



The City Of

San Angelo, Texas

52 W. College Avenue
San Angelo, TX 76903

**Construction Board of Adjustments and Appeals
Regular Meeting Minutes
Thursday, September 6, 2018
McNease Convention Center
501 Rio Concho Dr., South Meeting Room – Room C**

(To listen to an audio recording of this meeting in its entirety, submit your request in writing to Charlie Kemp, Building Official)

I. CALL MEETING TO ORDER AND ROLL CALL.

Meeting was called to order at approximately 3:01p.m. by Chairman Rodney Mayberry. Following board members were present: Kevin Bond, Lyndon Butler, Roger Julien, Bill Ford, Richard Hanby (3:03 p.m.), David Jacobo, Rodney Mayberry, and Brooks Wehner. Also attending meeting were Building Official Charlie Kemp, Permits Clerk Debbie McCleery, Assistant City Attorney Brandon Dyson, Fire Chief Brian Dunn and Dangerous Buildings Inspector Samantha Schwartz. Audience members were Sarah Fincher (to notarize signatures), Lisa McFadden (representing JGME Corp.), Randall Simpson, and Rene Valdez.

II. CONSIDERATION OF REVIEW & APPROVAL OF MINUTES FROM AUGUST 2ND, 2018 REGULAR MEETING.

Kevin Bond made a motion to approve meeting minutes. Roger Julien seconded motion. Vote was 8 in favor and 0 against. Motion passed.

III. PUBLIC HEARINGS, CONSIDERATION AND POSSIBLE ACTION REGARDING DANGEROUS BUILDINGS FOR ORDERS TO SECURE, REPAIR, REMOVE OR DEMOLISH STRUCTURES AT THE FOLLOWING LOCATIONS. (Presentation by Samantha Schwartz, Dangerous Building Inspector)

Board members were given a compact disc with pictures of properties to review prior to meeting.

A. 612 E. 19th St. – accessory structure – Randall Craig Simpson. Samantha Schwartz, Dangerous Buildings Inspector showed pictures and gave a presentation regarding **612 E. 19th St.** Initial notice was sent on 06/06/2017. Building value is \$12,320/\$10,080.

Taxes are behind. Roofing coming off. Building leaning. Randal Simpson spoke. Plans to take down roof and shore up fence. Richard Hanby asked about fence and left side of building. Asked about feasibility of removing roof and left side of building. Stated that Randall Simpson has already had a year. Brandon Dyson clarified how order could be stated. Comments from Bill Ford about structure safety. Charlie Kemp stated about liability for City of San Angelo taking down structure. Randall Simpson restated what he wants to do. Charlie Kemp explained how Randall Simpson would need to get demolition permit and possibly fence permit.

Samantha Schwartz's recommendation is to Remove or Demolish Accessory Structure within 60 days. Richard Hanby made a motion that based on information provided by staff, the accessory structure is found to be a public nuisance and based on that finding, moves to Repair, Remove or Demolish Accessory Structure within 60 days. Bill Ford seconded motion. Vote was 7 in favor and 1 against. Motion passed.

B. 426 W. Highland Blvd. – residential structure – Paul Douglas Webb. Samantha Schwartz, Dangerous Buildings Inspector showed pictures and gave a presentation regarding **426 W. Highland Blvd.** Initial notice was sent on 04/10/2018. Building value is \$33,150/\$44,140.

Taxes are current thru 2017. Vagrants inside building. No electricity or utilities. Brooks Wehner stated stairs seem to be only access to second floor. Samantha Schwartz stated yes. Rodney Mayberry asked about taxes again. Samantha Schwartz stated current thru 2017. Brooks Wehner asked Brandon Dyson if Vacate/Clean Out and Secure order could include removal of staircase. Samantha Schwartz stated owner will remove staircase. Kevin Bond asked Brandon Dyson if staircase can be included in order. Brandon Dyson stated it can be included in order but is not required. No more Board comments.

Samantha Schwartz's recommendation is to Vacate/Clean Out and Secure Residential Structure within 60 days. Kevin Bond made a motion that based on information provided by staff, the residential structure is found to be a public nuisance and based on that finding, moves to Vacate/Clean Out and Secure Residential Structure including Staircase Removal within 60 days. Roger Julien seconded motion. Vote was 8 in favor and 0 against. Motion passed.

C. 2101 Juanita Ave. – residential structure – George C. DeLaCruz (deceased); Linda M. DeLaCruz (deceased); United States of America (lienholder) – United States Attorney’s Office; City of San Angelo (City Clerk); Cindy Baber. Samantha Schwartz, Dangerous Buildings Inspector showed pictures and gave a presentation regarding **2101 Juanita Ave.** Initial notice was sent on 06/18/2018. Building value is \$71,430/\$9,800.

Bill Ford asked about utilities. Samantha Schwartz no water, but electricity is turned on. Holes in flooring. Taxes behind since 2015. Sister and son have moved out.

