

MINUTES
BUILDING AND STANDARDS COMMISSION
November 12,1996
4:15 p.m.

Members present: Bill Sullivant, Lee Birkhead, Thomas Robinson, Jim Goldsworthy, Jan Russell,
Donna Doty

Members absent: Nancy Williams

Staff Present: Roy Lewis, Marcia Browning,

Visitors: Don Lester

The first item of business on the agenda was to call the meeting to order at 4:15 p.m. and to swear in anyone wishing to address the Board.

Ms. Doty made motion that Lee Birkhead be temporary Chairman for the meeting of November 12, 1996.

Second by Ms. Russell

Mr. Birkhead asked are there any witness present that will be making declarations to the Committee.

Mr. Lewis replied I will be.

Mr. Birkhead replied okay so that will be Roy Lewis and Don Lester. Would you please raise your right hand.

Mr. Sullivant stated Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

Mr. Lewis, Mr. Lester replied we do!

The second item on the agenda is the consideration and approval of minutes for regular meeting of August 13, 1996.

Mr. Birkhead asked do I have a motion to accept the minutes from August 13 Th ?

Motion made by Jim Goldsworthy to accept minutes.

Second by Jan Russell.

Motion has been made and second to accept the minutes of August the 13 th.

AYES: ALL NAYS: NONE ABSENT: NANCY WILLIAMS ABSTENTIONS: NONE

The third item of business on the agenda is the consideration and action on the determination of the Building Official of the substandard condition of a structure located at 1012 Oxford St. Case # BS-96-10.

Mr. Birkhead asked does the Building Official have any review about this property at this time.

Mr. Lewis replied yes I do, these are pictures I took of the property last week in case anyone showed up to contest us on this property. This house was permitted in January of this year. They started the construction and got the foundation laid and framed then they walked off and left it just as you see it in the pictures.

Mr. Birkhead asked is this in the South Park Addition ?

Mr. Lewis replied that is correct. I do have it red tagged and a stop work order placed on the building at this time. The main venting is wrong and the roof decking is now dilapidated because all the felt is gone off of it. The corner bracing or the wind bracing is now delaminated because it has gotten wet so much. We need to do something with it. Make them finish it or tear it down. It is an eye sore sitting there in that new addition.

Ms. Doty asked were the owners doing the work them selves. Is that why it is taking so long for them to get done.

Mr. Lewis replied it was a contractor from Oklahoma that came down here. Stephen recommended him.

Mr. Birkhead stated that's the one that built the custom house for someone next door. And I guess he thought that while he was here that he would just go ahead and build a model home to show. I don't know why he didn't finish it.

Mr. Lewis replied I understand that they went bankrupt. I have called Ardmore. They say that they have a bunch of his houses up there in the same condition.

Mr. Birkhead asked is there anything against this house.

Mr. Lewis replied there are back taxes of 4 thousand and some dollars. The liens are in that folder you have. I think that there are 8 thousand and some dollars in liens against it.

Mr. Birkhead stated we are looking at 12 thousand and some dollars.

Mr. Lewis replied at the very least, yes. The lots were going for about 9 to 12 thousand dollars the last time I heard. There was a lady that called me two or three times wanting to know if there was any way she could buy the property and finish the house.

Mr. Goldsworthy asked there is really no way that someone could go in and repair this house is there ?

Mr. Lewis replied most of the wood has been wet but it should still be good. Now it would have to have new roof decking. And fix the two or three rafters and you could probably do something with it , but they would need to be able to get the title to the property first.

Mr. Birkhead asked Mr. Sullivant would you have any idea on how you could get the title to this property ?

Mr. Sullivant replied the liens would have to be wiped out and the only way that I know of is to sell it on the court house steps in an auction.

Mr. Birkhead asked would they sell it for the back taxes or just what ever they could get.

Mr. Sullivant asked who's name is the title in ?

Mr. Lewis replied Kinnaman Homes and Liberty Bank in Oklahoma.

Mr. Sullivant stated you could file a lien if you wanted to. Then we could foreclose I suppose.

Ms. Doty stated if we do the foreclose, isn't there a two year time limit that we might have to refund the money ?

