

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN THAT THE BUILDING STANDARDS COMMISSION WILL CONVENE INTO A REGULAR SESSION IN THE CITY COUNCIL CHAMBERS LOCATED AT 1520 K AVENUE, PLANO, TEXAS ON TUESDAY, MAY 15, 2012, AT 4:00 P.M., AND WILL HOLD PUBLIC HEARINGS AS FOLLOWS:

AGENDA ITEMS:

1. Public Comments, In accordance with the Open Meeting Act, the Building Standards Commission will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for further consideration. Remarks are limited to five (5) minutes per speaker, with a maximum of 30 total minutes of testimony. Other time restraints may be directed by the Chairman. Specific factual information or an explanation of current policy may be made in response to an inquiry; but any discussion or decision must be limited to a proposal to place the item on a future agenda. Speakers will be notified when speaking time has expired
2. Approval of Minutes: April 17, 2012
3. Discussion and possible action regarding the following property's continued non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property. This item was heard at the April 17th Building Standards Commission Meeting.

910 13th Street –Owner Plano African American Museum

4. Items for future agendas

I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 1520 Avenue K

Plano, Texas on the 8th day of May
20 12, at 5:00 o'clock p.m.

Asst. Alicia D. Saylor
City Secretary



Note: The Building Standard Commission may convene into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with its attorney regarding posted items in the regular meeting.

Council Liaisons: Councilmen Lee Dunlap and Jim Duggan

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Ave. L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Council Chambers are located on the first floor. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the Building Inspection Department at 972-941-7140

Building Standards Commission
April 17, 2012

Present

Art Stone, Chairman
Jim Kesterson
James Craft
Chris Polito, Alternate
Joe Milkes, Alternate

Absent

Sylvia Reid
Mo Khoshkar
Mukesh Patel, Alternate
Marsha Griggs, Alternate

Staff

Selso Mata, Building Official
Rodney Patten, Assistant City Attorney III
Cynthia O'Banner, Property Standards Director
Shanette Brown, Property Standards Manager
Scott Neumeyer, Property Standards Supervisor
Jamal Murray, Property Standards Specialist
Gary Mile, Assistant Building Official
Diana Casady, Sr. Administrative Assistant

Chairman Art Stone called the meeting to order at 4:00 p.m., Tuesday April 17, 2012, in the City Council Chambers. A quorum was present and notice of the meeting had been posted for the time and manner required by law. The following matters were discussed.

Chairman Stone admitted all documents and testimony given into the official Building Standards record.

1. Public comments:

No public comments

2. Approval of Minutes: March 20, 2012

Commission Member Jim Kesterson made the motion to approve the minutes from March 20, 2012. Commission Member James Craft seconded the motion. The Commission voted 5/0 in favor of approving the minutes from the March 20, 2012 meeting.

3. Discussion and possible action regarding the following property's continued non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration

of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property.

935 W. Parker Road, Austin Ave Bar & Grill – Owner Herman 95 Investments Inc.

Robert Crawford, Property Standards Specialist, gave an update on the condition of the property since the last meeting on February 21, 2012, there has been no change in the condition of the property and no visible attempts to demolish the property at 935 W. Parker Road. After presentation Mr. Crawford answered questions from the Commission members.

Selso Mata, Building Official, spoke on the report from the Structural Engineer with Datum Engineers. The report states the structure is an unsafe environment and all of the structural members are compromised. The overall assessment concurs with the City that the property is a nuisance and dangerous to human life, and public welfare and therefore needs to be demolished. Mr. Mata answered questions from the Commission.

Lt. Tim Taylor, with the Plano Fire Department, testified that he wrote the fire investigation report for this property. The estimated loss of this property was \$1,700,000. Lt Taylor went on to explain the guidelines for building valuation per the Texas State Fire Marshal's office; stating that the total building was 12,600 square feet, Austin Ave used 11,400 of that square feet and an adjacent suite next door of 1,200 square feet. Per the ICC (International Code Council) the estimated cost to rebuild would be \$148.42 per Square foot, to rebuild Austin Ave would cost \$1,691,988. If the adjacent suite was figured in to rebuild, the total cost would be \$1,820,844 to rebuild. The entire estimate is above what Collin CAD lists the value of the property.

