

## MINUTES

### HEARINGS BOARD

May 17, 2016

#### CALL TO ORDER

Chairman White called the meeting to order at 6:00PM.

#### ROLL CALL

**PRESENT BOARD MEMBERS:** Cotton, Eckhart, Odell, Pinkerton, Roach, Weast, White

**PRESENT ALTERNATES:** none

**PRESENT COUNCIL LIAISON:** Watkins

**ABSENT BOARD MEMBERS:** Dobbs

**ABSENT ALTERNATES:** none

#### ADMINISTRATIVE STAFF PRESENT:

Glenna Batchelor, Building Official

Darla Sulecki, Code Enforcement Officer

\*\*Public Hearing was held in Pre-Council Chambers due to Municipal Court docket still in progress. Notice to public was placed on entry to Courtroom.\*\*

#### APPROVAL OF MINUTES

Mr. Cotton, seconded by Mrs. Roach, made the motion to approve the minutes of the Hearings Board meeting held on April 19, 2016 as presented. Motion pass 7-0.

#### ABSENCE

Mr. Weast, seconded by Mr. Pinkerton, made the motion to approve the absence of Mr. Dobbs. Motion passed 7-0.

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

#### PUBLIC HEARING

**HB002-2015.** Conduct a public hearing regarding whether the structure or structures located at or near 2311 Moneda, 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

2311 Moneda, Lot 13, Block 3, Parkdale Gardens Addition. The site is located on the west side of Moneda, north of Granton and south of Midway.

#### EXISTING ZONING/LAND USE

“M-2” – Heavy Industrial District

### **TAD INFORMATION**

Certified value for tax year 2015 – land \$8,840 – improvements \$100

Year Built – 1944

Building size – 896sf

Land in acres – 0.2453

Land in sq ft – 15,040

Deed Date – 06-26-2004

### **NOTIFICATIONS**

Property was posted with “Notice of Hearing” on April 29, 2016.

Property owner was mailed “Notice of Hearing” on April 29, 2016 via certified and regular mail.

The legal notice regarding the public hearing was published in the May 7, 2016 and May 14, 2016 Fort Worth Star Telegram.

### **COMMENTS**

Case was originally scheduled for October 20, 2015, but withdrawn due to property owner obtaining a demolition permit.

This property has a one-story house.

11-07-2012 10:40AM; vacant house; back door open; called Dispatch who sent HCPD Officers Beshirs and Sandlin to meet Code at property; posted substandard sign; pictures for file:

### **HOUSE:**

#### **BUILDING:**

Faulty weather protection

Foundation in disrepair

Framing exposed on interior

Holes in flooring

Holes in sheetrock

Open and vacant

Roof buckled

Siding broken and missing

Stud cavity exposed on exterior

Windows broken and boarded

#### **ELECTRICAL:**

Electrical not to code – permit required to bring up to code

\*\*electrical permit issued 3-27-2007 to Harter Electric for mast repair at front - inspected 3-27-2007 AM and approved\*\*

Exposed wiring  
Meter gone – connected at mast

**MECHANICAL:**

heating source?

**PLUMBING:**

Gas line test required – meter gone  
Plumbing not to code – permit required to bring up to code  
Water meter remains  
water off since 07-15-2008

**PROPERTY:**

driveway - currently dirt, will require concrete approach and either concrete or asphalt driveway  
JTD throughout house

mailed substandard letter via regular mail to property owner listed on TAD, Midway Business  
Properties LP, 6217 Midway Road, Haltom City, Texas, 76117-5343

11-12-2012 12:55AM; Trae Fowler spoke with me while on the phone with Michael/AUI; he  
was out of town last week and just received letter; advised that 30-days expires December 7th;  
will need predemolition inspection before demolition permit can be issued; he wants to make  
sure demolition falls after first of year for tax reasons

01-02-2013 2:45PM; same; pictures for file

01-16-2013 2:40PM; same; City sign still posted; pictures for file; called Trae Fowler; he'll  
request for water meter to be removed, have electrical service line disconnected and get sewer  
line capped for predemolition

02-26-2013 AM; same; pictures for file; issued citation to Trae Fowler for "maintaining a  
substandard structure in a residential area" and sent certified mail

04-19-2013 2:12PM; same; pictures for file

04-22-2013 per Vicki/Court, citation set for Court on May 28th at 2:00PM

05-20-2013 Trae Fowler came in to office; James reminded about demolition requirements

07-25-2013 3:00PM; water meter remains; electric meter gone but connected at mast; pictures for  
file

08-20-2013 4pm; Trae Fowler came into office and Andrew inquired as to when structure would  
be removed. Trae stated he should be able to start soon as he is selling several of his concrete  
trucks.