Mr. Lewis stated the problem is that if we tear it down then we are left with the foundation setting there. So unless someone wants to rebuild the same floor plan it's not worth anything to anyone.

Mr. Birkhead stated I think we could get someone to handle that. We just need to get the thing on the court house steps so we can sell it without demolishing it first. Then it might be worth something to someone, otherwise it will set there forever.

Mr. Sullivant asked who is the tax lawyer for the City.

Mr. Lewis replied I believe his name is Mr. Burroughs of Sherman, TX.

Mr. Birkhead stated I don't like that situation.

Mr. Lewis stated that ever time I call him for something he never calls me back, of course I have not talked with him in quite sometime now.

Mr. Birkhead stated I believe we need someone here in town.

Ms. Russell asked would option 1 be a pliable option to this property? To remove or to repair the structure.

Mr. Birkhead stated I hate to do that.

Ms. Doty stated we could table it until the next meeting.

Mr. Robinson stated the only thing you might could do is to wait until Nancy is here and get her opinion on this property.

Mr. Birkhead stated we need to do something that will get the back taxes owed and to get it back on the tax rolls. We need another option.

Mr. Sullivant stated I really don't believe we have the authority to do much about the taxes. But Nancy may have someway of getting something started on this property.

Ms. Russell asked don't we have to start the ball rolling here?

Mr. Sullivant replied no not on taxes we don't. That would be up to the tax collector to do that.

Ms. Russell stated I realize that but if we do nothing then it stays nothing

Mr. Sullivant stated no not really.

Mr. Birkhead stated we can make a recommendation. We need another option here.

Ms. Doty stated what I was referring to is outside our authority. That someone else in the government structure could recommend that the proper authorities do a foreclosure for the taxes.

Mr. Sullivant stated we could take it to the City Council or we could order it torn down. That is not really the best option.

Mr. Birkhead stated that taking it down is really not the best option because I know that slab would set there forever. And we need to do something for that neighborhood.

Ms. Doty stated we probably won't have a December meeting will we. So then by the next meeting which will be in a couple of months. We should know something by then if they are going to act on it or not.

Mr. Sullivant stated I suggest that the staff draw up some kind of report that our options are to have it torn down and that does appear to be the best option we suggest and they should consider foreclosure for the back taxes.

Ms. Doty stated maybe we could make the stipulation that if they don't take action within 90 days. When would we meet again?

Mr. Lewis stated the next meeting would probably be in February since I'm so tied up over there. Around 90 days would be the next meeting I guess.

Mr. Sullivant stated let's table it for 90 days.

Mr. Lewis asked how about I write a letter to Nancy through the City Manager and ask her what she thinks. So we would know what she would recommend. What would be the best course to take.

Mr. Birkhead asked Roy if he would talk to Nancy and see what she would do since she is not here at this time.

Mr. Lewis replied yes I will do that.

Mr. Sullivant stated then we should just put it on our next agenda and look at it again at that time.

Ms. Doty stated I make a motion that we turn this over to Nancy to determine a better disposition to maybe alter the back taxes to establish clear title and that we need to include a stipulation that if we hear nothing further by the next meeting date we will then take the action we deem Necessary at that time.

Mr. Birkhead stated I have a motion and a second by Ms. Russell

AYES: ALL NAYS: NONE ABSENT: NANCY ABSTENTIONS: NONE

The fourth item of business on the agenda was consideration and action on the substandard condition of a structure located at 510 N. Grand Case # BS-96-11

Mr. Lewis stated we have had complaints on this property from citizens in the past. I can remember when people were living in it about three years ago. I don't know if it was sold or what but now it's just sitting there empty and it's ran down and getting worse. It is setting there vacant the doors open where you could just walk in. People have been going in there and some of the windows are broken out. I suppose it could be repaired.

Mr. Birkhead stated tell me where this place is. Is it next door to Hogan's.

Mr. Lewis replied no that is about 818 this is down by some kind of hair supply place it comes out by Scott St. Sort of across from the car wash. If this just continues to set there it's going to fall down.

Mr. Birkhead asked you did say it was empty at this time.

