



**MINUTES**  
**PROPERTY STANDARDS BOARD**  
**MARCH 24, 2016**

Council Chambers

6:30 p.m.

1945 E. Jackson Road

**DINNER AND BRIEFING SESSION:** 6:00 PM: The dinner and briefing session is held in the City Manager's Conference Room, behind the City Council Chambers. No public testimony will be allowed at the briefing.

**CALL MEETING TO ORDER**

Chair Overholt called the meeting to order at 6:33 p.m.

Board members present were Chair Alan Overholt, Rick Pfeil, Andy Folmer, Dick Calvert, Jim Pipkin, Stephanie Doss, Debi Whitley and Scott Carstens. Roy Atwood was absent. City Council Liaison Anthony Wilder was also present.

Staff members present were Asst. City Attorney Susan Keller, Building Official Brett King; Community Services Manager Brian Passwaters, Code Enforcement Officer Tim Roush, and Administrative Support Specialist Kathleen Engelhardt.

**1. Approval of minutes of the February 25, 2016 meeting.**

**Folmer moved approval of the minutes of the February 25, 2016 minutes; second by Whitley and the motion was approved with a unanimous 8-0 vote.**

**PUBLIC HEARING**

**2. Case PSB 2016-04.** The Carrollton Environmental Services department inspected the unmaintained swimming pool and primary structure at 3612 Waynoka Drive (75007-2792 DC02115 Stone Creek Es SC0149At Property ID #162171) and determined the structure is dangerous and substandard. Staff requests a hearing before the board to determine the structure is dangerous and substandard and issue a notice and order to repair or demolish the structure within a certain period of time.

Chair Overholt administered the Oath to all those testifying on the case.

Tim Roush, Registered Code Officer, stated that the structure at 3612 Waynoka Drive was a two story single family residence that was occupied by Ms. Joann Ruiz and her family. The owners of the property are Victor M. Burgos and Joann Burgos; the lien holders are MERS and JP Morgan Chase Banks. Notices of the meeting were sent via certified and regular mail on March 1, 2016 and notice of the meeting was posted in the Carrollton Leader on Sunday, March 6, 2016. Roush stated that Environmental Services staff was called to the property by the Carrollton Police department after observing green water in the

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**NOTE: Board minutes are informational only and are not official until approved by Board.**

swimming pool, large cracks in the floor and water stains on the walls and ceilings. On February 8, Roush contacted resident Joann Ruiz for access to the property. Ms. Ruiz allowed access to the rear yard but would not allow access to the house. She advised that she would contact her attorney and call Mr. Roush. Roush testified that from that time until February 10, 2016 he did not receive any contact from Ms. Ruiz. On the afternoon of February 10, he and other staff members executed a search warrant of the property at 3612 Waynoka Drive. During the inspection, he observed the following violations; unmaintained swimming pool, rotting members of a wood fence, rotting siding on the chimney, water stained and damaged drywall in the house, missing trim on the front door, and hard wired smoke detectors which were removed from the mounts leaving exposed electrical wiring. On the following day, February 11, 2016, he issued a dangerous building letter noting the violations observed and issued a citation for the stagnant water found in the swimming pool at the time of inspection. He advised the Board that the violations were documented with photos included in the packet provided to the Board. He further testified that on March 1, 2016, he and other City staff met with Ms. Ruiz and reviewed the repairs made to the structure at that time noting the following items that had been corrected: water stained and damaged drywall, missing trim on the front door, and the hard wired smoke detectors were reinstalled. At that time the following violations had not been repaired: unmaintained swimming pool with green water; rotting portions of the wood fence and rotting siding on the chimney. At that time, Ms. Ruiz stated she would not attend the Property Standards Board meeting but there would be a representative. Roush testified that he stopped at the property this date and attempted to make contact with the resident but there was no answer to the doorbell. He advised that from the alley he could see that some rotting members of the fence had been repaired, but not all. He also testified that he could see that the pool continued to be full of green water. Staff recommended that the Board determine that the pool and primary structure located at 3612 Waynoka Drive is dangerous, substandard and a hazard to the public health. Staff sought a Notice and Order to the owner to abate or demolish all violations within 30 days. If the violations are not abated, staff sought a Notice and Order to authorize the City of Carrollton to demolish the pool and repair the violations on the primary structure and fence and attach the costs as a lien against the property.

