

MINUTES
BUILDING AND STANDARDS COMMISSION
December 12, 1995
4:15 p.m.

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

Members absent: Jan Russell

Staff present: Stephen Gullatt, Roy Lewis, Nancy Williams, Marcia
Browning, Darrin Cone, Jamie Wicker

Visitors: James W. Bennett, Sidney G. Bennett, _____
_____, Paula Winters, Wray _____, John Schmitz,
Ethel McCoy, Jimmy Henry, Harold Beck, Joan
Burlison, James E. Brinkley, Joan Vislosley and
George Burlison

The first item of business on the agenda was the calling of the meeting to order at 4:15 p.m.

Whit Williams stated, the first order of business would be to swear in those people who will be testifying in today meeting. Is there anyone here today that wishes to testify before this Board?

Nancy Williams then requested, anyone wanting to testify today to please stand and be raise your right hand and be sworn in at this time. Do you solemnly swear to tell the truth the whole truth and nothing but the truth so help you God?

The second item of business on the agenda was the consideration and approval of minutes of the regular meeting of Tuesday, October 5, 1995.

Whit Williams asked, has everyone had an opportunity to read the minutes from our last meeting? Then I entertain a motion that we approve.

Minutes where approved by Bill Sullivant.

Lee Birkhead second the motion.

Whit Williams stated, moved and second that we accept and approve the minutes as written all in favor?

AVES: ALL NAYS: NONE ABSENT: Jan Russell ABSTENTIONS: NONE

The third item of business on the agenda was consideration and action on the substandard condition of a structure located at 601 N Culberson Case NO. BS-95-34

James Brinkely stated that is my residence.

Whit Williams asked Mr. Brinkley do you live there at this time?

Mr. Brinkley responded what it is I'm going to take my stuff to a warehouse. Then a neighbor over there is going to buy my property at that time. He wants to take it down anyway. The neighbor at 509 Culberson Mr. John Epperson he is in the process he has my title to see just what he wants to buy off of me. Then just go ahead and have it demolished.

Whit Williams stated, in response to Citizens complaints it is our obligation regardless of ownership that something has to be done about that structure and it seems to me the appropriate action would be to put it on a demolition list.

Mr. Brinkley asked, will that be within 30 days or something?

Whit Williams replied, yes. Basically you have an option to repair remove or demolish 30 days after receipt of notice. Or we could also order it demolished within 30 days. It has to be repaired or demolished. Or it has to be put in capital repair and it our understanding that the building is not. There is no utilities is that correct?

Mr. Brinkley stated, as of January 1 he will receive a check at that time he will be able to move his stuff into storage. If that is okay, by 2nd or 3rd week he would be out.

Whit Williams stated, he will entertain a motion from this committee

Donna Doty so moved motion no. 1 that it be placed on demolition list.

Whit Williams stated I have motion that the structure be placed on order for demolition or repair within thirty days or within thirty days of receipt of notice. This is not a notice within its self you will receive a official notice from the City.

Nance Williams stated, I just want to make it clear for the record that you are biasing your decision on the evidence that the Building Official has that shows the pictures and other data about this house.

Donna Doty stated, it is my understanding _____.

Whit Williams replied, yes it our understanding that the desire is to remove the house.

Nancy Williams replied, by the owner.

Lee Birkhead asked, Roy do you think it's repairable in a reasonable time and money?

Roy Lewis replied, I have not seen the inside of the house because he is living there and the times I did go by there he was not at home and you can not enter the inside without the owner's permission.

Lee Birkhead asked, did he respond or have you had any response from him.

Roy Lewis replied, he did return the certified receipt for the certified letter with the inspection notice to let him know what was wrong with the house. From what you can see from the outside it qualifies for this Board to hear the case.

Donna Doty stated, based on the evidence and on the request of the owner I would like to amend my motion to be no.2 which is strictly to be put on the demolition list and removed within the thirty day time limit.

Whit Williams stated, do I hear a second for the motion ?

Bill Sullivant stated, he will second this motion

Ayes: ALL, Nays: None, Absent: Jan Russell, Abstentions: None.

The Fourth 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 818 N. Grand Case # BS-95-35

Roy Lewis stated, we have received a lot of complaints on the house as this is a eye sore in this neighborhood. We had a lot of trouble locating an owner in fact we could not locate one. I do believe there is someone here to speak on this property today. My understanding is they are trying to go through a Sheriff's sale so they can get it demolished.

Whit Williams asked, is there anyone here that wishes to address the committee on this property ?

Paula Winters stated, I am a legal asst. for Jim Robertson. My purpose in being here is that Mr. Robertson is the attorney representing several entities here in the County mainly right now Gainesville I.S.D. G.I.S.D. started a tax suit against the property. As Mr. Lewis said the suit was started back in January of 1994 prior to our getting the contract from the school district. As Mr. Lewis indicated the title search indicated the proper ownership belongs to an E.K. and Juilia Dickerson both of which have been passed away for quite a few years now. Title search indicates that there where six children born to this family one of which is now living. We finally located her and her name is Mary Huffeker living in the Dallas area she is now 86 years old. As I have said all her brother's and sister's are dead and she is unaware of where her niece's and nephew are. Once we got this suit we went through the process of posting for unknown heir's so we could go ahead with default judgement. We have at least one individual here in town that may be interested in this for business purpose. At least the person is willing to clear of the property at his expense if they are able to get this property. It is not our policy to go with just one owner once we have abstained the default judgement. We go through the necessary process should wait

about 30 days then we have a sheriff's sale. To try to get at least enough money to get the taxes paid off. As of right now I believe the amount is about \$6500.

