



Building and Standards Commission
Minutes of Public Nuisance Abatement Hearing
Thursday, February 15, 2024
4:00 PM

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

Commissioners Absent: 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 Dougherty, Administrative Assistant Javonna Cannon, Permit Tech Patty Pierce

Visitors Present: Maria Gutierrez

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 JANUARY 18, 2024 HEARING

The Commission considered the minutes from the last hearing on January 18, 2024. A motion to approve as presented was offered by Commissioner Cason and seconded by Commissioner Blake. All present voted AYE. One absent. Motion carried unanimously.

ITEM 4: CASE #23-001494 – DENISON | SUBSTANDARD STRUCTURE

ITEM 5: CASE #23-001493 – 700 E SCOTT | SUBSTANDARD STRUCTURE

ITEM 6: CASE #23-001492 – 708 E SCOTT | SUBSTANDARD STRUCTURE

ITEM 7: CASE #23-001491 – 701 E BROADWAY | SUBSTANDARD STRUCTURE

CEO Ekstrand explained to the Commission the difference in her presentation this meeting and why all four cases were read into the record together. She established they were all owned by the same person and the initial elements presented (history, due process compliance, floodway)

applied to each case without any change. She then opened the city's case by showing an aerial property map highlighting the parcels that would be covered. CEO Ekstrand then presented a case history starting with the owner's, James Combs, purchase of the property in 2020. She discussed the owner's plans that had been presented to the city; the \$100,000 Economic Development Corp. (EDC) funds that had been given as an incentive to help the owner revitalize the properties. She pointed out that the only permitted work had been the roof on an adjacent structure using the funds from the EDC.

CEO Ekstrand explained to the Commission that many conversations with the owner had been held and that the first step was to provide the city a letter from a licensed, registered engineer stating the building(s) were structurally sound. Staff instructed the owner that he would need a floodplain permit before any construction or remodel permits could be obtained. CEO Ekstrand apprised the Commission that to date, no letter or floodplain permit application had been submitted.

CEO Ekstrand then went over the findings of fact for the city's flood damage prevention ordinance, explained the substantial damage and substantial improvement definitions and why it applied to these cases. She then presented the FEMA floodplain map for the parcels in question and established that the buildings were all in the regulatory floodway.

CEO Ekstrand then established the timeline for due process and conversations with the Texas Historical Commission. She substantiated that while of historical significance, none of the structures were actually listed in the National Register of Historic Places because the property owner had not followed through with his state or federal applications. Proof of this was presented with copies of applications, letters from the Texas Historical Commission and National Park Service and emails exchanged between CEO Ekstrand and Gregory Smith, National Programs Coordinator for the Texas Historical Commission.

CEO Ekstrand then presented current valuation of the property per the Cooke County Appraisal District, and pictures of the structure located at Parcel ID 6915, commonly known as Denison. CEO Ekstrand then presented staff's recommendation for demolition of the structure. The Commission moved to accept the full recommendation as follows:

The Commission finds the structure located at Denison is dilapidated/substandard based on the following:

- Faulty materials of construction
 - ☞ 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
- Hazardous wiring
- Inadequate exits
- Inadequate fire protection
- Inadequate maintenance
- Structural Hazards
 - ☞ Deteriorated or inadequate foundations

- ☞ Defective or deteriorated flooring and/or floor supports
 - ☞ Members of walls, partitions or other vertical supports that split, lean, list 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
- **IPMC Section 304.1.1 Exterior Structure. Unsafe Conditions**
The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:
 - ☞ 304.1.1.2 The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
 - ☞ 304.1.1.4 Siding and masonry and masonry joints, including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained weather resistant and water tight.
 - ☞ 304.1.1.5 Structural members have evidence of deterioration and are not capable of supporting all nominal loads and load effects.
 - ☞ 304.1.1.6 Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
 - ☞ 304.1.1.7 Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks, or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
 - ☞ 304.1.1.8 Roofing or roofing components that have defects that admit rain; roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair.
- **IPMC Section 304.4 Structural Members**
Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- **IPMC Section 304.6 Exterior Walls**
Exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration.
- **IPMC Section 304.7 Roofs and Drainage**
The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior

portions of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

- **IPMC Section 304.15 Doors**
Exterior doors, door assemblies, operator systems if provided, and all hardware shall be maintained in good condition.