Cynthia O'Banner, Director of the Property Standards Department, reminded the commission that at the last meeting final orders were not issued and that the owner was given additional time to resolve the situation, he asked for 45 more days.

David Ritter, Assistant City Attorney II with the City of Plano, testified that in order to determine if a building is a nuisance and needs to be demolished. The Commission needs to make two determinations; that the building is a nuisance in fact and the building could not be repaired without substantial reconstruction, which in this case the repairs would cost more than the value of over 100%.

Brian Capps, CEO and Owner of Austin Ave, testified that the last time he was before the commission he requested and promised he would have the building torn down, he saw his attorney, because the insurance would not pay for the claim. In order to get all money owed to him he would have to file suit against the insurance company and his attorney advised against this. He needs to prove the building is not reusable, and he has done that. He has a demo permit, and put dumpsters on the property, sent an engineer to inspect the property and sent a copy the City, The insurance company sent their

own engineer to the property and they said the building could be rebuilt using two walls saying 30% of the building can be reused. They are holding \$800,000 of the claim because they say they can reuse the walls, electrical, air conditioning and plumbing in the building. His attorney says the building is evidence they will have to use in a lawsuit, and so he cannot tear that building. He believes the City has the documents to get the Insurance Company to release the funds.

Mr. Capps answered questions from the commission.

Mike Placky, Neighboring resident, asked why can't the city go ahead and demolish the structure sooner than 30 days, since the owner wants it down,

Rodney Patten, Legal Counsel for the Building Standards, explained that per Texas State Law, any property owner has thirty (30) days to appeal any final order of this Commission.

Eralyn McLarty, Neighboring resident, testified that she loves the restaurant and would love to see it rebuilt, but at this point it is clearly a nuisance, she supports a final order issues but the commission and she hopes the bull dozer are lined up on the 31st day.

Brad Boles, concerned home owner, thank you for the opportunity to speak, and he is here today on behalf of many people in the Homeowners Association and presented the Commission with several letters from homeowners in support of rectifying the situation as soon as possible.

Chairman Stone closed the floor to public comment.

After discussion Commission member Chris Polito made the motion to accept the recommendation of the Property Standards Department, and give the Owner of the Property, Herman 95 Investments, thirty (30) days to bring the property into compliance, and if the owner fails to bring the property into compliance the Commission authorizes the City of Plano to proceed in the demolition of the structure, remove all remaining debris from the premises and recover all costs incurred for the abatement buy filing liens against the property, and if compliance is not met within the thirty (30) days, the City of Plano is authorized to assess civil penalties of one thousand (\$1000) per day for each day the violations exist. Commission member James Craft seconded the motion. The Commission voted 5/0 in favor of the motion.

4. Discussion and possible action regarding the following property's continued non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property.

910 13th Street –Owner Plano African American Museum

Jamal Murray, Property Standards Specialist, testified on the history and condition of the property at 910 13th Street. After presentation Mr. Murray and Scott Neumeyer, Supervisor of Property Standards answered questions from the Commission members.

Dollie Thomas, Board Member of the Plano African American Museum, testified the north to south portion is over 100 years old, and the east to west portion is an old army barracks they just connected to make the sanctuary larger. Currently they are having problems finding funds. They want to make the north to south portion the new museum. This building has significant meaning to the Douglas community. They are currently searching out grants and volunteers to get this east to west portion demolished. They are relying on the citizens of the Douglas community to help until they can get funding. They have volunteers to put on the skirting around the building and to board the windows to show the City that they are trying to get this done. Ms. Thomas further testified that thirty days is not enough to get any funding, she is asking for at least the end of the summer to get funds together. Even if they have volunteers to tear it down, it will still cost to haul away the debris and they don't have any funds at this time.

The commission asked Ms. Thomas if she could get the name of the consulting company sent to Jamal Murray, to show good faith that they want to get this east to west portion demolished. Ms. Thomas agreed. Ms. Thomas also testified that they need to find out if the north to south portion is even salvageable. They may not be able to save any of it. They have asked for money every year from the Heritage Commission, but they have been denied each year. The Heritage Commission gave them money for the Thornton House, which is the present Plano African American Museum. Now that the Thornton house is up and running, they want to begin on the Church. They have someone to cover the windows and skirt the underneath and repair the rotting wood. They still need to find someone to shore up the building, they have someone to find contractors; they know they will only have thirty days to get this done. She could have an estimate in thirty days, and the windows will be boarded up, and the skirting on the building.

