

CODE ENFORCEMENT HEARING MINUTES

September 10, 2020

Call to Order: 5:01PM with all Council members present. Invocation provided by Chuck Vonderlin followed by Pledge of Allegiance. Office Assistant Malissie Taylor was present to provide details of the Code Enforcement proceedings.

- 1) Violation Case #2020-0005, Dwanna Anderson. This property which is located at 142 Ivanhoe Dr. West is in violation of City Ordinance 153.03 Tree Preservation/Removal, Paragraph (B) The city may require a property owner to remove or prune a tree on private property which threatens the safety of those living on adjacent lots or using a street bordering the property. The initial letter was sent regular USPS mail to the address on record on February 26, 2020, giving Ms. Anderson 30 days to respond. As of September 10, 2020 the letter has not been returned as undeliverable. Public Works Coordinator David Marshall has inspected the property to determine which trees needed to be removed that could potentially fall and damage the city streets or cause physical injury to someone. The city has received 2 quotes from city registered contractors for the removal of the dead trees, Quality Trees - \$800 for 4 dead trees removal and cleanup, and T&T Tree Service - \$4,750 for 8-12 dead trees removal and cleanup. Councilman Morris stated there would have to be a court order to for the city to authorize a contractor to go on the property. Councilman Blackstone asked if volunteers could be used to cut the trees. This would leave debris on the property that would also be a city ordinance violation. Councilman Herrington stated that it was hard to see exactly which trees were in discussion from the photos, and the city does not need to get into the business of determining potential danger. As reported earlier Mr. Marshall inspected the trees and a minimum of 2 trees will definitely impact the streets if they fall. Councilman Warren suggested that only the 2 trees may need to be removed and not predict how the other 2 trees could possibly fall. A second letter was sent to Ms. Anderson, certified mail/return receipt, on September 1, 2020, notifying Ms. Anderson of the hearing date and time and giving her the opportunity to attend and present her case. As of September 10, 2020 the city has received no response. Councilman Blackstone wants to speak with Ms. Anderson or her family to try to resolve this issue. If the city authorizes and pays for removal of any trees, Ms. Anderson will be responsible restitution to the city for the cost of tree removal, along with penalties and fines per City Ordinance 10.99. Councilman Warren voiced that a code violation exists and the city is being ignored by no response from the property owner. Malissie Taylor noted that the code enforcement officials need to know what the Council's intent is with code violations so the city staff knows how to proceed with violations they are working on. Councilman Herrington asked what the next step will be? Ms. Taylor clarified that a citation issued under Chapter 10.99 would be a restitution penalty to the city if the city has the trees removed. Mayor Bennett commented that the city does work with property owners on violations if the property owner contacts the city. Councilman Blackstone made the motion to postpone any further action until next Code Enforcement Hearing on October 8, 2020 at 5:00 pm. Councilman Warren seconded the motion and was passed unanimously.

- 2) Violation Case #2020-0144, Gayle Jacks. This property located at 705 Stonehenge is in violation of City Ordinance 90.15 Lot Maintenance, 152.023 Substandard Building Conditions and 152.045 Securing of Unoccupied Buildings. The initial letter was sent regular USPS mail June 25, 2020 to the address on record and was returned undeliverable. A possible error on the post office box was discovered, corrected and resent on or about July 1, 2020 and was also returned undeliverable. No other address can be located. Ms. Taylor stated that this case needs to set precedence on how to handle substandard/ abandoned structures and recommends putting a final notice in the newspaper. The city should follow the City of Woodville's process. Councilman Warren observed that a lot of properties like this case exist

in the city. Councilman Herrington asked what the next step will be to abate the violation? Councilman Vonderlin made the motion to have the Municipal Judge issue a warrant to enter the property for further inspection. Councilman Herrington seconded the motion and was passed unanimously. Councilman Morris commented that the city should follow the process set up by former Code Enforcement Officer by doing discovery based on a warrant from the Municipal Judge.

- 3) Violation Case #2020-0185, Marco Lagunas. This property is located across the street from 492 Charmaine Dr. East and is in violation of Chapter 90.15 Lot Maintenance, 152.022 and 152.023 Abandoned/Substandard Buildings. This case was thoroughly worked by the previous Code Enforcement Officer since 2017 until he retired in October 2019 with no resolution from the city on how to proceed. A new 2020 case number was issued on August 20, 2020. Previous letters sent to the address on record have been returned undeliverable, so no attempt was made to send another letter. The structures were abandoned by the property owner as soon as the city was notified of the substandard buildings being constructed and the property owner was so informed. Immediately after work stopped, Ms. Andrea Ayers of Timberlakes Realty contacted another property owner and offered to sell the property to them. When asked if they were going to remove the buildings, Ms. Ayers said no. Councilman Warren made the motion to proceed with declaring the property a nuisance and proceed with processing. Councilman Herrington seconded the motion. Councilman Vonderlin stated he will contact Timberlakes to see if they own the property, but haven't transferred it in the county deed records. The motion then passed unanimously.

- 4) Violation case #2020-092, Adrian and Ingrid Domingues. This property located at 546 Charmaine Dr. South and in District II is in violation of 91.01 Junk Vehicles. District II does not allow the permanent storage of a travel trailer without a house being on the property. District II only allows 17 consecutive days of camping with removal of travel trailer from within the city limits for at least 5 business days. City ordinances do not specify any property being "grandfathered" as deed restrictions were in place and became the basis of the city ordinances. Councilman Herrington made the point that allowing travel trailers to stay on undeveloped property inhibits economic growth. A letter was hand delivered by the Domingues' stating that this is not a "junk vehicle" and has been on this property for 11 years and claim that they were told that the trailer would be "grandfathered." No specific name was given, nor was it in writing. Councilman Morris stated that he is aware that the trailer has been removed from the property several times and doesn't think it is the same trailer, but has no specific dates. He suggested that the city request proof of purchase of current trailer to verify if it is possible that the trailer is newer than 11 years old. Councilman Herrington observed that the property owner keeps the property neat and well maintained compared to another RV that is 800 feet down the street that has fallen into disrepair and is devaluing properties in the neighborhood. Councilman Herrington then made the motion to move forward with having the owners supply proof of date of purchase, registration and purchase a yearly city sticker (*not allowed by current city ordinances in District II*) or remove travel trailer. Send a code enforcement letter stating such with a 30 day reply. Councilman Morris seconded the motion and it passed 4-1, Councilman Warren voted no.

- 5) Executive session not required.

6) Motion was made by Councilman Warren to adjourn meeting. Councilman Blackstone seconded the meeting was concluded at 6:20 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary