

**MINUTES OF THE REGULAR MEETING  
OF THE SUBSTANDARD BUILDING BOARD  
OF THE CITY OF NORTH RICHLAND HILLS, TEXAS,  
HELD AT THE COUNCIL WORKROOM, 4301 CITY POINT DRIVE  
MAY 9, 2017**

The Substandard Building Board of the City of North Richland Hills, Texas met on the 9<sup>th</sup> day of May, 2017 at 6:00 p.m. in the Council Workroom.

|                |                   |                                   |
|----------------|-------------------|-----------------------------------|
| Present:       | Brian Crowson     | Chairman, Place 6                 |
|                | Lynn Motheral     | Place 1                           |
|                | Thomas Moreau     | Place 2                           |
|                | Deryl Brown       | Place 3                           |
|                | Thomas Osen       | Place 4                           |
|                | Billy Parks       | Place 5                           |
|                | Robert McCary     | Place 7                           |
| Staff Members: | Stefanie Martinez | Director of Neighborhood Services |
|                | Maleshia Farmer   | City Attorney                     |
|                | Audrey Cappallo   | Executive Secretary               |
|                | Kevin Goodpaster  | Code Compliance Officer           |

**1. CALL TO ORDER**

Chairman Crowson called the meeting to order at 6:00 p.m.

**2. APPROVAL OF MINUTES OF THE OCTOBER 18, 2016 SUBSTANDARD BUILDING BOARD MEETING.**

**MR. THOMAS MOREAU MOVED TO APPROVE THE MINUTES OF THE OCTOBER 18, 2016 SUBSTANDARD BUILDING BOARD MEETING. MR. BILLY PARKS SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 7-0.**

**3. SBB 2016-58 PUBLIC HEARING AND CONSIDERATION WHETHER THE STRUCTURE ON THE PROPERTY LOCATED AT 4813 ASH STREET KNOWN AS BLOCK 9, LOT 3, RICHAVEN SUBDIVISION ADDITION, NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS IS SUBSTANDARD WITHIN THE MEANING OF THE CITY'S ORDINANCES AND ORDER REPAIR OR DEMOLITION.**

**APPROVED**

Before proceeding with the case, Chairman Crowson asked that Certified Spanish Interpreter #164, Mr. Manual Murillo, step forward to be sworn in as the Spanish translator for the property owner, Mr. Mijango. Mr. Murillo was sworn in by Audrey Cappallo, Executive Secretary.

Chairman Crowson called on Code Compliance Officer Kevin Goodpaster to present the item.

Mr. Goodpaster presented two aerial photos of the property located at 4813 Ash Street. Mr. Goodpaster stated that the property is zoned R-2 which is Residential Single Family and is currently vacant.

Mr. Goodpaster provided the Board with an overview of action taken to date for the structure located at 4813 Ash Street.

- Minimum Standard notice mailed on November 18, 2015;
- A notice and order
  - mailed by certified mail on December 18, 2015
  - photo presented of Notice and Order;
- Notice of Hearing
  - mailed by certified mail on February 5, 2016;
  - mailed by certified mail on February 9, 2016;
- On May 24, 2016, Director Stefanie Martinez met with Mrs. Mijango at Neighborhood Services Office to discuss the repairs required for the property. A specific timeline was created. It was explained that if any of the deadlines were not met that the case would proceed to the substandard board;
- Foundation work initiated on 6/16/2016
- Notice of Hearing
  - posted on property door on April 18, 2017;
  - mailed by certified mail on April 19, 2017
  - photo presented of Notice of Hearing;
- Update title search received on April 20, 2017;
- Notice of Public Hearing filed with Tarrant County on April 25, 2017;
- Most recent Interior and exterior inspection, completed with building inspector on April 27, 2017;
- Legal Notice of Public Hearing published in the Fort Worth Star Telegram on April 28, 2017.

Mr. Goodpaster presented a photo of the front view of the property at 4813 Ash Street.

Mr. Goodpaster reported that he found the following outstanding violations upon inspection of the structure.

