



MINUTES
PROPERTY STANDARDS BOARD
MARCH 28, 2019

Council Chambers

6:30 p.m.

1945 E. Jackson Road

DINNER AND BRIEFING SESSION: 6:00 PM

No public testimony allowed at the briefing.

Board members present: Chair Rick Pfeil, Vice Chair Andy Folmer, Mike Whitley, Dave Hermon, Les Folse, Jim Pipkin, Liz Fannin and Maggie Vera. Jack Fan was absent.

Staff members present: Asst. City Attorney Aliceson Foote and Rachael Carrico; Building Official Brett King; Community Services Manager Brian Passwaters; Inspection Services Coordinator Billy McMahon; Environmental Services Director Cory Heiple; Code Enforcement Officer Carolos Ordonez; and Administrative Support Specialist Lydia Tormos.

CALL MEETING TO ORDER: 6:30 PM

Chair Pfeil called the meeting to order at 6:30 p.m.

1. Approval of minutes of the **February 28, 2019 meeting.**

Folmer moved approval of the minutes as written; second by Whitley and the motion was approved with a unanimous 8-0 vote, (Fan absent).

PUBLIC HEARING

2. **Case 2019-06** City of Carrollton Staff inspected the structure at 1912 Air Park Lane, Abs A0897, M A Taylor Survey, Tract 3, 3.5 Acres in Collin County, and found it to be a safety hazard and a public nuisance. Staff has requested a hearing before the board to issue a Notice and Order to repair or demolish the structure within a certain period of time.

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

Community Services Manager Brian Passwaters presented the case stating that the clubhouse at the subject address was found to be in violation of multiple City Codes and ordinances creating a situation where the structure is considered dangerous, substandard, blight and a hazard to the health and safety of the public. He described the property and provided an extensive history of the property since its annexation into the City on February 5, 2008 including litigation and judgment results. The property owner is listed as Crow Billingsley Airpark Ltd. A title search found that the land is still owned by Crow Billingsley Airpark Ltd. and the structures are listed as personal property under ownership by David Noell. He advised that David Noell passed away on March 9, 2012 and based on documentation provided to the City, his estate sold the structures on the property to Crow Billingsley Airpark Ltd. He stressed that there is no record of any other ownership information for the

parties for the structure or the clubhouse. He further underscored that the City is not seeking to close or curtail any of the airpark flight operations; the case is limited solely to the clubhouse and the structure. He advised that the zoning on the property is still Interim Holding which is a temporary clarification and prohibits any use of the clubhouse. He explained that in order to receive a Certificate of Occupancy for the clubhouse the property must obtain non interim zoning by submitting plans to the City planning staff for review and Council approval. Any individual or corporation performing repairs must be designated as a legal representative to be held accountable for any failure to abate the violations and comply with City codes. Passwaters advised that an attorney for the homeowners has been in contact with the City requesting a postponement of this hearing due to a scheduled hearing on April 4 between Crow Billingsley Airpark Ltd. and the homeowners in the 219th Judicial District Court of Collin County related to an easement ownership of the property that the clubhouse sits on. He stated that the City does not object to the postponement and advised that the Board has the discretion to postpone or hear the case.

Lance Currie, Carrington Coleman, 901 Main Street, St 5500, Dallas, stated that he represents Crow Billingsley Airpark Ltd. He stated they are not contesting the need to demolish the building but the homeowners have filed for a temporary restraining order to prevent the demolition and noted the April 4 scheduled hearing. He opposed the request for a postponement of the hearing before the Property Standards Board because the Court paused the legal proceeding to learn the Board's determination regarding the clubhouse structure. He stated they are not opposed to demolishing the building and want to do what the City wants them to do. He offered to provide the bids obtained to demolish the structure noting that the bid was approximately \$50,000 and two separate bids to renovate the building were approximately \$500,000. Once a determination is made, he requested time to go back to the Court to seek relief.

Cliff Riley, Dykema Gossett, stated he represents the Airpark Common Area Preservation Association which is made up of homeowners of Airpark Estates. He referred to a final judgment that provides that the homeowners have easement rights that run with the land as to the airport landing strip and to the taxiways. Airpark Estates has three common areas; the landing strip, taxiways and a recreational tract. He stated that the homeowners were fearful that the demolition of the clubhouse would occur without their involvement and opportunity to bring the clubhouse to code and is why they sought a temporary restraining order and added that the restraining order is in place until the hearing scheduled on April 4. He explained why they feel it is necessary to have the Court hearing to determine the easement rights to the clubhouse prior to the PSB hearing.

