

**MINUTES
CITY OF GAINESVILLE
BUILDING AND STANDARDS COMMISSION**

**4:00 p.m.
Tuesday, August 21, 1995**

Members Present: Bill Sullivant, Donna Doty, Whit Williams, Lee Birkhead

Members Absent: Jan Russell

Staff Present: Stephen Gullatt, Nancy Williams, Roy Lewis, Sue Samples

Visitors Present: Letha Ansley, Anne Mae Moss, Janis S. Picklesimer,
Harold Beck, Ethel McCoy, Jimmy Henry

The **first item of business** was calling the public hearing to order at 4:26 p.m.

The **second item of business** was approval of the minutes of June 27, 1995. Whit Williams stated that correction needed to be made to reflect the meeting date of Tuesday, August 21, 1995 instead of Monday, August 21, 1996. With no further changes a motion was made by Donna Doty with a second by Bill Sullivant to approve the minutes. Ayes: Sullivant, Doty, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

Nancy Williams then had the property owners/representatives sworn in before they made statements in regard to their respective properties. Sworn under oath were the following: Harold Beck, Ethel McCoy, Jay King, Anna Mae Moss, Janis Stewart (Picklesimer), Letha Ansley and the Building Official, Roy Lewis.

The **third item of business** was consideration and action on the determination of Building Official of the substandard condition of a structure located at 336 N. Taylor Street, Case No. BS-95-08. Discussion as follows:

Bill Sullivant asked the Roy Lewis if it was his determination that this structure be demolished in which Mr. Lewis said it was.

Ms. Moss, a neighbor of said location, stated that the house has been vacant for a long time and needs to be demolished because of the traffic in and out of it and the condition of the house and lot.

Ms. Stewart, also a neighbor of said location, stated that the children are always in and out and it is dangerous. She continued to say that it is bad for the neighborhood because of the condition.

Lee Birkhead recommended that this house be added to the demolition list as soon as possible.

Nancy Williams asked that the Chairman admit all of the evidence in the file being evidence for said property location in which they did.

Mr. Lewis added that there are six (6) years of back taxes owed on the property amounting to over \$3,000.00.

Ms. Doty asked if the owner had been notified in which Mr. Lewis responded that he has not received the green card back showing her receipt of the notice but that it was mailed July 21, 1995. Roy also stated that this is the second time notice has been mailed to the property owner.

Whit Williams stated that this particular case has been on-going for three (3) months with the present citizens appearing for complaint of record purposes. He continued to say that there has been no indication that the owner is going to make any attempts to fix this property.

Roy Lewis stated that the owner made some comments on how she was going to fix it but has made no efforts. He further stated that he checked the property out recently and someone has made an attempt to fix the wiring but that no permit was taken out and the wiring is not in compliance.

Nancy Williams stated that although the code says to send mail certified, she would recommend that a notice of demolition be sent by regular mail and certified.

After further discussion Lee Birkhead motioned that the property owner be given 60 days to obtain a permit and the property be added to the demolition list and proper notification be given by regular and certified mail. Donna Doty seconded the motion. Ayes: Sullivant, Doty, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The fourth item of business was consideration and action on the determination of Building Official of the substandard condition of a structure located at 1204 S. Howeth Street, Case No. BS-95-16. Discussion as follows:

Mr. Lewis stated that the house has walls and sheetrock knocked out of it with quite a bit of trash inside and he does not think the property can be fixed.

Whit Williams asked how the owners got a value of \$11,040 in which Mr. Lewis responded that the tax office evaluated this which is probably the property itself. Mr. Lewis also said that it has asbestos shingles. He further

stated that the property owners in the city have taken care of their property that has asbestos in them and it is not impossible to get rid of the asbestos.

Ms. Doty asked if there was proof of receipt from the owner and Mr. Lewis stated it is included in the folder with the pictures.

After no further discussion Donna Doty motioned for a standard notice be issued and this property be placed on the demolition list with a second by Bill Sullivant. Nancy Williams asked the Commission to review and submit as evidence which was done. Ayes: Sullivant, Doty, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The fifth item of business was consideration and action on the determination of Building Official of the substandard condition of a structure located at 1303 Rebecca Street, Case No. BS-95-22. Discussion as follows:

Mr. Lewis explained to the board that all that is located on this property is the foundation but that this makes it impossible for the property to be mowed and complaints are continuously made. Roy continued to say that the foundation is not on the lot according to the plat and that it is facing the wrong direction. Roy further commented that a variance was never requested for this foundation.

