

City of Bellaire

BUILDING AND STANDARDS COMMISSION JANUARY 23, 2019

Council Chamber	Regular Session	6:30 PM
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FIRST FLOOR OF CITY HALL
7008 S. RICE AVENUE
BELLAIRE, TX 77401

Agenda

Chair	Commissioner	
Laura Thurmond	George Williams	
Vice Chair	Commissioner	Commissioner
Danny Spencer	Dan R. Collins	Paul Coselli
Commissioner	Commissioner	
Lee Hampton	Christina Stone	

Mission Statement:

The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.

I. REGULAR SESSION**A. Call to Order****B. Announcement of Quorum****C. Rules for Public Comment**

1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.
2. Public Comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.
3. Public Comments of a general nature shall be made at the time designated by the Order of Business.
4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.
5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - Oct 24, 2018 6:30 PM
2. Building and Standards Commission - Regular Session - Dec 5, 2018 6:30 PM
3. Building and Standards Commission - Regular Session - Dec 19, 2018 6:30 PM

E. Public Comment**F. Report from Building Official****G. Reports of Committees and Communications**

1. Communications to Commission members outside of posted meetings
2. Committee Reports
3. Reports from Staff other than the Building Official

H. Old Business**I. New Business**

1. **The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.**
2. Discussion and possible approval of the Building and Standards Commission's 2018 Annual Report to City Council.

J. Hearings

1. Docket # 2019-01, A hearing at the request of the property owner of 4428 Holt St., Bellaire, TX, regarding the securing of the structures on said property by the City, and consideration, deliberation, and action on the Docket Item.
2. Docket # 2019-02, A hearing at the request of the property owner of 4432 Holt St., Bellaire, Texas, regarding the securing of the structure by the City, and consideration, deliberation, and action on the Docket Item.
3. Docket # 2019-03, A hearing at the request of the property owner of 4437 Holt St., Bellaire, TX, regarding the securing of the structures on said property by the City, and consideration, deliberation, and action on the Docket Item.

K. Announcements & Comments by Commissioners**L. Adjournment**

City of Bellaire

BUILDING AND STANDARDS COMMISSION OCTOBER 24, 2018

Council Chamber	Regular Session	6:30 PM
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FIRST FLOOR OF CITY HALL
7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. REGULAR SESSION

A. Call to Order

Chairman Thurmond called the meeting to order at 6:35pm.

B. Announcement of Quorum

Chairman Thurmond announced that a quorum was present, consisting of the following members:

Attendee Name	Title	Status	Arrived
Laura Thurmond	Chair	Present	
Danny Spencer	Vice Chair	Absent	
Lee Hampton	Commissioner	Present	
George Williams	Commissioner	Present	
Dan R. Collins	Commissioner	Present	
Christina Stone	Commissioner	Present	
Paul Coselli	Commissioner	Present	
William Davidson	Building Official	Present	
David R. Montague	Council Member	Present	
ChaVonne Sampson	Director of Development Services	Present	

C. Rules for Public Comment

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4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.

- 5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.**

D. Public Comment

Chairman Thurmond mentioned that there were no public comments for this meeting.

E. Report from Building Official

William Davidson, the Building Official, stated that staff has been closing in on their code adoptions, so the Inspections and Building department have been working hard to understand what the new codes mean for the City of Bellaire. He added that Building and Standards is a part of that process and that is why the meetings are being held. Mr. Davidson stated that last week they attempted to have a workshop session, but there was not a quorum. Mr. Davidson asked the Commission if scheduling a workshop on the 14th of November (in addition to the regular session) would conflict with any of the Commission's schedules.

Chairwoman Thurmond noted she is available.

Commissioner Coselli asked when the regular session will be held in November.

Mr. Davidson stated it will be on the 28th, the week after Thanksgiving. Commissioner Collins noted he is available on the 14th of November.

Chairwoman Thurmond clarified for Commissioner Coselli that they will speak more regarding the meetings.

Mr. Davidson noted he will schedule the workshop for the 14th and will send out an agenda like he did previously. He asked if anyone has issues getting into their city email to contact him so he can get them in touch with I.T. and get that issue resolved.

Chairwoman Thurmond mentioned she has issues with her city email.

Mr. Davidson stated that he had spoken with Ashley Parcus regarding Ms. Thurmond's email issues.

Commissioner Stone stated that she had a habit of checking her Bellaire email and started noticing she was getting emails on her regular email that should have been sent to the city email. Due to that issue, she stopped checking her Bellaire email and now, they are sending emails to the Bellaire email only and not their regular emails.

Mr. Davidson stated that was correct. He noted the City of Bellaire's policy is to communicate anything regarding the City of Bellaire using the Bellaire email.

Ms. Stone added that she attempted to try a link today and the link was not working. She spoke to a woman named Raquel who showed her how to get to a different email that worked and told Ms. Stone that she was going to correct the link she was using that was not working.

Mr. Davidson mentioned the dead link may be his fault as he is new to the task of updating the links on the City website. He mentioned it was something Ashley Parcus and Marleny Campos handled before he did.

Commissioner Hampton asked if it was okay that he had his Bellaire email forwarded to his regular

email.

Mr. Davidson stated that was acceptable.

Commissioner Stone mentioned that was a good idea.

Chairwoman Thurmond agreed and stated she will need to do the same as she has several different emails to keep track of.

Mr. Davidson asked if there were any more questions for the Building Official before he finishes his report.

Commissioner Collins asked if there are any other substandard housing issues occurring.

Mr. Davidson said there are two that may become an issue depending on how the homeowners work with the City, and that more information on that will be forthcoming. In regards to the ongoing city demolition, Mr. Davidson has finally managed to get the electrical shut off. The electrical services he was using were insistent on getting in contact with the homeowner, but Mr. Davidson was able to bypass that. He added that the gas has been disconnected depending on the contractor and whether he knows how long it will take CenterPoint to dig up the gas main. Once that occurs, they will get a final demolition date from the contractor.

Commissioner Collins asked if it will be demolished by the end of the year.

Mr. Davidson confirmed that it would.

F. Reports of Committees and Communications

1. Communications to Commission members outside of posted meetings

There were no communications to report.

2. Committee Reports

There were no committee reports.

3. Reports from Staff other than the Building Official

There were no reports from staff other than the Building Official.

G. Old Business

There was no old business.

H. New Business

1. Presentation by Floodplain Manager and Director of Development Services ChaVonne Sampson on upcoming changes to construction standards and codes, relating to floodplain management in the City of Bellaire.