Chair Overholt asked if there was a representative of the owner who would like to give testimony; seeing none, he opened the public hearing and invited speakers to give testimony. There being no speakers, he opened the floor to the Board for discussion.

Pipkin moved that the pool, fence and structure located at 3612 Waynoka Drive be declared dangerous, substandard and a hazard to the public's health; that a Notice and Order be sent to the property owner to abate or demolish all of the Code violations within 30 days; if the property owner fails to comply, the City of Carrollton shall demolish the pool, repair the violations and attach the costs as a lien against the property, and close the public hearing; second by Pfeil.

Pfeil asked Community Services Manager Brian Passwaters if the swimming pool was a major concern due to the mosquito issues. Passwaters referred to the West Nile cases in the City and stated that any pool such as the subject pool is a safety hazard for the neighbors. He stated that the mosquito concern was one reason staff requested demolition of the pool. He asked that demolition only apply to the swimming pool and abatement of the other violations.

Whitley asked if foundation work would be needed to correct the cracks because she was concerned that 30 days might not be sufficient time for foundation work. Roush stated that although he was not an expert on foundations, he felt it was a settlement issue. He also stated that the cracks and all of the drywall issues had been repaired. The remaining issues were the pool, fence and siding on the chimney.

Chair Overholt noted the previous pool violations and Roush confirmed that a citation was issued because it was the third time the pool was in violation. Chair Overholt recommended that the order require demolition of the pool. Passwaters noted that it was within the Board’s discretion to order the pool to be demolished rather than repaired and further added that the Board could require maintenance for a specific period of time or the pool could be demolished.

Pfeil stated that because the pool was still a viable asset for the property, he would be more inclined to allow the property owner to make repairs satisfactory to staff rather than requiring demolition.

There being no further discussion, Chair Overholt asked Pipkin to restate his motion.

**Pipkin restated his motion as follows: move that the pool, fence and structure located at 3612 Waynoka Drive be declared dangerous, substandard and a hazard to the public’s health; and that a Notice and Order be sent to the property owner to abate all of the Code violations within 30 days; and if the property owner fails to comply, the City of Carrollton shall demolish the pool and repair the other violations and attach the costs as a lien against the property; second by Pfeil and the motion was approved with a unanimous 8-0 vote.**

**CHAIR/BOARD/STAFF REPORTS**

Passwaters reviewed a report providing a status update of all of the cases heard by the Board from January 2015 - February 2016 specifically mentioning 1922 Kensington Drive; 2620 N Josey Lane; 1718 Rosemeade Circle; 3550 Country Square Drive; 2986 Buttonwood Drive; 1520 Shannon Circle; 1545 Knollview Lane; 1905 Kerr Court; 1833 Sandy Ridge Court; 3703 Fairfield Drive; and 2104 Cologne Drive.

Calvert asked about 1729 S Broadway and Building Official Brett King stated that a permit had been issued for the third building to be enclosed. He stated progress was slow but there was a valid building permit and the project was moving toward completion.

Chair Overholt asked about the burned house on Rosemon and Passwaters stated it was currently under the Order issued by the Board. King advised that a demolition permit was issued on the property and the demolition was moving slowly because they were trying to salvage as much material as possible.

Chair Overholt thanked Passwaters for the report and suggested it be sent to the City Council. General discussion was held with regard to fence requirements due to a pool and requiring maintenance on pools for a specific time.

**ADJOURNMENT**

**Carstens moved to adjourn; second by Overholt and the motion was approved with a unanimous 8-0 vote.** The meeting was adjourned at 7:08 pm.

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Chairperson

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Secretary