

MINUTES
REGULAR MEETING
BUILDING AND STANDARDS COMMISSION
MONDAY, MARCH 29, 2010
COUNCIL CHAMBERS, 2nd FLOOR
TEXAS CITY HALL
5:30 P.M.

The Building and Standards Commission of the City of Texarkana, Texas met Monday, March 29, 2010, at 5:30 P.M. in the Council Chambers, Second Floor, Texas Municipal Building, West Third Street and Texas Boulevard with the following members present:

ATTENDING:

Mr. Corey Floyd, Chairman
Mr. Myron Stringer, Vice-Chairman
Mr. Eddie Coe
Mrs. Betty Williams

ALSO ATTENDING:

Mr. Craig Lindholm, Executive Director, CR&G
Mrs. Joy Sartor, Administrative Coordinator, CR&G
Mrs. Tiffany Dodd, Administrative Assistant, Construction/ Demolition
Mr. Lynn Henry, Chief Building Official
Mr. Danny Presley, Captain, Texarkana, TX Police Department

INFORMATION PROVIDED IN NOTEBOOK(S) TO THE COMMISSION IS KEPT ON FILE IN THE COMMUNITY AND PUBLIC WORKS OFFICE. CONTENTS OF THE NOTEBOOK(S) INCLUDES: PROOF OF PUBLICATION, PROOF OF NOTIFICATION, INSPECTION REPORTS AND PHOTOGRAPHS OF EACH STRUCTURE PRESENTED TO THE COMMISSION.

Building and Standards Commission voted Corey Floyd as Chairman. Myron Stringer motioned Mr. Floyd as Chairman. Eddie Coe seconded the motion. Members voted unanimously for approval of the motion. Corey Floyd as Chairman for Building and Standards Commission for year 2010-2011.

Mr. Floyd appointed and motioned Myron Stringer as Vice- Chair. Betty Williams seconded the motion. Members voted unanimously for approval of the motion. Myron Stringer as Vice- Chair for Building and Standards Commission for year 2010-2011.

Mr. Corey Floyd, Chairman, called the meeting to order at 5:40 p.m.

Tiffany Dodd swore in Lynn Henry and Mark Edwards.

Lynn Henry proceeded to introduce himself to the public, as well as the commission member(s), as the Building Official for the City of Texarkana, Texas, Certified Building Official of the International Code Council, and a member of the International Code Council Revision Committee.

Charles Morgan stated he is a lawyer with Dunn, Nutter & Morgan, LLP and not a witness and he chose not to be sworn in.

Mr. Morgan announced on behalf of Aaron Tatum and Kathleen Blaylock, requested to consolidate all Aaron Tatum's properties to eliminate repeating the same discrepancies, but question Mr. Henry regarding findings, and assist Ms. Blaylock in her case.

Corey Floyd stated all properties will be addressed in order of the agenda.

Consider abatement of 103-106 Robison Place

Lynn Henry stated 103-106 Robison Place was not secured. The foundation sills are decaying. The exterior walls are broken, missing, and there's exposed asbestos. The roof is uneven and sagging. The window units and window panes are decayed and broken. Mr. Henry stated 103-106 Robison Place is substandard and should be demolished.

Mrs. Dodd swore in Aaron Tatum.

Mr. Tatum stated the inspection notification received was vague.

Mr. Tatum stated he is a general contractor, licensed and registered with the City of Texarkana, Texas. Mr. Tatum agreed to describe any and all discrepancies for 103-106 Robison Place. Mr. Tatum stated that the paint is chipping off the siding of the structure, but it can be easily painted. The screen doors need bad repair; the screen windows are screwed down, both items can be easily replaced and repaired. Overhangs on the front porches the paint is peeling, but the paint can be scrapped and painted; there are rotten boards that can be easily replaced. Repairs are only cosmetic. The seal beams are bad due to a water leak issue coming from the back porch. The structure will be jacked up, remove the old seal beam replace with a new seal beam, easily fixed. Some have deteriorated or rotten at the bottom but it can be easily replaced.

Mr. Tatum requested assistance from his engineer Joseph Russ, Construction Manager of Engineering Company, Rugerr Engineering.

Mrs. Dodd swore in Joseph Russ.

Joe Russ stated he inspected all of Mr. Tatum's properties. He stated that all structures are repairable. There are dips and sags in the roof sub structure that need attention. Predominant damage to 103-106 Robison Place is located in the back of the building. Mr. Russ stated 103-106 Robison Place needed some work, but all the structures need some work. Significant area 81 feet of seal beam across the back of structure should be removed and replaced.

