



CITY OF BRYAN
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Minutes

BUILDING AND STANDARDS COMMISSION REGULAR MEETING MONDAY, NOVEMBER 28, 2011 AT 6PM COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING 300 S. TEXAS AVENUE

On the 28th day of November, 2011, the Building and Standards Commission of the City of Bryan, Texas convened in Council Chambers of the Bryan Municipal Building at 6:00pm.

BSC Members Present:

Jerry Ponzio
Victor Drozd
Jerry Russum
Cheryl Free
Daryl Massey

Staff Members and Others:

Greg Cox, Chief Building Official
Lindsey Guindi, Asst Director – Planning & Dev
Martin Zimmermann, Planning Administrator
Jonathan Koury, Assistant City Attorney
Fred Taylor, Deputy Fire Marshall
Sandra Willis, Code Enforcement Officer
Dawn Kaatz, Code Enforcement Officer
Jerry Fagan, Community Improvement Specialist
Carmen Mulvaney, Dev. Serv. Representative

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Chairman Ponzio called the meeting to order at 6:04pm.

2. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

3. APPROVAL OF MINUTES FROM THE REGULAR MEETING ON OCTOBER 24, 2011

Commissioner Drozd moved to approve the regular meeting minutes of October 24, 2011. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed with a unanimous vote

4. OPENING STATEMENT FROM THE CHAIR.

Chairman Ponzio read the opening statement.

5. SWEARING IN OF ALL PRESENT AND INTENDING TO TESTIFY.

Chairman Ponzio swore in everyone in the audience that was planning on speaking concerning any of the properties on this meeting agenda.

6. REQUESTS TO DECLARE THE FOLLOWING BUILDINGS UNSAFE AND TO ORDER THE SAME TO BE VACATED, REPAIRED, SECURED OR DEMOLISHED – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (The order of hearings during this meeting is subject to change without notice, anyone wishing to speak at a hearing should be present at the start of the meeting. Commission makes final determination; appeals may be directed to district court).

- b. Case # 1760 – 3200 Finfeather Road**
Owner: Transform Property LLC
Powers (Roy) Lot 2, Block Acres 5.02 & Associated BPP

Mr. Zimmermann, Planning Administrator, advised that staff believes that this property is not currently in compliance with the time schedule for repairs that the Commission ordered on September 26, 2011. Staff recommends that the Commission issue a new order to the owner, lienholder, or mortgagee to vacate the occupied affected apartment units or shore /secure any immediate hazards within 15 days and to comply with the following new time schedule for repairs.

<u>Deadline</u>	<u>Task</u>
30 Days	Repair all roof leaks (written confirmation from roofer that all roofs have been inspected and permits obtained for roof repairs)
60 Days	complete all repairs to all buildings for siding/stucco, porch, decks Columns, beams, guardrails, and stairs. Seal exterior envelope. Follow original engineer's report for repairs and submit engineer's report to city after repairs are made.

Staff further recommends that the owner, lienholder, or mortgagee appear before the Commission at the February 27, 2011 regular meeting.

Chairman Ponzio opened the public hearing.

Mr. John Webb, of 1515 Emerald Plaza, College Station, Texas, representing the property owners, handed out reports to the Commission, and stated they are in receivership at the present time, and the foreclosure is to take place next Tuesday (December 6, 2011). Mr. Webb also stated that they are going to do an asbestos survey.

Mr. Jerry Aoecher, 4473 County Road 246, Caldwell, Texas stated that they have done some repairs on the roof, and any safety issues they see they fix right away.

Commissioner Massey asked, if there were any problems with the proposed repair schedule. Mr. Aoecher stated that he was unsure what the timeline was. Mr. Zimmermann reiterated staff's recommended timeline for repairs.

Chairman Ponzio closed the public hearing.

Commissioner Drozd moved that the Commission find the buildings unsafe and issue an order to the owner, lien holder or mortgagee to comply with the proposed repair schedule, as recommended by staff. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- a. **Case # 1741 – 608 North Sims Avenue**
Owner: Cavitt, George
City of Bryan Townsite, Lot 6 & pt of alley, Block 164

Mr. Zimmermann advised the Commission that staff believes that this property is currently in compliance with the time schedule for repairs that the Commission ordered for this structure on October 24, 2011. He advised that no action needed to be taken by the Commission at this time and that this property would be on the Commissions next regular meeting agenda at which time the property owner will have to show continued compliance with the Commission-ordered time schedule for repairs.

No one had any questions for Mr. Zimmermann.

- c. **Case # 1755 – 1004 Hudson Street**
Owner: Kenneth E Hall & Marion Johnson
Bryan's 3rd, Lot 36, Block 4

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsections 1, 2, 4, 6, 7, 8 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Kenneth Hall, 2903 Wildflower, Bryan Texas, advised he had the house moved on the property, and had it rewired and plumbing redone. But he will have the house removed.

