

MINUTES

On September 2, 2021, the Condemnation Appeals Commission met at 4:00 p.m. for a Regular meeting at City Hall, 601 S Buchanan St., in the City Council Chambers.

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD SINCE APPOINTMENT	NO. OF MEETINGS ATTENDED
Tom Roller, Chairman	Yes	47	42
Frank Willburn, Vice Chair	Yes	42	25
Richard Constancio Jr.	Yes	47	34
Joel Favela	No	47	33
Jim Banes	Yes	26	18
ALTERNATE MEMBER			
George Cumming	No	47	24

Also in attendance were:

Johnny Scholl	BUILDING OFFICIAL, CITY OF AMARILLO
Justin Oppel	DEPUTY BUILDING OFFICIAL, CITY OF AMARILLO
Courtney White	ASSISTANT CITY ATTORNEY I, CITY OF AMARILLO
Gwen Gonzales	BUILDING SAFETY MANAGER, CITY OF AMARILLO
Cory Gilford	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: Minutes:

Commissioner Richard Constancio made a motion to approve the minutes of the August 19, 2021, meeting, seconded by commissioner Frank Willburn, the motion passed with a 4:0 vote.

ITEM 3: 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 October 7, 2021, at 4:00 p.m. to determine whether certain conditions of the properties located 3817 NE 12th Avenue, 1411 Brook Avenue, 1101 N Cleveland Street and 2019 N Cleveland Street constitute dangerous structures 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. Commissioner Jim Banes made a motion to approve the resolution, seconded by Commissioner Frank Willburn, the motion passed with a 4:0 vote.

ITEM 4: Resolution - Public Hearing:

This resolution conducts a public hearing on and considers ordering the removal of substandard structures located at 2017 NW 19th Avenue.

Mr. Johnny Scholl, Building Official, presented the case with a PowerPoint presentation describing the conditions of the property. This property consists of an accumulation of solid waste. There is so much accumulation it is overflowing to the adjacent vacant lot and into the street. This property was previously presented before the Condemnation Appeals Commission on December 6, 2018, for similar conditions and cleaned up by the City in July 2019. The property has been without water service since June 4, 2013. The Amarillo Police Department has been called out to this location 17 times since the last active water account. Building Safety has worked 2 cases since the previous Commission ordered cleanup in December 2018; including weeds, junk and debris and this Solid Waste Accumulation case. This property is located 2 ½ blocks from an elementary school, 4 blocks from a Community Center and park. The property owner, Mr. Anderson, contacted Building