ChaVonne Sampson, Director of Development Services, noted she will be giving the Commission an overview. She stated she will begin with a reminder of what the City of Bellaire does currently in regards to flood regulations. She spoke more closely on the flood

regulation called the "50% rule" and how a home is deemed substantially damaged. Ms. Sampson then stated that she had spoken about the flood regulation previously in another meeting, but due to the circumstances, she felt it would be necessary to review the specific part of the code. She added that once she has reviewed the code with the Commission, she will share what guidance they were given by the Flood Hazard Mitigation Task Force. Ms. Sampson noted she will then speak about staff suggestions in regards to the code, and that the information presented is the same information that was presented to the Flood Hazard Task Force, as well as the implementation step that they had submitted to F.E.M.A. telling them what they planned to do. She added that she wanted the Commission to be in support of the code and their plans so that way it can be added to the code updates for Chapter 9. Ms. Sampson started the presentation stating that the first instance of the "50%" rule was in 2015 for the Memorial Day flood. Out of 200 structures, the City issued approximately 20-50 building permits for that area. During that time, the previous Building Official was also the Flood Plan Administrator. He had told Ms. Sampson and her staff to look at the building permits from a cumulative approach. For example, in 2015, if someone were doing a remodel and had also requested a flood permit Ms. Sampson and her staff would total the sum to see if they were substantially damaged. During that time, there were approximately six homes that were calculated to be substantially damaged; it was not just the cumulative damage that was done but just the damage done during the Memorial Day floods. In 2017 during Hurricane Harvey, as they were out educating the public in regards to rebuilding their homes and the permits required, they decided that due to the significant damage done during Hurricane Harvey they were no longer going to look at things in a cumulative manner. Instead, they would look at the damage and whether the homeowner had previous flood damage as well. For example: if someone had damage done to the structure of their home, in a previous flood and then Hurricane Harvey, they would end up receiving double because of extent of the damage done to the building or home, in this case the shell of the home was damaged twice. Most of the homes that were deemed substantially damaged were damaged by just Harvey alone. Ms. Sampson explained that substantially damaged means 50% of the value of the structure, not the land, was damaged. She stated there are currently 66 homes that were deemed substantially damaged. In order to be deemed substantially damaged, they would process their permit based on the construction cost, if it was above the 50% then an inspector would come to look at the structure. She stated once the inspection came back, they would evaluate it and if it still looked as though the structure would be marked substantially damaged, they would then meet with the homeowner 1-on-1. Ms. Sampson said that she personally met with approximately 60 homeowners to get more information regarding their situation. She stated that many of the homeowners would speak about how high the water was in their homes, how long the water stayed, and would mention to Ms. Sampson that it was so long after the flooding and their homes were still drying out. Ms. Sampson and her staff would gather all the information presented and decide whether the structure was substantially damaged as well as make sure they had the proper documentation to support the claim. She then explained that the homeowners were able to elevate, demolish, or sell the structure after their home was rendered substantially damaged. As the homes are the homeowner's property, they were allowed to do nothing at all. She stated they asked for the homeowner do the remediation, board up the home, and insure that the grass and home were still maintained so the home would not become a substandard home.

Commissioner Coselli asked whether the value of the home was the value before the storm or after the storm.

Ms. Sampson answered that it was before the storm. To determine the value, they would use the homeowners H.C.A.D. as well as a value estimator and depreciation, as some of the homes H.C.A.D. were only valued at 100 dollars. She noted they are able to do that during times of flood.

Commissioner Collins asked if they would use the higher of the two values. Ms. Sampson confirmed this.

Mr. Collins stated he was confused in regards to the cumulative dollar amount going forward. He asked what the practice would be for moving forward and future events.

Ms. Sampson noted, as of today and going forward, they only use the flood event of that time.

Commissioner Collins asked if the 50% resets after every flood. Ms. Sampson stated that was correct.

Mr. Collins noted there is no cumulative, and they are only looking at the cost of the damage done at that event.

Ms. Sampson confirmed this.

Commissioner Williams thanked Ms. Sampson for her report. He stated there was an article in the Houston Chronicle that states the opposite. He gave an example that someone could have 30% damage from a previous flood and 10% damage from Harvey and so on, those are cumulative numbers.

Ms. Sampson added that they had already made that change to the 50% rule rather than the cumulative rule later after the article was released. They had noticed the significant amount of damage done during Hurricane Harvey and decided to make a change. They had spoken with the person who was interviewed for the article and they had learned about the changes being made.

Commissioner Hampton asked if the 50% rule is standard across all entities, such as the City of Houston, or does each entity make their own decision on how they would like to enforce it.

Ms. Sampson stated that each entity makes their own decisions.

Commissioner Stone asked Ms. Sampson, of the approximately 60 people she interviewed, what was the percentage of people who were unhappy that they were unable to rebuild?

Ms. Sampson said she believed 100% were unhappy.

Chairwoman Thurmond added she was okay with it.

Ms. Sampson added that Ms. Thurmond was not okay with it at first. She noted that the stress during the time of the flood as well as losing all of their possessions, most homeowners were not happy with their alternatives. She stated over time, through conversations and meetings with the homeowners, she asked how many times they had flooded. She then told them the reason they are flooding was because they were not built to the current code. While having those conversations they understood the situation they were in and the point they were at regarding their home. Ms. Sampson said they received requests and applications for homes to be claimed substantially damaged and those homes were denied as they took the process very seriously. Those that did apply and ended up being declared substantially damaged were emotional when they were told.

Chairwoman Thurmond stated her home was one of the homes that was declared substantially damaged. She added that the National Flood Insurance Policy stated they would only receive a certain amount which, in her case, would not bring the home into compliance. The amount of money they received would have only covered the minimum repairs needed and would not have restored the house. She stated she went back to the insurance company and fought for her money and the company nearly paid out the entire policy amount. Ms. Thurmond added that she had the resources to do that and a lot of people didn't.

Ms. Sampson noted that some of those property owners, whose homes were found to be substantially damaged, did just what Chairwoman Thurmond did. She noted there were some who appealed the adjuster's outcome due to the fact that many of them were unable to move back into their homes until the homes were in compliance. She added that it was a part of the program itself. Ms. Sampson noted when they were doing the inspections to assess the amount of damage, there were some homeowners who submitted a construction estimate. They were then able to look at the estimate to do their own assessment of the damage; they were more focused on finding a way to assess the damage itself. For example, Chairwoman Thurmond could have built-in wood cabinetry and instead of looking into the dollar amount needed to replace the built-in wood cabinets, they would, instead, look at how much it would be to rebuild cabinets in general. The reason they would follow those procedures was to keep it consistent. She added that there were some homeowners who wanted to use a high-end remodel contractor and wanted to redo their high-end floors and cabinets almost tripling the estimate to rebuild the home. To avoid situations like that, they would instead pick items that were at a median to maintain consistency. Ms. Sampson added there were homeowners who wanted to do their own rebuild/remodel and would get the items wanted to rebuild donated to them. The F.E.M.A. regulations require them to look at the market value damage rates and could not assume anything just because the homeowner was getting items for free. She would explain to them that the City was giving them fair market value of their structure and not solely their H.C.A.D. value. She noted that she wants the Commission to see the care they took with the process to determine substantially damaged structures.