- *Faulty weather protection.* North Richland Hills Code of Ordinances Chapter 98-462 (h)

- (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundation or floors, including broken windows or doors. Photos presented showed ineffective waterproofing of exterior walls.
- (3) Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include, but not be limited to but not be limited to defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering. Photos presented showed lack of weather protection for exterior wall.
- *Hazardous electrical wiring.* North Richland Hills Code of Ordinances Chapter 98-462 (e) Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.
  - Photos presented showed damaged electrical lines as well as exposed wiring in the interior and exterior of the home
- *Hazardous mechanical equipment.* North Richland Hills Code of Ordinances Chapter 98-462 (g) Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.
  - Photos presented showed damaged water heater and hazardous HVAC/AC unit

Mr. Goodpaster presented additional photos of the general dilapidated improper maintenance of the home.

Mr. Goodpaster advised the Board that staff recommends the structures be:

- found substandard, and
- the building repaired or demolished within 30 days of the board order;
- if property owner fails to bring the property into compliance, the city will be authorized to demolish the structures.

Chairman Crowson opened the discussion to the board to ask questions.

Chairman Crowson asked if the notices provided to the homeowners were in Spanish. Mr. Goodpaster responded just in English. Chairman Crowson asked if this should be something they should be concerned about. Mrs. Stefanie Martinez, Director of Neighborhood Services, replied no. The reason being that Ms. Martinez met with the homeowners' wife last year, spoke in English with her and they didn't have any

problems communicating at that point. Chairman Crowson asked if the homeowners' wife was present. Ms. Martinez responded yes, she is.

Chairman Crowson stated to Mr. Goodpaster that during the presentation he stated the property was unoccupied. Mr. Goodpaster responded correct. Chairman Crowson stated that he noticed several vehicles parked in the driveway at this property. Mr. Goodpaster responded that the homeowners live next door to this property and they use this property as storage. Chairman Crowson asked if this was a violation of any kind according to ordinances. Mr. Goodpaster responded that if there was an occupant, it would be but since it is vacant they are allowed to store their items at the property including their cars as they are all registered and operable.

Chairman Crowson asked if the board had any more questions. Mr. Deryl Brown stated to Mr. Goodpaster that he was looking at the timeline and it showed a permit was requested but it appears by the photos provided that the work being performed wasn't done according to city ordinances and not done by a licensed contractor. Mr. Goodpaster responded correct. There were numerous violations. The permit issued was for the foundation but any future permits would not be issued per the Permit Department. He went out to the location with Gary Taylor, Building Inspector. Chairman Crowson asked Mr. Goodpaster for what reasons would no permits be issued on this property. Mr. Goodpaster responded because the property is faulty and the owner isn't a licensed contractor. The owner would have to be registered with the city and have insurance. The work we have seen already shows he is not capable. Chairman Crowson asked Mr. Goodpaster would permits be issued if a licensed contractor came in. Mr. Goodpaster responded they could but that would be the Permits department to make that decision and he has been told by the Building Department that they wouldn't approve any permits based on the state of the structure.

Ms. Maleshia Farmer, City Attorney, informed the Board since there are violations on the property currently; no permits are to be issued under the city ordinances until those violations are cleared up. Mr. Lynn Motheral asked Ms. Farmer in order for the owners to make those repairs don't they need permits for that. Ms. Farmer responded that is why they come to the Board so if the Board orders repairs then those become part of the order.

Chairman Crowson opened the public hearing and asked for anyone wishing to speak on the item to come forward.

Mr. Jose Mijango, property owner, advised the board that work has been done to the house. The foundation in garage was repaired. It didn't have any walls. Walls were installed because people, water and leaves would go in there and that is why it was closed up and a door was put on it. All of it was put in brand new because it didn't have it. New wood was put in all around, on the face and the walls as well. Almost all is painted on the inside. The reason the electrical work hasn't be done is because he wanted to finish all the inside first and close it up before he called the electrician.

Mr. Mijango stated to the Board they need to understand that there is so much disorganization going on and they need to keep that in mind. Mr. Mijango stated he would ask them one thing and they tell would tell him another thing. He tried to do what they said 100% but then others would come and they would say stop.

Chairman Crowson asked Mr. Mijango who are they. Mr. Mijango responded the inspectors. They say I can work on it and then someone else comes and say I can't.

Chairman Crowson asked Mr. Mijango to be more specific on what work was being told to be done and not to be done. Mr. Mijango responded that at first he was told to fix everything he could and as much as he could which he started to do. Chainman Crowson asked Mr. Mijango to be more specific. Mr. Mijango responded they told me to paint so we painted everything on the inside.