After reviewing the information and photographs they were submitted as evidence.

Ms. Doty asked if this case wouldn't just be for mowing and Roy responded that with the cement mowing could not be performed until the foundation was demolished and removed.

With no further discussion Bill Sullivant motioned to send the letter of notice and place on the demolition list with a second by Lee Birkhead. Ayes: Sullivant, Doty, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The sixth item of business was consideration and action on the determination of Building Official of the substandard condition of a structure located at 2205 N. I-35, Case No. BS-95-23. Discussion as follows:

Roy Lewis stated that he received a call this morning from the property owner at this address who relayed that he is trying to line up with the contractors to remove the gas tanks and demolish this property at his own expense.

Whit Williams said that even though it appears that the property owner will do this we still need to set a time limit and give notice for demolition.

Ms. Doty suggested that the property owner be given 30 days to perform the work and if he needs a variance it can be extended.

Whit Williams submitted the evidence of the property.

Bill Sullivant made a motion that a letter of notice to demolish be sent with the 30 day waiting period and extension if necessary with a second by Lee Birkhead. Ayes: Sullivant, Doty, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The seventh item of business was consideration and action on the determination of Building Official of the substandard condition of a structure located at 402 Preston, Case No. BS-95-24. Discussion as follows:

Mr. Lewis stated that a week or so ago someone had called about purchasing this house because it was not in that bad of shape. He further stated that some windows are broke and it needs to be finished on the inside but foreclosure may be a possibility.

Donna Doty suggested that since the property owner may have been the person that we could not get back into the meeting that this item should be carried over to the next meeting.

Nancy Williams stated that they can be ordered to either repair and meet specifications or it will be demolished within a specified period of time.

Roy stated that most of the taxes on this structure are paid.

Mr. Williams said that he did not believe this property should be destroyed but that some action be taken to get it repaired or foreclose.

Mr. Lewis further stated that he had talked to a gentleman at the property who told Roy that the owner ran out of money to complete the house.

Nancy Williams stated that the Commission can order a repair within a certain period of time and then if no attempts have been made within this time period further action can be taken. Ms. Williams also stated that, for the record, the Commission is admitted the information as evidence in which they stated they were.

After further discussion Lee Birkhead motioned to attempt to contact the owner by sending an order to repair within 60 days with a second by Bill

Sullivant. Ayes: Sullivant, Doty, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The eighth item of business was consideration and action on the determination of Building Official of the substandard condition of a structure located at 1615 Lindsay, Case No. BS-95-25. Discussion as follows:

The Building Official stated that this structure has asbestos shingles on it and is approximately 40 years old with dilapidated walls and trash throughout. Roy recommends this structure be demolished.

Mr. Williams asked if it would be possible to fix this structure in which Mr. Lewis responded that the asbestos would need to be removed but it that it is possible. Roy further stated that the photographs the Commission was reviewing were a couple of months old.

Nancy Williams stated that our requirements under State law by ordinance is that the mail be sent to the address in the deed records.

Roy Lewis stated that the title search is in the packet.

Whit Williams asked if this is the property that has \$2,186.00 in back taxes owed in which Mr. Lewis stated it was.

Donna Doty asked if the ceiling was caved in and Roy stated that it appeared that it became wet and collapsed. Ms. Doty further noticed that the entry ways are not secure and it looked like activity was going on inside because of the clothing and items laying around. Donna further stated that the high school was nearby and this would be an invitation to the kids.

Whit Williams submitted the evidence of the property.

After further discussion Bill Sullivant made a motion that a letter of repair be sent along with notice of demolition if not repaired with Donna Doty seconding the motion. Ayes: Sullivant, Doty, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The ninth item of business was consideration and action on the determination of Building Official of the substandard condition of a structure located at 420 Schopmeyer, Case No. BS-95-26. Discussion as follows:

Mr. Lewis stated that this property has been abandoned for years, has doors and windows knocked out, is full of trash and recommends demolition.