10-23-2013 2:45PM; same; pictures for file

11-13-2013 11:00AM; same; pictures for file

12-18-2013 2:30PM; same; pictures for file

01-17-2014 1:50PM; same; pictures for file

02-26-2014 12:00PM; same; pictures for file

03-04-2014 12:30PM; per Trae, he is trading properties with Roy Sullins; advised to get something in writing for Court until going to closing to get deed

**\*\*court set for March 4th at 2:00PM\*\***

Trae present. Swapping lots with Roy Sullins for like properties. Fowler will either buy on Carson and sell Sullins the substandard lot or they will swap the substandard lot for Roy's adjacent to Trae. Given sixty (60) days to make agreement and change ownerships. /ds/gb Letter from Fowler provided to Court and filed in Street folders for Code.

06-20-2014 2:40PM; same; pictures for file

**\*\*court 7-1-2014 2:00PM\*\***

07-28-2014 11:35AM; same; pictures for file of exterior

07-29-2014 4:30PM; Trae Fowler came in to office; he said he will probably have to do demolition because they can't do quit claim deed to transfer property

07-20-2015 3:20PM; same; pictures for file

07-20-2015 5:00PM; sent text message to Trae regarding status of this property

09-11-2015 brush pile at rear of house, weeds 3 ft high, grass overgrown, windows and doors that had been boarded are busted out or taken off. debris inside house sulecki

09-21-2015 received web complaint regarding conditions. "Substandard housing. It has been boarded up for years but appears transients are living there. This is a real eye sore. If it was in a different neighborhood, it would have been cited and torn down by now." dsulecki

09-23-2015 2:00PM; reposted substandard sign; electric meter gone but still connected at mast; gas meter gone, riser at street; pictures for file

09-24-2015 2:40PM; called Jimbo White/HB Chairman to confirm October 20th would be good date for Hearings Board meeting; he said yes

09-25-2015 1:00PM; e-mail to Janan/water to issue work order for water meter removal

09-25-2015 1:07PM; e-mail to Oncor and Grace Daniels/Oncor for total kill of electric

10-02-2015 AM; mailed Notice of Hearing via certified and regular mail to property owner listed on TAD

10-02-2015 10:34AM; e-mail to Christine Lopez at FWST to run ads in Saturday, October 10th and Saturday, October 17th newspapers

10-02-2015 11:30AM; Notice of Hearing posted on property; electric service line disconnected; water meter gone; pictures for file

10-02-2015 11:28AM; e-mail from Christine Lopez that ad cost will be \$108.68

10-06-2015 11:13AM; Trae Fowler called and inquired about price of demolition permit; advised that permit is \$25.00 and valid for thirty (30) days; told him electric was disconnected at service line, gas meter gone and riser at street, water meter removed; only thing remaining for predemolition inspection is for sewer line to be cut, capped and brought above grade

10-07-2015 4:00PM; Trae Fowler came in to office and obtained application for building permit; advised that sewer line cut and cap must be done before predemolition inspection can be scheduled

10-20-2015 10:15AM; predemolition inspection OK

electric - meter gone and disconnected at mast

gas - meter gone - riser at street

sewer - cut and capped

water - meter removed

10-20-2015 12:45PM; Trae Fowler came in to office and obtained demolition permit; advised permit is valid for thirty (30) days

10-20-2015 5:30PM; advised Hearings Board that case was withdrawn due to property owner obtaining demolition permit that is valid for thirty (30) days

10-21-2015 4:50PM e-mail from complainant:

Why do we let something like this go on for so long, we need to apologize to all the neighbors that have to look at this trash.

We will never stand for anything as a City with sights like this. What is the results of this meeting with the hearings board and owner.

10-21-2015 5:11PM; e-mail to complainant:

The case for this property on last night's agenda was withdrawn due to property owner obtaining demolition permit yesterday which is valid for thirty (30) days.

10-26-2015 10:40AM; same; no activity; picture for file

11-04-2015 3:25PM; same; no activity; pictures for file

11-10-2015 2:05PM; same; no activity; pictures for file

11-17-2015 3:45PM; same; no activity; pictures for file

11-23-2015 10:50AM; same; no activity; pictures for file; permit expired 11-20-2015

11-23-2015 11:06AM; Trae Fowler contacted office and advised that he will be renewing demolition permit after holidays

11-30-2015 9:50AM; same; pictures for file

12-03-2015 4:00PM; same no new permit dsulecki

12-18-2015 10:45AM; same; pictures for file

12-29-2015 6:26PM; code violation report #2218 from website:

I reported this address in October. The house is still unsecured. They got a demolition permit on 10-20-15. They should secure it until it is demolished. It is owned by a company that has a councilman as an officer. The city should not be letting this slide as it has in previous years.