Mr. Motheral asked Mr. Mijango if the paint was on the inside or the outside. Mr. Mijango asked inside. Mr. Motheral advised Mr. Mijango that normally they don't concern themselves over the painting on the inside as they do about the weatherproofing on the outside as stated in the presentation that was presented. Mr. Mijango informed Mr. Motheral that he was told to paint the inside and to change all the wood on the outside. He had already started to the change the wood before he was told to and after that they told him to change the other old wood that had been there for several years.

Chairman Crowson advised Mr. Mijango that we are here as the Board to decide whether we are going to find the structure to be substandard or not; whether you need to comply with city ordinances or we will demolish the property. Chairman Crowson informed Mr. Mijango that the Board needs him to provide a timeline to the city on how he is going to improve this structure as the city deems it to be fit. Mr. Mijango replied ok and asked the Board to give him as much time as they can. Mr. Mijango stated to the Board that he planned on calling the electrician that week to come out and start the electrical work on the inside. Chairman Crowson replied that would be a little premature on that because the city would not allow any permits to be issued yet which the Board plans to work out in the meeting. Mr. Mijango replied ok.

Mr. Robert McCary asked Mr. Goodpaster what Mr. Mijango can actually do without a permit. Mr. Goodpaster responded well not that would make this property not substandard housing. For starter, this is an enclosed garage which you can't do in North Richland Hills. Unfortunately, Mr. Mijango did this before coming to us and so none of it is correct. The windows are not energy rated. Also, you have to provide two parking spaces, per home, behind the setback line. This house upfront is already at the setback line and you can't enclose the garage. Unfortunately, he did spend a lot of money on this and it was kind of put to waste. It should have gone to electrical, HVAC/AC unit, water heater and the plumbing. Mr. Robert McCary asked if he should have had a permit first before doing this. Mr. Goodpaster replied if he would have come to us, we would have told him that he couldn't do this and no permit would have been issued

because he can't do this. Mr. Robert McCary said he understood that but if someone wanted to something like this they would need a permit. Mr. Goodpaster replied yes.

Mr. Mijango replied that the inspector told him to do it. Chairman Crowson asked Mr. Mijango what the inspector told him to do that. Mr. Mijango replied that he told the inspector that he was going to close it up and he said yes. The inspector told him to put down this material by 1 inch and put it down the front. Chairman Crowson asked do mean down the front of the garage. Mr. Mijango replied yes.

Mr. Parks asked if Mr. Mijango or if anyone had the names of the inspectors that have been referred to as they throughout this hearing. Mr. Goodpaster responded that he has gone out to the property with Gary Taylor, Building Inspector and what Mr. Mijango is referencing is the explanation that Mr. Taylor gave him about all the necessary requirements needed for a new rebuild. It wasn't specific to this garbage. Mr. Taylor was using the garage as an example as it was there to be used as an example.

Chairman Crowson explained to Mr. Mijango that the city will not allow a garage conversion so it needs to come down. Also, by the city ordinance it has to have at least two parking places. It needs to be converted back to a garage. Chairman Crowson asked Mr. Mijango if he understood. Mr. Mijango responded yes and that he has already decided to add two garage doors. He needs to order them and doesn't know how long it will take to get them in. Chairman Crowson advised him to hold off on spending any money until everything here gets straightened out.

Mr. McCary asked Mr. Mijango to give an estimate time on how long it will take him to get everything repaired on the property. Mr. Mijango responded the rest of the year.

Mr. Parks asked Mr. Goodpaster if there is an itemized list of what work he can do and things that has to be permitted to do. Mr. Goodpaster replied yes he could provide one but he would have to get with Permits and the Building Inspection. Also, everything that was presented will need permits and in the suggested motion we recommended 30 days for repairs but based on the amount of work that needs to be done 30 days wouldn't be enough.

Mr. McCary asked if they can extend the 90 days maximum. Ms. Farmer responded based on the city ordinance the actual requirement is 30 days but the Board can extend the 30 days up to 90 days.