Chairwoman Thurmond noted that Bellaire did a great job at finding the balance between what they were required to do to be in compliance with the F.E.M.A. regulations and what they could do on a community level. She added they balanced that very well and did a great job supporting the members of the community. F.E.M.A. put those regulations in place to deter people from putting a lot of money and time into a structure that was not compliant. Ms. Thurmond added it is meant to be a deterrent to prevent, for example, \$250,000 into a home that sits below the required elevation because they would be at risk of insuring that structure. She repeated that it is definitely a deterrent to prevent people from putting expensive improvements into a home that would be at risk of being flooded again.

Ms. Sampson added that her job is to educate the people and help them understand if they wanted to take that risk, it is of their own accord. Ms. Sampson noted that she will be moving into the next topic on being substantially damaged as well as an additional side of being substantially improved. She explained that substantially improved is when someone comes in to get a residential remodel permit, they are held to the same 50% rule; they are only allowed to remodel at 50% of the value of the structure. Ms. Sampson stated this year they were audited on all their permits and one permit was flagged. They were required to give supporting documents to ensure they did not issue a permit for a substantial improvement.

Commissioner Hampton noted the risk is not with the homeowner, the risk is with F.E.M.A. or whoever insures the home. F.E.M.A. would then have to continuously issue payment to the owner because it was constructed well under the required elevation.

Ms. Sampson stated that was correct however, she believed it is a partnership due to the fact that they have to pay into the insurance. She added based on the risk that the home has, they are, in essence, paying into that risk the same as a person with a claim.

Commissioner Collins asked about the administration of the process. He noted it seemed like a very major change from a cumulative amount to a single event amount. He asked whether it will remain the single event amount or will it change back. He asked if it was a staff decision and could it change tomorrow.

Ms. Sampson stated that is what they were going to discuss. She is going to present what the Flood Hazard Mitigation Task Force has recommended and what Council has voted on, which they are hoping will be added to chapter 9. She ensured the Commission that they follow the process, which is necessary, because they are a C.R.S. community. This means that the residents of the City of Bellaire are eligible to be a part of the National Flood Insurance Program. When they are a part of that program, they are able to do different activities throughout the city such as notify the public if they are in a flood hazard area and are at risk for repetitive losses. They are also able to send out annual bulletins educating the city that they are in a special flood hazard area; Ms. Sampson is also able to answer specific questions such as the difference between a 100-year flood zone and a 500-year flood zone. She added they are able to do assessments of people's homes to make their home flood-proof homes as well as work with the Public Works department to clear out drains whenever severe

weather is immanent. The City of Bellaire receives a score as a part of being a C.R.S. community. The score Bellaire currently has is a seven and therefore allows the public a 15% discount on their insurance. Since the City of Bellaire was performing those activities, and educating the public of what it means to be in a special flood hazard area, they were able to get in touch with the Flood Mitigation Task Force. One of the activities, activity 310 of the C.R.S. program, is to have a Flood Mitigation Plan. She noted this was all before Harvey as they were due for an update. The City Council passed a resolution that the task for was going to be formulated and then Hurricane Harvey hit. When Harvey hit, they went back and added a few more components to it such as council liaisons, as well as "[beef] up what our charge was." Ms. Sampson noted that Councilman Montague was a part of the task force.

Commissioner Williams asked if there are things the City of Bellaire can do to easily increase their class from a seven to a five or a four in order to receive a greater discount.

Ms. Sampson noted that on November 15th she will be sitting down with her C.R.S. representative where they will discuss reverification as well as the activities being done with the community that are required and extra activities being done. She added that currently they are following the 2007 regulations and they are under the 2017 regulations. As a flood plan administrator, Ms. Sampson will discuss reverification with the representative as well as map out changes necessary to follow the new regulations. Ms. Sampson noted that the activities done during Hurricane Harvey as well as the flood mitigation plan will help boost their score. She plans to work closely with the C.R.S. representative. She noted that she hopes to maintain the 7 score as there are areas where they were allowed points before that no longer apply.

Chairwoman Thurmond asked if they take into account the amount of structures that are in compliance versus those that are out of compliance during the reverification process. Ms. Sampson stated they would not be penalized for the houses not under compliance. She stated the only issue would be when there are map changes and some homes are post firm. A home at post firm would be grandfathered in at their level of old risk. She continued to say that they would not do such a thing but instead focus more on the activities being done with the community to educate them. Houston is a level six community with an entire department for flood plan administration. Whereas, in the City of Bellaire, it is only herself backed up by a few people.

Commissioner Coselli asked if the test is subjective or is there a checklist they can refer to.

Ms. Sampson said it was both. There is room for interpretation. She added that is why changes continue to happen. She noted in 2007 areas were vague and therefore allowed for interpretation. Ms. Sampson stated if they were brought into the 2013 version, they would have been more updated. She noted in the 2017 version there are areas where they are a lot more specific. She noted that there are areas where it is very detailed, despite being the 2007 version such as the wording on posts and advertisements in order to receive credit. Ms. Sampson added that they are preparing for the increase in the amount of restrictions in the 2017 version. She moved on and spoke about the update to the Flood Hazard Mitigation Plan. The flood hazard task force was a body of Bellaire residents. She

