

**BOARD OF BUILDING STANDARDS
MEETING MINUTES
August 05, 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. Wayland Schroeder
Mr. Lloyd Turner

Staff Present: Mr. Michael Rice, Assistant City Manager
Mr. Tim Littlejohn, Assistant Director of Planning and Development
Services / Building Official
Mrs. Kelley Messer, 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
Mr. Dale Rankin
Mr. Josh Black
Mr. Rosten Callermen
Mr. John Clark
Mrs. Alicia Smith
Mr. Austin Butler

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, July 01, 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. Schroeder, motion carried.

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

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

Mr. Mares said the owner did submit a Plan of Action but did not pull the permits.

The Board had a question about the cost of the permits.

Mr. Mares did not know.

The Board wanted clarification that the penalties had been paid and clarification on the ownership.

Mr. Mares confirmed that the penalties were paid, but the owner was issued a stop work order because the permits were expired.

Public Hearing:

Mr. Beard opened the public hearing.

Mr. Antonio Ortiz (225 S. Willis) said he met with the inspectors and the only thing left was to complete 5 trim outs and the rough in inspection. He needs electrical plugs and he will also add central heat and air. He has the Plan of Action, but his contractors have not pulled the permits. He requested 42 days (6 weeks).

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

The Board had discussion that Mr. Ortiz has demonstrated a desire to move forward and there was progress that was made.

Mr. Schroeder made a motion to give the owner 6 weeks to complete work and rough in by the expiration date and all final inspections to be completed. Mr. Allred seconded the motion, motion carried.

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

NAYS: Dr. Paris

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. Schroeder made a motion to un-table the case and was seconded by Mr. Allred, motion carried.

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

NAYS: None

Mr. Mares presented the case with updates, 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 inquired about the new owner.

Mr. Mares explained that he did a title search and discovered that the owners are listed as Dale & Stephanie Rankin and the title was updated on July 31, 2020.

Public Hearing:

Mr. Beard opened the public hearing.

Mr. Dale Rankin (8278 FM 89, Tuscola) explained to the Board that he was preparing the title to donate to APL (Abilene Preservation League). He is trying to make the deed transfer unencumbered for tax purposes. This entailed transferring the title from his LLP designation to

his personal business for an easier transition to the APL. Title transfer process is currently backlogged but the scheduled transfer date is August 13th.

Josh Black (97 Glen Abbey), President of the Abilene Preservation League informed the Board that the permits can be initially pulled by Mr. Rankin and then transferred and pulled by the APL after the deed is transferred. AML, the asbestos removal company will have dumpsters onsite and will pull the permits. The stucco wall is salvageable but the removal of the brick façade would remove the historical designation from the National Registry. He plans to speak with the land and traffic officers to obtain a construction staging permit. He will be allowed to have an 8ft bump out into City property and will continue to follow the requirements for the environmental and nuisance issues to be resolved. Mr. Black informed the Board that he does not have a definitive timeline for the completion of the project. The contractors will only be able to work in the safe areas.

Mr. Beard asked if a consulting construction engineer has been involved.

Mr. Black explained that his conversation has been only with the AML group. He said the timbers were still in place and the poor structure has been as a result of hail storm damage that caused the buckling floor. The insurance will be added in August.

A question was asked by Mr. Beard about additional funds that have been acquired since the last meeting.

Mr. Black said the donors prefer that their donations be discreet, but he currently has \$50,000 secured, and he is waiting on an additional \$30,000 matching grant.

Dr. Paris asked what the total cost will be for this project and would happen if the funding does not come through.

Mr. Black emphasized that the intent after rehabilitation is to secure a buyer. Men of Nehemiah and their partner, Restoration Ministries, have expressed interest in purchasing the property.

A question was asked by Mr. Turner about the extent of asbestos in the building.

Mr. Black said the report shows that 1% of the stucco has asbestos and is fire retardant. The stucco can be encapsulated and saved to retain the National Register status and will allow APL to save as much of the 1930s building as possible.

The Board asked Mr. Black about the plan if the funding is not obtainable.

Mr. Black was optimistic that the funding will be made available so that the City will not incur the burden of a demolition expense.

Rosten Callerman, (110 Orange) Board President representing the Men of Nehemiah, spoke in support of preserving and restoring the Abilene Courts as an extended missionary calling for vulnerable members in society.

Mark Faught (634 S 11th), spoke in support of demolishing the structure. He questioned why the structure was neglected for so long if it has such a historical significance. He explained that since 1986 he has secured the building at least a dozen times. The structure is still not secure and can be easily breached. He also made mention that there is no budget to fix this property. The property has no known budget, so renovations can encounter pitfalls that were not expected, moreover, it is the duty of the Board to protect the citizens. His suggestion is to move forward and rebuild a better, more cost efficient, facility especially since this structure is a fire hazard and has been condemned since 2017.

The Board asked Mr. Faught if the previous owner ever attempted to secure the property while he was the owner.

Mr. Faught was not sure, but he believed that Mr. Rankin placed boards in the back and cleaned the debris.

Alicia Smith (3026 Woodway), spoke in support of the restoration of the Abilene Courts for tourism purposes. She cited two formerly substandard properties that were saved and restored.