Chairman Crowson asked Mr. Mijango if he had anything else he would like to say to the Board. Mr. Mijango asked what exactly the Board wants to see as far as being finished. Mr. Chairman Crowson responded the city will tell you more on the specifics but the garage needs to be converted back to a garage, the electrical, the HVAC/AC unit, and plumbing. Mr. Goodpaster commented that the work would need to be done by a licensed contractor that is registered with the city and has insurance. Also, permits would need to be pulled and plans submitted before the permits will be granted.

Mr. Goodpaster advised the Board that the homeowners did come in for a permit but they didn't provide the setback line information, the elevation, and the dimensions of the rooms so it sat in planning department for over a month. The Planning department tried contacting the owners but they never heard anything.

Mr. McCary asked Mr. Goodpaster in the permit process is it feasible for the owner to get permits within 15 days for this project. Mr. Goodpaster responded feasible yes but likely no. Mr. McCary asked Mr. Goodpaster what kind of timeframe he thinks it would take. Mr. Goodpaster responded that would be something the Building Department would be able to answer as he isn't licensed to speak how bad everything is. He just knows it is substandard.

Mr. Motheral informed the Board that right now it takes 3 to 4 weeks for a permit to be approved.

The board discussed different timeframes allowed and timeframes surrounding issuing of permits.

Ms. Farmer advised the Board that the homeowner was supposed to bring in a detail schedule and plan to show the Board if he felt that it would take longer than the 90 days to complete the project then the burden of proof is on the homeowner to bring that in. If he doesn't supply that then you are limited to the 30 to 90 days. In your order, you can order him to sit down with the city and work out a plan and based on that information you can decide if repairs can be done within that timeframe. As of right now, no one knows at this point because they don't have a detail listing of everything that needs to be done to bring the property into compliance. Chairman Crowson asked Ms. Farmer if the homeowner will have to come back to the Board. Ms. Farmer replied you can order the homeowners to come back to the Board.

Chairman Crowson asked Mr. Mijango if he has the detail schedule and plan that was request by the city. Mr. Mijango replied no he didn't. He wasn't told he needed to bring that information. Ms. Farmer responded that the Notice of Hearing that the homeowner received states that the owner and/or all parties having interest in such property will be required to submit proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

Chairman Crowson asked Mr. Mijango if there is anything else he would like to say before the public hearing is closed. Mr. Mijango replied just give me as much time that you can.

Chairman Crowson closed the public hearing.

The Board members had open discussion. Mr. Parks asked Mr. Goodpaster who in the city would the homeowner need to sit down with to specifically address and understand

exactly what he needs to do. Mr. Parks also commented that he knows the burden of proof is on the homeowner. Mr. Goodpaster responded that it would probably be Dave Pendley, Chief Building Inspector or Penny Peterson. He and Mr. Taylor have been out to the property many times and they could also be there if needed. They have lots of pictures they can provide.

Mr. Thomas Osen asked if the city can put down what the owner needs to do in Spanish so there is no lost in translation. Ms. Martinez responded yes they would have the board order translated into Spanish.

Chairman Crowson explained to Mr. Mijango the order the board entered and asked if he had any questions. Mr. Mijango asked can the city demolish the property even if the homeowner says no. Chairman Crowson replied yes. Mr. Mijango asked what the benefit to the owner is. Chairman Crowson responded that there is no benefit to the owner. The city can demolish any property that isn't up to city code. Mr. Mijango asked what the rights of the owner are then. Mr. Motheral commented that the city doesn't want to demolish the property but there are consequences for not following through with the order. This is the last thing we ever want to do. Mr. Mijango replied ok.

The order was explained again to Mr. Mijango by Mr. Parks. Mr. Mijango asked so I have to do a plan within 30 days and then how much time will I have to get the work done. Mr. Parks responded get the plan done in the 30 days and then you will come back to the Board so that we can decide on the timeframe. Mr. Mijango commented that he would go to the city the following day. Mr. Parks commented back that Mr. Mijango should call first to see if Mr. Pendley is available.

Chairman Crowson suggested that Mr. Mijango be present in the meeting with the city officials so that he knows exactly what is going on. He also suggested that he bring a translator with him which could be his wife.

Mr. Motheral suggested that when Mr. Mijango meets with the appropriate city officials that he write down their names so if he has any questions or any issues he can call and speak to that person directly. Mr. Mijango replied yes sir.