Chairman Ponzio closed the public hearing

Commissioner Massy moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building within 30 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously

g. Park Place Mobile Home Park – 2303 Bomber Drive
Lakeview North Addition, Block 3, Lot 11 (1.26 acres)

- 1. Case # 1774 – 2303 Bomber Drive Lot #2**
Owner: Jason Millsap
- 3. Case # 1783 – 2303 Bomber Drive Lot #6**
Owner: Jason Millsap
- 4. Case # 1784 – 2303 Bomber Drive Lot #9**
Owner: Jason Millsap
- 5. Case # 1785 – 2303 Bomber Drive Lot #11**
Owner: Jason Millsap
- 6. Case # 1786 – 2303 Bomber Drive Lot #12**
Owner: Jason Millsap
- 7. Case # 1787 – 2303 Bomber Drive Lot #13**
Owner: Jason Millsap
- 9. Case # 1803– 2303 Bomber Drive Lot #16**
Owner: Lenard Millsap

Mr. Zimmermann advised that staff recommends that the Commission find these buildings unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsections 1, 2, 4, 5, 6, 7, 8 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the buildings within 30 days. Staff further recommends that the Commission order the City to demolish the buildings and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Lenard Millsap of 2004 Pinewood, Bryan, Texas, stated that he felt that this has nothing to do with the mobile homes, but instead it has to do with his son getting cross with the building department. Mr. Millsap stated, he can repair all the mobile homes, but he needs 30 days to get a plan together to bring back to the board.

Commissioner Massey asked what they have been working on since March 2009. Mr. Millsap stated he has never received any letter from the City why the electrical meters were pulled. He also stated it was not until 2009 that they required a park license.

Commissioner Massey asked if he felt it would be economically feasible to repair the mobile homes. Mr. Millsap stated, yes about 90%.

Commissioner Russum asked, if he had a license to repair mobile homes. Mr. Millsap stated yes.

Commissioner Massey asked if Mr. Millsap was notified when the meters were pulled. Mr. Greg Cox, Chief Building Official, stated yes, we sent certified letters out but Mr. Millsap never picked them up.

Chairman Ponzio closed the public hearing.

Commissioner Massey moved to accept staff's recommendation that these buildings are unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to demolish/remove the buildings within 30 days or the City will demolish. Commissioner Droid seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- g. Park Place Mobile Home Park – 2303 Bomber Drive**
Lakeview North Addition, Block 3, Lot 11 (1.26 acres)
- 2. Case # 1782 – 2303 Bomber Drive Lot #5**
Owner: Jason Millsap
- 8. Case # 1788– 2303 Bomber Drive Lot #14**
Owner: Jason Millsap

Mr. Zimmermann advised that staff recommends that the Commission find these buildings unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsections 1, 2, 5, 6, 7, 8 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the buildings within 30 days. Staff further recommends that the Commission order the City to demolish the buildings and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Lenard Millsap, of 2004 Pinewood, Bryan, Texas 77808 stated the houses could be repaired.

Chairman Ponzio closed the public hearing.

Commissioner Massy moved to accept staff's recommendation that these buildings are unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to demolish/remove the buildings within 30 days or the City will demolish. Commissioner Free seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

h. Cedar Tree Acres Mobile Home Park – 507 Palasota Drive
Zeno Phillips League, Abstract No. 45 (2.81 acres)

1. **Case # 1794– 507 Palasota Drive # 2**
Owner: Millsap, Jason C
2. **Case # 1795 – 507 Palasota Drive # 3**
Owner: Millsap, Jason C
3. **Case # 1804 – 507 Palasota Drive # 8**
Owner: Millsap, Lenard
4. **Case # 1796 – 507 Palasota Drive # 9**
Owner: Millsap, Jason C
5. **Case # 1789 – 507 Palasota Drive #12**
Owner: Millsap, Jason C
6. **Case # 1802 – 507 Palasota Drive #13**
Owner: Millsap, Lenard
8. **Case # 1790 – 507 Palasota Drive #15**
Owner: Millsap, Jason C
9. **Case # 1798 – 507 Palasota Drive #17**
Owner: Millsap, Jason C
10. **Case # 1791 – 507 Palasota Drive #19**
Owner: Millsap, Jason C
11. **Case # 1792 – 507 Palasota Drive #20**
Owner: Millsap, Jason C
12. **Case # 1799 – 507 Palasota Drive #25**
Owner: Millsap, Jason C
13. **Case # 1801 – 507 Palasota Drive #27**
Owner: Millsap, Lenard

