



CITY OF WINTERS, TEXAS
310 S. MAIN ST. WINTERS, TX
SPECIAL MEETING
September 25, 2023, 6:00 p.m.

Call meeting to Order. Mayor Mark Burkhart called the meeting to order at 6:04 p.m.

Establish a Quorum. In attendance were Mayor Mark Burkhart, City Attorney Ken Slimp, Alderwoman Ursula Estrada, Alderman Mike Neal and Alderman Jimmy Butler via Zoom.

Not in attendance were Alderwoman Ida Rodriguez and Alderwoman Zan Jamieson.

Pledge of Allegiance- US and Texas Flag.

Agenda Item 1. Hearing for Eugene Killgore on Substandard Dwelling located at 517 N. Main St., Winters, TX. Mr. Kilgore had not initially arrived when meeting was called to order; Council heard from Code Enforcement Officer Bobby Sanders who stated that he had been in contact with Mr. Killgore who had stated early this year that he needed some time to get the house fixed. Mr. Sanders presented pictures of the substandard dwelling from March 2023 and as current as September 18, 2023. In addition, Mr. Sanders presented inspection reports from Bureau Veritas, letters of notification sent to Mr. Kilgore regarding the substandard dwelling, letter of notification regarding the Hearing with the Council as well as dates that he and Mr. Killgore had meetings or interactions. In addition, he noted that Mr. Killgore had also received a copy of the inspection of the dwelling in which the inspector stated that the dwelling was open to the outside air...and was already in the process of collapsing. Mr. Sanders stated that he spoke with Mr. Kilgore who stated that he knew how the situation is and that something needs to be done. Mr. Sanders stated that on September 6th he had observed Mr. Killgore tearing down the front porch and stopped to speak with Mr. Killgore regarding permits and inspections process and explained that permits are required for remodeling as he was altering the structure and needed to ensure it would not be a danger. Mr. Sanders stated that Mr. Killgore was belligerent and disagreeable. Mr. Sanders advised him of the meeting with the council on September 25th, Mr. Killgore replied that he was aware and said that the inspector did not know what he was talking about and that the city should just give him the money it would take to tear the house down so that he could use it for repairs. Mr. Killgore still has not obtained any permits. Alderman Mike Neal asked if Mr. Killgore had made any indications that he was going to make any improvements on the structure to which Mr. Sanders answered yes, that Mr. Killgore said that is why he was going to and that is

why he is taking the porch and the roof off because they are causing the outside wall to lean. Police Chief Paula Geyer stated that the only thing holding the house up was the carport. Mr. Neal asked if the house was condemned, to which Chief Geyer and Mr. Sanders both replied, "yes". Mr. Neal asked what the city could do at this point. Mr. Sanders replied that in speaking to City Attorney Ken Slimp that the city would have to go through the eviction process. Mr. Neal asked because of the dangerous living conditions, to which Mr. Sanders replied yes and stated that the city could have to rehome the tenant for the first month. Mr. Slimp stated the council would tell him if it needed to be torn down or if he needed to fix it. Mr. Neal noted that the dwelling in the most recent photos look worse than when the initial pictures were taken in March. Mayor Burkhart asked Ms. Lincoln if she had checked into alternative residences for Mr. Killgore; the answer was yes. The Winters Housing Authority has a one-year waiting list and the tenant would have to meet all requirements to reside there and with Mr. Killgore's pending charges would not qualify. The Ballinger Housing Authority also has a one year waiting list but would qualify based on their current requirements. In addition, the Coleman Housing Authority would be able to take him immediately as long as he met their requirements.

Agenda Item 2. Consider and take action to repair, demolish or remediate substandard dwelling.

