

MINUTES

BUILDING AND STANDARDS COMMISSION

Wednesday, July 18, 1990

4:00 p.m.

Members present: Russell Duncan, Donna Doty, Lee Birkhead, Whit Williams and Jan Russell.

Members absent: None

Staff present: Gene Cravens, Pat Payne, David Hall.

Visitors: List.

The first item of business on the agenda was calling the meeting to order at 4:02 a.m.

The second item on the agenda was the administration of the oath of office to Whit Williams by Chairman Russell Duncan.

The third item on the agenda was consideration of minutes from the meeting of May 17, 1990. Mr. Duncan asked that the fourth item of business, as listed on the agenda of May 17, 1990, be amended to appropriately read that the Substandard Structure Code be interpreted to indicate that it is to improve the looks of the City **..and the health, safety and welfare of its citizens.** A motion was made by Jan Russell and seconded by Lee Birkhead to approve the minutes as corrected. Motion carried by the following votes: Ayes: Duncan, Doty, Russell, Birkhead and Williams. Nays: None. Absent: None.

The fourth item on the agenda was consideration of and action on determination of the Building Inspector's decision of the substandard condition of a structure located at 1416 Throckmorton Street.

Mr. Duncan began by saying that the purpose of the hearing is to determine whether or not the structure is in violation (of the Substandard Structure Code, adopted 04/17/90) and what action, if any should be taken (by the Board). He asked if all proper notices had been sent to the appropriate persons; Mr. Cravens said yes, they had been. Mr. Duncan asked Mr. Hall who owns the property. Mr. Hall responded by saying that Mr. U. B. Kirkpatrick is the owner of the property at 1416 Throckmorton Street. Mr. Hall further affirmed that Mr. Kirkpatrick had been notified by certified, registered mail of the hearing. Mr. Duncan asked if any lien holder, if any, had been notified. Mr. Hall said that during the search, he found no lien holders on said property; neither was any deed found. Mr. Kirkpatrick's name was found by tax files.

Mr. Birkhead asked Mr. Hall if he had been talking with Mr. Kirkpatrick; Mr. Hall responded by saying that he had.

Mr. Duncan then addressed the Kirkpatricks and asked if they are the owners of the property; they declared they are. They also said they did receive legal notification of the proceedings by certified mail and they were aware of the purpose of the hearing. Mr. Duncan also asked them if they knew they could be represented by legal counsel and can present any evidence they wish to; they said they knew that. He pointed out that anyone can attend and look at any type of evidence that may be presented against them. Notices were also published in the newspaper.

Mr. Duncan declared that at least four out of the five Board members were present, with all members accounted for in attendance.

Mr. Duncan asked Mr. Hall to present any evidence he had. Mr. Hall supplied photographs of the structure, taken on June 19, 1990, with documentation on the back of the pictures. Mr. Hall, at that time, reiterated the procedures leading to the hearing (all pertinent evidence may be reviewed in the office of the Building Inspector).

After review of the substandard conditions of the structure, Mr. Hall said he did not believe that the structure should be removed at the present time; it has potential and only needs to be cleaned up, repaired and maintained, in his opinion. The structural stability of the house is still in tact. The main problems were health hazards. He said the Kirkpatricks told him they were not aware of the condition of the structure while the former renters were living in it. They had not been contacted about same. He continued by saying the Kirkpatricks have made quite a few improvements, but have some left to do.

Mr. Duncan asked if the Board had any comments. Mr. Williams said that, true, the structure is in a deteriorated condition, but he felt the conditions are repairable. He said it appeared that most of the fault of the conditions were with the tenants, not the landlord. Mr. Birkhead agreed.

Mr. Hall said Mr. Williams was correct; however it is the responsibility of the landlord to maintain the property.

Donna Doty said yes, the landlord should watch the tenant and if the tenant allows the property to become trashy, then the landlord should contact them and ask them to keep the property in an orderly fashion or take further actions. Mr. Williams said he agreed that the landlord should be responsible for the premises staying habitable.

Discussion ensued regarding which items on the checklist for repair of a substandard structure had been checked for correction of the problem. Mr. Hall reviewed the items which had been repaired.

Jan Russell asked if the list of the structure was serious enough to be concerned about. Mr. Williams said he felt that was not a major concern; many older buildings/houses in the City have a slight lean as foundations settle over the years.

Mr. Duncan asked Mr. Hall what would be a reasonable length of time to allow the Kirkpatricks to complete the work that needs to be done. Mr. Hall said 30-45 days would be a minimum length of time for completion of repairs. Mr. Birkhead said he felt they were making a good attempt to redo the structure. He said that he felt that the issue should be tabled until the next meeting, at which time the Board could review the progress of the repairs.

Mr. Duncan asked the Kirkpatricks if they wanted to address Mr. Hall with any questions or comments. She said they need to know at some future date what it will take to correct all deficiencies before the structure is up to Code. She then said she would like to read some background concerning events leading up to this time. A sketch of the experiences from the time Mrs. Kirkpatrick talked with Mary Kay Thompson on May 28, 1989, who expressed a desire to purchase the house, was read to the Board. Ms. Thompson said she would fix up the house while living in a travel trailer on the lot. An agreement was made for Ms. Thompson not to pay rent for the remainder of May (1989) in exchange for making repairs. She said she would apply for a Veteran's Administration Loan for purchase of the property and pay rent in the amount of \$200.00 per month until purchase, or loan was not approved, whichever came first. Ms. Thompson was given immediate possession of the house. She paid \$200.00 rent for June and in the following month, she paid \$1000.00 to cover July-November, 1989. No money was received after that date. The Kirkpatricks tried to evacuate Ms. Thompson in April, 1990. At no time, according to Mrs. Kirkpatrick, did Ms. Thompson complain about the deteriorating condition of the property. After a court hearing on June 18, 1990, Mary Kay Thompson was ordered to move. On or about June 27, Mrs. Kirkpatrick asked Bill Freeman, J.P., when they could start cleaning up the property; he replied they had to give the Thompson's suitable time to move. They began cleaning on June 28, 1990.

Mr. Birkhead asked the Kirkpatricks what time frame they felt they needed to complete the task of repairing the house. They said they weren't sure-they can only work in the mornings when it's cool. Mr. Cravens suggested that they come back in two months (September 19, 1990 meeting).

A motion was made by Donna Doty and seconded by Jan Russell to **recommend a sixty day period for completion of work on the structure at 1416 Throckmorton Street for it to be Code approved (or as nearly thereof).** Motion carried by the following votes: Ayes: Williams, Doty, Duncan, Birkhead and Russell. Nays: None. Absent: None.

Mr. Duncan gave the Kirkpatricks an opportunity to ask further questions; they had none.

Mr. Cravens gave an update on the progression of the condemnation proceedings on the Curtwood Motel.

After discussion of various matters concerning substandard structures within the City, the meeting adjourned at 5:30 p.m.