Whit Williams asked are you going to be able to make this judgement within the next thirty days?

Paula Winters replied I talked to Larry Clackston another local attorney who the court has appointed as_____. As you probably know there has been some problem at the appraisal district and we have been unable to get a certified tax sheet. The court requires us to have but I was able to get one today. We are hoping that prior to Christmas we are able to go before Judge Woodlock and at that point we should be able to obtain our default judgement. At that point we should be looking at thirty to thirty-five days. Mr. Robertson just wanted me to let the Board know what was going on with this property.

Bill Sullivant stated if they have someone that wants to buy it and tear it down at there cost it is okay be me.

Lee Birkhead stated you don't think any thing is going to happen until the first of the year do you.

Paula Winters replied no sir.

Lee Birkhead asked Mr. Lewis do you have any idea what the back log is on demolition at this time.

Mr. Lewis replied it's over 20 at this time.

Ms. Winter's stated we will keep the Board advised as to where this case stands.

Mr. Lewis stated the next meeting will be at the first of February.

Mr. Birkhead moved to delay any action on this until the next meeting and see what the states is then.

Mr. Williams stated motion made do I hear a second.

Ms. Doty second the motion.

Mr. Williams stated second delay action until our next regular meeting we will then determine the status of the structure at that time.

AYES: ALL NAYS: NONE ABSENT: JAN RUSSELL ABSTENTIONS: NONE

The Fifth Item of Business on the Agenda is the consideration and action on he determination of Building Official of the substandard condition of a structure located at 501 N. Clements Case # BS-95-36.

Mr. Lewis stated the owner has all ready signed the property up for demolition.

Bill Sullivant stated we don't need to take any action on this property.

Mr. Williams stated let's move on to the next item.

The Sixth Item of Business on the Agenda is the consideration and action on the determination of Building Official of the substandard condition of a structure located at 115 S. Grand St. Case # BS-95-37.

Mr. Williams asked, is there anyone here that wishes to speak on this property?

Mr. John Schmitz 2007 College St. I own the property up on Grand St. I bought it about a year and half ago. When I bought the property it had windows broken out and the doors where off of it. I have cleaned the property up. I have not decided what to do with the property as of yet. The property is very sound and it's not falling down. I did put all the windows back in it and boarded the doors up. It had leaded glass doors in it I wanted to save them so I just took them off and boarded up the doors. I have no intention of tearing it down I really don't think it's a health hazard there is no electricity or water to it yet.

Mr. Birkhead asked, within the next year or as time allows give me a time limit.

Mr. Schmitz replied I don't know what it is that I'm going to do with it, whether I'm going to move the house or fix it up where it sits. I know the walls are not fallen down I'm sure Roy has got some pictures of it.

Mr. Williams stated we would much rather see the property on the tax rolls. We don't want the property left with no attention given to it.

Mr. Schmitz stated I assure you sir I wont do that.

Mr. Lewis stated when we ran the title search it was still in the name of Bill Carroll Est. I was not aware that it had changed owners.

Mr. Schmitz stated Jerry Henderson had gotten a notice just as I did. I bought the property a year and half ago actually before Bill died. I can't tell you about the title but I do have the deed in my position at this time. I own everything on the block except the texaco station on the corner. This house is two structures south of the texaco station. I really don't think it's causing any problems I keep the yard mowed and cleaned. Unless there are any other suggestion I don't want to tear it down at this point.

Mr. Lewis stated the basic structure is sound it's just that it had been sitting there so long with no attention and we had a couple of complaints on it. So we just needed to see if we could do something with it.

Mr. Williams asked, do I hear any recommendation on this property?

Ms. Doty asked, are these recent pictures like with in the last month?

Mr. Lewis replied they are about three month or so old. We take the pictures awhile before we do the title search and send the notices out.

Mr. Schmitz stated I take care of my property and yes we do make the property once a week in the summer. To mow and clean the bushes up. There is no way I see a health problem in it the house is very sound it's not falling down and yes it's not a good looking house yet.

Mr. Williams stated you do plan on doing something with it soon.

Mr. Schmitz replied Sir I bought it for a reason I'm either going to fix it or sale it.

Mr. Schmitz stated I don't have any pictures of the property around this but we all know that with in two blocks of this houses people are living in houses that are a lot worse than this one is. I assure you'll I will take care of the property at this place.

Mr. Birkhead stated give me an idea as to when you'll be able to do something with this property. We do want to be fair about this so tell me do you think 6 months would be enough time.

Mr. Schmitz stated time frame, it has been sitting there 15 years vacant and I have made improvements on it already. There are current negotiations going on with other property owners. So that is really all I'm a liberty to say at this time. I can't do anything with the structure at the moment I did make the structure sound it is not a health hazard any longer.