01-04-2016 10:50AM; same; pictures for file of exterior

01-05-2016 3:30PM; Trae Fowler called and left voice message that due to weather, holidays and his work schedule, his schedule has fallen behind but he will be in to renew demolition permit and start on demolition

01-19-2016 2:08PM; e-mail received:

Glenna, what is the time limit for this demolition permit, probably dated in October 2015, it appears that nothing has been started as of today.

Yes, I know who owns this property and also the 2400 block which has some of his commercial vehicles parked in plain sight.

Please treat this as you would any other owner as you don't want to show a City Official preferential treatment.

I believe the neighbors know who the owner is and can see what he is getting by with, and that is also setting a precedence. Then you have to ask yourself are we really dedicated to a cleaner City. This area really needs some attention.

01-20-2016 7:58AM; e-mail sent:

Demolition permit for this property was issued October 2015 and valid for thirty (30) days (expired November 2015). Property owner has been in contact with this office keeping City updated on status of delay. We have extended this owner the same consideration any other property owner would receive in keeping in contact with the City regarding their violation.

01-20-2016 1:40PM; e-mail to City Secretary for Open Records Request:

All records on 2311 Moneda, since purchase around 2004, all citations, notifications, any actions taken by the city code building inspections, and the owner responses.  
Also date of utility disconnects. Fire inspector reports if any.

01-20-2016 2:09PM; e-mail from City Secretary for Open Records Request

01-25-2016 3:15PM; same; pictures for file

01-27-2016 10:52AM; Trae called and said he had just completed a project and was almost done with another one; will be in to resubmit for demolition permit

02-24-2016 demolition permit issued to North Texas Group/North Texas Concrete

02-25-2016 2:28PM; same; pictures for file

03-01-2016 3:26PM; same; pictures for file

03-07-2016 3:21PM; same; pictures for file

03-14-2016 10:42AM; same; pictures for file

03-28-2016 2:13PM; same; pictures for file; demolition permit expired March 24, 2016

03-29-2016 9:25PM; e-mail from complainant:

I reported this address in Oct, 2015. There was a hearing scheduled for 10-20-15. The hearing was cancelled when they got a demolition permit. The minutes of the hearing shows they had 30 days to complete the demolition or the case would be back before the board (which it wasn't & it hasn't). I complained again in Feb, 2016. They got another demolition permit on 2-24-16. It's been over a month & still no demolition or hearing. Please take action such as schedule a hearing or demolish the house.

03-30-2016 9:00AM; spoke with Keith Lane about next course of action; he will discuss with David Averitt and Trae Fowler; told him citations had already been issued in the past, two (2) demolition permits have been issued and expired; since full Board now, could schedule for Hearings Board Agenda again; he will let me know to schedule for April or May

04-01-2016 3:49PM; e-mail from Justin:

Keith Lane just came to see you and left message for you with me that he talked to Councilman Fowler and they are both in agreement to move forward with the next step to see that the substandard structure is demolished.

04-08-2016 9:05AM; called Trae Fowler and inquired if he would be available for Hearings Board meeting on Tuesday, May 17th; he said yes unless he does demolition before then

04-19-2016 2:22PM; pictures for file of exterior

04-21-2016 1:48PM; e-mail from complainant:

In case you are not aware, this property is owned by Mr. Trae Fowler, City Councilmember. This was to be demolished many months ago.

Is this the example we are setting for all, Glenna, you stated previously that you treat all property owners the same. Look at the tall weeds Sergeant Myers, your Code has missed again. I truly believe this property must be leveled this month. There is no reason for any further delay.

04-26-2016 1:46PM; e-mail from complainant:

Glenna, I was hoping you would answer my email concerning this property. What is the status of the pending demolition.

04-27-2016 10:04AM; e-mail to complainant:

This property will be presented to the Hearings Board on Tuesday, May 17th at 5:30PM.

04-27-2016 12:11PM; e-mail from complainant:

Thanks Glenna, however as you know this was brought before the Hearings Board on 10/20/2015, on HB002-2015 and your statement was to withdraw as the owner had acquired a permit to demolish and you stated they would allow 30 days to complete or will be brought back before the Board.