- **IPMC Section 306.1.1 Component Serviceability. Unsafe Conditions.**
Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or International Existing Building Code.
 - ☒ 306.1.1.2.1 Concrete that has been subjected deterioration.

 - ☒ 306.1.1.2.3 Concrete that has been subjected to fractures.

 - ☒ 306.1.1.6.5 Wood that has been subjected to significant splits and checks.

 - ☒ 306.1.1.6.6 Wood that has been subjected to horizontal shear cracks.

 - ☒ 306.1.1.6.7 Wood that has been subjected to vertical shear cracks.

And is therefore a nuisance. The Commission orders the owner to abate the nuisance by obtaining a complete asbestos study, eliminating any asbestos found, and demolishing the structure within 90 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 Cason stated he was sure that the building was located in the regulatory floodway. CEO Ekstrand responded to him that he was correct. It was 100% in the floodway.

Chair Robinson invited a motion which was offered by Commissioner Conner to accept staff's recommendation without change. Commissioner Cason seconded. All present voted AYE. One absent. Motion carried unanimously.

CEO Ekstrand then moved on to the next parcel 6914 addressed as 700 E Scott and began presenting pictures taken during exterior and interior inspections on the property. She reminded the Commission that the building(s) are located in the regulatory floodway and meet the substantial improvement and substantial damage clauses in the flood damage prevention ordinances. She explained that out of all the structures of concern, this one was in the best shape although it is still dilapidated.

Commissioner Johnson interjected that the City of McKinney had a very similar situation with a historical building in their town. She told the audience that they actually issued a CO for their building and it was missing windows. CEO Ekstrand commented that it might be a different story here if it were simply a matter of missing windows. She explained that the degradation of the

buildings being presented today were in severe condition and that it appeared no maintenance had been done at all on the buildings for the past 50 years. Commissioner Johnson said that it was a doable project but nothing had been done. CEO Ekstrand agreed and moved on to presenting staff's recommendation of demolition.

The structure located at 700 E Scott is dilapidated/substandard based on the following:

- Faulty materials of construction
 - ☒ Deteriorated, crumbling or loose plaster
 - ☒ 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
- Hazardous plumbing
- Hazardous wiring
- Inadequate exits
- Inadequate fire protection
- Inadequate maintenance
- Inadequate sanitation
 - ☒ Dampness of habitable rooms
 - ☒ General dilapidation or improper maintenance
- Structural Hazards
 - ☒ Deteriorated or inadequate foundations
 - ☒ Members of walls, partitions or other vertical supports that split, lean, list 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
- **IPMC Section 304.1.1 Exterior structure. Unsafe conditions.**

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

 - ☒ 304.1.1.2 The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
 - ☒ 304.1.1.5 Structural members have evidence of deterioration and are not capable of supporting all nominal loads and load effects.
- **IPMC Section 304.2 Protective treatment.**

Exterior surfaces, including but not limited to: doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows,

doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and surfaces with rust and corrosion shall be stabilized and coated to prevent future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

- **IPMC Section 304.4 Structural members.**
Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- **IPMC Section 304.6 Exterior walls.**
Exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration.
- **IPMC Section 304.13 Window, skylight and door frames.**
Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
 - ⌘ 304.13.1 Glazing materials shall be maintained free from cracks and holes.
 - ⌘ 304.13.2 Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- **IPMC Section 305.3 Interior surfaces.**
Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

And is therefore a nuisance. The Commission orders the owner to abate the nuisance by obtaining a complete asbestos study, eliminating any asbestos found, and demolishing the structure within 90 days. If the owner fails to fully comply, the city shall obtain the asbestos study, eliminate any asbestos found, and demolish the structure at the owner's expense.

Chair Robinson entertained a motion which was offered by Commissioner Cason to accept staff's recommendation without change. Commissioner Conner seconded. All present voted AYE. One absent. Motion carried unanimously.