A lengthy and complex discussion was held with regard to zoning and ownership questions.

Folmer asked Mr. Currie if his client had use for the property after the clubhouse is demolished. Mr. Currie replied that it would remain vacant and that they have no intention of using it presently. He stated that Crow Billingsley has value in the property and stated it is a common practice of Crow Billingsley to buy property and hold it to let it increase in value. He stated they are talking with the homeowners where they could potentially repair it or come up with an alternative. Folmer asked if they dispute the homeowners' right to the recreational area. Mr. Currie replied affirmatively and stated it is their view that these are issues the Court must determine. He reiterated that they need a determination by the Board and time from the Board for the Court to consider. Folmer asked Mr. Riley if the homeowners intend to bring the clubhouse up to Code if they prevail at the Court hearing. Mr. Riley clarified that at the temporary injunction phase, the Court would not make the decision regarding the easement rights; the Court could say they have a probable right to recovery which means that its more likely than not that they have a right to the relief they are seeking which is the easement right to the recreational tract and so they would issue a temporary injunction that would last through trial. He stated the rights must be decided before any demolition process can begin. He did not think that the Court was waiting for a determination from the PSB and felt a delay to the May hearing would be helpful for everyone involved.

Folse asked if the homeowners intend to repair and use the building and Mr. Riley replied that the homeowners value the building and value the recreational tract. The intent is to bring everything into compliance once the easement rights are determined by the Court. He believed that there were 30 single-family homes.

Mr. Currie stated that the issue is whether or not the injunction will remain in place. The injunction prevents them from demolishing the building so the only thing the Court is ultimately determining is can they demolish the building. He stated there are some preliminary analytical steps that will be part of that determination but will not be final. He explained the position he took with the Court in his request for a continuance and he asked the Board to make a determination so they would know if they are imposed with a burden to demolish or renovate the building.

Chair Pfeil asked if the building is secured and Passwaters replied that it was secured at staff's last check. He stated that the last inspection on February 4, 2019 found that someone had been inside the building and tires of maintenance equipment had been slashed so there has been vandalism on the property. He stated staff has not received any police reports. He stated there is a basement that holds water at various levels and stated he did not think the building would suddenly collapse but was concerned about vandalism. The building has been vacant since annexation in 2008.

Henry Billingsley, 6701 Turtle Creek, Dallas, stated he bought the property in August 1983 and at that time, the building being discussed was not being used as a clubhouse and in the 35 plus years he has owned the property, it has not been used as a clubhouse. He stated it has been used for dead storage. He stated that when he was notified by the City that it was out of compliance and needed to be repaired to Code or demolished, he had staff obtain estimates for demolition because the design of the building has no economic value going forward. He stated their intent would be to demolish the structure, fill it in, and plant grass. He stated that he would be willing to demolish the building, fence the building, or allow the homeowners to repair the building to Code and lease it to them.

Mr. Riley again explained the interest of the homeowners. He stated that they have no qualms with satisfying the Carrollton codes once the easement rights have been decided by the Court.

Chair Pfeil asked if the Board were to take action to fence the site and treat the basement, could they keep the public hearing open or would it mean the case is closed. Passwaters stated that if they issue an Order, they could not keep the hearing open and Asst. City Attorney Foote agreed.

Folse felt that since the building hasn't been used since 1983, it should be demolished. Discussion was held about making a finding or continuing the hearing. Passwaters reminded the Board that staff had not presented the case but was prepared to do so and the first question before the Board was with regard to postponement as requested by Mr. Riley. Discussion continued.

Folmer moved to continue the case to the April 25, 2019 meeting; second by Whitley and the motion was approved with a unanimous 8-0 vote, (Fan absent).

Chair Pfeil asked Mr. Billingsley to treat the water in the basement as it pertains to mosquitos.

3. Case 2019-07 City of Carrollton Staff inspected the structure at 3702 Viewmont Drive, Property ID # 49439, Rosemeade Addition 4, Block 26, Lot 14, in Denton County and found it to be a safety hazard and a public nuisance. Staff has requested a hearing before the board to issue a Notice and Order to repair the structure within a certain period of time.