Safety on August 6, 2021, after the property was posted with the public hearing sign. Mr. Anderson felt as if the City was harassing him and said that all the materials on his property had to do with his work. Mr. Oppel, Deputy Building Official, informed Mr. Anderson that he would need to either remove or enclose the items since it was violating city ordinance. Mr. Anderson had until the date of the Hearing to comply, if not, the City would pursue the case. This property is not only an attractive nuisance, represents a hazard to the neighborhood, blight on the area and an unsafe environment. The Building Official's recommendation is cleanup of the solid waste accumulation; Item V. Mr. Scholl listed the notification information. The taxes are paid and there nothing owed to the City for prior mowing and cleanup jobs. The Commissioners then had the opportunity to ask Mr. Scholl any questions. Commissioner Constancio asked Mr. Scholl would scroll back through the pictures. Commissioner Roller verified that only the solid waste was being considered. Commissioner Roller asked if there were liens on the property for the prior clean up. Mr. Scholl asked Ms. Gonzales if she knew the answer. Ms. Gonzales said that at the time of the previous cleanup, the Community Development department had funds available for this and not charge it back to the owner. The Chairman then asked if there was anyone present with a legal interest in the property. An audience member, Timothy Gassaway, raised his arm and started talking (while the owner could approach) said he had a question. "His sister could be reached by phone and I don't know if you allow that." Ms. Gonzales said that she had something from the sister and will read it later. Mr. Ronnie Anderson Jr., co-owner of 2017 NW 19th Avenue, approached to podium. Mr. Anderson said that he didn't want to refute the accumulation of the debris on the property. He did explain why the police had been called to the property. There have been individuals there that should not have been. He is in the process of getting the residence more secured. He also said that he works for the widows and elders in the community. He mows and cleans up properties and then brings the items to his property so that he can clean up and help those who need things. He also scraps materials and takes it to Amarillo Scrap Yard. He talked about many of the items on his property. Mr. Anderson said he could be more organized. Commissioner Roller asked, "how long will it take you to get this cleaned up?" Mr. Anderson talked about other items and then answered, leave it as it is. He started stacking things up front to be picked up, but it was already under investigation. Commissioner Roller asked about what happened 2 years ago when it was cleaned up. Mr. Anderson said that he wasn't there or his sister. He said he's making a better effort in the community. He then said to answer the question, as far as all this stuff out there, the stuff on the edge was the stuff to be picked up. He continued talking about projects he was helping other citizens. He then said he can in about 10 days. Commissioner Roller said we appreciate your efforts to do the things you're doing to help, but there are neighbors that do not know the reason that is out there, and it has to be cleaned up. Mr. Anderson said yes sir. Commissioner Roller asked Mr. Scholl about Option V and the 10 days and Commissioner Willburn asked if it could be extended to 15 days. Ms. Gonzales said that the ordinance states they have 10 days to obtain the necessary documents for either a structure or a cleanup and it is 10 days from receipt of the letter. He will have more than 10 days to get this done. Commissioner Roller asked Mr. Scholl, if the board decides on Option V if he gets it cleaned up prior to the 10 days he is good. If not, we go ahead with the provisions of Option V. Correct was Mr. Scholl's response. Commissioner Roller said if the board decides that you will have some time but you will have to get it cleaned up. Mr. Anderson said he understood that. Mr. Anderson asked about the building materials, since he doesn't a storage shed and part of making this property more people friendly, is that going to be a problem? Commissioner Roller said I don't know. Mr. Anderson said that everything is open. Commissioner Roller said, yes it is if everything is open, if he had a fence and was hidden behind a fence, that would work? Is that correct? Mr. Scholl asked Mr. Oppel to approach the podium. Mr. Oppel gave a brief review of the history of the property. He scrolled through the pictures again and talked about the conversation he had with Mr. Anderson a couple weeks prior. He said that some things can remain on the property if they were stored neatly or behind the fence such as the unused shingles and pallets. Now the multiple toilets and appliances, they are in violation of City Ordinance and cannot be stored outside at any time. He said that he notified Mr. Anderson of this a couple weeks ago, but on the majority of the property the weeds must be cut and the items removed. Commissioner Roller asked Ms. Gonzales to read the letter from Mr. Anderson's sister into the record. Ms. Gonzales stated received a phone call from Shamika Sanford this afternoon. I told her that if she wanted to send me something I would read it for her. Ms. Sanford followed up with an email. Ms. Gonzales ready the email to the Commissioners. Commissioner Roller asked Mr. Anderson if there was anything else he wanted to say. Mr. Anderson said in the future, there won't be any problems. He won't be picking up anything and bringing it to his property. He will notify the city of the problem and let them take care of it. As far as what is there, I will be taking care of and everything will be stored nice and neat. The Chairman then asked if there was anyone else who wished to speak concerning the property. Timothy Gassaway, 1604 NW 20th Avenue, approached the podium. Ronnie is a neighbor of him and has done work for him before. He finds himself in a difficult situation at times and he does go up and down the alleys to haul stuff. He's a good guy. Mr. Gassaway said, "I will commit with him to get this place cleaned up within the next 10 days. And we'll do whatever we can to make his situation better. I do believe, and I'm going to ask the City, I don't know if it is the HUD people or Building Safety, I'm not sure. We need to help this guy, we need to help him finish his house." Mr. Gassaway spoke more on trying to get help for Mr. Anderson and what he does for the community. Mr. Scholl suggested he get with Community Development. Commissioner Roller asked him to get with Ms. Gonzales after the meeting. Commissioner Roller asked if there were any other questions. Commissioner Willburn had a question for Mr.

Scholl. Your suggestion for Option V, what if we go with Option IV with 30 days? Mr. Scholl asked Ms. Gonzales if that can be done. Ms. Gonzales explained that Option IV is if there was a permit to do work and failed to comply and you are giving them a chance to finish that permit out. Mr. Scholl said then that one wouldn't apply. Commissioner Roller asked if they could table this until the next meeting. Commissioner Constancio said he didn't know why they would table it. Ms. White verified that they could if they wanted to. The Chairman closed the hearing. Commissioner Frank Willburn made a motion to table this item until the October 7, 2021 meeting, seconded by Commissioner Jim Banes, the motion passed with a 3:1 vote.

ITEM 5: Resolution - Public Hearing:

This resolution conducts a public hearing on and considers ordering the removal of substandard structure and an accumulation of solid waste located at 2408 Brixton Drive.