Ms. Doty asked do you have a clear title?

Mr. Schmitz replied yes I do have clear title, I do have a deed.

Ms. Doty stated but this has not been filed.

Mr. Schmitz replied yes it has been filed.

Mr. Lewis stated I don't know why it did not show up on the tax roll.

Mr. Sullivant recommended tabling this for 6 months.

Mr. Birkhead second

Mr. Williams stated motion and second has been made to wait 6 months. All in favor?

AYES: ALL NAYS: NONE ABSENT: JAN RUSSELL ABSTENTIONS: NONE

The Seventh Item of Business on the Agenda is the consideration and action on the determination of Building Official of the substandard condition of a structure located at 813 Broadus st. Case # BS-95-38.

Mr. Williams asked is there anyone here that wishes to speak on this property?

Mr. Lewis stated this whole structure is basically just pretty run down and the doors are standing open and it looks like vagrants have been in it. The lady that owns this, Ms. Biggers came in and wanted a permit about a week ago. She at that time did fill out the permit but has not been back to pay the fee. So if it's okay with all of you I thought option no. 1 would be a good way to go.

Mr. Birkhead asked is the basic structure alright and would it be to expensive to repair.

Mr. Lewis replied I believe she should go ahead and fix it up.

Ms. Doty asked do you have interior pictures of this property?

Mr. Lewis replied no I do not at the time I took these pictures the place was boarded up and I could not get into the building.

Mr. Williams asked do I hear a motion at this time?

Ms. Doty moved for letter no.3 and to make secure the property in a shorter amount of time.

Mr. Birkhead did second the motion

Mr. Williams stated asked in favorer.

AYE: ALL NAYS: NONE ABSENT: JAN RUSSELL ABSTENTION: NONE

The Eighth Item of Business on the Agenda is the consideration and action on the determination of Building Official of the substandard condition of a structure located at 719 Anthony Case # BS-95-41.

Mr. Lewis stated this one was brought before us 3 or 4 months ago I believe. At that time we talked to Jimmy Henry witch is here today. I finally got a response to some of the letters. Three of the letters came back unclaimed and I did get one today where they said to go ahead and demo the place.

Mr. Williams asked, Mr Henry how many relatives where there to begin with?

Mr. Henry replied there was 5 nephews and nieces and _____.

Mr. Williams asked then it is your wish that the structure be demolished.

Mr. Henry replied yes.

Ms. Williams stated the rest of the letters were unclaimed.

Mr. Lewis stated we have made every attempt we can to locate the owners

Mr. Williams stated we need a motion.

Mr. Sullivant stated I move wy use option No. 2

Ms. Doty second the motion made.

AYES : ALL NAYS: NONE ABSENT: JAN RUSSELL ABSTENTION: NONE

The Ninth Item of Business on the Agenda is the consideration and action on the determination of Building Official of the substandard condition of a structure located at B & B Mobile Home Park Lot #5 Case # BS-95-42

Mr. Williams asked do you have any information on the property at this time.

Mr. Lewis replied yes this is the property that was damaged by the tornado a year and half ago. I finally got a letter from the lady that owns this and she gave permission to demo it. There is also some gentleman here to represent the mobile home park.

Mr. James Bennet stated his name and went on to say we have only been trying to get something done with that trailer for a year and half. And he has fought us all the way to get something done he wouldn't let us do anything.

Mr. Lewis stated the first time we tried to get the owners permission he wouldn't do it. So we tried again and this time he sent back a letter saying go ahead and get rid of it.

Mr. Birkhead moved that we have it demoed.

Mr. Williams asked for a second.

Ms. Doty second.

AYES: ALL NAYS: NONE ABSENT:JAN RUSSELL ABSTENTION:NONE

Any other Business to come before the Board

Mr. Beck stated I was here back in October I think. 324 and 326 West Scott St. is the property I'm speaking of. (on Board Records as 314 and 316 W. Scott)

Mr. Lewis stated I have brought the old folders to be passed around if you would like to see them again.

Mr. Beck stated basically we have gotten it removed from the bankrupt court. We think the earliest time to be reasonable to have a sale on this will be January 23. There has been some interest in the property at this time. Our goal is to get it back on the tax roll. We are allowed to sale the property along with the property that is inside. I will be more that glad to get a written report to the Building Official as to where we stand.

Mr. Williams stated our request would be that you notify the Building Official before our next meeting.

AYES: ALL NAYS: NONE ABSENT: JAN RUSSELL ABSTENTIONS: NONE

Donna Doty stated I would like to know when we could go before the City Council to have some alternates appointed to the Board. So we won't have to wait on someone or if someone is just unable to make the meeting.

Mr. Williams stated we do need to have someone It is so embarrassing to have an audience here and we don't have enough members to show on time.

Mr. Lewis stated he had asked Nancy Williams earlier if it could be a City Employee and she told me she didn't think it could be.

Ms. Doty stated someone that would be good would be someone like one of our ex-members.

Mr. Williams stated I declare this meeting adjourned.