noted the majority of the people were residents who had been flooded before as well as someone from the home building community, a person from the energy companies, and three Council Liaisons. She noted this plan was governed by F.E.M.A. as well as the roster as they required a specific set of people to be a part of the task force. Ms. Sampson stated that they held approximately eight meetings from December to March. She presented a slide on the projector that displayed the last page of the flood mitigation plan. She explained for the overall plan they concentrated on three main areas: regulatory, regional, and local. She noted the last page has most of the regulatory information. Ms. Sampson stated there are different risks noted which were subsequently assessed. She added that they first started off with flood hazards and from those hazards they did an assessment and history. Then, they did risk and issues followed by looking into the options and goals to mitigate those risks. Ms. Sampson said to finish, they did an action or implementation activity. She noted the regulatory hazards that surfaced were storms that are greater than 100-year as well as another that she did not have with her during the session. She noted that mitigation/risk 29 is where most of the regulatory came from. She read the assessment which said, "The frequency of significant rain events in the past three years has called to question the accuracy of base flood elevation as a predictor of flood risk. Past events, such as Tropical Storm Allison, have led to updates to the local special hazard flood area maps. The revision of these maps is not the responsibility of the City of Bellaire. It has historically taken five to seven years to implement recorded map revisions." She explained further that the three storms they have had within 2 years has prompted map revisions to take place. The flood hazard task force felt it was a hazard. Ms. Sampson noted the risk was in not knowing what the base flood elevations would be in A and E zones. In order to reduce the risk, they asked that there be clear guidelines for redevelopment and development of non-compliant structures. The action item they wanted to take place was to update city ordinances to clearly define guidelines for development of structures in designated flood areas as defined by flood hazard maps. Another action item they asked for was for a review and update of City codes based on recommendation changes to the special flood hazard maps. Mr. Sampson noted she is reviewing and educating the Commission on these topics and then staff will then draft an ordinance or changes to ensure they fulfill the requirements. She clarified that they had submitted the plan to F.E.M.A. to present the mitigation efforts they plan on doing. Since the regulations are in chapter 9, they wanted to make sure the Commission understood them to be able to make them a part of their update. Ms. Sampson moved on to discuss another assessment which stated, "As a participant in the National Flood Insurance Program, the City of Bellaire follows the 50% rule to determine substantial damage. Currently the City only applies previous flood repairs to the rule. As a result, the future flood repairs can be limited by previous repairs." She explained it discusses the rules they followed in 2015 followed by a change, which they then applied in 2017, and what will occur moving forward. She added that they are trying to ensure they obtain a better rating in order to get the 20% discount instead of the 15% discount however, their main focus is not to "chase points" but instead to do the best they can in flood mitigation. She noted that is why whatever was recommended, they wanted to ensure it wasn't about the points but instead about what needs to be taking place as a city to ensure their structures are safe as well as the people in those structures so that when incidents like Harvey happen, they won't have Fire and Police waiting to try and get people out of their homes. Ms. Sampson read, the risk is a drop in demand for Bellaire homes compared to the surrounding area and will lead to a lower home value, a lower tax revenue, and overall deterioration of the community. She explained that if they were to ignore the 50% rule and continued to allow repairs on structures that continue to flood, they run a risk of demand for Bellaire homes dropping. To mitigate that, she noted, they suggested to "Adjust the Community Rating System to a non-

cumulative approach to the 50% rule,” which she believes has a typo as well as, “A vocal adherence to a stance consistent with the rest of the metro area will eliminate market value deterioration.” The action plan for that would be to, “Update the cumulative rule to flood regulated damage sustained by a structure only after two separate flood occasion[s] excluding non-flood related permits.” She noted that they wanted to make sure they look at structures differently after they’ve flooded more than twice.

Commissioner Williams asked if they could get an electronic copy of the slideshow. Ms. Sampson stated that they could.

Commissioner Collins asked if it could be included in the minutes.

Ms. Sampson stated that she would be able to do that. She then presented a slide showing what the Flood Hazard Task Force has suggested. “A cumulative approach for improvements or damages to structures in special flood hazard areas ensures that flood protection measures are incorporated into the permitting process. The cumulative rule would be applied to flood related damage sustained by a structure only after two (2) separate flood occasions.” On the next slide she presented different scenarios. In scenario one, there is a home that has a home market value of \$100,000 and they flooded in 2015. They came in to get a permit to repair for \$10,000 and flooded again in 2017 and received a permit for \$20,000. She noted that in this scenario, the 2015 permit and 2017 permit stood alone; there was no cumulative in that scenario. Now after two separate floods have happened, there was a third flood where a permit or residential remodel permit was needed. Ms. Sampson noted that now that there has been two separate flood permit or claims on that home, the third flood claim/permit would be regarded under the cumulative rule. So now, they are allowed to get a permit for \$20,000 because they have used up \$30,000 previously of the \$50,000 total which is half of the value of their home.

Ms. Sampson then stated that at the third flood permit they would be denied the permit as they had used up all of the \$50,000 they were allowed. At that time, they would be deemed substantially damaged and would then need to choose between rebuilding, elevating, or doing nothing to the home.

Commissioner Coselli then stated if someone had no flood damage and had a \$100,000 house, they could come in for a permit for \$300,000.

Ms. Sampson clarified that he was asking about a \$100,000 structure that came in for a flood permit.

Mr. Coselli clarified that nothing was wrong but, they want to add to their home are they limited to the 50% rule. He added, only if it had been previously flooded.

Ms. Sampson clarified further stating if they were coming in for a residential remodel, as long as they don’t go over that 50% of the value. She explained further that if they were to apply for a permit for \$50,000 in 2015 because they wanted to remodel their bathroom, they can do that because they won’t have any flood permits. Again, if they had no flood permits and wanted to apply for a permit for the remodel for \$75,000, they would not be able to get the permit because now they would be classified as a substantial improvement. She added

they are only discussing non-compliant homes; homes that are not built to the new standard which is one-foot over the base flood elevation.

Chairwoman Thurmond added that she did a lot of reading on the subject when she was experiencing problems with her house and believed she read that it also depends on where in the home they were doing the repairs. So, if someone had a two-story home and they were doing improvements to the second story, they could exceed the 50%.

Ms. Sampson stated that was incorrect, and simply deals with making any improvement on the structure itself. She stated it has always been that way.

Chairwoman Thurmond noted that she will look for it as she believed it was in the F.E.M.A. manual because it also covered if someone were to do an addition to the home. It stated they were allowed to do the addition to the home as long as it was in compliance with the flood plan requirements.

Ms. Sampson said that part was correct. If someone were to choose to do that and elevate the home, it was allowed. She stated there were some homeowners who were able to do that successfully.

Commissioner Collins questioned whether it would start once the ordinance has passed, or if major flooding events in the previous years would count.

Ms. Sampson said, that was a good question and plans to make sure they cover that when they write the recommendation. She told Commissioner Collins that she would not have an answer for him today.

Mr. Collins stated if they were to have it cover retroactively it would cover a lot of activity and permits rather than starting from the implementation of the recommendation.

Ms. Sampson said that she would need to do some numbers on the situation as there are other things to factor in such as Harvey and the flooding in 2015. She added that out of the 200 structures that flooded in 2015, she is unsure which ones are still standing as many have been demolished.

Commissioner Collins noted it is a major difference on how it would be implemented whether it be retroactive or if it were to start when the ordinance was passed.

Commissioner Williams asked if there was a statute of limitations. He explained that if they were to implement the policy, effective January 1st 2019, and on January 2nd there was a flood on a specific home, how long is the actual separation between first flood and second flood where the cumulative effect is no longer pertinent under this proposed rule?

Ms. Sampson believed that the ordinance when it is written would set a range, whether that be 10 years or 20 years. She added that is something they will bring into the ordinance.

Commissioner Collins noted he had been bothered by the cumulative event and believed

that the new proposal raises it back up now on disclosure. He asked if there was any part of the recommendation that would require the homeowner to disclose whether they had used "x" amount of dollars in a previous flood permit that the future owner would not have access to.

Ms. Sampson noted they spoke briefly about the issue and is unsure how they would regulate that because they are not involved in real estate transactions to that level. She added that is why there is the education of residents on the matter. She noted the market will take care of some of that because prospective buyers would want to come to the City to ask if there had been any flood permits on the home.

