

MINUTES
REGULAR MEETING
BUILDING AND STANDARDS COMMISSION
TUESDAY, MAY 25, 2010
COUNCIL CHAMBERS, 2nd FLOOR
TEXAS CITY HALL
5:30 P.M.

The Building and Standards Commission of the City of Texarkana, Texas met Tuesday, May 25, 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
Mr. Dan Boyles

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
Ms. Shirley Jaster, Executive Director, Community and Public Works

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.

Mr. Corey Floyd called the Building and Standards Commission Meeting, May 25, 2010, to order at 5:30 p.m. All Commission Members introduced themselves; Dan Boyles, Betty Williams, Corey Floyd, Myron Stringer, and Eddie Coe were present.

Mr. Floyd informed the witness to fill out a discussion form if they wanted to testify before the commission. Mr. Floyd stated there were only two (2) forms filled out to discuss.

Mr. Richard Lee Terrell Sr. sworn in by Mrs. Tiffany Dodd

Mr. Floyd called Ms. Shirley Jaster to represent the City.

Ms. Jaster stated, she is the Director of Community and Public Works, she will serve as narrator for the hearing tonight. Mr. Lynn Henry will be available for questions.

Ms. Jaster began with 703 Blanton. Owner of Record is Terrell Brothers Properties. The legal description is known as Block 58, Lot 2, of Beverly Heights. The Housing Inspection lists major repairs which are the foundation sills, protective treatment, roof structure, roofing material, window units, floors, plumbing, and wiring. Code Violation Report indicated the structure or any part thereof has been damaged by water to such an extent that it has become dangerous to the public health, safety and welfare; The structure constitutes as a fire hazard; The building is so

deteriorated or constructed or permitted to be constructed as to constitute a menace to the health or safety, including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects, reasonably calculated to spread disease, including such conditions hazardous to safety as inadequate bracing or use of deteriorated materials; and The structure irregardless of the structural condition, is unoccupied by the owner, lessee, or other invitee and is unsecured from unauthorized entry to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children. Ms. Jaster noted there are pictures associated with the findings from the Housing Inspections Report and Code Violation Report. Mr. Lynn Henry, Chief Building Official, is available to answer questions referring to the pictures or any of the findings for 703 Blanton. Ms. Jaster asked if there are any questions from the Commission.

Mr. Dan Boyles inquired about the structure being uninhabited. Ms. Jaster responded the structure is still vacant. Ms. Jaster explained the procedure after a house is red tagged. If there's work that needs to be done on the structure, a permit must be obtained. In this instance, there have been no permits obtained for this structure since the inspection date, June 12, 2009.

Mr. Floyd asked for the City's recommendation to demolish the structure or repair, Ms. Jaster responded it is the City's recommendation to demolish the structure.

Mr. Richard Terrell was called to present his case. He stated he lives in Natchitoches, LA and it is a long distance trip. He stated he was not aware of the conditions of the property. He stated he did not know what the procedures were, he assumed if he came to the Building and Standards Meeting he would be granted permits. He agrees that the structure is substandard. His concern is that the neighborhood has 100 to 150 properties that are in the same condition or worse. He stated there are twenty (20) houses on the same street that are in the same condition or worse. He stated he wanted to fix his property up and make it nice.

Mr. Floyd stated a notice was posted on the structure June 12, 2009. Mr. Terrell had a year to bring the structure up to code, since June of 2009.

Mr. Terrell stated, when he received the May 6, 2010 letter, he made a list of materials needed to repair the structure from Lowes. He was not going to purchase anything because he thought he had to get permission from the Commission. Mr. Terrell stated the structure has not been rented and has been vacant.

Mr. Floyd asked Mr. Terrell if he agreed that the City has made efforts to bring his house up to standard. Mr. Terrell agreed. Mr. Terrell recited the letter received on May 6, 2010. Mr. Terrell requested sixty (60) days to repair this structure with a budget of \$8,000-\$10,000. Mr. Terrell's concern is the condition of the other houses in the neighborhood. Mr. Terrell stated he's willing to put \$10,000 into the house.

Mr. Stringer asked about sill damage on the house. Mr. Terrell stated sill damage is only in the back of the structure.

Mr. Terrell asked for thirty (30) days to repair the structure.

Mr. Stringer stated it is costly to repair foundation sills.

Mr. Coe inquired about the electrical repairs.

Mr. Henry stated the entire structure will have to be up to code including the electrical, plumbing, and heating & air.

Mr. Terrell stated he'll replace the roof, and broken siding. He stated the entire neighborhood needed to be addressed.

