmarks enacted in the March hearing and asked if the benchmarks were answered and qualified.

Mr. Black responded that originally 30 % of the materials of the structure needed to remain intact to be renovated. Now the requirement is that at least 15% of the materials utilized in the new construction can be renovated.

The Board had discussion about concerns that the missing fence caused more complaints to be received and they wanted to know how much more time is needed to secure the property by adding a fence.

Mr. Black responded that after finalizing the Planning and Zoning requirements there will be an additional 15 days for the title transfer and 30 days to complete this request. He will add a fence on the property line to eliminate the immediate hazard.

Mr. Mares asked Mr. Black about obtaining a clear title even when the property is in the condemned status. Mr. Black said that it was not an issue to obtain the title, but the insurance rate will increase.

Mark Faught (634 S 11th St.) spoke again to express that there have been too many promises that have failed. There are many vagrants and vandals, and he wants the property secured because the inside looks bad and there is a need to secure the building to prevent a fire.

A question was asked from the Board of Mr. Rankin about his plan and to confirm that he has been the owner for 6 years.

Mr. Rankin (8278 FM 89, Tuscola) spoke again to explain that the Abilene Preservation League has different resources to obtain tax credits and grants and to ways to encourage support of the securement plus donations from citizens rather than private individuals for the restoration project. His goal in donating the property was ultimately to save it.

Mr. Walt Pfeifer, (1 King Crossing), came representing the organization Abilene Restoration Ministries- Men of Nehemiah in partnership with Abilene Preservation League. He spoke in support of the restoration of the Abilene Courts and described his wish to create a residential home for rehabilitated addicts to use their construction skills for volunteer projects in the community.

Mr. Bill Minter, (742 Davis Dr.), former Director of Abilene Preservation League, spoke in support of developing and stabilizing the Abilene Courts and the neighborhood on S. 11th.

Mr. Cal Sumerall (1718 Sylvan) would like to see the building preserved and said that the only salvageable part is the façade. He suggested that new walls be built and develop a food court or swap meet or an open air venue.

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

Mr. Mares addressed comments made by Mr. Black about communication during the City's closure for Covid-19. He explained that phone and email communication was still available to the public. The office issuing permits was open and that a letter was sent addressing the requirement to secure the property. Although a fence is a requirement, it will not correct the hazardous conditions at the property.

The Board had discussion about the importance of the property's history and preservation. However, there has not been enough accomplished in the six years since being condemned.

Dr. Paris 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 failed.

AYES: Dr. Paris and Mr. McColum

NAYS: Mr. Allred, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

In a light of the new ownership, the Board had a question about the timeline procedures and if they started all over again with a new owner.

Mr. Craig clarified that all Board orders are part of the real property records. The order remains with the property and the new owner is required to abide by the Board order in the public record.

The Board had discussion to amend the motion to secure it and make the property safe. Additionally, there was discussion as to alternative options for the property such as a state-of-the art facility.

The Board wanted more information on the time line and possibly provide an extension of 60 days. The Board also had discussion about obtaining a variance to install a fence.

Mr. Warrix explained that a variance would not be considered if the property line extends to the City Right of Way. Instead a street use license would be used and would need to be approved. He explained that this license is temporary. Mr. Warrix would need to clarify if a street use license would need to be presented to the City Council.

Mr. Craig was not sure, but he explained that if the repairs to the condemned building extend beyond 90 days a new plan of action will need to be completed by the owner.

The Board asked if the current written Plan of Action required by the Board is applicable even with new ownership of the property.

Mr. Craig said that the new owner would need to complete a new Plan of Action since the property has been transferred.

Mr. Mares read the original Plan of Action requirements and two estimates that Mr. Rankin submitted. Mr. Rankin agreed to hire Gary Jackson Welding to place a metal pipe column support along the exterior where the wall was buckling and to close off the north entrance. The estimated timeframe was 75 days. Mr. Mares provided recent photos to show that these repair are incomplete.

Mr. Schroder made a motion to order the owner secure the property in 60 days to obtain all permits and provide a plan of action. Mr. Allred, seconded the motion.

Mr. Mares asked Mr. Craig if a specific detail needs to be added to the Plan of Action.

Mr. Craig deferred to the Building Official, Tim Littlejohn, for an explanation.

Mr. Littlejohn highlighted that the securement did not cure the condemnation or the condition of the construction, the securement did not prevent the property from being a health concern, especially since stagnant water is a cause for larva and mosquitoes. A time line needs to be given for securement, repairs, and cost estimates.

Mr. Craig advised the Board that the Plan of Action and Board order is enforced by Code Compliance and must be secured. The Board could make a motion to enforce securement within a 60 day time frame. The Board cannot grant an extension against securing the property or consequently other enforcement action may be necessary.

Mr. Mares confirmed that there have been no requests for extensions made by the owner.

Mr. Beard clarified that allowing the motion to move forward would permit the property to be secured and provide protection.

Mr. Littlejohn suggested that this case be tabled until the next meeting.

Mr. Schroeder withdrew his earlier motion to grant 60 days for the owner to obtain all permits and provide a plan of action.

Mr. Schroder made a motion to table the case until the next meeting. Mr. Allred, seconded the motion, motion carried.

AYES: Mr. Allred, Mr. Webb, Mr. Turner, Mr. Schroeder, Mr. Beard

NAYS: Dr. Paris and Mr. McColum

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 19-005600: 825 ½ Plum St. (Eastside structure) (N100 S200 W160FT 177 OT OUTLOT 3 SW 1/4 TIF#1) Owner: Island, Mary Jay

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.

Mr. Mares contacted the owner, Mrs. Island, who consented to demolish the property.

Public Hearing:

Mr. Beard opened the public hearing.

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

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. Webb, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mr. Webb, 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 Mr. Webb, motion carried.

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

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 20-000580: 610 S. Leggett St. (4067/4069 Redbud Cr. Unit). (ELMWOOD WEST SEC C, BLOCK 3) Owner: Teekoy Properties LLC

A 5 minute recess was called at 10:33 a.m. The hearing was called back to order at 10:38 a.m.

Mr. Mares informed the Board that because of fire damage and the owner's refusal to secure property the City secured the property. There is also an active demolition permit on record.

Public Hearing:

Mr. Beard opened the public hearing.

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

Mr. Turner 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. Schroder, motion carried.

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

NAYS: None

Mr. Turner 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. Schroder, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mr. Webb, 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 10:45 a.m.

X David D Beard 8-5-20

Approved, Chairman