



**MINUTES**  
**PROPERTY STANDARDS BOARD**  
**OCTOBER 27, 2016**

Council Chambers

6:30 p.m.

1945 E. Jackson Road

**DINNER AND BRIEFING SESSION: 6:00 PM**

No public testimony will be allowed at the briefing.

**CALL MEETING TO ORDER:**

Chair Overholt called the meeting to order at 6:30 p.m. He recognized the recent passing of Board member Debi Whitley, recognized her service and dedication to the City of Carrollton.

Board members present were Chair Alan Overholt, Andy Folmer, Dick Calvert, Roy Atwood, Jim Pipkin, Stephanie Doss and Rick Pfeil. Scott Carstens was absent.

Staff members present were Asst. City Attorney Susan Keller; Code Enforcement Officer Steven Taylor; Building Official Brett King; Community Services Manager Brian Passwaters; and Kathleen Engelhardt, Administrative Support. Council Liaison Anthony Wilder was also present.

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

**Andy Folmer moved approval of the minutes as written; second by Rick Pfeil and the motion was approved with a unanimous 7-0 vote, Carstens absent.**

**PUBLIC HEARING**

- 2. Case PSB 2016-07.** The Carrollton Environmental Services department inspected the structure at **1113 E. Russell Ave, Carrollton, TX 75006; WHITLOCK 2 SEC C LOT 14; VOL83038 PG 2665; 1135000001400 11411350000** and found it to be a safety hazard. Staff has requested a hearing before the board to issue a Notice and Order to repair or demolish said structure within a specified period of time.

Chair Overholt administered the Oath to those giving testimony on the case.

Registered Code Enforcement Officer Steven Taylor stated he has been employed by the City of Carrollton for three years and had been a certified peace officer. He testified that the subject structure was an unoccupied, single story single-family residence that was found to have multiple Housing Code violations on July 15, 2016. The title search found that the home was owned by Eddie Fletcher and there were no lien holders on the property. He listed the 32 violations found during the July 15 inspection. He testified that he made contact with Mr. Fletcher on multiple occasions who advised that he was

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

considering removing the tenants and no longer listing the home as a rental and that he would bring the property up to code with the assistance of friends. Due to multiple violations for the same issues in 2011, 2012 and 2013, citations were issued to the property for some of the violations. Taylor stated that an interior and exterior walk-through of the property was conducted on August 15 by him and Code Officer Caperton with the homeowner and none of the violations had been corrected. He testified that the third inspection was also an interior and exterior walk-through conducted on September 23, 2016 and he found that only four of the violations had been corrected. He further testified that as of October 26, there were no active permits for repairs. He testified that he prepared the Board packet with records in and under Environmental Services control. A copy of the packet was provided to the Board and mailed to the property owner by regular and certified mail on August 24, 2016. He further stated that written notice of the violations and written notice of this hearing were prepared and mailed to the property owner by regular mail and certified mail on July 15 and August 24 as required by City ordinance. Notice of the hearing was also posted in the *Carrollton Leader* on September 4, 2016 and he reiterated that there were no lien holders on the property. He stated that the structure was inadequate for residential use due to considerable dangerous standards and unfit conditions for human habitation. He testified that all legal requirements for notices have been met. He stated that City staff recommends that the Board determine that the structure at 1113 E. Russell Avenue, Carrollton, Texas is dangerous, substandard and unfit for human habitation and a hazard to the health, safety and welfare of the public. Further, staff seeks a Notice and Order for the property owner to repair the structure and bring it into compliance with City codes within 30 days and if the property owner fails to complete the repairs in the specified time, staff requests that the Board authorize the City of Carrollton to make repairs and/or demolish the structure in order to bring it into compliance and attach the costs as a lien against the property.

Chair Overholt asked if there was anyone present representing the property owner and there was no one. He invited speakers to address the Board and there were no speakers, therefore he opened the floor for discussion.

Atwood asked how the City determines whether to repair or demolish a structure and Mr. Taylor replied that it was dependent upon the costs noting that if the demolition costs were less than repair, it would be demolished.

Stephanie Doss asked about the last contact with the property owner and Mr. Taylor stated he spoke with the property owner two days ago who confirmed he would be at the meeting. He also explained that the home was occupied initially by the property owner's brother but it was no longer occupied.

In response to Rick Pfeil, Mr. Taylor stated that previous code officers had generated cases on the property in previous years there were resolved before being brought to the Board. He further testified that the case was initiated by a complaint from the tenant because things were not getting repaired.

Chair Overholt asked about the repairs that had been made and Mr. Taylor stated a ceiling fan had been removed and the wiring covered with an electrical plate and the property owner had chiseled off the tile in the kitchen leaving plywood in its place; the walls in the laundry room have been removed; uncovered light fixtures remain as well as exposed wiring from where the oven was located, and the cabinets in the kitchen have been removed. Chair Overholt asked if 30 days would be sufficient time to make the repairs and Mr. Taylor replied that professionals could complete the work in 30 days but he did not think the property owner could.

**Roy Atwood moved to close the public hearing; second by Rick Pfeil and the motion was approved with a unanimous 7-0 vote.**

**Roy Atwood moved that the Board find the structure at 1113 E. Russell Avenue as dangerous, substandard and a hazard to the public health; and that the City issue a Notice and Order requiring that the structure be vacated and repaired or demolished; and that it must remain vacated until such time as they observe that the code violations have been abated; and that all Code violations at 1113 E. Russell Avenue be abated within 30 days by the owner of the property; if the owner fails to comply, that the City is authorized to abate all of the code violations either through repair or demolition and attach the costs incurred as a lien against the property; second by Rick Pfeil with a suggested amendment that the property be found to be unfit for human habitation which was accepted by Roy Atwood.**

Asst. City Attorney Susan Keller advised that the authority given to the Board under 150.100 is to make an order that it be repaired or demolished within a specified time period, 30 days; the Board is authorized to do a longer period when the owner makes a showing that it would take a longer period. She stated that her concern with ordering the property to be vacated is that there are other laws that are implicated when a residence is ordered to be vacated and that implicates relocation costs of the people that might be residing in the structure. Since there is testimony that there isn't anyone currently residing in the structure, the Board can order that it be repaired or demolished and also secured against unauthorized entry during the duration of the period for repair or demolition.

**Roy Atwood moved to amend his motion to add the fact that the structure is unfit for human habitation as well as to add that the structure needs to be secured at all times and deleting the requirement that the property be vacated during the 30 day period; second by Andy Folmer and Rick Pfeil stated his agreement.**

**The motion to amend was approved with a unanimous 7-0 vote; Carstens absent.**

**The motion as amended was approved with a unanimous 7-0 vote; Carstens absent.**

#### **CHAIR/BOARD/STAFF REPORTS**

Building Official Brett King expressed his appreciation to Chair Overholt for his six years of service on the Property Standards Board. He announced that the next meeting would be held on November 17 with an orientation beginning at 4:30 pm to which all Board members were invited. He further noted that staff expected three PSB cases for that agenda.

Chair Overholt expressed his appreciation for the professional crew and for the opportunity to serve noting the challenges and growth.

#### **ADJOURNMENT**

**Andy Folmer moved to adjourn the meeting; second by Jim Pipkin and the motion was approved with a unanimous 7-0 vote.** The meeting was adjourned at 7:07 p.m.

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Chairperson

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Secretary