Mr. Henry's recommendation for 103-106 Robison Place is for the structure to be demolished.

Mr. Morgan requested 90 days from the Commission to repair all Aaron Tatum's structures.

Mr. Floyd referenced to the ordinance, which simply states the property owner will be allowed a fixed period to repair a structure of thirty (30) days.

Mr. Floyd entertained motion from the Commission on 103-106 Robison Place.

Mr. Stringer noted if the Commission granted thirty (30) days for permit, then the Building Official has the authority to grant an extension.

Mr. Henry replied he does have the authority to grant extensions on permits.

Mr. Floyd entertained motion from the Commission on 103-106 Robison Place.

Mr. Stringer stated this structure has been red tagged since December. Granting Mr. Tatum thirty (30) days will not make a difference. Mr. Stringer motioned the structure located at 103-106 Robison Place substandard and a nuisance and to order this structure be demolished. Betty Williams seconded the motion. Mr. Floyd clarified motion to have 103-106 Robison Place demolished according to Sec. 5-66 (1) (3), all members voted unanimously for approval of the motion.

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Consider abatement of 111-112 Robison Place

Mr. Henry explained that 111-112 Robison Place was secured. The roof was covered with a plastic tarp which leaks. The storage building is unsafe and substandard. Mr. Henry stated the property owner did purchase a permit but requested to remain on the agenda.

Mrs. Dodd swore in Kathleen Blaylock.

Ms. Blaylock briefly explained her intentions to repair the property. She has been caring for her ill mother who passed away a few months ago. Ms. Blaylock stated her mother was priority at that time. She has begun working on the structure cleaning, and removing debris and tree limbs. She has purchased a permit to repair the roof and demolish the storage building before the Building and Standards hearing.

Mr. Floyd acknowledged Ms. Blaylock's efforts and will consult with Commission Members.

Mrs. Williams made a motion to allow thirty (30) days to repair the structure according to Sec. 5-66 (2). Mr. Coe seconded the motion. Mr. Floyd reiterated the motion, to order repair of the structure within a fixed period of time of thirty (30) calendar days, Members voted unanimously for approval of the motion.

ORDER FOR OWNER TO REPAIR STRUCTURE

Consider abatement of 115-116 Robison Place

Mr. Henry stated the structure is secure. There are tree(s) growing too close to the building and behind the gas meter. Storage building is dilapidated and a hazard to the public. Both the house and storage building is substandard. Ms. Blaylock has purchased a permit to demolish the storage building. Mr. Henry stated the main problem is the tree growing behind the gas meter. Mr. Henry stated he is willing to work with Ms. Blaylock in getting the proper permits to repair the structure.

Ms. Blaylock stated the structure is all electric now.

Mr. Floyd requested a motion be made by the Commission Members. Mr. Stringer made a motion to grant the allotted time of thirty (30) days to repair 115-116 Robison Place according to Sec. 5-66 (2). Mrs. Williams second the motion. Members voted unanimously for the approval of the motion.

ORDER FOR OWNER TO REPAIR STRUCTURE

Consider abatement of 125-128 Robison Place

Mr. Henry explained the conditions of 125-128 Robison Place as being dilapidated. The structure was not secured. The foundation sills are decaying. Roof structure is sagging and uneven, the roof needs to be replaced. The window units are decaying. Window panes are nailed shut. The service entry is bent. Mr. Henry deemed this structure as substandard and recommended demolition.

Mr. Russ stated that there is fifty (50) feet, across the back of the structure, seal beam that need to be addressed. All units need attention to the fascia and soffits. This unit does have rotten boards near the door seal. The overhangs are not structural components, the overhangs can be removed and have no bearing on the roof structure. Mr. Russ stated his position was to only evaluate structural components of the units, but all can be repaired.

Mr. Floyd was concerned about the overhangs in its present state being a danger of falling or collapsing.

Mr. Russ explained the building will collapse if not repaired; the building will collapse without preventive maintenance. Overhangs are not a structural issue. It can be easily fixed or removed.

Mr. Floyd recited section 108.1.1 of the Building Maintenance Code

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Mr. Tatum presented photographs of the property to the Commission for review.

Mr. Stringer inquired the reason of not purchasing a permit to repair the structure.

