

MINUTES

HEARINGS BOARD

April 19, 2016

CALL TO ORDER

Chairman White called the meeting to order at 5:30PM.

ROLL CALL

PRESENT BOARD MEMBERS: Cotton, Dobbs, Eckhart, Odell, Pinkerton, Weast, White

PRESENT ALTERNATES: none

PRESENT COUNCIL LIAISON: Watkins

PRESENT COUNCIL: Grow

ABSENT BOARD MEMBERS: Roach

ABSENT ALTERNATES: none

ADMINISTRATIVE STAFF PRESENT:

Glenna Batchelor, Building Official

Darla Sulecki, Code Enforcement Officer

APPROVAL OF MINUTES

Mr. Dobbs, seconded by Mr. Pinkerton, made the motion to approve the minutes of the Hearings Board meeting held on March 29, 2016 as presented. Motion pass 7-0.

ABSENCE

Mrs. Roach

Chairman White briefly went over the meeting format. Participants were sworn in.

PUBLIC HEARING

HB002-2016. Conduct a public hearing regarding whether the structure or structures located at or near 3270 Fincher, are in violation of the minimum standards for the continued use and occupancy of buildings adopted by the City of Haltom City pursuant to Section 214.001 of the Texas Local Government Code. At the conclusion of the public hearing, the Hearings Board may issue any order authorized by Chapter 214 of the Texas Local Government Code, including, but not limited to, securing the buildings from entry or the repair, vacation, removal or demolition of the buildings.

LOCATION

3270 Fincher, Lot 2, Hendry Subdivision. The site is located on the east side of Fincher, north of Hires and south of Broadway.

EXISTING ZONING/LAND USE

“C-1” – Commercial District

TAD INFORMATION

Certified value for tax year 2015 – land \$16,875 – improvements \$62,025
Year Built – 1971
Building size – 2,000sf
Land in acres – 0.3099
Land in sq ft – 13,500
Deed Date – 08-23-2005

NOTIFICATIONS

Property was posted with “Notice of Hearing” on April 7, 2016.

Property owner was mailed “Notice of Hearing” on April 7, 2016 via certified and regular mail.

The legal notice regarding the public hearing was published in the April 9, 2016 and April 16, 2016 Fort Worth Star Telegram.

COMMENTS

This property was presented to the Board on January 19, 2016 and the following are the details that have transpired since that meeting.

01-19-2016 5:30PM; Hearing Board ordered demolition within thirty (30) days (02-18-2016)

01-20-2016 8:30AM; Jacques Dao called inquiring about what happens next; advised that Board ordered demolition within thirty (30) days or he can file for an appeal through the County; told him to contact attorney to find out details on appeal process; advised that demolition requires asbestos survey and if more than 1% found asbestos abatement would be required before predemolition inspection could be requested for demolition permit; told him if action is not taken before deadline of February 18th, warrant could be issued and demolition done by City

01-20-2016 1:40PM; posted Order; electric meter remains and still connected at mast; gas meter and riser remain; water meter remains; pictures for file

01-21-2016 AM; mailed Order via certified and regular mail to Jacques and Cindy Dao

01-21-2016 8:39AM; e-mail to Christine/FWST to run ad in Saturday, January 23, 2016

01-21-2016 11:34AM; e-mail from Christine/FWST that ad cost is \$102.92

01-25-2016 5:14PM; e-mail from Jacque Dao/owner to An Truong/council:

I would like to meet with you to discuss about the issues I'm having with my commercial property at 3720 Fincher st in Haltom City. Please let me know when is the earliest time we can meet.

Sincerely Jacques Gia Dao

01-28-2016 6:47AM; e-mail from An Truong to Justin French:

Hi Justin:

Let me know what's happening on this property because the owner keeps calling for help. By the way, I lost your cell#.

Thank

An

Sent from my iPad

01-28-2016 8:47AM; e-mail from Justin French to An Truong:

The building at 3270 Fincher Road has been substandard and a nuisance for approximately two and a half years. The property has had no water, broken windows, graffiti, etc. The Building Official has given the property owner numerous notices to bring the property up to Code and the owner has taken no action to do so. The Hearings Board gave the owner till February 18th to have an asbestos survey submitted along with a demolition permit. If this deadline passes without the survey and demolition permit, the City is prepared to seek an administrative order from the Municipal Judge to demolish the substandard building and place a lien on the property to recoup the City's expenses for demolition.