Commissioner Collins clarified that is true for Bellaire citizens being educated but he asked about those wanting to buy a home in Bellaire that have not lived in Bellaire previously. Her asked, would the information be available to them if they chose to go to the City and ask about previous flood permits on the home?

Ms. Sampson stated that it is open record.

Commissioner Hampton added that by law, they are not able to sell a home without disclosing that it had been flooded. They will know it had been flooded but they would not know about the cumulative effect on the home and the dollars that are remaining.

Ms. Sampson confirmed this.

Commissioner Collins added it would not be available to prospective homebuyers.

Mr. William Davidson, the Building Official, clarified that permit costs are public record.

Commissioner Collins stated that it wouldn't be a situation where, "Well, you don't own the home so you can't see it."

Ms. Sampson repeated, no, it is open record.

Commissioner Hampton added that only the seven people on the board would know to ask that question but yes, it is public record.

Ms. Sampson stated that was incorrect. They have had people fill out open record requests often on such a thing.

Commission's Council Liaison, Councilman David Montague, noted those records only go back so far.

Ms. Sampson said that a residential remodel permit is permanent.

Councilman Montague clarified whether the City keeps those records forever.

Ms. Sampson stated they have a few records from the 90's but have more from 2005 and on, electronically.

Commissioner Hampton clarified they have records from Tropical Storm Allison and on.

Commissioner Coselli noted a situation where someone were to buy a house and they knew it flooded but did not know of the ordinance and was planning on putting \$50,000 into the house. They then buy the house, under the assumption they could add to the house, and attempt to apply for a permit, they would be denied the \$50,000 because there was only a remaining balance of \$22,000.

Ms. Sampson said that was correct. To ensure prospective buyers understand the ordinance and their limitations, they would need to educate real estate agents on the ordinance.

Commissioner Coselli stated that should be a part of the Ordinance. If someone had flooded and was planning on selling their home, they need to disclose that information with the prospective buyer.

Commissioner Hampton added they could put a notice with the clerk recorder.

Mr. Davidson noted it would have been a good question to ask the City Attorney.

Ms. Sampson told Mr. Davidson to make a note of the question. She then presented another scenario (scenario 2) where the home market value is still at \$100,000, in 2017 they applied for their first permit for \$50,000. Then in 2025, there was a flood and they were able to repair their home using another \$50,000. A third flood came where they applied for a residential remodel permit and at that time because of the two floods, no permit would be issued. She noted they would not count anything against anyone until the second flood happens.

Commissioner Williams clarified that it wasn't that the permit wouldn't be issued, it was that the cost would be tremendous in order for the home to be remodeled up to code.

Ms. Sampson stated that was not true. If they were bringing something up to code, they would be able to do that and it would not count against them. They allow them to do code repairs as those are live saving issues and could become hazardous if not fixed. They do not apply those rules to those types of permits.

Mr. Williams clarified he meant that, for example, flood one: \$50,000 and flood two: \$50,000 and now they want to spend \$50,000 to add a room which would be approved automatically but they would need to then bring the home up to code with the flood regulations such as

elevating the house. That would be expensive but, those would be the conditions for the permit to be issued.

Ms. Sampson stated that was correct.

Commissioner Hampton further clarified that the home would have to be in compliance.

Ms. Sampson said that was correct.

Commissioner Collins noted they could fix their roof and it wouldn't count.

Ms. Sampson added because it is a safety issue and therefore would need to get fixed. She moved onto scenario 3 where the home market value is still \$100,000, there was a flood in 2017 where they applied for a permit for \$50,000. Then in 2020, the homeowners decided to remodel and therefore sought a permit for an additional \$50,000. Now, in 2027 a second flood occurs and they seek a remodel permit for \$50,000. Then after an additional flood the sought a second flood permit and are denied as they have spent \$150,000 to remodel the home.

Commissioner Collins asked if someone wanted to do two or three remodels on their home before the second flood permit, they could end up spending a lot of money doing each remodel, as long as each permit was under the 50% rule, all before the second flood permit. They could then have a substantially improved home as long as they were to take their time doing it.

Commissioner Coselli questioned if this would be the case even if the home was not code compliant. He added that it was the key to all of this, that it has to be a non-compliant home to begin with.

Ms. Sampson said that is correct.

Mr. Davidson stated that is a route some homeowners take with non-compliant homes. They phase the process out into different projects over a few years and they are able to do that without violating the flood plain rule.

Ms. Sampson added it takes the Commission having these conversations. They have had homeowners come in with the questions and have the conversation required to help the homeowner understand the implications of their remodeling process as they keep in mind that they would need to look into elevating the home as well as spending the money on the projects they want. She added that when they have these conversations with homeowners, they do so with care.

Commissioner Hampton asked if they were certain they could confer this restriction onto a new owner, legally, without pre-notifying them.

Commissioner Coselli helped clarify and asked if this ordinance runs with the property.

Ms. Sampson stated she did not see any difference with someone wanting to move into this community and want to build a 10-foot fence and they only allow them to have an 8-foot fence.

Commissioner Hampton stated he sees those as totally separate things.

Mr. Davidson added that the question would be whether or not the City Attorney does.

Mr. Hampton noted that if he were buying a property and had seen this after the fact, he would fight it.

Commissioner Collins asked if it had already been that way with the cumulative rule for however many years it was in effect for.

Commissioner Hampton clarified that if he was already the owner and had known about the cumulative effect, he would have understood. He questioned if he were to buy the home new.

Commissioner Coselli added that if he were to buy the home new before Hurricane Harvey.

Mr. Hampton clarified that if he were to have purchased it before Harvey and had money left whereas if he bought it after Harvey and had no money left.

Mr. Collins added that perhaps the previous floods ate all of the money up before Harvey. Then Harvey hits and they asked for a permit, the City would tell them all of their money was spent.

Commissioner Hampton asked if that would stand up in court.

Mr. Davidson noted they will have their answer soon.

Ms. Sampson repeated that the Commission will receive an answer on that but she also stated she did not see how it could not when it is a part of the F.E.M.A. regulations they are required to do. If it wasn't legal for them to put it in their ordinance they should not be able to get C.R.S. credit for it.

Commissioner Coselli stated the question was whether it should run with the owner or the land or should it be disclosed like the title policy.

Commissioner Hampton noted that it was worth asking the lawyer.

Mr. Davidson added, no ordinance gets discussed or approved without going through the City Attorney's office.

Commissioner Williams noted this was something they were discussing, just a few minutes ago, proposing adding a mechanism for the ordinance that they brief new homeowners of this. He added that Ms. Sampson mentioned realtor education, which would allow them to make a full disclosure to the prospective buyers. If they were to do that, it would not be an issue just good policy.

