

FARMERSVILLE BUILDING AND PROPERTY STANDARDS COMMISSION
MEETING MINUTES
JULY 15, 2014

The Farmersville Building and Property Standards Commission met in a special called session on July 15, 2014 at 6:00 p.m. in the Council Chambers at City Hall with the following members present: Autumn Barton, Andrew Washam, Patti Ford and Anne Hall. Commission member absent was Rafiq Huddleston. Staff members present were Code Enforcement Officer Karen Dixon, City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison John Politz was not present.

CALL TO ORDER, ROLL CALL

Chairman Autumn Barton called the meeting to order. City Secretary Edie Sims called the roll and announced a quorum was present. Edie Sims presented the invocation and the Pledge of Allegiance.

(Item II) TRAINING PRESENTATION AND RELATED DISCUSSION REGARDING THE ROLE AND FUNCTION OF THE BUILDING AND PROPERTY STANDARDS COMMISSION AND THE VARIOUS LAWS AND REGULATIONS IMPACTING THE ACTIONS OF THE COMMISSIONERS

Chairman Autumn Barton opened the training session to City Attorney Alan Lathrom. Mr. Lathrom began the training with the Building and Property Standards Commission discussing the Open Meetings Act. Since the Building and Property Standards Commission is a quasi-judicial board and is a governmental body that is open to the public to protect the public's interests, the Open Meetings Act does apply to the Commission's actions.

Executive Session meetings were also discussed. The Building & Property Standards Commission may hold an Executive Session to consult with an attorney to receive legal advice about pending or contemplated litigation; settlement offers; and any other matter where the attorney's duty under the Disciplinary Rules of Professional Conduct conflicts with the Open Meetings Act. Civil and criminal penalties for noncompliance with the Open Meetings Act were also discussed.

Ethical issues were also discussed with the Commission including conflict of interest and substantial interest of a Commission member. Mr. Lathrom discussed the rules surrounding members of the Commission allowing an applicant due process which includes not visiting the site in question, conferring with interested parties, meeting with neighborhood members or evaluating the situation outside the public hearing process.

The purpose of the Building and Property Standards Commission is to address substandard building issues among other health and safety concerns while acts as a quasi-judicial authority. The Texas Local Government Code provides for the creation of the Building and Property Standards Commission with quasi-judicial authority, while the Farmersville Code of Ordinances provides for the duties and responsibilities of the Commission as well as the obligation of property owners to maintain their property.

Mr. Lathrom went into great detail regarding the authority of the Building and Property Standards Commission which includes hearing cases regarding the materials and methods used to construct a building or improvement. Foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances and exits, fire safety of a building or improvement, dangerously damaged or deteriorated buildings or improvements, accumulations of refuse, vegetation or other matter that creates

breeding and living places for insects and rodents; declaring a building substandard; reduction of occupancy in an over-crowded structure and/or vacation of a structure that is dangerous to the health, safety or welfare of the occupants; order immediate removal of persons found on private property in violation of an ordinance; require removal and storage of property from a structure ordered vacated or demolished; require the demolition of a structure found to be a public nuisance; require repair of the structure by the owner or by the City found to be a public nuisance as an alternative to demolition; require the owner, lienholder or mortgagee of property repair a structure and bring into compliance with current codes and applicable standards; require the correction of a dangerous condition on the land; require that structures be secured against entry.

The Building and Property Standards Commission also has the power to determine the amount and duration of the civil penalty the City may recover against the person with control of the premises in a suit for such purposes; to grant variances when the interpretation of the Housing and Substandard Building Code, the Housing Code and Uniform Code for the Abatement of Dangerous Buildings, as adopted, would result in an unnecessary or unreasonable hardship; to determine the structure or complained of situation does not violate the subject Code provision under which a case is brought to the Commission.

Specifics of posting a notices, procedures to hear each case, how to grant continuances, what takes place after a hearing, establishing specific time schedules, receiving detailed planning and timing of work schedule; specifics of the appeal process; and rendering a final decision.

(Item III) DISCUSSION OF PLACING ITEMS ON FUTURE AGENDAS

- The lawfirm of Brown and Hofmeister will be holding a training/discussion forum and invited the Commission to attend.

(Item IV) ADJOURNMENT

The Building and Property Standards Commission adjourned at 9:00pm.

ATTEST


Andy Washam, Secretary

APPROVED


Autumn Barton, Chairman