Passwaters advised that the property owners brought the property into compliance and there is no further violation for the Board to be aware of or consider. No action taken.

4. Case 2019-08 City of Carrollton Staff inspected the structure at 2135 Southmoor Drive, La Cuesta Mesa, Lot 0038, Block D in Dallas County and found it to be a safety hazard and a public nuisance. Staff has requested a hearing before the board to issue a Notice and Order to repair the structure within a certain period of time.

Chair Pfeil administered the Oath to those testifying on the case.

Code Enforcement Officer Carlos Ordonez presented the case regarding an occupied one story single-family detached dwelling. The title search shows the property owners to be Patrick M. Harrison and Mitchell Bowers and showed a lien holder to be Guild Mortgage Company. The Dallas Central Appraisal District records show the owner to be Patrick M. Harrison. Ordonez stated that on February 6, 2019, the Carrollton Fire Department responded to a medical call at the address and had to use shovels to remove debris and animal feces in order to enter the house. On February 11, 2019, staff executed a search warrant to enter the residence when staff observed various violations and he provided a list of the violations. Following the inspection, a notice of violations of the 1990 Uniform Code for the Abatement of Dangerous Buildings and the Carrollton Housing Code was mailed to the property owner. Written notice of the violations and written notice of this hearing were sent to the property owners by regular and certified mail on March 8, 2019. Written notice of this hearing was sent to the lien holder by regular and certified mail on March 8, 2019. The notice of this hearing was posted in the *Carrollton Leader* on March 10, 2019. Staff met with the residents on March 13, 2019 to conduct an inspection of the residence and found that the hall bathroom was clean, but the toilet had been removed and all other violations remained. Staff conducted a re-inspection on March 26, 2019 and found that some of the accumulation of household items, trash, clothing and debris had been removed, but unsanitary conditions continued as well as obstruction of hallways and doorways. He stated that the continued accumulation of items pose a health and fire hazard and must be brought up to Code. Staff recommended that the Board determine the structure located at 2135 Southmoor Drive, Carrollton, Dallas County, is dangerous, substandard and a hazard to the public health, safety and welfare. Staff seeks a Notice and Order for the property owner to repair the single family structure and abate all violations within 30 days; if the property owner fails to comply, City staff request the Board authorize the City to make repairs and abate all violations, and attach the costs as a lien against the property.

Chair Pfeil asked if the missing smoke detectors and broken interior doors were part of the violations and Ordonez replied affirmatively. Chair Pfeil asked if the car was a part of the case and Ordonez replied that the car is not part of the case and would be handled separately. Chair Pfeil asked staff to explain how the problems associated with this case would be addressed. Passwaters replied that staff would request bids to remove the debris and attend to the sanitary concerns and would work with the homeowners. He explained that the City would not replace carpet that has to be removed for sanitation purposes.

Fannin asked about the condition of the back yard. Ordonez replied that the inspection found trash and debris on the front and rear porch, but the front and rear yards were okay.

There being no other parties to speak regarding the case, Chair Pfeil opened the floor for Board discussion or a motion.

Folmer moved to close the public hearing; second by Hermon and the motion was approved with a unanimous 8-0 vote, (Fan absent).

Folmer moved that in PSB Case No. 2019-08, upon the review of the evidence and testimony given, that the structure at 2135 Southmoor Drive, Carrollton, Dallas County, TX 75006, be declared dangerous,

substandard, dilapidated and a hazard to the public health, safety and welfare; and that a Notice and Order be issued to the property owner to repair the structure by making all corrections to bring the property into compliance with City Codes within 30 days. If the property owner fails to comply within the specified time, the City of Carrollton is authorized to repair the structure and attach the costs as a lien against the property; second by Pipkins and the motion was approved with a unanimous 8-0 vote, Fan absent.

CHAIR/BOARD/STAFF REPORTS – King advised that one of the cases for the April meeting would be a Board of Adjustment case which requires a minimum of seven members to be present. He also advised that the City Council approved the proposed revised and updated Sign Code, a copy of which he provided to the Board members.

ADJOURNMENT

Folmer moved to adjourn; second by Whitley and the motion was approved with a unanimous 8-0 vote, (Fan absent).

The meeting was adjourned at 7:48 p.m.

Chairperson

Secretary