Mr. Tatum responded, according to the Ordinance three (3) items are required a financial statement from bank institute stating financial stability to perform repairs, a contract from a contractor, and timeline with benchmarks.

Mr. Stringer stated permits could have been purchased in December to begin repairs.

Mr. Floyd ordered for commission to make a motion. Mrs. Williams made a motion the structure at 125-128 Robison Place is substandard and a nuisance; and to enter an order to abate and demolish the structure according to Sec. 5-66 (1) (3) Mr. Stringer seconded the motion to demolish the structure. Members voted unanimously for approval of the motion to demolish structure located at 125-128 Robison Place.

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Mr. Floyd, Chairman ordered to take a ten (10) minute recess.

Building and Standards Hearing reconvene:

Mr. Henry stated during the break, he and Mr. Tatum had decided to cooperate on the properties located at 103-106 Robison Place; 319-322 Robison Place; 125-128 Robison Place; 311-314 Robison Place; 341-342 Robison Place; 275-276 Robison Place; 325-328 Robison Place; 283-284 Robison Place; and 281-282 Robison Place

Mr. Henry and Mr. Tatum discussed terms in which Mr. Tatum will repair the property. Mr. Tatum will present to Mr. Henry his proposal of what he would like to do with the property and supply Mr. Henry with financial responsibility to do these projects. Mr. Tatum will pull permits within thirty (30) days. If Mr. Tatum does not pull permits within thirty (30) days the property will automatically become condemned property and be subject to daily fines.

Mr. Tatum agreed with terms with the exception of 275-276 Robison Place he wants to give back to the City to demolish or donate.

Mr. Henry's recommendation is to allow Mr. Tatum thirty (30) days to pull permits and supply financial responsibility, if permits have not been pulled or work performed, the property will automatically be condemned and be subject to daily fines.

Mr. Tatum understood and agreed with Mr. Henry's recommendation.

Mr. Floyd ordered for commission to make a motion

Mr. Stringer made a motion to order repairs within thirty (30) days; if repairs have not been performed the property will automatically be condemned and assessed a \$1,000 fine per day per property.

Mr. Henry made his recommendation for repairs of 103-106 Robison Place; 319-322 Robison Place; 125-128 Robison Place; 311-314 Robison Place; 341-342 Robison Place; 275-276 Robison Place; 325-328 Robison Place; 283-284 Robison Place; and 281-282 Robison Place

Mr. Coe pointed out 275-276 Robison Place will be demolished by the City considering Mr. Tatum signed consent to demolish structure.

Mr. Lindholm stated the City will agree to accept the property as donated property, but the City will not be responsible for demolition of the property or asbestos abatement of property. The owner of the property will bear the cost. The City does not have the funds at this point in time. The Ordinance passed in October stating the City will no longer accept property the City will have to pay to have demolished. Mr. Tatum can donate the property to the City, but Mr. Tatum will be financially responsible for any cost associated with demolition of that property or unpaid taxes.

Mr. Tatum stated he will pull a permit to have 275-276 Robison Place demolished within thirty (30) days.

Mr. Stringer made a motion for repairs within thirty (30) days, not to exceed the next thirty (30) calendar days, if no repairs are done the property will automatically be condemned according to Sec. 5-66 (2) and assessed a civil penalty of \$1,000 per day for each condemned property according to Sec. 5-67. For property located at 103-106 Robison Place; 319-322 Robison Place; 125-128 Robison Place; 311-314 Robison Place; 341-342 Robison Place; 275-276 Robison Place; 325-328 Robison Place; 283-284 Robison Place; and 281-282 Robison Place. Mr. Floyd stated this motion supersedes previous motion for 103-106 Robison Place and 125-128 Robison Place. Mr. Coe seconds the motion. Members voted unanimously for approval of the motion.

ORDER FOR OWNER TO REPAIR

Consider abatement of 205 Robison Place

Mr. Henry stated the structure was not secured. Roof material needs to be replaced. The siding is broken, cracked and falling off the structure. The water heater is falling. Sheetrock is cracked in the interior of the structure. Mr. Henry recommended this structure is substandard and be demolished.

Betty Markcray was sworn in by Tiffany Dodd.

Mrs. Markcray stated she is devastated. She explained she has been living at 205 Robison Place for thirty (30) years. Her hot water heater shifted and it blew up her foundation, and water pipes. At this present time she had to relocate to a rental house in Beverly, because her home is uninhabitable with the hot water heater being the way it is. Mrs. Markcray stated she tried to file the incident on her home insurance but it was denied. Mrs. Markcray explained she

simply cannot afford to fix up her home due to limited income. Mrs. Markcray stated she applied for assistance with the City and she hopes she qualifies.

