



Building and Standards Commission
Minutes of Public Nuisance Abatement Hearing
Thursday, January 18, 2024
4:00 PM

Commissioners Present: Lauri Johnson, Michael Blake, Wally Cox, Tommy Robinson and Jock Conner

Commissioners Absent: Jess Cason, Jerry Henderson

Chair Person(s): Tommy Robinson

Staff Present: Code Enforcement Officer Jennifer Ekstrand, Code Compliance Officer Tim Stanley, Code Enforcement Officer David Lauteren, Building Official Mike Doughty, Administrative Assistant Javonna Cannon, Permit Tech Patty Pierce

Visitors Present: NA

ITEM 1: CALL TO ORDER

With a quorum present, Chair Robinson called the hearing to order at 4:00 p.m.

ITEM 2: SWEARING IN OF WITNESSES

Chairman Robinson swore in all those who would testify in the hearings.

ITEM 3: APPROVAL OF MINUTES FROM THE NOVEMBER 3, 2023 HEARING

The Commission considered the minutes from the last hearing on November 3, 2023. A motion to approve as presented was offered by Commissioner Blake and seconded by Commissioner Cox. All present voted AYE. Two absent. Motion carried unanimously.

ITEM 4: CASE #22-000753-1 – 739 RITCHEY | SUBSTANDARD STRUCTURE

CEO Ekstrand opened the presentation with a reminder to the Commission that they had first heard the case in August 2023 and found the structure was substandard and a nuisance. She reminded them that they issued an order to obtain an asbestos study and abate any ACBM found within 30 days; within 60 days the owner needed to pull the necessary permits for the remodel and all trades and pass at least three inspections within 90 days.

CEO Ekstrand advised the Commission that she had had no communication with the owner or contractor until Tuesday, January 16, 2024—two days prior to the hearing. Owner Mrs. Cooper stated that she was selling the property; she had an offer on it but it hadn't closed yet. CEO Ekstrand advised Mrs. Cooper that the case would still be heard and that staff was asking for a demo order. CEO advised Mrs. Cooper that if the property sold before the city demolished it, the case would start over with the new owner. Otherwise, the order filed in the Cooke County property records would be binding on anyone with a future interest in the property. Mrs. Cooper stated her understanding and that she would let staff know if it sold.

CEO Ekstrand made staff's recommendation:

The Building and Standards Commission reaffirms its original findings in Order #22-000753 that the structure located at 739 Ritchey is substandard and/or unfit for human habitation; constitutes a hazard to the health, safety and welfare of the citizens; and, is therefore a nuisance. The Commission also finds that the owner failed to meet the conditions of the previous order by not submitting an asbestos study, pulling permits, completing work nor passing any inspections. The Commission now orders the owner to abate the nuisance by obtaining an asbestos study, abating any asbestos found and demolishing the structure within 30 days. If the owner fails to fully comply with the order, the city shall abate the nuisance at the owner's expense.

As there was no one in the audience to speak on behalf of the property, Chair Robinson requested a motion.

Commissioner Blake made a motion to accept staff's recommendation as presented. Commissioner Cox seconded. All present voted AYE. Two absent. Motion carried unanimously.

ITEM 4: CASE #23-000608 | 814 OLIVE | TRASH&DEBRIS

CEO Ekstrand began her presentation with the violation history of 814 Olive which included violations for Sanitation, High Grass and Trash in 2012, 2018, 2019, 2020 and 2022. She then presented the ordinance for Storing or keeping of garbage, trash and rubbish.

Several pictures detailing the entire property is filled with broken, discarded household furniture (bed mattresses, bed frames, chairs, tables, drawers, couches, loveseats, recliners, pillows, cushions, etc.), shopping carts, plastic containers, plastic boxes, totes, crates, cartons, cardboard boxes, clothing, children's toys, advertising items, garbage bags, loose garbage, cans, bottles, beverage coolers, bicycle parts, tires, and non-working appliances. CEO Ekstrand explained there was too much to list everything observed and continued to show many pictures with garbage everywhere.

She advised the Commission that no one was in the audience to speak on behalf of the property and gave staff's recommendation:

Staff recommends the Building and Standards Commission finds the premises located at 814 Olive, legal description being O'Neal Addition; Block 7; Lot 7 W 50' & W 40' Lot 8; Cooke CAD Property ID 350515, and, owners of premises being Holly Roberson and Jennifer Roberson, to be in violation of ordinance Part II, Chapter 8, Article II, Division 3, Ordinance #1093 Section 8-86 (a) for the storing or keeping of garbage, trash and rubbish, which constitutes a hazard to the health, safety and welfare of the citizens of Gainesville, and, is therefore a nuisance.