Donna Doty stated that the because the letter came back the gentleman may

be in a nursing home or unable to respond.

Mr. Lewis commented that this is not the first attempt to notify the owner of the property and there has been no response in that past.

Whit Williams submitted the evidence of the property.

Donna Doty made a motion that a letter and notice of demolition be sent with a second by Lee Birkhead. Ayes: Sullivant, Doty, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The tenth item of business was consideration and action on the determination of the Building Official of the substandard condition of a structure located at 711 Anthony, Case No. BS-95-27.

Mr. Lewis stated that this property has asbestos shingles and the roof is in bad shape. Roy further said that someone has attempted to do some repair work in the structure. Mr. Lewis commented that he received a call from a Mr. Garcia who identified himself as the owner and that he wanted to sign the property up for demolition.

Whit Williams submitted the evidence of the property.

Lee Birkhead made a motion that a letter and notice of demolition be sent with a second by Donna Doty. Ayes: Sullivant, Doty, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The eleventh item of business was consideration and action on the determination of the Building Official of the substandard condition of a structure located at 719 Anthony, Case No. BS-95-28.

Ethel McCoy stated that there she is one of six heirs to this property and that she has made every attempt to contact them for signatures with no success. She further stated that she has paid the taxes for years and cannot pay them anymore and hasn't for a few months. Ms. McCoy further said that it needs to be demolished. Ethel said that she has had lawyers send the heirs letters but only got one of the heirs to sign the document.

Ms. Doty asked Roy how he contacted these property owners.

Roy responded by saying he sends the notice to whoever is on the title search initially and if there are other owners not listed then they hope the owners come out of the "woodwork".

Jimmy Henry stated that several years ago they had Mr. L.V. Henry send the

powers of the attorney to the other heirs so that Ms. McCoy could do the proper paperwork needed to sell the property but they were unsuccessful in getting the signatures. Jimmie asked the Commission that if he could do the repairs and clean it up could the City give him a clear deed to the property.

Ms. Doty stated that the tax authorities can foreclose on the property for back taxes.

Nancy Williams stated that the City cannot give him a deed but if it is foreclosed then the City has a lien against it and can sell it. Nancy further stated that if, in fact, it is less than the value of the property then someone can buy it and Jimmiy could be notified. Nancy continued to say that the back taxes were \$1500.00 and that by the time it is demolished it will have a negative value. Nancy explained that the fee, if the owners agree that the City can demolish the property, is less than the actual cost to demolish.

Bill Sullivant stated that once everything is done it would be a good title.

Mr. Lewis pointed out that it is also in the floodplain which would have a bearing on anyone who buys it as far as insurance and upgrade.

Mr. Henry said that Glenn MacElreath is interested in the lot directly behind it where the barn is located which is approximately 50' X 100' for pasture purposes. Jimmy further stated that the barn is not in that bad of shape and that it has some of the windows knocked out of it. Mr. Henry said that Glenn is the only prospective buyer that he knows of.

After further discussion on the legalities of this property Nancy Williams stated that the Commission could motion to demolish if they could get a list of names and addresses of the heirs because the deceased is the owner of record.

Lee Birkhead motioned that this case be delayed and an attempt be made to contact the heirs of the property with a second by Bill Sullivant. Ayes: Sullivant, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: Doty.

The twelfth item of business was consideration and action on the determination of the Building Official of the substandard condition of a structure located at 1421 S. Howeth, Case No. BS-95-29.

Roy Lewis stated that the owner of this property has recently signed up for this house to be demolished.

No motion or discussion necessary.

The thirteenth item of business was consideration and action on the determination of the Building Official of the substandard condition of a structure located at 421 N. Weaver, Case No. BS-95-30.

Mr. Lewis stated that this was an old motel at one time and that it is pretty well secured but the siding is coming off and the roof is bad and there are windows broken out. Roy further stated that it could probably be salvaged but it would take a considerable amount of money.

Ms. Doty asked about the roof and the foundation.

Mr. Lewis stated that he could not get into the building to look at the foundation because it is locked up. Roy further said that the ordinance states that if a building is not in conformance it is to be considered. Mr. Lewis continued to say that there have been numerous complaints on this property.