Chairman Crowson asked Mr. Mijango if he had any more questions. Mr. Mijango replied no.

**MR. LYNN MOTHERAL MOVED TO ENTER THE FOLLOWING ORDER FOR SBB2016-58 DETERMINING THAT PROPERTY LOCATED AT 4813 ASH STREET KNOWN AS BLOCK 9, LOT 3, RICHAVEN SUBDIVISION ADDITION, NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS, IS AN RESIDENTIAL STRUCTURE HEREBY FOUND TO BE A SUBSTANDARD BUILDING BY REASON OF CONDITIONS SET FORTH IN THE NOTICES OF THIS HEARING AND SUCH NOTICES ARE HEREBY INCORPORATED IN THIS ORDER AND WITHIN THIRTY (30) DAYS THE PROPERTY OWNER IS TO MEET WITH THE APPROPRIATE CITY OFFICIALS TO DETERMINE AND CREATE A DETAILED SCOPE OF WORK THAT IS NECESSARY TO BRING THE STRUCTURE INTO COMPLIANCE IN ACCORDANCE**



WITH THE RULES AND REGULATIONS OUTLINED IN THE CITY OF NORTH RICHLAND HILLS CODE OF ORDINANCES AND DETERMINE HOW LONG IT WILL TAKE TO GET THOSE REPAIRS CORRECTED; IF THE PROPERTY OWNER FAILS TO MEET WITH THE APPROPRIATE CITY OFFICIALS AND/OR FAILS TO CREATE A SCOPE OF WORK TO REPAIR THE STRUCTURE WITHIN THOSE THIRTY (30) DAYS THE CITY SHALL BE AUTHORIZED TO DEMOLISH THE STRUCTURE. A LIEN WILL BE PLACED ON THE PROPERTY FOR ALL COSTS INCURRED IF THE CITY DEMOLISHES THE STRUCTURE.; AND IT IS FURTHER ORDER THAT IF THE PROPERTY OWNER DOES MEET WITH THE APPROPRIATE CITY OFFICIALS AND CREATES A DETAILED SCOPE OF WORK THAT IS NECESSARY TO BRING THE STRUCTURE INTO COMPLIANCE AND DETERMINE HOW LONG IT WILL TAKE TO GET THOSE REPAIRS CORRECTED WITHIN THOSE THIRTY (30) DAYS, THE PROPERTY OWNER SHALL APPEAR BEFORE THE SUBSTANDARD BUILDING BOARD TO PRESENT THE DETAILED SCOPE OF WORK AND THE BOARD WILL THEN DETERMINE A TIMEFRAME TO GET THE WORK DONE. **MR. ROBERT McCARY** SECONDED THE MOTION.

**MOTION TO APPROVE CARRIED 7-0.**

#### **4. CONSIDERATION AND APPROVAL OF PROPOSED RULES OF PROCEDURE.**

Chairman Crowson informed the Board that the Proposed Rules of Procedures were provided to the Board in the last meeting in October for review and was discussed. The current packet includes a copy of the Proposed Rules of Procedure.

Mr. Motheral asked Ms. Martinez if the Rules of Procedures basically covers how to elect the officers. Ms. Martinez replied that the Rules of Procedure includes more than just the election. It also discusses the way the meeting actually happens, who testifies first, the citizens and the outcomes.

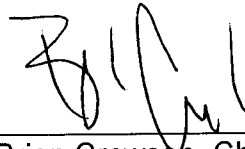
Ms. Farmer informed the Board that the Rules of Procedures were presented to them at a previous meeting for their review. Basically the rules set out how your officers are elected, orientation held for new members including training, it discusses what the quorum is, types of action the Board can take, procedures on the hearing process, questions that come across the Board, what is required in the notices that go out and if a Board member is disqualified from voting on a matter. All boards and city commissions have Rules of Procedures.

**MR. LYNN MOTHERAL MOTIONED TO APPROVE THE RULES OF PROCEDURE. MR. DERYL BROWN** SECONDED THE MOTION.

**MOTION TO APPROVE CARRIED 7-0.**

#### **5. ADJOURNMENT**

Chairman Crowson adjourned the meeting at 7:04 p.m.



Brian Crowson, Chairman

**ATTEST:**



Audrey Cappallo, Secretary