CEO Ekstrand then presented the next case for 708 E Scott by presenting pictures of the structure(s). She showed pictures of the extreme degradation of the structures. Entire walls are missing; roof has caved in; support beams both horizontal and vertical are deteriorating; accessory structure is missing doors and windows and support beams are bent and broken. What is remaining of the main structure appears to be in imminent danger of further collapse. After presenting the case, CEO Ekstrand offered the following recommendation.

Staff recommends the BSC finds the structures located at 708 E Scott are dilapidated and substandard based on the following:

- Faulty materials of construction
 - ☒ Deteriorated, crumbling or loose plaster
 - ☒ 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
- Hazardous plumbing
- Hazardous wiring
- Inadequate exits
- Inadequate fire protection
- Inadequate maintenance
- Structural Hazards
 - ☒ Deteriorated or inadequate foundations
 - ☒ Members of walls, partitions or other vertical supports that split, lean, list 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
- **IPMC Section 304.1.1 Exterior Structure. Unsafe Conditions**

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

 - ☒ 304.1.1.2 The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
 - ☒ 304.1.1.3 Structures or components thereof that have reached their limit state.
 - ☒ 304.1.1.4 Siding and masonry and masonry joints, including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained weather resistant and water tight.
 - ☒ 304.1.1.5 Structural members have evidence of deterioration and are not capable of supporting all nominal loads and load effects.
 - ☒ 304.1.1.6 Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
 - ☒ 304.1.1.7 Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks, or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
 - ☒ 304.1.1.8 Roofing or roofing components that have defects that admit rain; roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair.

⌘ 304.1.1.11 Overhang extensions or projections including, but not limited to: trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

- **IPMC Section 304.2 Protective treatment.**

Exterior surfaces, including but not limited to: doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition.

Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and surfaces with rust and corrosion shall be stabilized and coated to prevent future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

- **IPMC Section 304.4 Structural members.**

Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

- **IPMC Section 305.1.1 Interior structure. Unsafe conditions.**

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings.

⌘ 305.1.1.1 The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.

⌘ 305.1.1.2 The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.

⌘ 305.1.1.3 Structures or components thereof that have reached their limit state.

⌘ 305.1.1.4 Structural members are incapable of supporting nominal loads and load effects.

⌘ 305.1.1.6 Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

- **IPMC Section 305.2 Structural members.**

Structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

- **IPMC Section 305.3 Interior surfaces.**
Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

- **IPMC Section 306.1.1 Component serviceability. Unsafe conditions.**
Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or International Existing Building Code.
 - ☞ 306.1.1.2.1 Concrete that has been subjected to deterioration.
 - ☞ 306.1.1.2.3 Concrete that has been subjected to fractures.
 - ☞ 306.1.1.4.1 Masonry that has been subjected to deterioration.
 - ☞ 306.1.1.4.2 Masonry that has been subjected to ultimate deformation.
 - ☞ 306.1.1.4.3 Masonry that has been subjected to fractures.
 - ☞ 306.1.1.4.6 Masonry that is subjected to exposed reinforcements.
 - ☞ 306.1.1.6.1 Wood that is subjected to ultimate deformation.
 - ☞ 306.1.1.6.2 Wood that has been subjected to deterioration.
 - ☞ 306.1.1.6.5 Wood that has been subjected to significant splits and checks.

And are therefore a nuisance. The Commission orders the owner to abate the nuisance by obtaining a complete asbestos study, eliminating any asbestos found, and demolishing the structures within 90 days. If the owner fails to fully comply, the city shall obtain the asbestos study, eliminate any asbestos found, and demolish the structures at the owner's expense.

Chair Robinson asked if anyone would like to make a motion and Commissioner Conner proposed to accept staff's recommendation without any changes. Commissioner Cason seconded. All present voted AYE. One absent. Motion carried unanimously.