Mr. Terrell apologized for allowing the vacant structure to sit for a year.

Mr. Stringer stated with all repairs, \$10,000 will not fully repair this structure.

Mr. Floyd asked Mr. Terrell if he had any other evidence or witnesses to present before the commission to consider.

Mr. Terrell stated if he cannot complete repairs within thirty (30) days he understands it will be condemned/demolished.

Mr. Floyd stated if Mr. Terrell doesn't agree with the decision of the commission he has the right to appeal within thirty (30) days in District Court.

Mr. Floyd asked if there were any witnesses that wanted to testify regarding this structure, and Mr. Terrell said no.

Mr. Floyd entertained motion from Commission. Mr. Boyles motioned to have the structure demolished, Mr. Stringer second the motion, Mr. Floyd clarified the motion to have the structure demolished within thirty (30) days, according to Sec. 5-66 (1) (3), all member voted unanimously for approval.

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Mr. Floyd moved to the next witness, which is Lugene White.

Mr. Lugene White sworn in by Mrs. Dodd.

Ms. Jaster presented the structure located at 109 Blanton. Owner of Property is Lugene White. The legal description is known as Block 36, Lot 5, of Beverly Heights. The Housing Inspection Report lists major repairs of the foundation sills, exterior walls, protective treatment, roof structure, window units, window panes, rear entry door, service entry, and wiring. Code Violations indicate the structure or any part thereof has been damaged by water to such an extent that it has become dangerous to the public health, safety and welfare; the structure or any part thereof has inadequate means of egress as required by the city's building code; the structure is not wired so as to provide in operating condition electrical circuits sufficient to safely carry a load imposed by normal use of appliances and fixtures; the structure is not in compliance with the requirements of the City's building code, electrical code, there's no ground wire, and there's loose glass in windows, structure constitutes a menace or hazard to the public health or safety; and the structure irregardless of the structural condition, is unoccupied by the owner, lessee, or other invitee and is unsecured from unauthorized entry to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children. Ms. Jaster described a few photos of the structure. Ms. Jaster reiterated this house was red tagged on May 7, 2009. Ms. Jaster asked if the commission had any questions.

Mr. Floyd asked if the City had a recommendation for the structure. Ms. Jaster replied the City recommended the structure be demolished.

Mr. White apologized for the condition of the house. He stated he had a heart attack at the time the structure was red tagged. He was told by the City to secure the structure. His son secured the structure with a few 2x4 boards. Mr. White described each picture.

Mr. White stated he got an estimate from a contractor for \$2,500 for the entire project. Mr. White contacted an electrician to rewire the house for \$3,000. He stated he is retired from Texarkana College and he could get interns to assist in repairing the structure. He stated he is financially unable to completely fix up the structure. He stated he cannot get the structure completely repaired in 30-60 days.

Mr. Floyd entertained a motion from the commission. Mrs. Betty Williams motioned to have the structure demolished. Mr. Stringer seconded the motion. Mr. Floyd recited the motion to have the structure demolished within thirty (30) days, according to Sec. 5-66 (1) (3), all members voted unanimously for approval.

Mr. Floyd reiterated Mr. White has thirty (30) days to appeal the commission's decision in District Court.

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Mr. Floyd proceeded with 607 Waterman

Ms. Jaster presented evidence regarding 607 Waterman. Owner of Property is Terrell Brothers Properties. The legal description is known as Block 17, Lot 4, of Beverly Heights. The Housing Inspection Report lists major repairs of the decking, foundation steps, exterior walls, protective treatment, window units, window panes, rear entry door, and floors. The Code Violation Report states the structure does not have adequate light, ventilation, or sanitation facilities as required by the City's building code and plumbing code; the structure constitutes as a fire hazard, the structure is not in compliance with the requirements of the city's building code, electrical code, and plumbing code which constitutes a menace or hazard to the public health or safety, The building is so deteriorated or constructed or permitted to be constructed as to constitute a menace to the health or safety, including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects, reasonably calculated to spread disease, including such conditions hazardous to safety as inadequate bracing or use of deteriorated materials; and The structure irregardless of the structural condition, is unoccupied by the owner, lessee, or other invitee and is unsecured from unauthorized entry to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

Ms. Jaster stated the City staff recommended issuing an order for demolition.

Mr. Terrell presented evidence to repair the structure. He stated he wants to bring the property up to code. The commission members proceeded to examine each photo.