**14. Case # 1800 – 507 Palasota Drive #28
Owner: Millsap, Lenard**

**15. Case # 1793 – 507 Palasota Drive #32
Owner: Millsap, Jason C**

**16. Case # 1805 – 507 Palasota Drive #33
Owner: Cabrera Fernando & Rosa**

**17. Case # 1778 – 507 Palasota Drive #35
Owner: Millsap, Jason C**

Mr. Zimmermann advised that staff recommends that the Commission find these building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsections 1, 2, 4, 5, 6, 7, 8 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove these buildings within 30 days. Staff further recommends that the Commission order the City to demolish these buildings and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Lenard Millsap, of 2004 Pinewood, Bryan, Texas 77808, showed copies of two property surveys to the Commission. Mr. Millsap stated these surveys show that the inspections where wrong, as far as the mobile home numbers and that there is none of these homes that cannot be repaired. Mr. Zimmermann acknowledged that the survey copies Mr. Millsap showed to the Commission appeared to show a survey by the Chief Building Official signed by the Deputy Fire Marshal. He pointed out that the surveys were for two different mobile homes. Mr. Zimmermann added that the surveys included in the Commissioner's packet were correct and suggested that the survey forms may have gotten mixed up when they were photocopied.

Commissioner Massey stated that by the pictures of the mobile homes, it would take a lot of work to repair. Mr. Millsap stated that he knows that and some he may not repair.

Commissioner Russum stated that if the repair is 50% of the home value we have no choice but to order demolish.

Responding to a question from Commissioner Drozd, Mr. Cox stated that if repaired, the mobile homes would have to be brought up to current code.

Chairman Ponzio closed the public hearing.

Commissioner Massy moved to accept staff's recommendation that these buildings are unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to demolish/remove the buildings within 30 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- h. Cedar Tree Acres Mobile Home Park – 507 Palasota Drive**
Zeno Phillips League, Abstract No. 45 (2.81 acres)

- 7. Case # 1797 – 507 Palasota Drive #14**
Owner: Millsap, Jason C

Mr. Zimmermann, advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsections 1, 2, 4, 5, 6, 7, 8 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building within 30 days. Staff further recommends that the Commission order the City to demolish the building and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Mr. Millsap, of 2004 Pinewood, Bryan Texas, stated all he has to do on this one is get an inspection done.

Chairman Ponzio closed the public hearing.

Commissioner Massy moved to accept staff's recommendation that the building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to demolish/remove the building within 30 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- d. Case # 1777 – 701 Walnut Street**
Owner: Hernandez Pablo C
Oak Grove Park, Block 36, Lot 1-2

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 3, 4, 5, 6, 7, 8 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio Opened the public hearing.

Mr. Pablo C Hernandez of 701 Walnut, Bryan Texas stated that he lives in a nursing home and has no income. Mr. Hernandez did state that the roof and siding are in good condition, but the house needs to be re-wired, and foundation repairs.

Chairman Ponzio closed the public hearing.

Commissioner Drozd moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building and accessory structure within 30 days or the City will demolish. Commissioner Russum seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- e. **Case # 1779 – 1506 N Sims Avenue**
Owner: Texas LS Investments LLC
Oak Grove Park, Block 52, Lot 2-3
- f. **Case # 1773 – 307 W 21st Street**
Owner: Aniket Sebir
City of Bryan Townsite, Block 144, Lot 9 & 10 (pts of)

Mr. Zimmermann advised that there was no one in the audience to address the Commission on the remaining agenda items.

Commissioner Drozd moved to accept the City's recommendations for agenda items 6 e. and f. and that these properties are a hazard to the health, safety and welfare of citizens and ordered that the structures thereon be secured and demolished by the owners, lien holders, or mortgagees within 30 days, or the City will demolish. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

7. STAFF ANNOUNCEMENTS (This item includes introductions of new employees, meeting reminders, upcoming events, and staff recognition).

Mr. Zimmermann reminded Commissioners that the next Building and Standards Commission meeting is on December 19 and suggested that there be no workshop meeting on December 5., Mr. Zimmermann also suggested to not hold a regular meeting in January as notification letters would be mailed just before Christmas and that he would be in touch with the Commissioners to find a date for the appreciation lunch/dinner in January 2012. Commissioners were in agreement.

8. FUTURE AGENDA ITEMS (A Commissioner may request that a subject for which notice has not been given be placed on an agenda for future meeting).

No future agenda items were requested.

9. ADJOURN.

Without objection Commissioner adjourned the meeting at 7:23pm.

These minutes were reviewed and approved by the City of Bryan Building and Standards Commission on the **19th** day of **December, 2011**.

Jerry Ponzio, Chairperson
Building and Standards Commission
City of Bryan, Texas

Greg Cox, Chief Building Official and
Secretary to the Building and Standards
Commission