

**BOARD OF BUILDING STANDARDS  
MEETING MINUTES  
September 02, 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. Josh Mares, Code Compliance Officer  
Ms. Catina Betoncur, Office Assistant III

**Others Present:** Mr. Mark Faught  
Mr. Josh Black  
Ms. Morgan Paschal  
Mr. Jon Smoluch  
Mr. Pedro Secundino

**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, August 05, 2020, 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. Turner, Mr. Beard

**NAYS:** None

**ABSTAIN:** Mr. Webb

## **AGENDA ITEMS & PUBLIC HEARINGS**

**Case for Rehabilitation, Demolition, or Civil Penalties - Case No. 17-009:** 633 S 11<sup>th</sup> (OT ABILENE BLK 208 ANDERSON 1-A, LOT 7-12), Owner, Abilene Preservation League.

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

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

NAYS: None

Mr. Mares presented the case with updates from the engineering study, 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 as to why Mr. Littlejohn approved the engineering study but the staff still requires the structure to be demolished.

Mr. Mares stated that the staff recommendation is for demolition of the structure but maintaining the north façade

### **Public Hearing:**

Mr. Beard opened the public hearing.

Josh Black (97 Glen Abbey) explained that the stucco portions of the property -except for the façade- will need to be demolished due to the compromised floor joists and the asbestos present throughout the building. He will pull the permits and pay for them. The removal of hazardous sections of the structure containing asbestos will begin on the 7<sup>th</sup> (of September), and he believes that the demolition timeline will be completed within 30 days.

The Board asked Mr. Black what the plan for the structure is after the demolition.

Mr. Black explained that the organization plans to keep the façade and build a white box recreation structure to mimic the area where the former structure stood.

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

**Dr. Paris made a motion that the property is a public nuisance, except for the front street facing facade located on the north side of the lot addressed as 633 S. 11th, 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.**

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

**Dr. Paris made a motion that the owner is ordered to demolish, except for the front street facing facade located on the north side of the lot addressed as 633 S. 11th, or appeal the order to district court within thirty days or the City may demolish and was seconded by Mr. McColum, motion carried.**

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

**Mr. McColum made a motion that the owner is also ordered to comply with the current plan of action to stabilize the north side of the lot addressed as 633 S. 11th and was seconded by Dr. Paris, motion carried.**

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

**Case for Rehabilitation, Demolition, or Civil Penalties – Case No. 19-005564: 1399 Oak St. (OT ABILENE BLK 208 JOHN TOUHY 3-4 H, LOT W85' LT 10), Owner, Smoluch, Jon**

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.

**Public Hearing:**

Mr. Beard opened the public hearing.

Jon Smoluch (40 Poverty Point Circle) stated that he will finish his current construction project in two weeks and then will need 60 days to complete construction of the property and hire another plumbing contractor.

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

**Dr. Paris 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 inspections shall be completed by the expiration of all permits. The motion was seconded by Mr. Turner, motion carried.**

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

Mr. Smoluch stood up and spoke again to clarify that the property is an existing structure and that he is not putting new sheet rock, but he is patching up the existing sheet rock.

**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. McColum 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. Webb, Mr. Schroeder, Mr. Beard  
NAYS: None

Mr. Mares presented the case, staff recommendations are as follows:

Mr. Mares explained to the Board that he received a signed Consent for the City to Demolish from Antonio Maldonado.

**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.

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.**

AYES: Dr. Paris, Mr. Allred, Mr. McColum, Mr. Turner, Mr. Webb, 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 thirty days or the City may demolish and was seconded by Mr. Webb.**

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

NAYS: None

**Case for Rehabilitation, Demolition, or Civil Penalties- Case No. 20-001905:1441 Victoria St. (COLLEGE HEIGHTS, BLOCK 61, LOT 17 & N6.03 OF 16), Owner, Secundino, Pedro**

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.

**Public Hearing:**

Mr. Beard opened the public hearing.

Mr. Pedro Secundino spoke about the status of the property. He requested an extension. He stated that he could complete the work in 90 days. He plans to complete the electrical and plumbing work this week and will secure the property today.

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

Mr. Mares stated that he wanted to re-iterate to Mr. Secundino and the Board that an all trades building permit is required to be pulled at once and not individually.

**Mr. Turner 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 inspections shall be completed by the expiration of all permits. The motion was seconded by Schroeder, 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 9:20 a.m.

X Anthony O. McColum

Approved, Chairman