01-28-2016 10:30AM; e-mail from An Truong to Justin French:

Thanks for info. Anyway can the owner has another change to save the building or this is the final. Let me know so I can explain to him.

An

Sent from my iPad

01-28-2016 2:12PM; e-mail from Justin French to An Truong:

I am not aware of what is needed to bring the building up to code like the Building Official is but my understanding is that the value of the building is so low that it will be less expensive to demolish and construct a new building on the site than it will be to bring the building up to code. Plans to bring the building up to code were requested a long time ago. If the plans have not been submitted by now I doubt they will be submitted by February 18th. The City is not interested in extending this deadline; therefore I do not see any way to save the building, especially if the owner has not seen a way to bring it up to Code all this time he was give notice to do so.

01-30-2016 8:03AM; e-mail from An Truong to Justin French:

Mr. French:

The owner requests to have a meeting with us, so can we meet after I come back from CA on Feb 5/2016?

An

Sent from my iPad

02-01-2016 11:44AM; e-mail from Justin French to Glenna Batchelor and Chris Rozanc:

Glenna, Chris,

Councilman Truong and I are going to meet with the property owner of 3270 Fincher Road later this week or next week. Please provide me what I need to prepare for this meeting, such as, the code

history on the property, the condition of the building, the property owner's deadline to take action, and if you have it what it would take to bring the building up to code.

Thank you,

02-01-2016 12:07PM; e-mail from Glenna Batchelor to Justin French, Chris Rozanc and CC An Truong:

Attached is the memorandum given to Hearings Board on January 19th outlining the history and violations on this building. An Order was issued by the Hearings Board for demolition within thirty (30) days which will expire on February 18, 2016. Since this is a commercial structure, an asbestos survey and possible asbestos abatement is required before a predemolition inspection (utility disconnects and sewer line cap) can be scheduled in preparation of obtaining demolition permit. Property owner did not submit any repair documentation to the City nor did he provide any documentation to the Hearings Board as he was advised to do by both myself on the phone and Chris Rozanc in person at the Inspections counter. The property owner has the option to file for appeal through the district court in Tarrant County if he chooses to contest the demolition that was ordered by the Hearings Board.

02-10-2016 certified mail for Notice of Hearing returned "return to sender - unclaimed - unable to forward"

02-26-2016 4:08PM; Trae Fowler called and inquired about what can be done for property owner; advised that time for appeal has expired and Order expired on 2-18-2016; property owner needs to get asbestos survey and pursue demolition; advised that citation will be issued next week to owner for maintaining a substandard building

03-01-2016 8:00AM; mailed citation via regular mail to Jacques Gia Dao for "maintaining a substandard commercial building"

03-01-2016 8:10AM; e-mail from complainant:

This sign is dated 1/20/16, Wow

This business has been in this condition for many years and you all have just delayed any action except stick a sign on the door. This is a safety hazard with broken glass and other materials.

What an eyesore.

Building Official

Building Inspector

I do not understand why these conditions continue to exist, With Spring coming this is a great example of Haltom City to be seen by all.

Thanks,

03-01-2016 9:11AM; e-mail response to complainant:

The sign currently on this property was a repost of previous notice at the same time Order was posted. This property was taken to the Substandard Hearings Board on Tuesday, January 19th and ordered demolished by the Board within thirty (30) days. The deadline has expired and citation was issued to property owner for maintaining a substandard commercial building. Since this is a commercial structure, an asbestos survey and possible asbestos abatement is required before

predemolition inspection can be scheduled and demolition permit obtained. This criteria was thoroughly explained to the property owner who has not taken action at this time.

03-01-2016 11:55PM; pictures for file of exterior

03-21-2016 AM; certified mail of Order returned "unclaimed"

03-21-2016 3:52PM; mailed citation via regular mail to Jacques Gia Dao for "maintaining a substandard commercial building"

03-30-2016 7:46AM; e-mail from Cindy Dao for open records request for copies and records of all violation notices for 3720 Fincher

03-30-2016 9:19AM; e-mail from Donna to Code

03-30-2016 11:07AM; e-mail from Darla to Donna:

There is no history for 3720 Fincher

03-30-2016 11:09AM; e-mail from Donna to Cindy Dao:

Cindy - Please see the email below from Code Enforcement in response to your request.

