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**Substandard Structure Commission Members**

Walcott Black      Kyle Boothe      Nathan Gray      Steven Ingram      Jared Tredway

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**MEMBERS PRESENT:**                      **KYLE BOOTHE, NATHAN GRAY, STEVEN INGRAM, AND JARED TREDWAY**

**MEMBERS ABSTENT:**                      **WALLY BLACK**

**STAFF PRESENT:**                      **BRANDON SHELBY, CITY ATTORNEY; SCOTT SHADDEN, DIRECTOR DEVELOPMENT SERVICES; PATSY REEVES, ADMINISTRATIVE SECRETARY; BYRLE WHITE, INSPECTOR; AND SHERRY CHANCE-PARRISH, LEGAL ASSISTANT**

**Minutes**

**1.      CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**

Chairman Tredway called the meeting to order at 12:00 p.m.

**2.      APPROVE MINUTES FROM THE PUBLIC HEARING OF THE CITY OF SHERMAN SUBSTANDARD STRUCTURE COMMITTEE ON FEBRUARY 5, 2014.**

ACTION TAKEN.

Motion by Board Member Boothe to approve the minutes as written. Second by Board Member Gray.

VOTING AYE: BOOTHE, GRAY AND TREDWAY

VOTING NAY: NONE.

MOTION CARRIED.

THE BOARD FELT THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

**3.      NEW BUSINESS**

Brandon Shelby, City Attorney explained the board is to consider or determine whether the following structures or lots comply with the minimum requirements of the City of Sherman Code of Ordinances and to consider or determine whether the following structures or lots must be repaired, secured or demolished.

**A.    1414 S. F.M. 1417 (HERITAGE PARKWAY)**

The property is owned by William N. Freeman and described as Bowling Heights (Replat), Block 1, Lot 1, Acres 4.843. Notice of hearing was posted on April 7, 2014, and sent by certified mail.

Brandon Shelby explained Lone Star Lanes is the bowling alley located at 1417 S. FM 1417 (Heritage Parkway). The roof collapsed and the building was damaged by ice accumulation in the winter, early December. The building has been inspected; because of the collapse, it is not fit for habitation at this time. We would ask the Commission to order they bring the building back up to code or in lieu of repair, it be demolished.

Mr. Bill Freeman was present to represent the property. He explained he currently plans to demolish the building and needs thirty more days to complete the demolition.

Mr. Shelby asked if thirty days would be enough to complete the demolition.

Mr. Freeman asked if he could have forty-five days.

No other citizens appeared before the Substandard Structure Commission to discuss 1414 S. F.M. 1417 (Heritage Parkway).

#### ACTION TAKEN.

Motion by Commission Member Gray to allow the owner of 1414 S. F.M. 1417 (Heritage Parkway) be given a period of forty-five (45) days to demolish the property or fines will begin on the (46<sup>th</sup>) forty-six day. Second by Board Member Boothe.

VOTING AYE: BOOTHE, GRAY AND TREDWAY

VOTING NAY: NONE.

MOTION CARRIED.

THE BOARD FELT THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

#### **B. 2111 S. Montgomery**

The property is owned by Jesus Ledezma and described as Southside Addn, Block 51, LT 9. Notice of hearing was posted on April 7, 2014, and sent by certified mail.

Mr. Shelby explained the property was inspected on January 24, 2014, it has damage to the roof, walls and windows, it is unsecured, the electrical service is inactive. The City would recommend this property be brought up to code or demolished.

#### Jesus Ledezma, 2105 S. Montgomery, Sherman, TX

Mr. Ledezma appeared before the Substandard Structure Commission to discuss 2111 S. Montgomery Street. He explained he plans to demolish the structure himself and asked for a time period of fifty (50) days.

Mr. Shelby asked the board to allow sixty days (60) for record keeping purposes; it will make it easier.

ACTION TAKEN.

Motion by Chairman Tredway to allow the owner of 2111 S. Montgomery Street be given a period of sixty (60) days to demolish the property or fines will begin on the (61<sup>st</sup>) sixty-first day. Second by Board Member Boothe.

VOTING AYE: BOOTHE, GRAY AND TREDWAY

VOTING NAY: NONE.

MOTION CARRIED.

THE BOARD FELT THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

**C. 210 E. Park**

The property is owned by Timothy Hawkins Estate and described as Southside Addn, Block 27, Lots 1 & 2. Notice of hearing was posted on April 7, 2014, and sent by certified mail.

Mr. Shelby explained the homeowner is deceased and they have had no response from his estate. The building is burned out and needs to be demolished; it is falling down from the fire damage.