Procrastination at its best, this has been "" FIVE MONTHS PAST HIS 30 DAYS NOTICE TO COMPLETE "".

Look up the tax records, he has not even paid all taxes yet, I wonder why.

Mr. Lane, please light a fire under Building Inspections and the Hearings Board to rid us of these blight conditions. Pull the records on this property and see how many years and hours of time wasted. You might hire a Real Estate Broker, but if we don't clean these areas no one will want to do business in Haltom City.

I'm Sorry, but we have lived in Haltom City for 47 years and plan on staying here, too bad most of the City Staff live elsewhere.

Thanks for your consideration,

04-28-2016 complaint of high grass and weeds via email. Called Mr. Fowler to advise. Recent rains delaying but he will get to the lot as soon as it dries out (DSulecki)

04-29-2016 10:50AM; Notice of Hearing posted; pictures for file

05-06-2016 10:32AM; e-mail to Christine Lopez at FWST to run ads in Saturday, May 7th and Saturday, May 14th newspapers

05-06-2016 10:49AM; e-mail from Christine Lopez that ad cost will be \$108.68

05-10-2016 2:15PM; same; pictures for file

**Taxes owed as of 05-10-2016 are \$207.34**

Code violations have been: Three (3) from 2007 to 2016

GRASS – 04-28-2016

HAZARDOUS ELECTRIC – 02-26-2007

OPEN AND VACANT – 10-27-2008

SUBSTANDARD – 11-07-2012

Based on Chapter 10 of the 1997 Uniform Housing Code adopted by the City of Haltom City, it has been determined the property located at 2311 Moneda is substandard due to inspection findings. Specific items from the 1997 Uniform Housing Code that relate to this property states that buildings or portions thereof shall be deemed substandard when they include, but not be limited to, the following:

Inadequate Sanitation

Structural Hazards

Nuisance

Hazardous Electrical Wiring

Hazardous Plumbing

Hazardous Mechanical Equipment

Faulty Weather Protection

Fire Hazard

Faulty Materials of Construction

Hazardous or Insanitary Premises

Inadequate Exits

Inadequate Fire-protection or Firefighting Equipment

Improper Occupancy

**DESCRIPTION OF CONDITIONS FOR 2311 MONEDA**

**HOUSE:**

**BUILDING:**

Faulty weather protection

Foundation in disrepair

Framing exposed on interior

Holes in flooring

Holes in sheetrock

Open and vacant

Roof buckled

Siding broken and missing

Stud cavity exposed on exterior

Windows broken and boarded

**ELECTRICAL:**

Electrical not to code – permit required to bring up to code

\*\*electrical permit issued 3-27-2007 to Harter Electric for mast repair at front - inspected 3-27-2007 AM and approved\*\*

Exposed wiring

Meter gone – connected at mast

**MECHANICAL:**

heating source?

**PLUMBING:**

Gas line test required – meter gone

Plumbing not to code – permit required to bring up to code

Water meter remains

water off since 07-15-2008

**PROPERTY:**

driveway - currently dirt, will require concrete approach and either concrete or asphalt driveway

high grass and weeds

JTD throughout house

**STAFF COMMENTS:**

If a comprehensive cost proposal and itemized time line is provided, this structure could be restored, otherwise demolition would be recommended.

**Chairman White opened the floor for questions of Staff.**

None

**Chairman White asked the applicant to present their case.**

Trae Fowler, property owner, apologized to Board for them having to spend time on this issue. Stated he had been short staffed for a while now. There is standing water at back of property that prevent the mowing. He has mowed the front as of today. This is the only property he's aware of that isn't in compliance and they usually keep the grass cut but weather and staff have been an issue. Lot swap with Roy Sullins didn't happen. Concrete debris on lot next door that belongs to Mr. Sullins will be removed by Mr. Fowler when he conducts property demolition of this structure. May develop as commercial property as this is not viable as residential. Weather situation has caused some of delay. Although he doesn't like having to pay two or three times for the permit for this demolition, he will obtain a third permit. If dry for the next 30-60 days, he anticipates to have demolition complete by mid-June and structure down in 30-45 days. If that is amenable to the Board, then if not if there is a way the City can take it down before then that's entirely up to the Board. He knows it is not repairable and zoning is commercial. He stated financial difficulties in construction business have been an issue since 2008. Mr. Fowler also stated it has been a challenge to keep the property boarded and secured.

**Chairman White opened the floor for questions of the applicant.**

Chairman White clarified that Trae Fowler does want to do demolition. Mr. Fowler stated there is no value to residential structure and he agrees to demolish.