03-30-2016 11:44AM; e-mail from Cindy Dao to Donna:

But I just received a Violation notice dated 03/21 so I need to find out where there any other violations?

03-30-2016 12:03PM; e-mail from Donna to Code:

Can you answer the email below please.

03-30-2016 12:11PM; e-mail from Darla to Donna:

There IS, however, history for 3270 Fincher which is the old laundry service that was ordered to be torn down by the Hearings Board.

That history is attached.

04-01-2016 PM; per Chuck Barnett, Wayne Olson's office has been contacted by attorney with injunction for Order to demolish

04-04-2016 11:27AM; Justin French sent e-mail to contact Ashley/attorney regarding this property

04-04-2016 1:25PM; Chuck Barnett and I called Ashley/attorney to discuss; she said they had been contacted by owner's attorney about injunction thinking the City was demolishing building this weekend; advised that asbestos survey and/or abatement would be required before proceeding with warrant for demolition; she said Order stated repair instead of demolition, so to correct Order before proceeding, Public Hearing must be rescheduled; since ZBA cases scheduled for April 12th and April 26th, will prepare for resubmittal to Hearings Board for Tuesday, April 19th

04-04-2016 2:44PM; e-mail from Ashley/attorney:

Hi Glenna,

Thanks for taking the time to talk to me about this case this afternoon and get me up to speed so that I could discuss the case with the property owner's attorney. I spoke to her after getting off the phone with you and told her to have her client contact you to discuss his intentions regarding the property. She asked if you would help him understand what needs to be provided to satisfy the Board and I explained that you are the expert on the case and that he needs to contact you sooner rather than later and that you would be able to point him to the applicable regulations. I also explained that you need to understand what his intentions are as it relates to the property (repair versus demolition). She asked if it was scheduled for another hearing and I told her that it wasn't currently scheduled, but her client would be receiving notices just as he had before when it is scheduled. She asked about imminent demolition and I relayed that there are no imminent plans for the City to perform demolition on the property so a TRO at this point is not needed or appropriate.

Thanks Glenna. Don't hesitate to contact us should you need anything on this property as you prepare to take it back to the Board to get an order for demolition.

Ashley D. Dierker
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.

04-06-2016 8:30AM; called and left voice message for Ashley/attorney to call regarding Notice of Hearing and Agenda

04-05-2016 8:39AM; Cindy Dao called and left voice message that she had spoken with her attorney (Caroline Hamilton) and was advised to contact this office for information

04-06-2016 9:52AM; Ashley/attorney called and left voice message that she was returning call

04-06-2016 1:52PM; called Cindy Dao; no answer

04-06-2016 1:54PM; called and spoke with Jacques Dao; advised that case will be resubmitted to the Hearings Board on Tuesday, April 19th at 5:30PM due to wording error on Order; told him he must be ready to submit proper paperwork to Board to request rehabilitation as opposed to demolition; Mr. Dao said he had prepared paperwork previously and will get it back from Trae Fowler to bring by this office for review to see if submittal is complete for Board review

Prepared the following checklist to review with Mr. Dao when he comes in to office:

Application for building permit form completed

Financial - proof of responsibility in writing from financial institution - bank, loan, credit card

Timeline - detailed outline for thirty (30), sixty (60) or ninety (90) days request to complete rehab

BUILDING

ADA accessibility - ramp to building entrance

ADA accessibility - restroom - floor plan showing that current facilities are in compliance

Asbestos survey if any rehab work requires removal of floor tile, sheetrock, ceiling, siding, etc.
Asbestos abatement report if over 1% asbestos found in survey report

Doors - replace broken doors at front and north sides

Mansard roof in disrepair - exterior siding

Parking lot - repair plan and restriping to include handicap parking and curb stops

Roof repair - bid/estimate on company letterhead from general contractor showing compliance with 2012 International Building Code

Signage - roof signs are not permitted

Windows - replace (must meet 2012 International Energy Code requirements) or remove (detail for proper finishout - concrete block)