CEO Ekstrand advised the Commission the final presentation are the buildings located on parcel 5822, addressed as 701 E Broadway. CEO presented pictures taken during the inspections conducted on January 9, 2024 inside the 2-3 story and 6-story buildings. She explained that the doors to the silos were screwed shut and they were not allowed in during the inspections. The presentation showed severe degradation of vertical and horizontal supports on all floors of the buildings. Enough concrete has crumbled that rebar is showing through—up to three inches on some horizontal members. CEO Ekstrand explained that the rebar is what supports the concrete and once the rebar starts breaking down, your buildings start to lose their structural integrity. She showed pictures of holes in the roof; missing windows; the debris from the crumbling structures that had collected on the floors; evidence of pest infestation; and graffiti on the walls which is evidence of children or vagrants being inside the structures. She explained that all of these factors were contributing to the degradation and dilapidation of the structures. CEO

Ekstrand stated that staff was well aware of the historical significance of the buildings, but believed that the owner did not have the money to complete any of the repairs. Commissioner Johnson stated that he was looking for investors but no one was coming forward. CEO Ekstrand advised that staff was aware of that and had met with some potential investors at a presentation Mr. Combs did for staff back in June 2020. However, as mentioned several times, no permits had been pulled and there had been no forward motion on the buildings in the three and ½ years that Mr. Combs had owned the buildings. CEO Ekstrand then presented staff's recommendation:

Staff recommends that the BSC finds the structures to be dilapidated and substandard based on the following:

- Faulty materials of construction
 - ☞ Deteriorated, crumbling or loose plaster
 - ☞ 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
- Hazardous wiring
- Inadequate exits
- Inadequate fire protection
- Inadequate maintenance
- Structural Hazards
 - ☞ Deteriorated or inadequate foundations
 - ☞ Defective or deteriorated flooring or floor supports
 - ☞ Members of walls, partitions or other vertical supports that split, lean, list 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
- **IPMC Section 302.9 Defacement of property.**

A person shall not willfully or wantonly damage, mutilate, or deface any exterior or interior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
- **IPMC Section 304.1.1 Exterior Structure. Unsafe Conditions**

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

 - ☞ 304.1.1.2 The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
 - ☞ 304.1.1.3 Structures or components thereof that have reached their limit state.
 - ☞ 304.1.1.4 Siding and masonry and masonry joints, including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained weather resistant and water tight.

- **IPMC Section 305.3 Interior surfaces.**
Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
- **IPMC Section 305.4 Stairs and walking surfaces.**
Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- **IPMC Section 305.5 Handrails and guards.**
Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- **IPMC Section 306.1.1 Component serviceability. Unsafe conditions.**
Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or International Existing Building Code.
 - ✍ 306.1.1.2.1 Concrete that has been subjected to deterioration.
 - ✍ 306.1.1.2.2 Concrete that has been subject to ultimate deformation.
 - ✍ 306.1.1.2.3 Concrete that has been subjected to fractures.
 - ✍ 306.1.1.2.6 Concrete that is subjected to exposed reinforcements.
 - ✍ 306.1.1.4.1 Masonry that has been subjected to deterioration.
 - ✍ 306.1.1.4.2 Masonry that has been subjected to ultimate deformation.
 - ✍ 306.1.1.4.3 Masonry that has been subjected to fractures.
 - ✍ 306.1.1.5.1 Steel that has been subjected to deterioration.
 - ✍ 306.1.1.5.4 Steel that has been subjected to metal fatigue.
 - ✍ 306.1.1.6.5 Wood that has been subjected to significant splits and checks.
- **IPMC Section 307.1 Handrails and guardrails.**
Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30" above the floor or grade below shall have guards. Handrails shall be not less than 30" in height or more than 42" in height measured vertically above the nosing of the surfaces. Guards shall not be less than 30" in height above the floor of the landing, balcony, porch, deck or ramp or other walking surface.

and are therefore a nuisance. The Commission orders the owner to abate the nuisance by obtaining a complete asbestos study, eliminating any asbestos found, and demolishing the structures within 90 days. If the owner fails to fully comply, the city shall obtain the asbestos study, eliminate any asbestos found, and demolish the structures at the owner's expense.

Chair Robinson asked for a motion which was offered by Commissioner Conner to accept staff's recommendation without change. Commissioner Cason seconded. All present voted AYE. One absent. Motion carried unanimously.