Mr. Lewis stated like I said it could be fixed up if someone wanted to pump some money into it but they are 2 or 3 thousand dollars behind on taxes. And the value is around 8 thousand dollars. Half the value is owed in back taxes at this time so if I was the owner I don't know if I would fix it up or not. Someone did start work on it at one time.

Ms. Doty asked did you want to submit these records as official evidence?

Mr. Lewis stated we did all we could do to locate the owners of this property as you can see there are signed and notarized statements stating that we did all we could.

Ms. Doty asked we did put in necessary notices in the paper.

Mr. Lewis stated there are a lot of the older houses around that you can not find owners for.

Ms. Doty asked is there not an address in the tax rolls.

Ms. Browning replied if the addresses are not in the tax rolls then I try to find them through the appraisal office.

Mr. Birkhead stated this almost falls into the same category if there was only some way for someone to pick this up before we had to have it demolished it could be fixed.

Mr. Robinson stated the property is worth more with the house gone than with it there if you look at the location of the property.

Mr. Birkhead replied your right the house is not worth anything but the property is. With that flat slab it will be easy to bring down. It's not in that bad of shape but with those back taxes on it.

Mr. Robinson stated that the land, just the property your still going to be able to recoup the taxes if anybody ever buys that property or if we foreclose you would probably stand a better chance if someone would place a for sale sign on the property and selling it that way.

Mr. Lewis stated in addition to the taxes we will add a lien against it for demolition fees and that could be 4 thousand dollars more.

Mr. Birkhead stated if they value the property at 8 thousand then I would say it should bring at least that much if not more.

Ms. Doty stated I guess we would have to go through the same procedure as with the Oxford property since we can't locate the owners of the property.

Mr. Birkhead asked will this become City property then if we foreclose until it sold.

Mr. Sullivant replied we would have a lien on the property if we tear it down.

Mr. Birkhead stated I believe we would be better off if we try to sell it at the sheriffs sale and then try to reclaim payment for the back taxes.

Mr. Robinson stated if we have it torn down and the lien is filed by the City on the property and the City decides to sell the property, what happens to the tax lien? Who has first chance at the money ?

Mr. Sullivant replied the taxes are paid first. Then we would get what was left.

Mr. Robinson stated so if it sold on the court house steps and the auction brought more than the taxes then the extra money would retire the lien the City had on the property.

Mr. Lewis stated that the options here are just a guide for you to go by. You can make a different choice. These are just the most current options chosen at this time.

Mr. Robinson stated on property like this one and like the other house they both have a good foundation and good plumbing and has some value because you have about a 5 or 6 thousand dollars in the slab and 15 hundred on plumbing plus the land value. So the framing, which the most of it should still be good. You would have some expense redecking it. Is there anyway to get money for the house. The house doesn't have enough value there to bring any money.

Mr. Lewis stated I don't believe we have torn down any that we foreclosed on yet, the only one that I can think of might be 326 N. Morris St. and I have not heard back from Burroughs on that yet.

Mr. Birkhead stated he is open for motion at anytime.

Mr. Goldsworthy made motion for option 2. Mr. Robinson second

AYES: ALL NAYS: NONE ABSENT: NANCY ABSTENTIONS: NONE

The Fifth Item on the agenda is the consideration and action on the determination of the Building Official of the Substandard condition of a structure located at 1504 N. Dixon St. Case # BS-96-12.

Mr. Birkhead stated there are no back taxes owed and is valued at \$ 23,787.00 have you notified the owners yet. Is there a suggestion on this one.

Mr. Lewis replied I talked to Tony Seed and Feed they have this property and I have forgotten his name at this time. He said that he could not do anything with it and would take it down over a period of time. He just didn't know when. You know that thing has been sitting there for years and it is an eye sore. I did notice this morning when I went by there they have started tearing it down a little bit of it. My suggestion was that we give them some kind of time limit on it.

Mr. Birkhead asked you can contact the owner though.

Ms. Doty asked do you have any kind of evidence at this time.

