

**BOARD OF BUILDING STANDARDS
MEETING MINUTES
April 07, 2021 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, Co- Chairman
Dr. Wayne Paris
Mr. Delbert Allred
Mr. Gary Webb
Mr. Wayland Schroeder
Mr. Lloyd Turner

Staff Present: Mr. Michael Warrix, Director, Planning and Development Services
Mr. Tim Littlejohn, Assistant Director of Planning and Development Services / Building Official
Mr. Van Watson, Assistant 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. John Pierce
Mrs. Alicia Smith
Mr. Joel Flores

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 06, 2021, 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. Webb, Mr. Turner, Mr. Schroeder

NAYS: None

ABSTAIN: Mr. Beard

AGENDA ITEMS & PUBLIC HEARINGS

Case for Rehabilitation, Demolition, or Civil Penalties - 21-000050: 1733 N 8th St. (D A WINTERS OF CANNON, LOT 5 & W11 FT LT 6), Owner: Dye, Dallas

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.

A question was asked by the Board about the owner of record and how long it takes to establish ownership. .

Mr. Craig explained that notifying each owner and other descendants satisfies the City's notification requirements and due diligence. Mr. Craig advised the Board that one of the options could be to table this case to allow for time to find out the heir's intention.

The Board inquired if the heir is aware that she could sell the property.

Mr. Mares stated that there is one living relative, a cousin, Melinda "Missy" Madison, and she informed him that she has no interest in the property. She was willing to sign a consent to demo but she has no proof of ownership.

The Board had discussion that the current condition of the property caused a hazard to the public, health, and safety of the neighborhood.

Public Hearing:

Mr. Beard opened the public hearing.

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

Mr. Craig reiterated to the Board that they could proceed with the public nuisance and demolition order.

Mr. Mares informed the Board that the Office of Neighborhood Services is able to use federal funding to demolish 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. Turner, motion carried.

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

Case for Rehabilitation, Demolition, or Civil Penalties – Case No. 20-004104: 1321 Huckleberry. (NORTH PARK ADDN OF S C JONES, BLOCK A, LOT 1), Owner: SCJ Holdings B LLC - Pulled from agenda

Case for Rehabilitation, Demolition, or Civil Penalties- Case No. 20-002280:1431 S 6th St. (OT ABILENE, BLOCK 124, and LOT W5 1 & 2 E40 10, 11, 12 & N150 OF ALLEY), Owner: Smith, Alton & Alicia

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 is 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 the district court within 30 days or the City may demolish.

Mr. Mares clarified that the property is listed as a duplex, however, the appraisal district's legal description shows it to be a single structure with two addresses; 1431 and 1433 S 6th Street. The legal address is 1431 S 6th St.

Public Hearing:

Mr. Beard opened the public hearing.

Mrs. Alicia Smith, (3026 Woodway Circle), spoke about the case. She stated that she would fix the house and that she filed an appeal with the District Court on the condemnation of the property.

The Board asked Mrs. Smith if she pulled general building construction permits. Mrs. Smith requested clarification on the difference between the general permit and the roofing permit. The Board explained and clarified the misunderstanding for her.

Mr. Watson provided further explanation about the permits.

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

Mr. Craig stated that the status of the pending litigation does not prohibit the Board's decision. Furthermore, The City of Abilene's building official has the authority to condemn a property.

Mr. Mares explained to the Board that the reason for the case was a lack of action on the part of the owner.

Dr. Paris recused himself due to a conflict of interest.

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

NAYS: None

ABSTAIN: Dr. Paris

Mr. Webb 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. McCollum, motion carried.

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

NAYS: None

ABSTAIN: Dr. Paris

Case for Rehabilitation, Demolition, or Civil Penalties- Case No 11-044: 2926 Beech (NORTH PARK ADDN, BLOCK 15, LOT S75 N319 OF E138.5), Owner: Flores, Joel

Mr. Mares presented new information on 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 is 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 the district court within 30 days or the City may demolish.

Public Hearing:

Mr. Beard opened the public hearing.

Joel Flores (5726 Chachalaca Ln) spoke on the status of the property. Mr. Flores stated that work had been done, and he moved the structure back. He explained the difficulties in not being able to obtain the permits and inspections needed to complete the rest of the project. Mr. Flores intends on repairing the structure in a timely manner.

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

Mr. Schroeder 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 and was seconded by Mr. Allred, motion carried.

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

NAYS: Dr. Paris

EXECUTIVE SESSION

The Board of Building Standards 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. 551.07 (Consultation with Attorney)

Executive Session commenced at 9:45 a.m.

RECONVENED

Public Hearing:

Mr. Beard opened the public hearing at 10:20 a.m.

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

ADJOURNMENT

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

X *David D Beard* *May 5, 2021*

Approved, Chairman