ELECTRICAL

bid/estimate or statement on company letterhead from master electrician that structure is up to 2011 National Electrical Code

MECHANICAL

bid/estimate or statement on company letterhead from HVAC contractor that structure is up to 2012 International Mechanical Code

PLUMBING

bid/estimate or statement on company letterhead from Responsible Master Plumber that structure is up to 2012 International Plumbing Code

04-06-2016 4:45PM; called and spoke with Ashley/attorney; she said no need for special wording on Agenda or Notice of Hearing, treat as if first presentation to Board

04-07-2016 AM: sent Notice of Hearing via certified and regular mail to property owner listed on TAD, Jacques and Cindy Dao

04-07-2016 8:23AM; e-mail to Christine Lopez/FWST to run ad on Saturday, April 9th and April 16th

04-07-2016 9:43AM; posted Notice of Hearing; pictures for file

04-07-2016 11:01AM; e-mail from Christine Lopez/FWST advising ad cost is \$108.68

04-11-2016 11:55AM; Jacques Dao called and said he would be in office this afternoon from 4-5PM to submit paperwork for Board next week

04-11-2016 4:20PM; Jacques Dao came in to office; reviewed paperwork he brought totaling \$8,228 for roof, glass and electrical; Mr. Dao said he wanted to remove laundromat equipment and make space an open tenant space; gave list of items required to submit to Hearings Board

04-18-2016 3:30PM; Jacques Dao came in to office and submitted paperwork; advised need existing floor plan and new floor plan showing removal of interior walls and proposed ADA restroom configuration

04-19-2016 10:32AM; e-mail from Jacques Dao with existing and new floor plan showing removal of interior walls and proposed ADA restroom configuration

Advised Board that copies of Mr. Dao's submittal is what was passed to them prior to the beginning of the meeting for their review.

Chairman White opened the floor for questions of Staff.

Mr. Weast asked to clarify that the only reason the Board was being asked to hear this case again was because of a clerical error of one word. Ms. Batchelor stated the action order posted at the property after the last meeting was incorrect using the word "repair" rather than "demolition". After consultation with city attorney, they advised the case should be brought back to this board.

Chairman White asked the applicant to present their case.

Jacques Dao stated that since last Hearing he had worked with Mrs. Batchelor and prepared scope of work to be completed within ninety (90) days. He gave a corrected personal address on Surfside in Arlington. He stated his appreciation for the second chance to repair the building. He presented all bid proposals, financial ability and a workable timeline in 90 days.

Chairman White opened the floor for questions of the applicant.

None

CHAIRMAN WHITE OPENED THE PUBLIC HEARING

None

CHAIRMAN WHITE CLOSED THE PUBLIC HEARING

FURTHER DISCUSSION BY THE BOARD

Mr. Dobbs said it appeared the bids in paperwork were in order and timeline acceptable to ninety (90) days allowed.

ACTION OF THE BOARD

Chairman White made the following motion: the structure is to be repaired within ninety (90) days with work to commence no later than April 20, 2016 and completed no later than July 19, 2016 performed according to and in compliance with this hearing following the inspection schedule submitted to the Board. The building must be secured within twenty-four (24) hours. If

the owner defaults on this order in the time allotted, the City can order the demolition and place a lien on the property for costs incurred, should that be necessary. The property owner is to procure all permits for repairs and observe all instructions by the Inspections department.

Mr. Dobbs seconded the motion.

Chairman White called for a vote on the motion. The vote was recorded as follows:

Chairman White – Yes

Mr. Cotton – Yes

Mr. Dobbs – Yes

Mrs. Eckhart – Yes

Mr. Odell – Yes

Mr. Pinkerton – Yes

Mr. Weast - No

Chairman White stated the motion passed 6-1.

Mrs. Batchelor advised Board that warrant was issued on Tuesday, April 12th for City demolition at 3411 Sunday and the only thing remaining as of today was one piece of City equipment and one roll-off dumpster that should be gone this week.

ADJOURN

There being no further business to discuss, Chairman White adjourned the meeting at 5:55PM.

Respectfully submitted,

Darla Sulecki, Code Enforcement Officer

James White, Chairman