Ms. Sampson noted there is a balancing happening here. She added that they really thought about it and wanted to make sure they covered the bases as best as they could. One thing discussed with the Flood Hazard Task Force was that the market takes care of itself as there won't be many who will move to Houston, after hearing about Hurricane Harvey, and wonder whether the home had been flooded or damaged by the flood. If they were to find out a home has been flooded more than twice, they probably would not want to purchase the home anyway. She noted it would not be the City penalizing themselves in the market. It could also be that person who is looking for that home that has been flooded more than twice to tear down or elevate. That maybe makes it more affordable for them to do the elevation.

Chairwoman Thurmond added that there used to be an inspector and realtor on their board. She noted that she had a few homes inspected recently and found that they had not specifically mentioned those homes being out of code compliance, she believed. Ms. Thurmond added that she would like for an inspector to note things that would be out of compliance. If a prospective buyer were to see on the inspection report that the home was out of elevation, hopefully that would trigger further investigation. She noted they would require an elevation certificate with that. Ms. Thurmond noted it would fall back on the purchasing process.

Ms. Sampson stated that when they would ask for the elevation certificates, they would get it from people who had received it when they purchased the home.

Commissioner Hampton clarified that it would not need an elevation certificate if they were purchasing the property with cash. He added that he would like for it to apply to homeowners only versus landlords as the landlords have a different dynamic than the homeowners. He noted that landlords aren't exactly interested in protecting the community but rather their property. Mr. Hampton added that this can help the bad behavior that he sees with landlords.

Ms. Sampson wanted to be sure where Commissioner Hampton was coming from. She noted they do pay attention to those who are breaking the rules; such as not getting a certificate of occupancy. They do pay attention, even in times of flood. They have also received reports from neighbors who have landlords. She noted that once they see the lease sign on a property, they make sure they receive a certificate of occupancy once the sign is removed. She finished by stating the next steps being taken would be to take into account what the Commissioners have said tonight, as well as the pieces from the Flood Hazard Task Force recommendation, in order to stay in line with what they have planned. She added that this plan had a lot of public involvement like a public hearing. She noted that they are

continuously having that balance and have been doing great work. The next meeting or so will be discussing another flood regulation they are working on to make sure they understand what it is that they are proposing to the Commission.

Mr. Davidson added that the other flood regulation they will be discussing in a meeting soon is more focused on new construction versus the existing home regulations, and that once there is a full packet of information to present, they will present it to the Commission.

Commissioner Williams asked when they could expect the draft copy of the model ordinance.

Ms. Sampson stated her goal is to have it completed including all of the other recommendations in the first week of December.

Mr. Davison noted this is all following the next C.R.S. meeting as if they have other recommendations, they will follow those.

2. Discussion of upcoming changes to building standards and codes, and proposed Ordinance changes, for Residential Construction projects in the City of Bellaire, including inspections and plan review.

Mr. Davidson noted they are working through their various code topics. He hoped to talk to those who had previous construction experience as this topic is regarding the mechanical systems. He added that there have been a lot of issues with the mechanical systems in Bellaire houses. Commercial buildings can avoid that by requiring professional engineering on the mechanical systems to show they are going to comply with the energy code which governs how much leakage they have along with their layout and installation. For residential sizing documents, it is a best guess as far as the construction drawings go. They do have to provide the City with certification and sizing but, once it gets onto the field it varies from what they've designed. As long as it is within certain parameters, that is allowed. Mr. Davidson noted there has been discussion about making a P.E. stamp mechanical designs, especially the sizing and layout, for all new construction in the City of Bellaire whether it be residential or commercial. He noted that some of the buildings are big enough that they would require a P.E. stamp. Bunker Hill is looking at doing the same thing as part of their new code adoption. He noted that one of his contract inspectors is looking at getting a copy of what they are doing so that way he can look at and supply it to the Commission. Mr. Davidson added they are talking about proposing this.

Commissioner Hampton asked if there was a specific challenge they were trying to address.

Mr. Davidson noted there are a few houses that have reached the lawsuit point over mechanical sizing and issues with ducts. He explained that the undersized mechanical systems short-cycle so they repeatedly pause and don't function properly. He noted that if someone were to install an oversized mechanical system into a house, especially a modern house that is thoroughly insulated, they end up with the mechanical system running constantly and a lack of air balance in the home. As a result, there are several

homeowners who are having issues with their builders. Mr. Davidson added this is one step they could take to ensure there is a higher level of standardization to the design documents. He explained that currently, a licensed A/C contractor does the layout then the City's inspectors review that. What they propose is getting a full set of engineered plans like you would for a commercial building.

Commissioner Hampton agreed that it is very complicated and that the insulation has a bigger role to play in this situation. He argued that it is better to have a system undersized rather than oversized.

Mr. Davidson agreed and stated that is what they are trying to get people to understand is that they are much better off having a tiny A/C system that runs constantly than an oversized A/C that turns on and off every 15 minutes; not just for energy usage but because it is highly inefficient. Mr. Davidson stated that normally with a regulation like this they would speak to several other cities' inspectors on how they would enforce this. He added that in Texas, if there was a change to something the P.E. has already stamped, the P.E. would then have to redraw the plan or they would have technically committed a crime. You cannot change engineered plans in the field based on modifications to the structure, which happens a lot more in residential construction than in commercial as residential has more open ceilings that they are able to run ducts through.

Commissioner Hampton asked if the problem is that they are not following the manual or is it that the manual itself is flawed.

Mr. Davidson stated it is a bit of both. He added, when they moved to the 2012 energy code and the houses got to a 4% air leakage requirement, people were giving the City sizing documents that worked and the inspectors weren't catching that they weren't installing the same product. However, they also have the bare minimum of the building code versus having a system that is more designed by a professional designer versus a licensed contractor.

Commissioner Collins asked if that would impact rework or retrofit or only new construction.

Mr. Davidson stated that it would only be for new construction as it would be extremely difficult to run a new duct system with a retrofit. He added that every city struggles to retrofit A/C systems because it is very difficult to get an old A/C system to comply with modern standards.

Commissioner Collins asked if Mr. Davidson would see this regulation as step toward performance versus building to code.

Mr. Davidson said that would be correct.

Commissioner Collins asked Mr. Davidson if he sees this sort of regulation happening across all construction outlets, such as with plumbing, to ensure that the builders are not just building to code but rather for performance.

Mr. Davidson stated he would not completely discount the idea but, they would need to see a change on the order of the energy conservation code coming into existence before they could look at that. He noted that it has been a long process as the energy code has come into effect and has now gotten stricter. Using the plumbing code as an example, he noted that if it were to get more complicated to the point where they are not regulations someone can learn from doing but have to go by a textbook or published standard, then yes, they would need to do something like that.

Commissioner Coselli asked if electrical is now under a master electrician.