Mr. Terrell stated meetings before this, May 25, 2010 meeting, were different. Mr. Coe stated Mr. Terrell attended a Building and Standards hearing in the past and the structure had not been demolished or repaired by Mr. Terrell.

Mr. Floyd called for a motion from the commission. Mr. Coe motioned that the structure be demolished within thirty (30) days. Mr. Boyles second the motion. Mr. Floyd recited the motion to have the structure demolished within thirty (30) days, according to Sec. 5-66 (1) (3), all members voted unanimously for approval.

Mr. Floyd stated Mr. Terrell has thirty (30) days to appeal the Commission's decision in District Court.

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Consent Agenda: Property owners did not show at the hearing.

102 Blanton (Beverly Heights Lot 1, Block 35) Owner of Record- EJ Monte
108 Blanton (Beverly Heights Lot 4, Block 35) Owners of Record- Lester R. Geiman and Laura Geiman
210 Blanton (Beverly Heights Lot 4, 5, Block 34) Owners of Record- Pedro and Maria Soto
407 Blanton (Beverly Heights Lot 4, Block 28) Owner of Record- Dennis Rambo
408 Blanton (Beverly Heights Lot 4, Block 32) Owner of Record- Dennis Rambo
605 Blanton (Beverly Heights Lot 3, Block 30) Owner of Record- Swartz & Brough, Inc
716 Blanton (Beverly Heights Lot 8, Block 55) Owner of Record- Gladys Keal
917 Capp (Estes & Tilson SW 48'X140' Lot 4) Owner of Record- Joe Lott
1105 Capp (EA Dryers 2nd Lot 11, Block 1) Owner of Record- Carl and Dorothy Sanders

403 Connell (Beverly Heights Lot 2, Block 27) Owner of Record- Swartz & Brough, Inc
1222 Elm (City/Triggs Addition Lots 10, 11, Block 169) Owner of Record- Robbie Holmes c/o John W Holmes
1304 Elm (City/ Triggs Addition NPT Lot 7, SPT 8, Block 170) Owner of Record- Donald and Wanda Mitchell
1316 Lee (Tilson & Pitchers 2nd PT Lots 12, 13, Block I-2) Owner of Record- Sam Benton c/o WC Benton
307 Lumpkin (Beverly Heights W3' Lot 3 All 4, Block 44) Owner of Record- Kirk and Tamira Blair
403 Lumpkin (Beverly Heights Lot 2, Block 20) Owner of Record- Swartz & Brough, Inc
412 Lumpkin (Beverly Heights Lot 7, Block 27) Owner of Record- Dennis Rambo
605 Lumpkin (Beverly Heights Lot 3, Block 22) Owner of Record- Barbara king Waddell
615 Melton (Beverly Heights Lot 8, Block 7) Owner of Record- Linda Chrisp
505 Waterman (Beverly Heights Lot 3, Block 18) Owner of Record- Archie Lashford

Mr. Floyd called for a motion for the consent agenda items to declare the structures substandard and a nuisance; and to enter an order to vacate and demolish/abate said structure and or nuisance on or before June 25, 2010. Providing that the City is authorized to demolish/abate such condition after said date and place a lien on the property for the cost of the abatement; providing for a civil penalty of \$500.00 per day the structure remains in violation and authorizing the commission to sign. Mrs. Betty Williams motioned to have the structures demolished with a civil penalty of \$500.00 per day the structure is in violation, Mr. Stringer second the motion, according to Sec. 5-66 (1) (3) and Sec. 5-67, all members voted unanimously for approval.

ORDER FOR OWNER TO DEMOLISH WITHIN THIRTY (30) DAYS

Mr. Floyd called for the approval of the March 15, 2010, Special Meeting Minutes. Commission reviewed the minutes; Mr. Stringer made a motion to approve the March 15, 2010 minutes. Mrs. Williams second the motion. Member voted unanimously for approval.

Mr. Floyd called for approval of the March 29, 2010, Regular Meeting Minutes. Commission reviewed the minutes; Mr. Dan Boyles made a motion to approve the March 29, 2010 minutes. Mr. Eddie Coe seconded the motion. Member voted unanimously for approval.

Mr. Floyd entertained for the Building and Standards Regular Meeting to be adjourned at 7:10 P.M. Mr. Stringer motioned to adjourn the meeting. Mr. Coe seconded the motion, all members voted to adjourn the Building and Standards Commission Meeting, May 25, 2010.

Recommended for Approval

There being no further business the meeting was adjourned.

Corey Floyd, Chairman
Building & Standards Commission

Tiffany Dodd,
Administrative Assistant
Construction Demolition