CEO Ekstrand described to the Commission the change in style of the next several presentations. She informed them that all seven cases were for junked vehicles so she would present the ordinance information and case steps for all cases together. She would then show picture evidence and staff's recommendation for each vehicle. At this time, Chair Robinson read all of the next cases into the record:

ITEM 8: CASE #23-001633 | 825/831 LAWRENCE | JUNKED VEHICLE

ITEM 9: Abated prior to hearing and removed from agenda.

ITEM 10: CASE #23-001283 | 719 HANCOCK | JUNKED VEHICLE

ITEM 11: CASE #23-000556 | 1406 LANIUS

ITEM 12: CASE #22-000251 | 1801 MILL

ITEM 13: CASE #23-001150 | 1404 S HOWETH

ITEM 14: Abated prior to hearing and removed from agenda.

CEO Ekstrand presented the code criteria and definitions for junked vehicles being a public nuisance. She presented the case steps and described the steps taken for the required due diligence. She then exhibited pictures for the junked vehicle at 825/831 Lawrence and rendered staff's recommendation:

Staff recommends the Building and Standards Commission finds the motor vehicle located at 825/831 Lawrence is a junked vehicle based on the following:

- Without current registration
- Flat tire(s); other malfunctioning part(s)
- Has been inoperable and located on private property for at least thirty days

and is therefore a nuisance. The Commission orders the property owner to remove the vehicle from the premises within ten (10) days. If the vehicle is not removed within ten (10) days, the City shall abate the nuisance by having the vehicle towed at the property owners' expense. The vehicle may not be reconstructed or made operable after being removed from the premises and the certificate of title shall be canceled. CEO Ekstrand added that due to the condition of the vehicle they could not ascertain any identifying information (VIN) until it was removed from the premises.

Chair Robinson entertained a motion made by Commissioner Blake. Commissioner Cox seconded. All present voted AYE. One absent. Motion carried unanimously.

CEO Ekstrand advised the Commission that the violation at 805 Doss had been abated prior to the hearing and should be removed from the agenda.

CEO then displayed the picture evidence and staff recommendation for the junked vehicle located at 719 Hancock. Staff recommends the Building and Standards Commission finds the motor vehicle located at 719 Hancock is a junked vehicle based on the following:

- Without current registration (2023)
- Flat tire(s) or missing tire(s); other malfunctioning part(s)
- Has been inoperable and located on private property for at least thirty days

and is therefore a nuisance. The Commission orders the property owner to remove the 2004 GMC Yukon SLE-SLT, Texas tag AA35033, VIN 1GKEC13V24R116848 from the premises within ten (10) days. If the vehicle is not removed within ten (10) days, the City shall abate the nuisance by having the vehicle towed at the property owners' expense. The vehicle may not be reconstructed or made operable after being removed from the premises and the certificate of title shall be canceled.

Commissioner Jock moved to accept staff's recommendation without change. This was seconded by Commissioner Blake. All present voted AYE. One absent. Motion carried unanimously.

CEO Ekstrand moved straight into the next case of junked vehicle located at 1406 Lanius. She presented picture evidence and offered staff's recommendation:

Staff recommends the Building and Standards Commission finds the motor vehicle located at 1406 Lanius is a junked vehicle based on the following:

- Without current registration (2013)
- Flat tire(s); other malfunctioning part(s)
- Has been inoperable and located on private property for at least thirty days

And is therefore a nuisance. The Commission orders the property owner to remove the 2000 Ford Taurus SE, Texas tag SPB570, VIN 1FAFP5325YA213456 from the premises within ten (10) days. If the vehicle is not removed within ten (10) days, the City shall abate the nuisance by having the vehicle towed at the property owners' expense. The vehicle may not be reconstructed or made operable after being removed from the premises and the certificate of title shall be canceled.

Commissioner Blake offered to accept staff's recommendation. Commissioner Conner seconded. All present voted AYE. One absent. Motion carried unanimously.