Mr. Davidson said yes. Currently mechanical (A/C systems), plumbing, and electrical on residential are designed by a licensed contractor; a Texas A/C licensed contractor, Master Plumber, and Master Electrician. They have to provide Mr. Davidson with their T.D.L.R. license number as well as sign it when they turn that in. That is what the residential code calls for.

Commissioner Hampton stated that they could still have a license but be incompetent.

Commissioner Williams added that it sounded like that was the issue. He asked if it was the experience of other municipalities, that Mr. Davidson communicated with, that this sort of regulation implementation has been helpful.

Mr. Davidson stated that is something that they do not have all the data on yet. He noted that almost every city has an issue with a licensed person who doesn't really know what they're doing, which is why they have inspectors. He added they also have a problem with, "just because it is stupid, doesn't mean it is not up to code," which is a different problem. Whether this is something that could solve either of those problems is a good question.

Chairwoman Thurmond mentioned that she feels plumbing and electrical belong in a different category because they could be held more independently than other aspects of the building. They are easier for the inspector to see whether they are in compliance. She added that there are so many aspects about plumbing and electrical that can be visually inspected and determined to be correct or incorrect. She noted that with mechanical, that is not the case. If the load calculation has not been done and they have not taken into account the efficiencies of the house into account, they can oversize that unit. The biggest problem with a short-cycling unit is moisture where they are getting moist stagnant air that could cause mold.

Mr. Davidson noted that the condensate that the unit is handling is far greater than they are designed to which makes them more prone to back-up and leaks. More commonly you see a house whose relative humidity is closer to outside than an air-conditioned building should be, which promotes mold growth.

Chairwoman Thurmond repeated that with plumbing and electrical it is easier to make a visual inspection and determine whether it is in compliance or not. She added there are many options for V.R.V. and V.F.D.

Mr. Davidson noted that it would take a long time to do the load calculation for a residential building and could not do it for a commercial building as it is difficult to do that during an inspection, just to make sure everything is correct. He will have more information about what other cities are doing. He added that when they adopt the 2018 code, it says all residences require fire sprinklers. Now that is not enforceable under Texas law so they won't need to worry about it. He noted that they can amend the code to remove that section if they wanted to. Currently, it means that if someone has a third story or their house is more than 150 feet from the middle of the driveway to the back of the home, they need to have fire sprinklers installed. This means that 50% of the homes constructed in Bellaire have residential fire sprinkler systems. He added that the Southdale area, those residents would need to put in fire sprinklers which would require a change in State law before they could even enforce it. Mr. Davidson noted it is the biggest change to look out for as it was in the 2015 code and has now carried over into the 2018 code. If at any point in the future State law were to change, they would make it a requirement. He added that he plans on making a recommendation to change or loosen is, under the code, anytime someone gets a permit to do anything in a house, they require hardwired smoke detectors. He believed it was not enforceable and believed all it would do is force people to do small area repairs to avoid getting permits. He recommends that they work in the percentage of the home, not square footage, or something similar.

Commissioner Collins asked that he include, in regards to the P.E. requirement discussed earlier, some representative additional cost required simply to see a financial impact of adding that piece in there. He noted he was okay with an average cost but he would like to see the financial impact.

Mr. Davidson said he will look into adding that for him. He noted that he will be presenting this stuff to some to the local builders in Bellaire the same day as the workshop. He added he will have some of the information for the Commission before the next workshop.

Commissioner Collins added that he hoped Mr. Davidson would make the service easily available to residential as well.

Mr. Davidson stated that was a good point.

Chairwoman Thurmond mentioned that Mr. Collins question is in regards to supply of contractors willing to do the service. She mentioned that even now, on the commercial side, they are backed up for weeks for the detailing.

Commissioner Coselli noted that the number of engineers willing to do it and the backlog makes it nearly impossible.

Mr. Davidson noted that a lot of new house engineers are two months out on drawings right now, at least in the case for the man who does the drainage work for Bellaire. He will ask what kind of a delay that would impose on people. The engineer who does most of the engineering for the homes in Bellaire also does structural and civil engineering and Mr. Davidson is unsure if he has the capacity to do M.E.P. designs as well.

Commissioner Hampton stated he had already spoken with him and the engineer stated he would not do it.

Chairwoman Thurmond noted that another layer would be what a mechanical contractor would require of an outside consultant. Since the mechanical contractor would not necessarily be the person who would determine the "R" factor of what they are going to put into the home. She is unsure how that would work.

Mr. Davidson noted that is a problem the City is facing as well. If there are two people who are saying that they had not control over it, the City has an opportunity for a serious problem. If the contractors are not coordinating together on the design, there is a potential for a serious problem.

Chairwoman Thurmond noted that in the commercial world, the architect coordinates all of that. The engineers then in turn are able to tell the mechanical engineer what the loads are and the occupancy. She is speaking more about who coordinates the information.

Mr. Davidson noted that is why this was a discussion topic. It is something the staff will recommend and then go to council. He added they want it to be an ordinance and not something he would start on his own. He stated there is a workshop scheduled for the 14th.

- I. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.**

There was no new business.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

Commissioner Williams encouraged any of those members of the community who watch the sessions to vote in the mid-term elections.

L. Adjournment

Motion: a motion was made by Commissioner Williams and was seconded by Commissioner Stone to adjourn the meeting.

Vote: the motion passed with a vote of 6-0.

The meeting was adjourned at 8:20 PM.

City of Bellaire

BUILDING AND STANDARDS COMMISSION DECEMBER 5, 2018

Council Chamber	Regular Session	6:30 PM
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FIRST FLOOR OF CITY HALL
7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. REGULAR SESSION

A. Call to Order

Chairwoman Laura Thurmond called the meeting to order at 6:39pm.

Attendee Name	Title	Status	Arrived
Laura Thurmond	Chair	Present	
Danny Spencer	Vice Chair	Present	
Lee Hampton	Commissioner	Present	
George Williams	Commissioner	Absent	
Dan R. Collins	Commissioner	Absent	
Christina Stone	Commissioner	Absent	
Paul Coselli	Commissioner	Present	
William Davidson	Building Official	Present	
Zachary Petrov	Assistant City Attorney	Present	
David R. Montague	Council Member	Present	

B. Announcement of Quorum

Chairwoman Thurmond announced there was a quorum present.

C. Rules for Public Comment

Chairwoman Thurmond noted there were no members of the public present at the meeting.

1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.
2. Public Comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.
3. Public Comments of a general nature shall be made at the time designated by the Order of Business.

Minutes Acceptance: Minutes of Dec 5, 2018 6:30 PM (Approval or Correction of the Minutes)

4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.
5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - Sep 26, 2018 6:30 PM

Motion: Commissioner Spencer motioned to approve the minutes. Commissioner Hampton seconded the motion.

