

MINUTES

On January 21, 2021, the Condemnation Appeals Commission met at 4:00 p.m. for a Regular meeting via ZOOM video conference.

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD SINCE APPOINTMENT	NO. OF MEETINGS ATTENDED
Tom Roller, Chairman	Yes	39	35
Frank Willburn, Vice Chair	Yes	34	21
Richard Constancio Jr.	Yes	39	28
Joel Favela	No	39	31
Jim Banes	Yes	18	11
ALTERNATE MEMBER			
George Cumming	Yes	39	18

Also in attendance were:

Johnny Scholl
Courtney White
Gwen Gonzales
Corey Logsdon

INTERIM BUILDING OFFICIAL, CITY OF AMARILLO
ASSISTANT CITY ATTORNEY I, CITY OF AMARILLO
BUILDING SAFETY MANAGER, CITY OF AMARILLO
COMMUNITY IMPROVEMENT INSPECTOR, CITY OF AMARILLO

This meeting of the Condemnation Appeals Commission was called to order by Mr. Tom Roller, established a quorum at 4:00 p.m.

ITEM 1: Public Comments:

The Chairman, Mr. Tom Roller opened the floor for any public comments to speak to any item on the agenda that does not have a public hearing.

ITEM 2: Consider Elections of Chair and Vice-Chair:

Mr. Jim Banes nominated Mr. Tom Roller as Chairman and Mr. Frank Willburn as Vice Chair. Mr. Jim Banes made a motion to elect Mr. Tom Roller as Chairman and Mr. Frank Willburn as Vice Chair, seconded by Mr. Richard Constancio Jr., the motion passed with a 5:0 vote.

ITEM 3: Minutes:

Mr. Frank Willburn made a motion to approve the minutes of the October 1, 2020 meeting, seconded by Mr. Richard Constancio Jr., the motion passed with a 5:0 vote.

ITEM 4: Resolution-Calling a Public Hearing to determine whether certain conditions described herein constitute a Public Nuisance at the locations stated:

This resolution sets the date and time for a public hearing on March 18, 2021, at 4:00 p.m. to determine whether certain conditions of the property at 407 S Osage Street constitute a dangerous structure and/or a public nuisance, and whether to order the removal of such. A copy of this resolution will be mailed to all interested parties providing ten (10) days notice of public hearing. Mr. Frank Willburn made a motion to approve the resolution, seconded by Mr. Richard Constancio Jr., the motion passed with a 5:0 vote.

ITEM 5: Resolution - Public Hearing:

This resolution conducts a public hearing on and considers ordering the removal of substandard structures located at 1929 NW 15th Avenue. (This Commission by resolution called a public hearing for the 1st day of October 2020 for the purpose of determining whether certain conditions located at 1929 NW 15th Avenue constituted a public nuisance. On the 1st day of October 2020 this Commission tabled this resolution for consideration at the next regular meeting.)

Mr. Johnny Scholl, Interim Building Official, presented the case with a PowerPoint presentation describing the conditions of

the property. This property consists of a residential structure and an accessory structure. The property has been without water service since August 4, 2016. The Amarillo Police Department has not been called out to this location since this property became vacant. Building Safety has worked 8 cases; including weeds, junk and debris, open structure and this Dangerous Structure case since the property became vacant. This property is located 3 blocks from an elementary school and park. The residential structure has recently been partially boarded up. Building Safety has had no recent permit activity. This property is an attractive nuisance, represents a hazard to the neighborhood, blight on the area and an unsafe environment. Mr. Scholl's recommendation is demolition; Item II. The current and delinquent taxes are due, there is a tax suit and there is money owed to the City for prior mowing and cleanup jobs. The Commissioners then had the opportunity to ask Mr. Scholl any questions. The Chairman then asked if there was anyone present with a legal interest in the property. No one was present.

The Chairman then asked if there was anyone else who wished to speak concerning the property. Timothy Gassaway, 1604 NW 20th, Amarillo TX 79107 "raised hand" via Zoom to speak. He stated since the last meeting he has contacted the majority of the family members of the case. Peggy Crawford and Mr. Crawford are deceased and there are several step children and the property will not transfer to Mr. Crawford Jr. Mr. Crawford told him he didn't have an interest in the property anymore because he could not get legal title to it. Mr. Gassaway spoke with many relatives: cousins, nieces, nephews. Since the last meeting, Mr. Gassaway has boarded up the front door, repaired siding and boarded up the bare basics which were shown in the slide presentation. He spoke with Potter County and their law firm, Ms. Terry White, and Ms. White said they have filed suit and will be getting a judgment on the property. Mr. Gassaway is asking the Commission to allow the County to sale the property. Mr. Gassaway believes \$30,000.00 will make this a functioning property because it has good bones. Mr. Gassaway is asking to have this case vacated. Mr. Gassaway is willing to maintain the property, trees cut, siding replaced to allow it to be sold. Mr. Roller asked a question to Mr. Gassaway about when the property might go up for sale. Mr. Gassaway said he spoke with the tax office today and said that their recommendation is that when they get an actual judgment, the property will be sold within 60 – 90 days.