No further questions by the Board members.

**CHAIRMAN WHITE OPENED THE PUBLIC HEARING**

None

**CHAIRMAN WHITE CLOSED THE PUBLIC HEARING**

**FURTHER DISCUSSION BY THE BOARD**

Chairman White said it appeared Mr. Fowler is sincere in wanting to demolish. He known Mr. Fowler for years and knows he is busy with his business and City Council commitments. Chairman White said he has admonished Mr. Fowler for the delays in action. He does understand the weather situation creates delays. Proposed sixty (60) day time line.

Mrs. Roach agreed about giving sixty (60) days but inquired if weather or other problems became an issue that caused further delays then what would be the recourse by the city. Chairman White advised that the Building Official works closely with property owners. If weather was a constant issue in the time allotted for demolition that could be a factor in allowing any extra time to get work completed outside the time allotted by the Board decision. Mrs. Batchelor stated if work was begun and weather delays created equipment risks it could be taken into consideration. Chairman White stated once the Board renders its decision it would be left to the Building Officials discretion to grant extensions for completion.

Mr. Odell stated he couldn't mow his own backyard right now either and understood weather related complications.

Mr. Weast said that July 16<sup>th</sup> is on a Saturday and asked if deadline should be on a workday. Chairman White agreed and stated that would make the deadline become 62 days to demolish which would be Monday, July 18. Mr. Weast stated that would then allow for the summer heat of July to dry out.

Mr. Fowler said there is an advantage to giving sixty (60) days to allow for any delays but then that would also give the City 60 days to schedule somebody should he not be able to get it done. He stated it was much easier for him to not have structures on the property because it is a challenge to keep boarded from homeless people.

Chairman White advised Mr. Fowler that the property would need to be secured within 24 hours of the close of this hearing and remain secured until demolition. Mr. Fowler stated that since the "day labor" business has been closed on this side of town he has not had much problem with the vagrants in the area. Mr. Fowler would make certain it is secured. If it could be next week he would prefer to get in there and take it down but because of business commitments his crews become needed at other jobs.

Mr. Weast asked if the citizen complaints were from one person or multiple. Mrs. Batchelor

stated the complaints were from two citizens by email. Mr. Weast asked that those citizens be contacted with the Boards decision. Mrs. Roach stated her concern for continued complaints as well. Mrs. Batchelor informed Mrs. Roach that after the allotted time expires she could then issue an Administrative Warrant and the City's Public Works crew would then be scheduled to demolish. Mr. Fowler would then be invoiced for the work and if not paid, a lien is placed on the property.

Mr. Weast asked how long the process would be delayed further if the City has to schedule the demolition. Mrs. Batchelor stated she coordinates with the Public Works construction crew schedule with a new Administrative Warrant.

Mr. Fowler stated the property adjacent to this lot belongs to Mr. Sullins and has some concrete debris from the demolition of a house foundation that burned. Mr. Fowler is coordinating with Mr. Sullins to clean both lots at the same time. So he will use his heavy equipment to clean up both lots.

### **ACTION OF THE BOARD**

**Chairman White** made the following motion: the structure is to be demolished within sixty-two (62) days with work to commence no later than May 18, 2016 and completed no later than July 18, 2016 performed according to and in compliance with this hearing. The building must be secured within twenty-four (24) hours and remain secured until demolition. 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 demolition and observe all instructions by the Inspections department.

**Mr. Pinkerton** seconded the motion.

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

Chairman White – Yes  
Mr. Cotton – Yes  
Mrs. Eckhart – Yes  
Mr. Odell – Yes  
Mr. Pinkerton - Yes  
Mrs. Roach - Yes  
Mr. Weast - Yes

**Chairman White** stated the motion passed unanimously.

Mr. Fowler asked to clarify with Mrs. Batchelor how long the demolition permit would be valid. Chairman White stated the permit would be valid based on the Board's recommendation for 62 days and Mrs. Batchelor confirmed same.

Mr. Weast asked that the minutes reflect the need to conduct this Public Hearing in Pre-Council chambers due to the Municipal Court extended docket occupying the Council Chambers.

Mrs. Batchelor advised Board that property owner of 3270 Fincher had obtained building permit and had begun work at the building as instructed by the Board. There have yet to be inspections performed of the work.

**ADJOURN**

There being no further business to discuss, Chairman White adjourned the meeting at 6:38PM.

Respectfully submitted,

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Darla Sulecki, Code Enforcement Officer

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James White, Chairman