Mr. Floyd made aware that the home possesses sentimental value, but it is unsafe and it breeds criminal activity.

Mrs. Markcray inquired about assistance from the City.

Mr. Lindholm stated Mrs. Markcray applied for assistance. The assistance she's referring to is Housing Reconstruction Assistance. Mrs. Markcray's eligibility will not be affected by the Commission's decision. Grant funds are continually present, but limited to the amount of homes constructed.

Mr. Floyd ordered commission members to make a motion. Mrs. Williams made a motion for the structure located at 205 Robison Place substandard and a nuisance and to enter an order to abate, demolish. Mr. Stringer seconded the motion to demolish according to Sec. 5-66 (1) (3). Members voted unanimously for the approval of the motion.

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Consider abatement of 316 Robison Place

Mr. Henry presented property located at 316 Robison Place unsecured. The structure is deteriorated. The foundation sills are rotting. Exterior siding is broken, missing, and need repairing and painting. The roof material needs to be replaced. Mr. Henry recommended this structure is substandard and be demolished.

Mrs. Dodd swore in Rebecca Ramos.

Ms. Ramos stated she purchased the property for her boyfriend. Ms. Ramos ran out of funds to complete repair for 316 Robison Place, therefore the project is at a standstill.

Mr. Floyd explained the commission can allow thirty (30) days to purchase proper permits and show evidence to repair the structure.

Ms. Ramos stated that there is no way she can repair the property in her financial situation.

Mr. Floyd ordered commission members to make motion based on information delivered. Mr. Stringer made a motion for structure located at 316 Robison Place substandard and a nuisance, and to enter an order to abate, demolish according to Sec. 5-66 (1) (3) Mr. Coe seconded the motion. Members voted unanimously for the approval of the motion.

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Consent Agenda

Property owners did not show at the hearing.

Lynn Henry recommended the following property substandard and be demolished. 129-132 Robison Place; 265 Robison Place; 317-318 Robison Place; 263 Robison Place; 324 Robison Place; 273-274 Robison Place; 204 Robison Place

Myron Stringer made a motion for 129-132 Robison Place; 265 Robison Place; 317-318 Robison Place; 263 Robison Place; 324 Robison Place; 273-274 Robison Place; 204 Robison Place is substandard and a nuisance and be ordered to be demolished according to Sec. 5-66 (1) (3). Eddie Coe seconded the motion. Members voted unanimously for approval of the motion.

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Consent Agenda

Mr. Henry recommended the following property substandard and be ordered demolished. 113-114 Robison Place; 148-149 Robison Place; 150 Robison Place; 151-154 Robison Place; 129-132 Robison Place; 139-142 Robison Place; 137-142 Robison Place.

Mr. Floyd sustained from voting. Mr. Stringer preceded with the motion from the commission members.

Mr. Coe motioned 113-114 Robison Place; 148-149 Robison Place; 150 Robison Place; 151-154 Robison Place; 129-132 Robison Place; 139-142 Robison Place; 137-142 Robison Place substandard and a nuisance to the public and be ordered to be demolished. Mrs. Williams second the motion. A motion was made by Mr. Stringer and seconded by Mr. Coe that the Structure(s) be declared substandard and ordered demolition according to Sec. 5-66 (1) (3) Members voted unanimously for approval of the motion

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Commission will reaffirm their actions taken on the November 2, 2009 orders to abate which will be presented as a Consent Agenda, the Building and Standards Chairman, Corey Floyd, made a motion to adopt the actions taken by the Building and Standards Commission at the November 2, 2009, as if it occurred tonight March 29, 2010 hearing. Mr. Floyd made a motion to reaffirm those actions as if it occurred on the March 29, 2010 hearing. Mr. Stringer seconded the motion. Members voted unanimously for approval.

Mr. Floyd reviewed the minutes performed on November 2, 2009. Mr. Floyd made a motion to approve the November 2, 2009 minutes. Mr. Stringer seconded the motion. Members voted unanimously for approval.

RECOMMENDED FOR APPROVAL

There being no further business, the meeting was adjourned.

Corey Floyd, Chairman
Building and Standards Commission

Tiffany Dodd,
Construction Demolition
Administrative Assistant