Orlando Johnson, 4222 SW 3rd, Amarillo TX 79106. Orlando Johnson was sworn in. Mr. Johnson said he is with Tim, however, he is with the City also, because he believes the property is a nuisance. He doesn't believe the situation is to tear it down. He would also put his own capital to secure the property. Mr. Johnson also spoke with Mr. Crawford Jr. and was told he had nothing to do with the property. Mr. Johnson stated, we do not need another lot in this area.

Mr. Frank Willburn asked if the structure was secured. Mr. Scholl said not it is not, because any of the windows are boarded up and anyone could easily break the window and gain access. Mr. Gassaway said the front door is secured and anyone anywhere in the city can break a window. Ms. Courtney White suggested that Mr. Scholl and Mr. Gassaway get together at a later time to ensure the property is secured properly.

Mr. Constancio talked about how this property was tabled before to see some progress and we have seen some. We are being told now additional work will be done to help secure this property. From a physical and structural standpoint with a little bit more work on it we can probably secure so animals and critters don't get into and that is worth value in trying to keep the structure. Can we continue to postponing the decision on and on and on. Mr. Constancio asked Ms. Gwen Gonzales how we know if this suit is going on at Potter County. Ms. Gonzales said the last time she spoke with Potter County and they are aware of our condemnation hearing. Typically if Potter County would ask us to hold off on a hearing so they have an opportunity to present this with a judgment and a tax sale they will ask to me to do so and we will hold off. Potter County has not asked me to do that for this property at this time. Mr. Constancio said that was what he wanted to know if there was a partnership between the County and the City on cases like this.

Mr. Johnson raised his hand to speak. Mr. Johnson wanted to know if he could, as a registered contractor, be given 3 weeks to make some repairs both inside and outside and put a lien on the back end. He believes the house shouldn't be torn down, but what the City is presenting is valid because it will come to a point of having to be torn down if nothing is done now. Mr. Roller spoke about the lien and how at a tax sale the liens are wiped out. Mr. Johnson asked some legal questions. Ms. White stated that we can't give any legal advice on how the property is sold and on liens.

Mr. Gassaway is asking the City to vacate the condemnation and this will allow the County to sale the property and change hands and this will solve the problem.

Mr. Willburn asked if this could be postponed or does a decision need to be made today? The Commissioners furthered discussed options. Mr. Constancio suggested that they request more work to be done on the property to secure it and then

if that is agreeable, then we can table for 3 months or so to give the City enough time to coordinate with Potter County to see the situation there and then they can decide from there. Mr. Willburn asked if they determine this is not a dangerous structure (option 1) and 6 months later it gets worse, what is the process to get this back on the list to be demolished? Mrs. Gonzales said that if the Commission closed this case (option 1) and in 6 months, this property is in the same or worse condition, the City would have to start a new case. Mr. Roller asked Ms. White if it would be better to table and have it come back before the Commission and see where we are at. Ms. White said the Commission can table the item if they choose to. Mr. Roller asked Mr. Gassaway and Mr. Johnson if they would commit to taking a few more actions to fully secure the property. Mr. Johnson replied with yes. The Chairman closed the hearing. Mr. Frank Willburn made a motion to table their action for three (3) months, it was seconded by Mr. George Cumming, the motion passed with a 5:0 vote.

ITEM 4: Resolution - Public Hearing:

This resolution conducts a public hearing on and considers ordering the removal of substandard structures located at 803 Pittsburg Street.

Mr. Johnny Scholl, Interim Building Official, presented the case with a PowerPoint presentation describing the conditions of the property. This property consists of a residential structure, an accessory structure, an in-ground storm cellar and solid waste accumulations. The structures were involved in a fire on April 25, 2020. The property has been without water service since March 11, 2014. The Amarillo Police Department has been called out to this location 16 times since this property became vacant. Building Safety has worked 17 cases; including weeds, junk and debris, junk vehicles, vehicle storage, open structure and this Dangerous Structure case since the property became vacant. This property is located 5 blocks from the fairgrounds, 7 blocks from a middle school and 8 blocks from a 6th grade school. Building Safety has had no recent permit activity. This property is an attractive nuisance, represents a hazard to the neighborhood, blight on the area and an unsafe environment. Mr. Scholl's recommendation is demolition; Item II and V. The current and delinquent taxes are due and there is money owed to the City for prior mowing and cleanup jobs. The Commissioners then had the opportunity to ask Mr. Scholl any questions. The Chairman then asked if there was anyone present with a legal interest in the property. No one was present. The Chairman then asked if there was anyone else who wished to speak concerning the property. No one was present. The Chairman closed the hearing. Mr. Frank Willburn made a motion to approve the resolution for Option II and V, seconded by Mr. Jim Banes, the motion passed with a 5:0 vote.

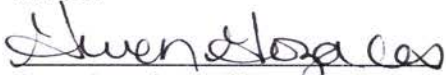
Adjournment:

The Chairman, Mr. Tom Roller concluded the meeting. The meeting adjourned at 5:16 p.m. This meeting was recorded and all comments are on file with the Department of Building Safety.



Tom Roller, Chairman

ATTEST:



Gwen Gonzales, Building Safety Manager