Alderman Mike Neal stated that this was a tough call, from what he sees it not a repairable home. And that if the dwelling was not going to be repaired it needed to be demolished. Mayor Burkhart stated that from what he could see from the pictures and the inspectors report from Bureau Veritas that Mr. Killgore has gutted it out to where it is uninhabitable and a danger to himself. Mr. Neal asked if the city were to demolish it would it be at the cost of the city. Mr. Sanders stated that it would be. Mr. Neal asked if the city were to decide to demolish how long would the wait be for it to be done. Mr. Sanders replied that in a dangerous situation it could be moved to the front of the list. Mr. Killgore joined the meeting at 6:15 p.m. Mayor Burkhart told Mr. Killgore that they were just discussing the inspection report and asked if he had seen the report to which he replied that he had not seen the report but was told that his house was unfixable but disagrees stating that "Bobby and the inspector do not know what they are talking about". Mayor Burkhart asked Mr. Sanders which reports had been provided to Mr. Killgore to which Mr. Sanders replied all reports and pictures had been provided to Mr. Killgore and that he had in fact come to City Hall to meet with the inspector and himself specifically going over the report. Mr. Killgore stated that he had shoulder surgery a year and a half ago and went on to say that he is hurt and is unable to work on or fix the house at this time and needed more time. He stated that he has removed the front porch to take some of the weight off the house and that he has been doing this type of work for over thirty (30) years and that his roof wasn't built correctly to start with. He did state that he does not agree that the house is being held up by the carport or the tree, the house would not fall down and he knows what the inspection said as he told the inspector everything that was wrong with it and he (the inspector) put it in his report just as Mr. Killgore had stated. Mr. Killgore stated that he cannot currently afford to put the house back like it was. Mayor Burkhart asked Mr. Killgore how long it would take to get it livable as it currently looks rough. Mr. Killgore stated that he agrees that the place looks bad especially being on Main St. it looks real bad. Mr. Killgore stated he would have it done by Christmas. Mayor Burkhart asked if he meant approximately ninety (90) days to get it back to a habitable residence. Mr.

Killgore replied “pretty much”. Alderman Mike Neal stated that this is a tough thing to be brought before the council and a tough decision for the council but the things he sees in the reports and pictures the place looks rough. He states to Mr. Killgore that he is hearing what he is saying and he sees that Mr. Killgore has been working on things and that he understands that there has been some issues with some injuries but asks him if he felt that it would be more advantageous to work on the house to get it to code or to relocate to a place that needs no repairs. Mr. Killgore replied that the house is paid for and he is on a fixed income but does not want to move as he has been there twelve (12) years. He states that he does understand the city’s position but feels like he is stuck. Mr. Neal replied that the city’s concern is someone getting hurt. Mr. Killgore stated that the city and the inspector are wrong, and the carport is not holding the house up. Mayor Burkhart asked Mr. Killgore what result he would like to see come from the meeting tonight. Mr. Killgore replied that he would like more time to fix the house because he can get it done. Mayor Burkhart noted that Mr. Killgore had previously stated that he was unable to fix the house due to injury and finances and stated that it would be a stretch to get the house up to par in ninety (90) days. Mayor Burkhart explained that permits are required to work on the house and that inspections are required to ensure that the property is up to code. Alderman Jimmy Butler asked Mr. Killgore what he could accomplish in thirty (30) days to which Mr. Killgore replied that he could get the bridge put in and get it braced back to the floor and he could work on getting the holes out of the roof and stated that it is just him working on it. Mr. Butler asked Mr. Slimp if the council could postpone for thirty (30) days and revisit the issue, Mr. Slimp replied yes. Mayor Burkhart stated that the agenda item was to take action to repair, demolish or remediate and was not sure that revisiting it in thirty (30) days would solve anything. Alderman Mike Neal stated that the issue he had with postponing or tabling does not get the issue anywhere and unless there is some deadlines or solid action the issue would string out indefinitely. Alderman Mike Neal made a motion to demolish the house after January 31, 2024 giving Mr. Killgore more than his requested ninety days pending an inspection by Bureau Veritas. Mr. Neal stated he would like to expand on that just a bit, the city will give him time to make it inhabitable; if after the inspection by Bureau Veritas the inspection does not pass, the city will move forward with demolition. Mr. Killgore stated that he will agree to that. Mayor Burkhart reiterated that Mr. Killgore has to obtain permits to work on the dwelling. Alderwoman Ursula Estrada seconded the motion. All in favor, motion carried. Ayes 3, Noes 0.

Mr. Killgore thanked the council for the extension and stated that he thinks the decision is fair.

Agenda Item 3. Consider and take action to set a date for the removal and relocation of individual(s) from premises if necessary. No action.

Agenda Item 4. Adjourn meeting. Alderwoman Ursula Estrada made a motion to adjourn the meeting, Alderman Mike Neal seconded. All in favor, motion carried. Ayes 3, Noes 0.

ATTEST:



Mark Burkhart, Mayor



Sheila Lincoln, City Secretary

