

MINUTES

On January 19, 2023, 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, Chair	Yes	65	58
Frank Willburn, Vice Chair	Yes	65	40
George Cumming	No	65	37
Richard Constancio Jr.	No	65	44
Jim Banes	Yes	44	32
ALTERNATE MEMBER			
Ryan Huseman	No	14	5

Also in attendance were:

Johnny Scholl
Courtney White
Gwen Gonzales

BUILDING OFFICIAL, CITY OF AMARILLO
ASSISTANT CITY ATTORNEY II, CITY OF AMARILLO
BUILDING SAFETY MANAGER, CITY OF AMARILLO

This meeting of the Condemnation Appeals Commission was called to order by Chairman Roller, established a quorum at 4:18 p.m.

ITEM 1: Public Comments:

The Chairman, Commissioner 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:

Commissioner Willburn made a motion to elect Commissioner Tom Roller as Chairman, seconded by Commissioner Banes, the motion passed with a 3:0 vote. Commissioner Roller made a motion to elect Commissioner Frank Willburn as Vice Chair, seconded by Commissioner Banes, the motion passed with a 3:0 vote.

ITEM 3: Minutes:

Commissioner Willburn made a motion to approve the minutes of the December 15, 2022, meeting, seconded by Commissioner Banes, the motion passed with a 3:0 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 2, 2023, at 4:00 p.m. to determine whether certain conditions of the properties located at 203 N Independence Street, 202 N Madison Street, and 807 S Mississippi 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 Banes made a motion to approve the resolution, seconded by Commissioner Willburn, the motion passed with a 3:0 vote.

ITEM 5: Resolution - Public Hearing:

This resolution conducts a public hearing on and considers ordering the removal of a substandard structure located at 88 N Bowyer St.

Mr. Scholl, Building Official, presented the case with a PowerPoint presentation describing the conditions of the property. This property consists of a fire damaged residential structure. This residential structure was involved in a fire on January 28, 2019. This structure has been without water service since October 11, 2017. The Amarillo Police Department has been called out to this location 4 times since the structure became vacant. Building Safety has worked 5 cases since this property has become vacant: weeds-junk & debris, open structure, and this Dangerous Structure case. This property is located 6 blocks from a park, 8 blocks from an elementary school, and 10 blocks from a private school. The structures remain unsecured, it is being tagged with graffiti, there is evidence of vagrant activity, and harborage of stray animals. 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 taxes 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 asked if there was anyone present with a legal interest in the property. There was no one present. The Chairman then asked if there was anyone else who wished to speak concerning the property. There was no one present. The Chairman closed the hearing. Commissioner Willburn made a motion to approve the resolution for Option II, seconded by Commissioner Banes, the motion passed with a 3:0 vote.

ITEM 6: Resolution - Public Hearing:

This resolution conducts a public hearing on and considers ordering the removal of a substandard structure located at 2604 S Tyler Street Units A & B.

Mr. Scholl, Building Official, presented the case with a PowerPoint presentation describing the conditions of the property. This property consists of a fire damaged duplex structure and a rear garage apartment structure. Only the duplex is being considered on this Resolution. This duplex structure was involved in a fire on December 9, 2020. The "A" side of the duplex sustained the majority of the fire damage; however, the "B" side has reduced structural integrity due to the fire. This structure has been without water service on the "A" side since July 19, 2019, and the "B" side since November 6, 2020. The Amarillo Police Department has been called out to this location 5 times since the structure became vacant. Building Safety has only worked 10 cases since this property has become vacant: weeds-junk & debris, open structure, and this Dangerous Structure case. This property is located 2 blocks from a park and 3 blocks from Amarillo College. A Provisional Permit application was submitted to Building Safety on February 28, 2022. The Provisional Permit was never issued, and the permit application was closed due to no activity. The project has been abandoned. Building Safety has had no other recent permit activity. This property is an attractive nuisance, represents a hazard to the neighborhood, blight on the area and an unsafe environment therefore demolition is recommended; Items II. Mr. Scholl listed the notification information. The current taxes are due and there is no money owed to the City for any prior mowing and cleanup jobs. The Commissioners then had the opportunity to ask Mr. Scholl any questions. The Chairman asked if there was anyone present with a legal interest in the property. Mr. Eduardo Gonzalez, 2807 S Ong Street, approached the podium. Mr. Gonzalez is a real estate investor and has experience fixing fire damaged properties. He stated he has had all the windows boarded up. His plan is to rehab the structure. When he originally applied for the permit, he was working on 6 other houses and his finances were tied with those. That is why he was unable to rehab this property at that time. Mr. Gonzalez asked for a permit that was not so strict, a regular building permit. He is done with those properties and plans on rehabbing this structure. Commissioner Willburn asked Mr. Gonzalez what his time frame was. Mr. Gonzalez said if he could get a regular permit, he could get the permit tomorrow and complete it within 6 months in unit A & B. Commissioner Willburn asked if he was prepared to start working on the structure. Yes, he has a crew ready if he could get a regular permit. The Chairman admitted his information into the record. The Chairman asked if the Commission had any other questions for owner or the Building Official. Mr. Scholl stated he was at the location today and it was not completely boarded up. His suggestion was that if he was allowed to permit the property, he must completely secure it. Ms. Gonzales stated that the ordinance requires a 60-day provisional permit on a dangerous structure and if he is making progress he can obtain an extension. Ms. Gonzales stated that if Mr. Gonzalez was allowed to rehabilitate the structure, he would need to resubmit all the required information for a provisional permit. Mr. Gonzalez said he could do that. The Chairman admitted Mr. Gonzalez's information into the record. The Chairman then asked if there was anyone else who wished to speak concerning the property. There was no one present. The Chairman closed the hearing. Commissioner Willburn made a motion to approve the resolution for Option III, seconded by Commissioner Banes, the motion passed with a 3:0 vote.