Mr. Harold Beck, who was appointed successor/administrator of this estate by Judge Robertson, stated that this is the Kent Estate and there is little or no money to do anything with this property. Mr. Beck further explained that there are three (3) children and one is in a home for the mentally retarded. Harold said that he secured this building some time ago because there were police complaints and that he has also been having it mowed and trying to keep it up. Mr. Beck continued to say that it would like the Commission to consider allowing a request that this property be posted for auction sale. Mr. Beck stated that this property may bring more than it is worth because of the fact that there might be some monies and antiques.

Ms. Doty asked if there was anything in the structure.

Mr. Beck stated that there are items of furniture and feels it will provide a good market. He further stated that he has had a few prospective purchasers but no one has bought. Harold also said that no real estate agents are interested in trying to sell this property either. He continued to say that if this auction could be done through the court it would hopefully bring enough money to pay the taxes with some money left over.

Whit Williams submitted the evidence of the property.

After further discussion Lee Birkhead made a motion that this property be given the condition of 90 days to make auction, sale and/or repairs and then placed on the demolition list with proper notification. Donna Doty seconded the motion. Ayes: Doty, Sullivant, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The fourteenth item of business was consideration and action on the determination of the Building Official of the substandard condition of a structure located at 314 and 316 West Scott, Case No. BS-95-31. Discussion as follows:

Mr. Beck stated that this property is the same estate with the same owner.

Donna Doty stated that the Weaver property was well secured and that this property is not.

Mr. Beck said that he had been secured and is located at the corner of Scott and Weaver.

Ms. Doty asked if Mr. Beck would take care of securing the property and he stated he would.

Lee Birkhead asked if the property was worth trying to auction or sell.

Harold said that there is some furniture and other items of value in the house. He continued to say that even though the property would not bring enough money the individual items would bring the price up but also said that he could give a guarantee.

Donna Doty made a motion that this property be placed on the 90 days demolition recommendation with the stipulation that it is made secure within the next 30 days. Bill Sullivant seconded the motion. Ayes: Doty, Sullivant, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The fifteenth item of business was consideration and action on the determination of the Building Official of the substandard condition of a structure located at 1413 S. Howeth, Case No. BS-95-32. Discussion as follows:

Roy stated that the lady at this address stated that she was going to have the structure removed but has not come in and filled out any paperwork.

Donna Doty made a motion that notice be given to the lady that she has 60 days to move the structure and then give notice of demolition. Bill Sullivant seconded the motion. Ayes: Doty, Sullivant, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

The sixteenth item of business was consideration and action on the determination of the Building Official of the substandard condition of a structure located at 1409 S. Howeth, Case No. BS-95-33. Discussion as follows:

Mr. Lewis stated that this house has been signed up for demolition by the owner.

No further discussion or motion needed.

Other business as follows:

Nancy asked if the following items were on an agenda so that action could be taken in which Mr. Lewis stated they were on the last meeting agenda with property owners being properly notified.

Roy Lewis ask Mr. Sullivant if he had heard from the lady at 417 N. Morris Street and he replied that she has never come by or made any attempt to contact him and he motioned that this property be place on the notice for demolition. Donna Doty seconded the motion. Ayes: Doty, Sullivant, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

Roy stated that the spanish lady at 721 Olive Street was suppose to come in and has not so Lee Birkhead motioned that this property be placed on the list of notification of demolition. Donna Doty seconded the motion. Ayes: Doty, Sullivant, Williams, Birkhead. Nays: None. Absent: Russell. Abstentions: None.

Roy then stated that 1409 South Howeth had been signed up for demolition with no further action needed.

The Commission discussed setting a meeting time for every other month. After further discussion it was stated that the first Tuesday of every other month would be set but that it may conflict with the Planning and Zoning Board.

A tentative date of September 5, 1995 at 4:00 p.m. was set for the next meeting so that a notice to the paper and property owner notification could be made for those who may have left this meeting or were not notified. The Commission also stated that a set time of every two months would be made.

NOTE: Since Planning and Zoning is the first Tuesday of every ^{other} month and begins at 2:00 p.m., it may be better to set Building and Standards meetings for the second Tuesday of every other month since there would be no conflict. City Council meets the second Tuesday but they do not begin setting up until around 6:00 p.m.

Meeting was adjourned at 5:45 p.m.