Chairman Stone closed the floor to public comment.

Cynthia O'Banner, testified on the fees incurred when placing a lien on the property. There are Administrative fees, filing fees, and 10% per year interest.

Chairman Stone opened the floor for public comment.

Chairman Stone asked Mr. Thomas if the Plano African American Museum Board could complete the boarding up and securing of both areas of the property. Ms. Thomas testified they could have that done in the next thirty (30) days. Mr. Stone asked for a plan of action and a time line from her to present to the Commission at the next meeting and how they will go about getting this done.

After hearing testimony, Commission member Joe Milkes made a motion to give the Plano African American Museum thirty (30) days to come up with a plan of action as detailed as possible with a timeline and source of funds, and in thirty (30) days have the building secured and monitored to make sure it remains secured. And the Action plan with timeline given to the City no later than May 7, 2012 in order that it can be reviewed prior to the May 15th Building Standards Commission meeting. Commission member Jim Kesterson seconded the motion. The Commission voted 5/0 in favor of the motion.

5. Items for future agendas

The property at 910 13th Street will return with an update at the May 15, 2012 meeting.

The Public Hearing adjourned at 5:33 P.M.

Art Stone, Chairman

**The Old Community Church at 910 E. 13 th
Street, Plano Texas 75074**

In response to the request made by the Building Standards Commission for a status report for:
910 E. 13th Street

JT Kendricks Second (CPL), Blk 1, Lot 1
Plano TX 75074

Secure building:

As you can see from the attached photos the building has been secured:

17 windows – boarded and painted

Skirting around church is in place prevent access under the church.

The building was secured by community volunteers and a student needed community service hours.

Monitoring of the building

Community volunteers asked to monitor the building.

Bradley Jenkins – Former PAAM employee, lives across the street from the Old Community Church. Mr. Jenkins also mows the lawn a

Elenora Evans – Former PAAM employee and volunteer lives on H Place.

Mary Jones – Douglass resident living across the street from the Thorton House.

Tristen Crane – Douglass resident living on the corner of H Place and 13th Street

Eron Young – Douglass resident living behind the Old Community Church

Future plan for restoration or demolition of the structure.

PAAM spoke with Jonnie Gibson of The Black Contractor Association (BCS) she has agreed to present the project to the Executive Director John Kelly and the Board of Directors for review on May 14, 2012.

PAAM has asked the BCS if they would volunteer services by providing the following:

- Structural report of the Old Community Church
- Cost/recommendation for restoration (if feasible)
- Cost for demolition (if advised)
 - Total
 - Partial

Funding Sources

PAAM is negotiating with a consulting firm, Jabella's Quest, Inc., for the purpose of managing the operation of the Museum (Thorton House and Old Community Church) including developing a plan for securing grants, fundraisers and other funding sources. Anticipated next meeting June 1, 2012.

Juneteenth Celebration – Booth at to solicit donations for the Museum
Letter writing to Friends of Museum to solicit donation – paid from by PAAM board

Contact Information:

Jabella's Quest, Inc.

4220 Herschel Avenue
#4220
Dallas TX 75219-2333

Phone: 214-693-5780

email:

Jonnie Gibson

Black Contractors Association

1409 S. Lamar Street, Suite 251
Dallas, Texas 75215
South Side on Lamar

Phone: 214-928-7097

Email: info@blackcontractors.org

Old Community Church as of May 7, 2012



Front view



West side of the build coming to the front.



Westside of the building going to the back.



Back Wall facing South



Back Wall facing South



Back wall closest to H Place



East Wall at H Place

Building Standard Commission

05/15/2012

Property Standards Department

Property Description:

Address: 910 E. 13th Street
Property Owner: Plano African American Museum
Purchased: 2004

Remarks:

Since the April 17, 2012 Building Standards Commission Hearing the following corrections have been completed:

1. Windows on the North side of building covered with unprotected plywood
2. Skirting installed on West side of building

Recommendation:

Staff recommends the below actions.