John Clark (1034 Cherry) retired Abilene Police officer spoke in favor of demolishing the structure. He was acquainted with the Abilene Courts while employed with APD, and he handled calls about the property since 1995. He stated that has also secured the gate about a dozen times. There are people constantly getting inside, and the property cannot be rehabilitated.

Mr. Mares confirmed that Abilene Courts was condemned in 2017 after being on the Landmarks Commission and Code Enforcement was not involved. On September 24, 2019, The Landmarks Commission turned over the case to Code Enforcement after no action was taken. Mr. Mares wanted to stress that securing the property does not address the hazardous conditions listed. Code is addressing the substandard conditions of the structure.

The Board requested that Mr. Black return to the microphone and asked him to explain the how much of the \$80,000 allocated for the façade has been raised. Mr. Black explained that he has approximately \$56,000 earmarked in reserve.

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

Mr. Schroeder made a motion to table the case for 60 days and was seconded by Mr. Allred

The Board deferred to Mrs. Messer about the possibility of tabling the case longer than the next meeting. Mrs. Messer thought that could be done.

Mr. Mares reminded the Board of the policy that cases can only be tabled until the next meeting.

Mrs. Messer agreed that it would be better to table to the case to a specific meeting and advised the Board to table to the next meeting.

Mr. Schroeder made a motion to table the case until the next meeting and was seconded by Mr. Allred, motion carried.

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

NAYS: Dr. Paris, Mr. McColum

Case for Rehabilitation, Demolition, or Civil Penalties – Case No.19-004517: 1050 Chestnut (NORTHINGTON, BLOCK A, LOT S40 E180, Owner, Smith, Alton

Mr. Mares presented the case, staff recommendations are 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 asked if the permits were current.

Mr. Mares re-iterated that the permits are current and active and it was brought to the Board because the owners did not comply with a Board order and the deadline passed. Mr. Mares stated that the plumbing rough-in was completed in February.

Public Hearing:

Mr. Beard opened the public hearing.

Mrs. Alicia Smith (3026 Woodway), the wife and co-owner, spoke about the status of the property. She emphasized that that the property is a two story multi-unit quadraplex and did not believe the requirements for repair should fall within the 30/60/90 Board plan. She explained that she had problems securing an electrician to complete the work. She a requested 30 days to complete the final electrical rough-in. The interior sheet rocking will be completed after this.

Mr. Beard stressed to Mrs. Smith that the Board was not there to advise her on an electrician and she would be responsible to hire an available electrical contractor.

The Board asked how long it would take her to get the entire property of condemnation.

Mrs. Smith said 60 days.

The Board reminded Mrs. Smith that it has been nearly 9 months according to the timeline since she and Mr. Smith informed them that they could pull the permits and complete the project at this property.

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

Mr. Mares spoke to the Board to clarify that there are no long 30/60/90 Board plan, and he explained that the plan is 30 days to pull permits and 60 days to complete all rough-in inspections. If the owner is making progress the deadline is extended and the owner has more than 90 days to complete the project. He also re-iterated the Code Compliance office does not contact the property owner to remind them when inspections are due.

Mr. Allred made a motion to order the 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 inspection shall be complete by the expiration of all permits. The motion was seconded by Mr. Turner, motion carried.

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

NAYS: None

A 5 minute recess was called at 10:00 a.m. The hearing was called back to order at 10:05 a.m.

Case for Rehabilitation, Demolition, or Civil Penalties – Case No. 20-000638: 1241 Locust St. (OT ABILENE BLK 208 WATSON & RUSSELL 1-A, LOT 15), Owner, Ortiz, Precilla Ann & Zarate, Dominic Aaron

Mr. Mares presented the case, staff recommendations are 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 explained there is a primary and secondary structure located on the property and during an inspection an electrical cord was found running from this property to the neighboring property.

The Board commented that the case was only a few months old and asked why the staff recommend demolition since this was the first time the case had come before them.

Mr. Mares explained that on March 12th the owner was sent an initial 30/60 letter and no action was done from March to June.

Public Hearing:

Mr. Beard opened the public hearing.

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

The Board wanted to review the pictures from the beginning. There was a question about active utilities.

Mr. Mares explained that there was no electricity at the property but there was water. Mr. Mares also explained that work in the interior was done without permits.

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 Dr. Paris.

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

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

NAYS: None

Case for Rehabilitation, Demolition, or Civil Penalties- Case No. 20-000643: 1310 Locust St. (OT ABILENE BLK 208 JOHN J TOOMBS/RINEY-HAYS, LOT 7 & N1/2 OF LT 8, 2-B), Owner, Maldonado Brothers Holding Group, LLC

Mr. Mares presented the case, staff recommendations are 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 discussed with the owner the option to consent for a demolition.

Mr. Mares informed the Board that the owner was working in San Antonio and would not be back until June. Mr. Maldonado agreed to sign a consent to demo, so the instructions were mailed to the owner to complete. Mr. Maldonado told Mr. Mares that he is serving in the National Guard, and he could not address any issues until August.

Public Hearing:

Mr. Beard opened the public hearing.

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

Mr. Turner made a motion to table the case until the next meeting and was seconded by Dr. Paris, motion carried.

AYES: Dr. Paris, Mr. Allred, Mr. McColum, 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 10:32 a.m.

X David D Beard 9-2-20

Approved, Chairman