

**BOARD OF BUILDING STANDARDS  
MEETING MINUTES  
June 02, 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  
Dr. Wayne Paris  
Mr. Gary Webb  
Mr. Lloyd Turner

**Staff Present:** Mr. Michael Rice, Assistant City Manager  
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  
Mr. Robert Marsh, Code Compliance Officer  
Mr. Ricky Wright, Code Compliance Officer  
Ms. Catina Betoncur, Office Assistant III

**Others Present:** None

**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, May 05, 2021, were provided in advance to Board Members for review.

**Mr. Webb made a motion to approve the minutes as written and was seconded by Mr. Turner, motion carried.**

**AYES:** Mr. Webb, Mr. Turner, Mr. Beard

**NAYS:** None

**ABSTAIN:** Dr. Paris

## AGENDA ITEMS & PUBLIC HEARINGS

**Case for Rehabilitation, Demolition, or Civil Penalties- Case No 21-000082: 2404 N 3rd. (PECAN PARK, BLOCK K, LOT 1 & 2), Owner: FOCO Capital LLC**

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

**Order: 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.**

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)

The Board wanted to know if there were recent conversations with the owner.

Mr. Mares explained that he had no contact with the owner, but he had been in touch with the lien holder was told that the owner did want to demolish the structure.

### **Public Hearing:**

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

**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 and was seconded by Mr. Webb, motion carried.**

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

NAYS: None

**Case for Rehabilitation, Demolition, or Civil Penalties- Case No 21-000224:** 4026 Pine St. (A0012 SUR 83 L BOWERMAN, ACRES 5.2359), Owner: Little, Phil J

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 had a question about why the tax records weren't applicable, and if the taxes are paid. There was a concern that the owner wasn't aware that there was a structure at this property, as well as, notification of liens.

Mr. Mares explained that the municipality records were not applicable taxes and that in his discussion with owner, who lives out of town, the owner was not aware of the current structure.

**Public Hearing:**

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

**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**

Prior to seconding the motion, Mr. Webb posed a question to legal counsel regarding the legality of the demolition order.

Mr. Craig advised that as long as the local government code was properly followed, the Board then has the authority to declare the property a public nuisance and so order a demolition.

**Previously stated motion by Dr. Paris was seconded by Mr. Webb, motion carried.**

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

NAYS: None

Prior to making a motion, Dr. Paris posed a question to legal counsel about the property having multiple liens; and is the Board required to file a lien on the property if the owner does not follow the Board order to demolish.

Mr. Craig stated that after 30 days there is an opportunity for the owner appeal the decision to district court. If no compliance, a City contractor can be contacted, after the bid process, and can demolish the property. The owner can be billed and a lien can be placed on the property for non-payment.

**Previously stated motion Dr. Paris 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. Turner, motion carried.**

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

NAYS: None

#### ADJOURNMENT

There being no further business to come before the hearing, the Board of Building Standards meeting was adjourned at 8:35 a.m.

**X** *David P Beard 7-7-21*

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Approved, Chairman