No one was present to represent the property. Mr. Shelby recommended a thirty day order to demolish the property.

No other citizens appeared before the Substandard Structure Commission to discuss 210 E. Park Avenue.

ACTION TAKEN.

Motion by Board Member Boothe for the owner of the property at 210 E. Park Avenue to be give a period of thirty (30) days to demolish the structure or fines will begin on the (31<sup>st</sup>) thirty-first day. Second by Board Member Tredway.

VOTING AYE: BOOTHE, GRAY, INGRAM, BLACK AND TREDWAY

VOTING NAY: NONE.

MOTION CARRIED.

THE BOARD FELT THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

**D. 2801 Texoma Parkway**

Commission Member Ingram arrived during this request; 12:20 p.m.

The property is owned by Enterwise Sherman LTD PTN and described as G-504 Hendrix Reuben A-Go504, Acres 1.0111. Notice of hearing was posted on April 14, 2014, and sent by certified mail.

Mr. Shelby gave an overview of the property: it was formerly the Whataburger Restaurant, the windows are boarded, the façade is damaged, rot and decay on

the roof, peeling paint. Mr. Shelby recommended a thirty day order to repair or demolish the property.

Rick Vita, 6403 Wilderness Ct., Arlington, TX and David Hendrik, 1218 W. Houston, Sherman, TX

Mr. Vita and Mr. Hendrik appeared to represent the property. Mr. Hendrik explained they have cleaned up the property but they needed to know what would be required to bring the structure up to code before they spent a lot of money on the property; we are willing to do whatever it takes to be in compliance. The windows are covered with plywood to avoid vandalism; they would like to paint the plywood to match the building, paint the building and fix the front of the building that was damaged. The property is listed for lease.

Scott Shadden, Developmental Services Director explained by ordinance they are suppose to bring a plan of what they want to do to get the structure in compliance. There are signs with the face off, brush around the building.

Mr. Vita explained if they clean up the brush and cover all the signs to comply, paint the building all one solid color, but before we do that we want to make sure if there is anything else you want done.

Mr. Shadden explained there is rotted wood that would need to be replaced. Any plumbing that is inside that has been disconnected; there may be sewer gas coming up into the building.

Mr. Hendrik explained everything is still there as when Whataburger left.

Byrle White, Inspector explained the service has been removed; an electrician would need to be hired to repair the service.

Mr. Hendrik explained vandals have removed copper from the service.

Mr. Shadden explained the planter under the window in front will need to be repaired.

Mr. Hendrik explained the planter was damaged by a car; there use to be a flower pot there, we were thinking of putting plywood there and paint it white like the rest of the building.

Chairman Tredway asked if the signage on the roof is in violation of the ordinance.

Mr. Shadden explained the sign in the current condition is in violation; it looks really run down to me, it is not much of a sound structure, I don't know what is behind it or what it is attached to the roof; it may do a lot of damage taking it off.

Chairman Tredway asked what the attitude of the development ordinance in regards to painted plywood as opposed to exterior façade material.

Mr. Shadden explained commercial buildings today have to be all masonry, as far as signs, there is just one open face sign. It's going to be the pleasure of the board to accept what they agree to do.

Mr. Vita explained they thought they would just cover it up with plywood and paint it all white so it's not exposed.

Chairman Tredway explained it definitely protects the windows.

Mr. Shelby asked if there was a danger the windows would get broken if they are not covered.

Mr. Hendrik explained he deals with that all the time, people come in, they vandalize the building; as soon as we take the plywood off, the windows will be shattered. The old Wendy's building on Texoma Parkway recently upgraded their building, they put plywood up over the windows and painted it a tan color to match the rest of the building and that is what we wanted to do as well, to make it all look the same.

Mr. Shadden asked if they planned on doing it for a permanent fix, or six months, or a year fix.

Mr. Hendrik explained they would love to have some tenants in there to be honest, take the plywood off and have the building leased.

Commission Member Gray asked what shape the interior was in, is it in decent shape?

Mr. Hendrik explained it is good shape, it just needs to be cleaned up; someone could go in today if they wanted to.

Mr. Shelby explained an order from the Commission is needed and instructing them what they need to do with a timeline to do so.

Mr. Shadden explained this might be an option that you allow them to board it up, paint it, secure the premises as a temporary measure that last until a certain time; I would put a deadline out there; we don't want it to go an eternity like that.

Commission Member Boothe asked what period of timeframe is reasonable to revisit.

