

# CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 8/25/2016

Action Requested By:  
Community  
Development

Agenda Item Type  
Resolution

Subject Matter:

Request to authorize the demolition of an unsafe structure

Exact Wording for the Agenda:

Public Hearing on a Resolution authorizing the demolition of an unsafe building constituting a public nuisance located at 2702 Penland Ave. NW Huntsville, AL.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Select...

Unanimous Consent Required: Select...

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

The above referenced property was cited June 7, 2016, under § 11-40-30 et seq., Code of Alabama (1975), as a public nuisance. This is the state law allowing Community Development to sell said property at tax sale if the owner does not pay costs of demolition. The owners were issued a notice to demolish the structure. No work has been done. Property was inspected by an independent contractor and they determined the structure was not economically feasible to repair. Notice, photos and evaluation are attached.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Murphy B. Jones Date: 8/16/2016

**RESOLUTION NO: 16-\_\_\_\_\_**

**WHEREAS**, the Director of Community Development for the City of Huntsville, Alabama, has inspected or caused to be inspected the property situated at 2702 Penland Ave NW in Huntsville, Alabama, and has determined that the structure, including any and all accessory structures, is unsafe; and

**WHEREAS**, the Director of Community Development for the City of Huntsville, Alabama, did on the 7th day of June, 2016, cause to be and issued to owners of record of the property, Notice to Demolish Structure, Official Notice No. 16-2717PNS, a copy of which is attached hereto as EXHIBIT "A", being substantially similar in words to that document identified as "NOTICE OF PUBLIC NUISANCE", a copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville; and

**WHEREAS**, any structure located on said property has not been demolished as required by said notice, and no appeal having been taken therefrom as by law provided; and

**WHEREAS**, photographs showing the condition of the property are attached hereto as EXHIBIT "B"; and

**WHEREAS**, independent contractors have inspected the structure(s) and determined that the cost of repair and rehabilitation is not economically feasible and is of the opinion that the structure(s) should be demolished, and has given a written statement to that effect, a copy of which is attached hereto as EXHIBIT "C"; and

**WHEREAS**, in the judgement of the Director of the Department of Community Development of the City of Huntsville, Alabama, the structure(s) in question cannot be reasonably repaired, and that demolition of the structure, including any and all accessory structures, is necessary to protect the public health, safety and general welfare.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Huntsville, Alabama, that upon the expiration of ten (10) days from today's date, the Director of the Department of Community Development, City of Huntsville, Alabama, is authorized to proceed, pursuant to § 11-40-30 et seq., Code of Alabama (1975), to demolish and remove the structure(s) and contents, if any, at 2702 Penland Ave NW more particularly described as follows to-wit:

**LOT 18 BL 1 SLAUGHTER S/D 2ND ADD**

and to assess the reasonable costs for demolition and removal of debris against said property.

**RESOLUTION NO: 16-\_\_\_\_\_**

**BE IT FURTHER RESOLVED**, by the City Council of the City of Huntsville, Alabama, that the Director of Community Development, or his/her appointed designee, is hereby authorized to take all lawful and necessary actions to accomplish the foregoing.

**ADOPTED** this the 25th day of August, 2016.

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President of the City Council  
of the City of Huntsville, Alabama

**APPROVED** this the 25th day of August, 2016.

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Mayor of the City of Huntsville, Alabama

Department of Community Development  
Code Enforcement Division

Michelle G. Jordan, Director, Community Development



120 Holmes Avenue E.  
P.O. Box 308  
Huntsville, AL 35804

Phone: (256) 427-5400, FAX: (256) 427-5431

Area: 1 CT: t7.01 CD: 1

PV: 0

Insp.: mdm

FINAL: 7/7/2016

## OFFICIAL NOTICE NO. 16-2717PNS

Fannie Pope & Henry Jones  
3505 Andy Way Lane Apt. 3  
Memphis, TN 38128

### Re: 2702 Penland Ave NW

PPIN: 10312 PARCEL: 14-06-23-2-001-008.000

Legal Description: LOT 18 BL 1 SLAUGHTER S/D 2ND ADD

Date Inspected: 5/2/2016

Notice Issued: 6/7/2016

DEMOLISH BY: 7/7/2016

In accordance with Sec. 11-40-30 et seq., Code of Alabama (1975), the Housing Official of the City of Huntsville, Alabama has determined that the structure located on the property described above is unsafe and constitutes a public nuisance due to the following conditions:

#### VIOLATIONS

- ♦ Unit lacks direct-wired electrical smoke detector(s) (must have on-board battery back-up).
- ♦ Electrical system not operational.
- ♦ Gas system not operational.
- ♦ Sanitary facilities not operational.
- ♦ Unit/structure is open and accessible to the public.
- Water heater lacks temperature and pressure (T & P) relief valve discharge line.
- ♦ Electrical outlet cover missing: utility room
- ♦ Light fixture damaged: throughout
- ♦ Light fixture not properly installed: throughout
- ♦ Light fixture has bare exposed electrical wiring: throughout
- ♦ Interior floor incapable of bearing load: throughout
- ♦ Interior floor not in good repair: throughout
- ♦ Interior wall has hole: throughout
- ♦ Interior wall not in good repair: throughout
- ♦ Interior wall mildewed. : throughout
- ♦ Interior ceiling mildewed: throughout
- ♦ Splice in electrical wiring must be in approved junction box: kitchen
- ♦ Trim damaged: front, left, rear
- ♦ Interior ceiling collapsed: throughout
- ♦ Unit lacks permanent source of heat.
- ♦ Electrical outlet not ground-fault circuit interrupter (GFI) protected: kitchen
- ♦ Interior floor not impervious to water: kitchen
- ♦ Exterior wall has hole: rear
- ♦ Exterior siding loose: rear
- ♦ Exterior siding rotted: rear
- ♦ Siding lacks paint: left, rear
- ♦ Trim rotted: front, left, rear
- ♦ Trim loose: front, left, rear
- ♦ Trim missing: front, left, rear
- ♦ Soffit rotted: front, left, rear, right
- ♦ Soffit loose: front, left, rear