Samantha Schwartz's recommendation is to Vacate/Clean Out and Secure Residential Structure within 60 days. Kevin Bond made a motion that based on information provided by staff, the residential structure is found to be a public nuisance and based on that finding, moves to Vacate/Clean Out and Secure Residential Structure within 60 days. David Jacobo seconded motion. Vote was 8 in favor and 0 against. Motion passed.

D. 226 W. Avenue N. – commercial structure – Rene M. Valdez; JGME Corp; Rusty Dean (Attorney-at-Law); W. Derek Darby. Samantha Schwartz, Dangerous Buildings Inspector showed pictures and gave a presentation regarding **226 W. Avenue N.** Initial notice was sent on 04/10/2018. Building value is \$27,720/\$44,140.

Vagrants inside building. Building is deteriorating. Most pictures of rear of building and accessory building. Brandon Dyson advised Samantha Schwartz that agenda only lists main building, not accessory building. Accessory structure can be brought back in future meeting after proper notice. Richard Hanby asked to go back thru pictures. Brooks Wehner asked about protruding wall. Lisa McFadden spoke on condition of building. Claims City came in and cleaned out main structure along with all repair materials for main structure. Richard Hanby asked who took the materials. Brandon Dyson stated there is a different process for resolving that question. Lisa McFadden claimed she received notice of demolition. Richard Hanby asked about Tabling action on the property. Brandon Dyson explained what could be done.

Samantha Schwartz's recommendation is to Vacate/Clean Out and Secure Commercial Structure within 60 days. Richard Hanby made a motion to Table Action on this Property for 30 days. Brooks Wehner seconded motion. Vote was 8 in favor and 0 against. Motion passed.

**IV. UPDATE OF THE DANGEROUS BUILDING LIST STATUS.
(Presentation by Samantha Schwartz, Dangerous Building Inspector)**

Samantha Schwartz stated:
17 properties have been demolished.
78 properties were removed from list.
3 properties have orders for demolition.
13 properties have orders to be cleaned out and secured.
64 properties working with Fire Prevention Office.
9 commercial properties on list.

Numbers are from Joanna Jackson (Previous Dangerous Building Inspector). Samantha Schwartz will have updated numbers by next meeting.

V. DISCUSSION & DIRECTION REGARDING CIVIL PENALTIES ALLOWED PURSUANT TO CHAPTER 214 OF TEXAS LOCAL GOVERNMENT CODE AND ARTICLE 4.05 OF SAN ANGELO CODE OF ORDINANCES.

Brandon Dyson spoke. Last meeting had overview of Board's authority through statute and Code of Ordinances. This meeting discussed overview of assessment of civil penalties authorized by statute and Code of Ordinances. Can be assessed after 60 days, per subsection J. Must be assessed by order of

Board. Richard Hanby asked how Brandon Dyson recommends Board use statute. Brandon Dyson stated penalty could be applied after 60 days from order issued until City is able to get order done. Richard asked if could set a top limit. Brandon Dyson stated Board has discretion so long as penalties assessed do not exceed maximum amount permitted by statute and City Code. Multiple short discussion comments from Board. Civil penalty becomes a lien on property. Richard Hanby asked if Brandon Dyson feels like Board should start using penalties. Code of Ordinances authorizes a lower amount than statute. Until Code of Ordinances are amended to be consistent with statute then Board is capped at amount authorized by Code of Ordinances. Dangerous Buildings Inspector can also issue citations for ordinance violations. Citations would be prosecuted through Municipal Court, but only Board can issue orders requiring vacate, clean out, secure, repair, remove or demolish. Rodney Mayberry recommended Board currently consider penalties on case by case basis. Richard Hanby stated that whatever Board decides, Board needs to be consistent in assessment. Multiple short discussion comments from Board. Brandon Dyson stated Board can set dollar amount as being per day or per week, so long as amount does not exceed maximum authorized under Code of Ordinances.

VI. PUBLIC COMMENTS (ON MATTERS OF INTEREST FOR FUTURE CONSIDERATION).

None.

VII. CONSIDERATION FOR FUTURE AGENDA ITEMS AND ANNOUNCEMENTS.

1). House at Hill/"O" St. ("Tire House" – 1901 Hill St). Samantha Schwartz stated original order was for Vacate/Clean Out and Secure. Stated she will be bringing property back to Board for demolition.
2). Richard Hanby asked if there was more efficient way to get pictures of properties to Board members. No one has a CD drive anymore. Kevin Bond asked for email link to city server thru an e-mail. Brandon Dyson will check on what is allowed and what City is able to do.

VIII. ADJOURNMENT.

Roger Julien made a motion to adjourn meeting at 3:58p.m. Kevin Bond seconded motion. Vote was 8 in favor and 0 against. Motion passed.



Chairman Construction Board of Adjustments & Appeals