Mr. Shadden explained it would be thirty days to get it in compliance and revisit as the board sets it.

Commission Member Boothe explained it is hard to know what time frame is reasonable, there are some other things that come into play without having electricity to the building, the parking lot, obviously we can have some of that taken care of as far as weeds and brush, cleaning it up a little bit but at some point do you restripe the parking lot, do you get things that are patched and there are not holes. We don't want to make them go that far, if ultimately the decision comes six months or a year from now to tear the building down. It is so hard to know how far to take it, you can look at some of the pictures of the exterior façade, a lot of it could be redone.

Commission Member Gray explained maybe they could have a proposed plan of some sort; you are saying it is setup as a restaurant right now; if you could find a food person.

Mr. Vita explained honestly if you look at the property and the area; it is not going to be leased. We could clean up and try to give it a good year and it will probably eventually come down.

Chairman Tredway asked what measures have been taken to lease the building.

Mr. Hendrik explained they have had it listed with a realtor for six months with no action. I have even talked to several of the Hispanic population, advertising a perfect building on Texoma Parkway; but there has been no interest, no one wants that area.

Mr. Shelby explained from what I am hearing they would like an order for them to bring the property up to looking better and give them an opportunity to lease it; if they bring it up to code, we can't order them to tear it down, but we need to give them a deadline.

Commission Member Boothe explained it sounds like what they want to do is temporary; it doesn't sound like they are actually bringing it up to code, you would want windows.

Mr. Hendrik explained it has windows; the boards are there to protect the windows from vandals while they lease it. It would be nice if we could put a sign on the building for lease.

Mr. Shadden explained they could put a face on the existing sign "For Lease". If you are going to just board up the outside and paint it and clean the area; that's not bringing the whole building up to code, so you won't be in total code compliance, if the board allows you to do that, that's ok from now on or a period of time.

No other citizens appeared before the Substandard Structure Commission to discuss 2801 Texoma Parkway.

#### ACTION TAKEN.

Motion by Chairman Tredway for the owner of the property at 2801 Texoma Parkway to be give a period of thirty (30) days to clean up property, repair all plywood covering windows, paint the building a consistent color, if you have not complied with the items mentioned, fines will begin on the (31<sup>st</sup>) thirty-first day. A period of nine months will be given to continue to try to lease the building and we will review it again at that time. Second by Board Member Boothe.

VOTING AYE: BOOTHE, GRAY, INGRAM, AND TREDWAY

VOTING NAY: NONE.

MOTION CARRIED.

THE BOARD FELT THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

**E. & F. 3201 Texoma Parkway**

The property is owned by Entlesherm and described as G-0504 Hendrix Reuben A-G0504, Acres 41.24 (former Penney's building) and (former Montgomery Ward's Building). Notice of hearing was posted on April 7, 2014, and sent by certified mail.

Rick Vita, 6103 Wilderness Ct., Arlington, TX

Mr. Vita explained the next two buildings on the agenda are owned by the same owners and they are in the process of getting bids to demolish the buildings.

Mr. Shelby asked how long.

Mr. Vita explained the contracts were signed last night; the buildings should be gone in ninety days.

Mr. Shelby explained if they have a demo contract he did not think ninety days was unreasonable.

No other citizens appeared before the Substandard Structure Commission to discuss 3201 Texoma Parkway.

**ACTION TAKEN.**

Motion by Board Member Boothe for the owner of the two buildings at 3201 Texoma Parkway to be given a period of ninety (90) days to complete the demolition of the structures. Second by Board Member Tredway.

VOTING AYE: BOOTHE, GRAY, INGRAM AND TREDWAY

VOTING NAY: NONE.

MOTION CARRIED.

THE BOARD FELT THE REQUEST CONFORMS TO THE INTENT OF THE ORDINANCE.

**G. 3301 Texoma Parkway**

The property is owned by CDS KIM, Inc. and described as Redick Addn. Block 2, Lot PT12 thru 15. Notice of hearing was posted on April 7, 2014, and sent by certified mail.

Don Kim, 706 Clay Lane, Sherman, TX

Mr. Kim appeared on behalf of his parents, Chang and Joy Kim, they are the principles for CDS KIM, Inc.

Mr. Shelby gave an overview of the property: this property has been secured somewhat similar to what we have ordered of the Whataburger property; he has

boarded up the windows and painted them a consistent color with the façade. Mr. Shelby asked if the property is on the market for lease.