Mr. Lewis replied yes I do. Here are the pictures coming around now. The walls are made out of some kind of real course concrete and the reinforcing steel they put in the building it's not anything like we recognize today.

Mr. Birkhead stated it must have been some kind of substandard concrete when they poured it to begin with or the phosphates must have attacked it or something.

Mr. Lewis replied it has holes knocked in the walls in a lot of places. The roof is falling in and we have big 8 x 8 support beams in it and several of them are broken from forklifts or trucks that have hit them in the past. The whole thing is going to fall sooner or later.

Mr. Birkhead stated it may hurt someone when it does fall. Okay I'm glade you've got that one on the list.

Ms. Doty asked is this one going to have any kind of EPA problem that you know of? What was it used for prior to this?

Mr. Birkhead replied it may be an EPA problem. It was a fertilizer storage building.

Mr. Lewis replied it used to have fertilizer and feed and stuff stored in there at one time. Around 20 some years ago Gainesville foundry had it for a while.

Mr. Robinson stated wasn't the old cotton gin where the cotton was stored and burned. Yea it is they had cotton stored in there and it burned down.

Mr. Lewis stated I was thinking back in 1974 when I first got out of the army, the foundry had it at that time.

Mr. Robinson stated that may have been that was in the fifties when it burned. It had to have been. It burned for like a week because of the cotton inside the building. It was totally gutted they had to put new walls and floors in it, all that was left was the concrete walls.

Mr. Sullivant stated we will have to give them more than 30 days on this place.

Mr. Lewis replied that is what I recommend is that we set some kind of time limit even if we give them a year or something.

Mr. Birkhead asked you say Tony's feed and seed is using it now?

Mr. Lewis replied they own it and no one is using it at this time.

Mr. Birkhead stated Roy suggests we give them a time frame do I hear any motions at this time.

Mr. Robinson stated what about six months.

Mr. Goldsworthy replied you can tear down a lot of stuff in six months.

Ms. Doty stated should we give a start date and completion date.

Mr. Birkhead stated I know this is going to be expensive to remove and the City sure doesn't want to do it. And you can see in the pictures that the walls have plenty of steel in them.

Mr. Robinson stated yea but if they bring in the bulldozers it sure wouldn't take them long.

Mr. Birkhead stated no one is going to want to do this so they will take all the time we give them. So I say give 30 days and be done with it.

Ms. Russell replied I think we should be generous and give them 90 days.

Mr. Robinson stated if they say it is going to give them problems to take it down then they can come back before the Board and say here are the reason we haven't been able to get it done. At that time they can tell us it will take another 2 weeks or 2 months rather than the City having to tear it down because that would be pretty costly for the City. And then trying to get rid of it would be a whole other problem in it's self. And lots of trouble if TNRCC or the EPA get's into it along the way.

Mr. Birkhead asked do I hear a motion ?

Mr. Robinson made motion that they need to have something started in at least within 30 days. And then if there is some question on time to finish within 90 days then they need to approach the Board and let us know what is going on.

Mr. Birkhead stated I do have a motion do I hear a second at this time.

Mr. Goldsworthy stated he would second the motion before the Board.

AYES: ALL NAYS: NONE ABSENT: NANCY abstentions: NONE

The Sixth Item of Business on the Agenda is consideration and action on the determination of Building Official of the Substandard condition of a structure located at 800 N. Clements Case # BS-96-13

Mr. Birkhead asked Mr. Lewis do you have an opinion on this one along with pictures ?

Mr. Lewis replied I do have pictures as evidence. This came to our attention by some people

complaining about it. The structure it's self is secure so you can't get to the inside but on the outside the porch is deteriorating and what part the foundation you can see is the old wooden type. And it's starting to deteriorate in places and it need maintenance and the grass is getting high.

Mr. Birkhead stated you say there has been complaints by neighbors.

Mr. Lewis replied we are not allowed to say who it was.

Mr. Birkhead stated we don't really care as long as we got the complaint.

Mr. Lewis replied general poor maintenance it could probably be cleaned up if someone wanted to take the time and money to do so. It does qualify as a subsaturated structure at the way it stands now.

Mr. Birkhead asked have you been able to make contact with the owner.