Moving on to the next presentation, CEO showed picture evidence of the junked vehicle located at 1801 Mill Street. She offered staff's recommendation as follows:

Staff recommends the Building and Standards Commission finds the motor vehicle located at 1801 Mill is a junked vehicle based on the following:

- Without current registration (2015)
- Flat tire(s); other malfunctioning part(s)
- Has been inoperable and located on private property for at least thirty days

and is therefore a nuisance. The Commission orders the property owner to remove the 1983 Oldsmobile Delta Royal Brougham, TX tag FHG2041, VIN 1G3AY69Y9DM726883, from the premises within ten (10) days. If the vehicle is not removed within ten (10) days, the City shall abate the nuisance by having the vehicle towed at the property owners' expense. The vehicle

may not be reconstructed or made operable after being removed from the premises and the certificate of title shall be canceled.

Chair Robinson requested a motion which was offered by Commissioner Blake and seconded by Commissioner Conner to accept staff's recommendation without change. All present voted AYE. One absent. Motion carried unanimously.

CEO then advised the Commission that the property owner for the next case located at 1404 S Howeth was present and would like to address the Commission. CEO Ekstrand told the Commission that she would present staff's recommendation after Ms. Gutierrez spoke. CEO showed picture evidence of the violation and asked Ms. Gutierrez to approach the podium. Ms. Gutierrez introduced herself to the Commission. She told them the truck had belonged to her son and was supposed to be a project for him once he graduated high school. However, he had been killed in a car accident two years prior and she couldn't bring herself to get rid of the truck. She said she understood it was a problem, but she is a single mother and money was tight and it was difficult for her to get any help from anyone. She asked for more time to get the truck repaired or moved. Commissioner Johnson asked her how much time she needed. Ms. Gutierrez replied she would like 90 days. Commissioner Johnson said she had a problem with that and felt it was too much time. Commissioner Johnson said 30 days should be enough time to make something happen.

At this time, Building Official Mike Doughty suggested to the property owner that she contact local churches who most likely could have someone help her get the vehicle moved to the back garage. Ms. Gutierrez said she had a mechanic come out and look at it and the repairs would be a minimum of \$4500. She said that would take her much longer than 30 days to come up with. CEO Ekstrand offered staff would be willing to extend the order for 30 days to give her time to move the vehicle to her back garage. Ms. Gutierrez asked if what that date would be. Commissioner Johnson said it would be March 15. Ms. Gutierrez replied that would fall on Spring Break and she would be with her daughter. Commissioner Johnson offered to push it out an additional week, to March 21, 2024, and Ms. Gutierrez said that would be helpful. CEO Ekstrand stated that would be acceptable to staff as well. CEO Ekstrand added, however, the case would not be brought before the Commission again. If the vehicle is not moved by March 21, 2024, the city would tow the vehicle from the premises. Chair Robinson asked if CEO Ekstrand would present staff's recommendation. CEO Ekstrand acquiesced as follows:

Staff recommends the Building and Standards Commission finds the motor vehicle located at 1404 S Howeth is a junked vehicle based on the following:

- Without current registration (2013)
- Flat tire(s); other malfunctioning part(s)
- Has been inoperable and located on private property for at least thirty days
-

and is therefore a nuisance. The Commission orders the property owner to remove the 1990 Chevrolet GMT 400, C1500, Texas tag 78VSR6, VIN 2GCEC19K6L1254313 from the yard by March 21, 2024. If the vehicle is not removed from the yard by that date, the City shall abate the nuisance by having the vehicle towed at the property owners' expense. The vehicle may not be reconstructed or made operable after being removed from the premises and the certificate of title shall be canceled.

Chair Robinson requested a motion which was offered by Commissioner Blake to accept staff's recommendation. Commissioner Conner seconded. All present voted AYE. One absent. Motion carried unanimously.

CEO Ekstrand reported that the final case at 1325 N Grand had abated the violation prior to the hearing and it was pulled from the agenda.

ITEM 5: ADJOURN

With no further business, Chairman Robinson adjourned the hearing at 5:18 p.m.

Signature of Chairperson: Thomas P. Robinson Date: 4-18-24

Signature of Secretary: Javonna Cannon Date: 4-18-24