The Commission orders the owner to abate the nuisance by removing all trash, garbage, junk, rubbish and debris from the premises, including, but not limited to: broken, discarded household furniture (bed mattresses, bed frames, chairs, tables, drawers, couches, loveseats, recliners, pillows, cushions, etc.), shopping carts, plastic containers, plastic boxes, totes, crates, cartons, cardboard boxes, clothing, children's toys, advertising items, garbage bags, loose garbage, cans, bottles, beverage coolers, bicycle parts, tires, non-working appliances, and any other miscellaneous trash, garbage, junk, rubbish and debris on the premises within 30 days. If the owner does not fully comply with this order within 30 days, the City shall enter the premises and abate the nuisance at the owner's expense.

Commissioner Cox motioned to accept staff's recommendation as presented. Commissioner Conner seconded. All present voted AYE. Two absent. Motion carried unanimously.

ITEM 5: CASE #23-001490 | 2019 N I-35 | SUBSTANDARD STRUCTURE

CEO Ekstrand addressed the Commission by presenting several pictures of the structure and surrounding premises with dead, tall weeds/grass, graffiti all over the building and the deteriorating wood on the exterior structure. She explained that PD had requested the owner board up the structure to keep out the vagrants. PD said they received many complaints on the structure. CEO Ekstrand told the Commission it had been so long since any water utilities had been active at the location, the address had fallen out of the system completely.

CEO Ekstrand presented staff's findings and why the building didn't meet the minimum property standards. She mentioned that the owner had indicated he would be remodeling the building and had submitted an application for remodel. However, CEO Ekstrand told the Commission that upon review, the \$10,000 valuation for the project the owner had entered on the application was ridiculous and that the application had been denied. This was explained in a letter to the owner along with a copy of the building inspection report and notice of public hearing. While the green card return had been received signed by the owner, staff had no further communication with him leading up to the hearing.

CEO Ekstrand presented staff's recommendation as no one was in the audience to speak on the case:

Staff recommends the Building and Standards Commission finds the structure located 2019 N I-35 is dilapidated/substandard based on the following:

- ☒ Faulty Weather Protection
 - Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors including broken or missing windows or doors
 - Defective or lack of weather protection for exterior wall coverings, including a lack of paint, or weathering due to lack of paint or other approved protective covering
 - Broken, rotted, split or buckled exterior wall or roof coverings
- ☒ Fire Hazard
- ☒ Hazardous Plumbing
- ☒ Hazardous Wiring
- ☒ Inadequate Exits
- ☒ Inadequate Sanitation
 - Lack of or improper water closet

- Lack of or improper sink
- Lack of hot and cold running water to plumbing fixtures
- Lack of adequate heating facilities
- Lack of or improper operation of required ventilating equipment
- Lack of required electrical lighting and power
- Dampness of habitable rooms
- General dilapidation or improper maintenance
- Lack of connection required to sewage disposal system
- Lack of adequate garbage and rubbish storage and removal facilities

☞ Structural Hazards

- Deteriorated or inadequate foundations
- Defective or deteriorated flooring and/or floor supports
- Members of walls, partitions, or other vertical supports which list, lean, split or buckle due to defective material or deterioration
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration

and is therefore a nuisance.

At this point, CEO Ekstrand stated she would like to revise the order to read differently than what was presented on-screen. She requested the order to read as follows:

The Commission orders the owner to abate the nuisance by obtaining a complete asbestos study, eliminating any asbestos found, and demolishing the structure within 30 days. If the owner fails to fully comply with the order, the city shall abate the nuisance by obtaining the asbestos study, eliminating any asbestos found and demolishing the structure at the owner's expense.

Commissioner Johnson made a motion to accept staff's recommendation with the change inserted by CEO Ekstrand. Commissioner Blake seconded. All present voted AYE. Two absent. Motion carried unanimously.

ITEM 5: ADJOURN

With no further business, Chairman Robinson adjourned the hearing at 4:19 p.m.

Signature of Chairperson: Thomas P. Robinson Date: 2/15/24

Signature of Secretary: Javonna Cannon Date: 2/15/24