7/7/16 NO Change Jue 2:01 PM

# OFFICIAL NOTICE NO. 16-2717PNS (Cont.)

- ♦ Soffit has hole: front, left, rear, right
- ♦ Trim lacks paint: front, left, rear, right
- ♦ Eave lacks paint: front, left, rear, right
- ♦ Window trim lacks paint: front, left, rear
- ♦ Roof has hole: rear
- ♦ Roof decking rotted: rear
- ♦ Roof collapsed: rear
- ♦ Roof rafter rotted: rear
- ♦ Roof finish covering missing:
- ♦ Roof finish covering loose:
- ♦ Water heater gas vent pipe missing

## NOTICE TO DEMOLISH STRUCTURE

This structure must be demolished and removed prior to: 7/7/2016

Demolition permits must be obtained from the City of Huntsville Inspection Department and work commenced and completed by the specified date.

**Failure to comply with this notice by the specified date may result in the property being presented to the City Council as a public nuisance for demolition by the City of Huntsville. If the City of Huntsville demolishes the structure, all costs incurred will be assessed against the property and will be added to the tax bill of the property. Failure to pay the assessment will result in foreclosure and the property being sold.**

REQUEST FOR HEARING: Any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing to the City Council of the City of Huntsville, Alabama. The written request must be received by the City Council of the City of Huntsville prior to 6/28/2016. The written request must contain the objections to the finding by the Housing Official that the building or structure is unsafe to the extent of being a public nuisance. The request may be mailed or delivered to:

CITY COUNCIL OF THE CITY OF HUNTSVILLE  
P.O. BOX 308  
308 FOUNTAIN CIRCLE  
HUNTSVILLE, AL 35801

Your cooperation will be appreciated. For questions related to this notice, please call Duane Mahaffey, Housing Specialist, at (256) 427-5429.

cc: Henry Jones  
6269 Pulaski Pike  
Huntsville, AL 35806

  
\_\_\_\_\_  
Duane Mahaffey, Housing Specialist  
Phone: (256) 427-5429

EXHIBIT "B"

2702 Penland Ave. NW



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EXHIBIT "B"

2702 Penland Ave. NW



EXHIBIT "B"

2702 Penland Ave. NW



STRUCTURAL EVALUATION REPORT

EXHIBIT "C"

ADDRESS OF STRUCTURE: 2702 Penland Ave. Hunts, AL. 35810  
 INSPECTOR'S NAME: Dan Schrimsher TITLE: Co-Owner/Foreman  
 COMPANY NAME: Bobby Schrimsher & Son's Gen Contr, Inc. PHONE: 256-533-3560

NUMBER OF DWELLING UNITS 1 NUMBER OF STORIES ✓  
 CONSTRUCTION: Wood Frame      Frame/Veneer ✓ Masonry      Other       
 APPROXIMATE SIZE OF STRUCTURE: 42 ft. x 37 ft. = 1,554 s/f  
 \*\* ASBESTOS SIDING or ROOFING: NO ✓ YES      (Appx. S/F =     )

| COMPONENTS                                    | PERCENTAGE REPLACEMENT REQUIRED |   |   |   |   |   |   |   |   |                            |           |
|---|---------------------------------|---|---|---|---|---|---|---|---|----------------------------|-----------|
| <u>I. EXTERIOR</u>                            |                                 |   |   |   |   |   |   |   |   |                            |           |
| 1) FOUNDATION:                                | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
| 2) FLOOR SYSTEM                               | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
| 3) FRAMING:                                   | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
| 4) ROOF SYSTEM:                               | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
|   |                                 |   |   |   |   |   |   |   |   | EXTERIOR TOTAL =           | <u>29</u> |
| <u>II. INTERIOR</u>                           |                                 |   |   |   |   |   |   |   |   |                            |           |
| 1) INT. FLOORS                                | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
| 2) INT. WALLS                                 | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
| 3) INT. CEILINGS                              | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
|   |                                 |   |   |   |   |   |   |   |   | INTERIOR TOTAL =           | <u>30</u> |
| <u>III. UTILITY SYSTEMS</u>                   |                                 |   |   |   |   |   |   |   |   |                            |           |
| 1) ELECTRICAL SYSTEM                          | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
| 2) HEATING SYSTEM                             | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
| 3) PLUMBING SYSTEM                            | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
|   |                                 |   |   |   |   |   |   |   |   | UTILITY SYSTEM TOTAL =     | <u>30</u> |
| <u>IV. OTHER DEFICIENCIES (if applicable)</u> |                                 |   |   |   |   |   |   |   |   |                            |           |
| 1) <u>doors &amp; windows</u>                 | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
| 2) <u>    </u>                                | 0                               | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9                          | 10        |
|   |                                 |   |   |   |   |   |   |   |   | OTHER DEFICIENCIES TOTAL = | <u>10</u> |
|   |                                 |   |   |   |   |   |   |   |   | GRAND TOTAL POINT RATING = | <u>99</u> |

FEASIBILITY OF REPAIR: RATING 50 or MORE - REHAB NOT FEASIBLE ✓  
 RATING 49 or LESS - REHAB FEASIBLE     

REMARKS: house appears to have been vacant for extended period of time and repairs/upkeep to property have been neglected.

SIGNATURE: Dan Schrimsher DATE: 5/25/2016