Corrective Action(s)

The property owner must demolish the east-to-west addition of structure and remove and properly dispose of debris; replace roof of north-to-south portion of structure, replace all rotting exterior wood surfaces on north-to-south portion of building, repair foundation of north-to-south portion of structure, eliminate all peeling, flaking and chipped paint of north-to-south portion of structure, board all broken or missing windows on north-to-south portion of structure, boarding material must be weather-proofed with a sound coat of paint or other approved protective coating.

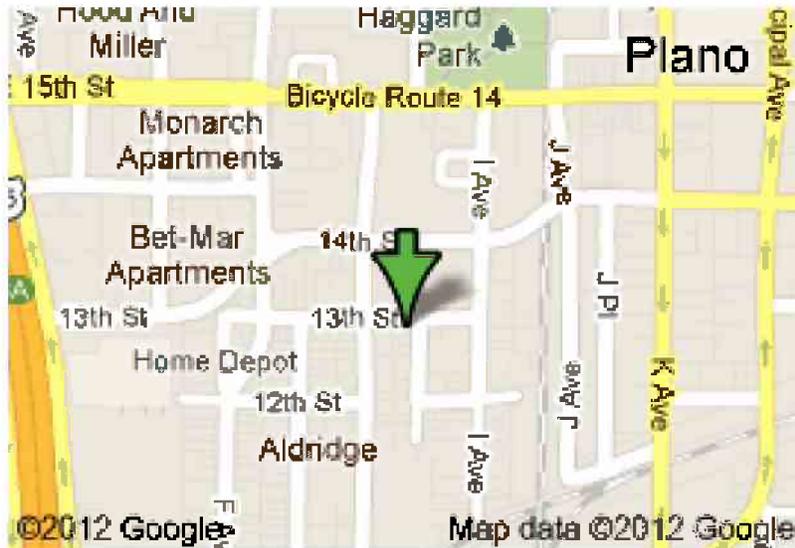
Time Frame to Comply

The property owner should be given no more than 30 days to bring the property into compliance.

Abatement Action(s)

Staff recommends that in the event the property owner fails to comply with the Final Order to demolish the east-to-west portion of the structure; the City is authorized to demolish the structure, remove all remaining debris and recoup the costs by filing a lien against the property for all cost incurred by the City.

Property Description



11-00010724

Case Number:

Address: 910 E. 13th Street
Plano, Texas 75074
Zoning: General Residential

Legal Description: J T KENDRICKS SECOND (CPL), BLK 1, LOT 1

Owner: Plano African American Museum

Occupant: Vacant

Collin County Appraisal:
Improvement Value: \$0.00
Land Value: \$20,000.00
Total Value: \$20,000.00

Exemptions: Total Exemption

Tax Information:

Current

Lien Information:
Lien Holder(s): None
Mortgage Holder (s): None

Timeline of Events
(Since April 17, 2012 BSC Hearing)

Date:

Description:

04/17/2012

BSC Hearing Held:

- Property Owner, Plano African American Museum (PAAM) given thirty (30) days to come up with a plan of action as detailed as possible with a timeline and source of funds, and in thirty (30) days have the building secured and monitored to make sure it remains secured. Action plan with timeline must be given to the City no later than May 7, 2012 in order that it can be reviewed prior to the May 15th Building Standards Commission meeting. The Commission voted 5/0 in favor of the motion.

05/02/2012

Communication Note:

- Museum Board Member advised
 - Engineer to perform assessment on 05/04/12 or 05/05/12
 - Plan of Action will be sent on 05/07/12

05/04/2012

Re-Inspection Completed:

- Windows on North side of building covered with unprotected plywood (open window on South side of building remained unsecured)
- Skirting installed on west side of building (South side of building still lacked skirting)
- No other repairs completed.
- **Notice of BSC Hearing Posted**

05/07/2012

Communication Note:

- Museum Board Member advised PAAM spoke with Board Member of The Black Contractor Association and representative agreed to present the project to the Executive Director and the Board of Directors for review on May 14, 2012.
- Museum Board Member also advised PAAM negotiating with a consulting firm, Jebella's Quest, Inc., for the purpose of managing the operation of the Museum (Thorton House and Old Community Church) including developing a plan for securing grants, fundraisers and other funding sources. Anticipated next meeting June 1, 2012.



910 E. 13th St (1) 5/4/2012 9:41 AM JDM



910 E. 13th St (11) 5/4/2012 9:43 AM JDM



910 E. 13th St (16) 5/4/2012 9:46 AM JDM