Mr. Lewis replied yes we did make contact with the owner. I believe that Mr. Lester is here for this property.

Mr. Lester stated just to bring you up to date and give you a little history on the house it belongs to my Mother which is in a nursing home here in town and has been since 1989. The house is going down as far as the property the house is begging to deteriorate and it dose need some work done on the place. I would not even attempt to rent it out like it is now I have talked to a couple of builders or contractors or what ever it is you call them. They buy these older houses and repair them and then they resell them to make a profit. I have also gotten a couple of bids on the place but they don't want to give anything for the property. I am going to need sometime to get this done.

Ms. Doty asked your mother is the owner of the property.

Mr. Lester replied yes that is correct.

Mr. Birkhead asked are there any personnel belongings inside the house ?

Mr. Lester replied yes she does. But over the years a lot of it has been stolen from the house.

Mr. Sullivant asked what sort of time frame do you need.

Mr. Lester replied just as long as I can get. Because you know to make a deal like that it sometimes takes a while to close. Tommy what would you say the lot is worth right there on the corner.

Mr. Robinson replied I really don't keep up with land prices enough to be able to tell you. Most everything I do is on acreage in the country and one or two blocks in the new subdivision and

they are cheaper than they have ever been property starting to go back up in price.

Mr. Birkhead stated your asking for as much time as you can get.

Mr. Lester replied yes I would like to get as much time as I can get.

Mr. Birkhead stated considering we will look at it like a lot of time has passed and nothing has been done. And all your doing is investing more and more money into by paying the taxes. We have ran across hundreds of this kind of property in just this same condition and if there is anything we hate to do is to tare down a house like this one. But most of the people will not do anything with them or they just can't afford to fix them and bring them back up to code.

Mr. Sullivant made motion to give him 90 days to see if he can.

Mr. Birkhead asked Marcia Browning to make note to have Mr. Lester to come back to the next meeting in February to let us know where it all stands. We won't even talk about an option at this time.

Mr. Lester replied I would be glade to come back to the next meeting.

Mr. Robinson stated if you will come over to the office I will give you a list of people that does buy and repair to sell for a profit. I know of a few people the has started doing that here in town in the last few years to make a profit.

Ms. Doty asked do you think maybe in the 90 days you can have a final offer on the property.

Mr. Birkhead stated or some decision.

Mr. Goldsworthy stated or maybe a permit pulled. So we would know what option we would need to use at our next meeting.

Mr. Robinson made motion to table this item for 90 days and meet with Don Lester at the next meeting and see where we stand from this point.

Mr. Birkhead stated I have a motion who will second.

Mr. Goldsworthy second.

AYES: ALL NAYS: NONE ABSENT NANCY ABSTENTIONS: NONE

The Seventh Item on the Agenda is the consideration and action on the determination of the Building Official of the Substandard condition of a structure located at 313 W. Scott St. Case # BS-96-14

Mr. Birkhead stated the structure is in horrible condition and demolition is the only thing I can

recommend.

Mr. Lewis stated the house is about to fall down. The owner is Yvonna Richardson I have talked to her on the phone she did return the letter. She said she was not able to pay the lien on it so.

Mr. Birkhead stated I have motion for option No. 2 do I have a second ?

Mr. Robinson stated I will second that.

AYES: ALL NAYS: NONE ABSENT: NANCY ABSTENTIONS: NONE

Any other business that needs to come before this board.

Mr. Lewis stated he had more to talk about. Originally there was a 415 N. I-35 on the agenda but the owner took care of the problem before the meeting took place.

The other thing is I got a letter from VanKnight he has resigned from the Board. If any body can think of anyone else let me know.

Ms. Doty asked what ever happened to the 314 & 316 Weaver St..

Mr. Lewis replied that Mr. Hennesey did get the contract signed and came in and pulled a permit to start work on the buildings. He wants to take the west half of that and make a shop to detail cars and the east half he wants to put in a restaurant. Any way he is cleaning it out and replacing the glass and seeing about getting the electric turned on.

Mr. Birkhead asked any other business if not then I declare this meeting adjourned at 5:10 p.m.