ITEM 7: Resolution - Public Hearing:

This resolution conducts a public hearing on and considers ordering the removal of an accumulation of solid waste located at 2017 NW 19th Avenue.

Mr. 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. The residential structure is not being considered in this Resolution. The definition of TRASH as per the Amarillo Municipal Code, Section 4-3-2, is included in the agenda packet. 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. It was again presented before the Condemnation Appeals Commission on September 2, 2021 and tabled to November 4, 2021. The property was mostly cleaned up by the owner at that time. This is the 3rd time to present a solid waste accumulation case to the Commission. This property has been without water service since June 4, 2013, however, one of the owners occupies the structure. The Amarillo Police Department has been called out to this location 4 times since the last time there was an active water account. Building Safety has worked 2 cases since the previous Commission ordered cleanup in November 2021; including a weeds-junk & debris case 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. Mr. Scholl asked the Commissioners to refer to copies of the Amarillo Municipal Code, Zoning Ordinance, Section 4-10-82 (Use of Land and Buildings). This property is located in an R3 zoned area (residential district). Section (K), screened or unscreened outdoor storage is not allowed, and Section (M), a junk or salvage yard is not allowed. A partial fence has been constructed, however, there is so much accumulation of solid waste, it is overflowing onto the adjacent vacant lots and into the alley. If ever there was a fire at this location, the responding fire crew would have difficulty maneuvering the property to fight a fire due to the excessive accumulations. This property is an attractive nuisance, represents a hazard to the neighborhood, blight on the area and an unsafe environment, therefore cleanup of the solid waste accumulation is recommended; Item V. Mr. Scholl listed the notification information. There are no taxes due and there is nothing owed to the City for any prior mowing and cleanup jobs. The Commissioners then had the opportunity to ask Mr. Scholl any questions. The Chairman asked if there was anyone present with a legal interest in the property. Ronnie Anderson Jr., 2017 NW 19th Avenue, approached the podium. Mr. Anderson spoke about the last time he was before the Commission. He spoke about the fence. Mr. Anderson also spoke about him looking out for the neighborhood homes and they trade out materials for cash. He said he breaks down the materials and turns in the metal to the scrap yard. He spoke about the fence again. Commissioner Willburn stated that where Mr. Anderson lives is not zoned for a salvage yard, by his own admission. The material is salvaged from other properties. This is a salvage yard and can not have it in a residential area. Mr. Anderson said he was building a fence around the whole yard. Commissioner Roller stated that regardless of fencing, he can not have a salvage yard. Mr. Anderson said he was going to use the materials for his house and his business. Commissioner Banes said this is the 3rd time and the items on the site is growing and not reducing. The City will have to clean up the items and he will be responsible for the bill. The Chairman admitted Mr. Anderson's information into the record. The Chairman then asked if there was anyone else who wished to speak concerning the property. Omar Malik, PO Box 3111, approached the podium. Mr. Anderson helps Mr. Malik often. He said that Mr. Anderson sometimes doesn't understand. Mr. Malik said he would go with Mr. Anderson to the meeting and ask for additional time. He asked for 90 days and he would guarantee that all the stuff would be cleaned up and gone to the City's satisfaction. Commissioner Willburn stated that Mr. Anderson has had well over a year to clean up. Chairman Roller said that Mr. Anderson needs to understand that he cannot do this because it isn't zoned for this. Mr. Malik said he would help him understand and is asking for a little time to clean up. The Commissioners asked if there was anything else to help Mr. Anderson. Ms. Gonzales said that Mr. Anderson would need to find a legally zoned area to keep his materials. Chairman Roller asked if there was a way to give more than 10 days. Ms. Gonzales explained that a provisional permit for solid waste condemnation clean up give 60 days. If significant progress was being made, the ordinance gives an opportunity to get an extension. Commissioner Roller asked Mr. Malik if he understood, he replied yes. Mr. Anderson asked if he built a fence all around his property would that be fine. Chairman Roller said building a fence would be fine. Commissioner Willburn said however, all the stuff will have to be removed unless he is using it for a current project for his house. The Chairman closed the hearing. Commissioner Willburn made a motion to approve the resolution for Option V, seconded by Commissioner Banes, the motion passed with a 3:0 vote.

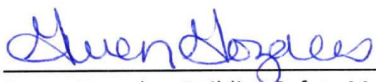
Adjournment:

Chairman Roller asked if there was any further business. There was none. Chairman Roller concluded the meeting. The meeting adjourned at 5:20 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