Mr. Kim explained the property has been for lease for six years, trying with different real estate companies and have tried on our own but people are coming to them with absurd offers. I personally want to demolish it, to see where it goes from there; but my Dad is stuck on it. We actually have a lot invested in it; cause it use to be an old Roadrunner Tire and Wheel. We leased the building in the back and used this as the showroom. My initial plan was once the lease with the back property ended; we would create an awning with a drive-thru section and use that as my installation area, but Discount Tire opened and we had to close it and from then on, it was kind of dry. My Dad's thinking is that someone will come in and grab up that whole section where Midway Mall was located and getting something back from it instead of being in the hole. We are already in the hole; people come in and mess up the interior section as well. I don't know if what we have done so far is enough per code.

Mr. Shelby stated the owners have boarded up the windows and painted them the same color as the façade, cleaned up some of the brush.

Mr. Kim explained the lot was mowed and cleaned up earlier today. The debris from the building has been removed, the building has been painted.

Mr. Shadden asked Mr. Kim if his parents understood what the fines will be.

Mr. Kim did not think they did.

Mr. Shelby explained the ordinance says to bring the property up to code completely which is electricity working inside and out by a certain date, that the Commission will give you and if it is not up to code by that date there is a daily fine of \$500.00.

Mr. Kim asked on the electricity side, what are you requiring.

Mr. Shadden explained lights, air conditioning to be working.

Mr. Kim explained there is no air conditioning going through there now; it was working six years ago when I left, I'm assuming it would still work if I would have electricity to kick it back on.

Mr. Shadden explained it would have to be where you could get a Certificate of Occupancy Permit; everything would need to be in that kind of shape or bring it up to code. If it started at \$500 a day fine, it would be \$15,000 per month; that's what your father is looking at.

Mr. Shelby explained you have heard today that the two properties next door at 3201 Texoma Parkway (J.C. Penney and Montgomery Ward's buildings) will be demolished within ninety days; that will kind of clean up that area, it may help with the leasing. It sounds like what you have done is secured the property to what the Commission instructed the Whataburger building to be secured.

Chairman Tredway asked if the material under the drive-thru had been removed.

Mr. Kim explained the underside has been replaced and all the debris has been removed. The building is more favorable for restaurant purposes because it has a grease trap already.

Mr. Shelby explained the Commission has some leeway and they exercised that leeway earlier with the Whataburger group. As far as being fair; I think it would be fair to give him the same amount of time to seek a lease before we come back in and say it needs to be totally up to code or demolished. Since we have already had an order with the Whataburger, I think it would be fair because these properties are adjacent to each other. We gave the Whataburger people an exception on the electrical. I suggest the board give them a grace period to allow time to find a tenant before it is revisited and enact the requirement for electrical service to the building and I am suggesting we bring you back the same time we bring Whataburger back since it is a similar property and similar location. He has done what you have already ordered Whataburger to do, so the thirty days is not necessary; you could say they be given the same time period as the property at 2801 Texoma Parkway.

Mr. Kim explained he just wanted to do whatever is necessary to be in compliance.

Commission Member Boothe explained once that nine months is over, at some point, if it is brought up to all the codes inside and out, there would be a lot of work that had to be done to it that would cost quite a bit of money, as far as getting an electrician in there to make sure everything is done properly and brought up to code and then you would be able to call an electrical company and get it all hooked up and it would all have to work; there are a lot of steps you would have to take to get an actual Certificate of Occupancy Permit for a tenant. I think we are all great with the nine month period but after that nine months is over it could get pretty tough with fines and/or having to pay a lot of money to bring it up to code, so it might end up if there is not a tenant; it might have to come to demolishing being the best option.

Mr. Kim explained he felt that would be better because they have already spent \$8,000 to do the outside part, which could have been used towards demolishing the building.

No other citizens appeared before the Substandard Structure Commission to discuss 3301 Texoma Parkway.

#### ACTION TAKEN.

Motion by Board Member Tredway to allow the owners of the property at 3301 Texoma Parkway a period of nine months and then we will review the property at that time. Second by Board Member Gray.

VOTING AYE: BOOTHE, GRAY, INGRAM AND TREDWAY  
VOTING NAY: NONE.

MOTION CARRIED.  
THE BOARD FELT THE REQUEST CONFORMS TO THE INTENT OF THE  
ORDINANCE.

**4. ADJOURNMENT**

Motion by Board Member Boothe to adjourn. Second by Board Member Gray.  
VOTING AYE: BOOTHE, GRAY, INGRAM AND TREDWAY  
VOTING NAY: NONE.  
MOTION CARRIED.

The meeting was adjourned at 12:38 p.m.

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Chairman

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Secretary