Mr. Johnny Scholl, Building Official, presented the case with a PowerPoint presentation describing the conditions of the property. This property consists of fire damaged manufactured home and an accumulation of solid waste. The structure was involved in a fire on January 21, 2021. The property has been without water service since April 15, 2021. The Amarillo Police Department has been called out to this location 150 times since the fire on January 21, 2021. Building Safety has worked 3 cases; Zoning Violations and this Dangerous Structure case since the date of the fire. The property currently has an accumulation of solid waste and overgrown weeds. This property is located 4 blocks from a railroad track and less than 1.5 miles between 2 different elementary schools and parks. 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. The Building Official's recommendation is demolition; Item II and V. Mr. Scholl listed the notification information. There are taxes due and nothing is owed to the City for prior mowing and cleanup jobs. The Commissioners then had the opportunity to ask Mr. Scholl any questions. Commissioner Constancio asked if the RV in the picture was part of this hearing. Mr. Scholl said the RV had to be done as a junk vehicle and not part of this hearing. The Commissioners wanted to know what the police were call out for so many times. Ms. Gonzales showed the Commissioners where that report could be found in the file. The primary response was for suspicious activity. Ms. Gonzales said that she had a message from the owner Debra Hogan. Ms. Hogan called Ms. Gonzales this afternoon. She was unsure if she could attend the meeting. Ms. Gonzales asked what her intentions were for the property. Ms. Hogan said she wanted to sign a voluntary release to forgo the hearing and allow the City to remove the mobile home and clean the property up. However, she did not have a valid ID and the voluntary release requires a notarized signature. Ms. Hogan was concerned about not having a voluntary release because she wanted to then make payment arrangements because she couldn't pay to get it done immediately herself. Ms. Gonzales told her that if the Commission's decision to have the structure removal and the junk and debris, once invoiced she could then make payment arrangements with our Accounting Department at that time. Ms. Hogan said okay. Ms. Gonzales asked Ms. Hogan what were her plans for the property once it was cleared. Ms. Hogan said that they planned on putting another manufactured home there. Ms. Gonzales told Ms. Hogan that she would need to request a temporary disconnect with the Director of Utilities Department versus the City ordering water and sewer abandonments. This would affect the cost. Ms. Hogan said she would try to come back to make those arrangements. 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. Commissioner Frank Willburn made a motion to approve the resolution for Option II and V, seconded by Commissioner Richard Constancio, the motion passed with a 4:0 vote.

ITEM 6: Resolution - Public Hearing:

This resolution conducts a public hearing on and considers ordering the removal of substandard structure and an accumulation of solid waste located at 1516 S Houston Street.

Mr. Johnny Scholl, Building Official, presented the case with a PowerPoint presentation describing the conditions of the property. This property consists of fire damaged residential structure. The structure has been involved in a fire, however the Amarillo Fire Department has no record of the fire date. The property has been without water service since February 14, 2021. The Amarillo Police Department has been called out to this location 26 times since this property became vacant. Building Safety has worked 14 cases; Weeds, Junk and Debris, Zoning Violations, Open Structure and this Dangerous Structure case since the property became vacant. This property is located 7 blocks from one elementary school and park and 9 blocks from another elementary school and park. It is also located 2 blocks from a major thoroughfare: Interstate 40. 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. The Building Official's recommendation is demolition; Item II. Mr. Scholl listed the notification information. There are no taxes due however, there is \$1,038.82 owed to the City for prior mowing and cleanup jobs. The Commissioners then had the opportunity to ask Mr. Scholl any questions. Commissioner Willburn asked Mr. Scholl if his recommendation was option II. Mr. Scholl said yes. Commissioner Constancio said we do not know when the fire

happened. Mr. Scholl said there is no record from the Fire Department when the fire happened. The Commissioners discussed the fire and the placement of the placard. Mr. Cory Gilford testified that he placed the placards and the board on the back door was not there when he placed the placard. The Commissioners asked if there had been any contact from the owners. Ms. Gonzales said that a response was from Ken Nall. He is the son of the deceased Joseph Walker Nall, note holder on Deed of Trust. Mr. Nall said that the property was sold and they no longer had any interest in it. Mr. Justin Oppel approached the podium to discuss the way the property had been partially secured. The Commissioners asked how was this property identified by Building Safety. Mr. Scholl said it was by canvassing. 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. Commissioner Frank Willburn made a motion to approve the resolution for Option II, seconded by Commissioner Richard Constancio, the motion passed with a 4:0 vote.

Adjournment:

The Chairman, Mr. Tom Roller asked if there was any further business. There was none. Mr. Roller concluded the meeting. The meeting adjourned at 5:17 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