Commissioners Coselli asked that the minutes be corrected prior to approval.

Chairwoman Thurmond noted that the meeting minutes are being done through a transcription service now.

Amended Motion: Chairwoman Thurmond offered an amendment to table the motion until the next meeting. Commissioner Coselli seconded the motion.

Vote: The motion passed unanimously with a vote of 4-0.

Motion: Chairwoman Thurmond motioned to table the minutes until the next meeting.

Vote: The motion passed unanimously with a vote of 4-0.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Laura Thurmond, Chair
SECONDER:	Paul Coselli, Commissioner
AYES:	Thurmond, Spencer, Hampton, Coselli
ABSENT:	Williams, Collins, Stone

E. Public Comment

There were no public comments.

F. Report from Building Official

The Building Official, William Davidson, stated that a new house plan using the alternative flood protection design has been permitted and located on the 4300 block of Jonathan Street. The new design has a full first story area used solely for storage and parking that is open on the outside. Mr. Davidson noted this is the first house of its kind being built since Hurricane Harvey. He provided an update on the home the City is demolishing, 4515 Maple. There are no longer any working utilities and the topographical survey has been received. The Public Works department is working to disconnect the sewer. Mr. Davidson said the house should be torn down by the end of the year. He added that in January the board will be presented with more substandard housing. Several homes will be presented in one hearing with different home owners per home.

G. Reports of Committees and Communications

There were no communications, committee reports, or reports from staff other than the Building Official.

- 1. Communications to Commission members outside of posted meetings**
- 2. Committee Reports**
- 3. Reports from Staff other than the Building Official**

H. Old Business

1. Comprehensive review of upcoming changes to building standards and codes, and proposed Ordinance changes, for Residential and Commercial Construction projects in the City of Bellaire, including inspections, plan review and flood damage prevention.

Mr. Davidson provided a comprehensive review of the changes to the code. He wanted to be sure that everyone understands the code changes and staff recommendations in order to properly vote on them in the next meeting.

The first recommendation is a change to the electrical code to add a section formalizing the Building Official's approval for the use of aluminum wiring. The use of copper wiring can result in theft. Mr. Davidson stated another recommendation is to include a formal method for approving work hours exception to Chapter 9. For example, if a large commercial building were to be using concrete, they would need to work longer than the 7am to 7pm work day in order to finish the project. The process would require a written application and explanation that the Building Official would approve on a case-by-case basis. Mr. Davidson added that residential areas would not be subject to this exception. Another amendment would be to require a statement from a mechanical contractor stating that the system meets requirements and performs as designed prior to a Certificate of Occupancy being issued. This will address the problem of requiring excess designs at the start of construction where residential projects are concerned. Mr. Davidson mentioned the contractor and the builder would need to coordinate and ensure that everything is meeting the design specifications. Additionally, they need to ensure that insulation and the duct work are all up to code. Mr. Davidson noted another change would be to add a provision where if there is a conflict between the code and the drainage ordinance, the Building Official will follow the building code. He added that 9-38 and 9-39 would need to be reorganized into 9-17 as they are general regulations on residential construction. They would be more appropriate in section 9-17, amendments to building code. Mr. Davidson added they would be asking to change the references within 9-17 to reflect the correct sections of the code and delete the reference to UBC as it has not been in effect since 2000. Staff will also be presenting recommendations from the Flood Hazard Task Force in regards to substantial damage versus substantial improvement.

Chairwoman Thurmond noted that the next meeting will be on the 19th of December.

Mr. Davidson added that the meeting on the 19th will be the vote of the recommendations to send to council from the Building and Standards Commission.

Minutes Acceptance: Minutes of Dec 5, 2018 6:30 PM (Approval or Correction of the Minutes)

I. New Business

1. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.

There was no new business.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

There were no announcements or comments by the Commissioners.

L. Adjournment

Motion: Commissioner Spencer motioned to adjourn. Commissioner Coselli seconded.

Vote: the motion passed unanimously with a vote of 4-0.

The meeting ended at 7:04pm.

Minutes Acceptance: Minutes of Dec 5, 2018 6:30 PM (Approval or Correction of the Minutes)

City of Bellaire

BUILDING AND STANDARDS COMMISSION DECEMBER 19, 2018

Council Chamber	Regular Session	6:30 PM
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FIRST FLOOR OF CITY HALL
7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. REGULAR SESSION

A. Call to Order

Chairwoman Thurmond called the meeting to order at 6:36pm.

Attendee Name	Title	Status	Arrived
Laura Thurmond	Chair	Present	
Danny Spencer	Vice Chair	Present	
Lee Hampton	Commissioner	Present	
George Williams	Commissioner	Present	
Dan R. Collins	Commissioner	Absent	
Christina Stone	Commissioner	Absent	
Paul Coselli	Commissioner	Present	
William Davidson	Building Official	Present	
Zachary Petrov	Assistant City Attorney	Present	
David R. Montague	Council Member	Absent	

B. Announcement of Quorum

Chairwoman Thurmond announced there was a quorum present.

C. Rules for Public Comment

There were no public comments.

1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.
2. Public Comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.
3. Public Comments of a general nature shall be made at the time designated by the Order of Business.

Minutes Acceptance: Minutes of Dec 19, 2018 6:30 PM (Approval or Correction of the Minutes)

4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.
5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - Sep 26, 2018 6:30 PM

Motion: Commissioner Coselli motioned to approve the minutes. Commissioner George Williams seconded the motion.

Vote: The motion passed unanimously with a vote of 5-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul Coselli, Commissioner
SECONDER:	George Williams, Commissioner
AYES:	Thurmond, Spencer, Hampton, Williams, Coselli
ABSENT:	Collins, Stone

E. Public Comment

There were no public comments.

F. Report from Building Official

Mr. Davidson asked to move onto Section (H) Old Business as he had previously stated everything in the previous meeting. He asked the public to refer to the previous meeting for any information.

G. Reports of Committees and Communications

There were no communications, committee reports, or reports from staff other than the Building Official.

1. Communications to Commission members outside of posted meetings
2. Committee Reports
3. Reports from Staff other than the Building Official

H. Old Business

1. Discussion, consideration, and possible action to bring forward for City Council consideration an Ordinance to revise the City of Bellaire Code of Ordinances, Chapter 9, Buildings, Sections 9-17, 9-18, 9-38, 9-39, 9-70, 9-92, and 9-363 to modify, remove, or add the items in Appendix A.

Mr. Davidson noted he will be going through all the proposed changes that he will be presenting to council. He added that Director of Development Services, ChaVonne Sampson will begin the discussion with her section of the slide.

Ms. Sampson started with page 27 in the packet which discusses substantial damage. She noted that they have adopted the F.E.M.A. recommended language for their flood prevention ordinance. Similar to the I.C.C. and I.B.C. code, the Commission would be adding amendments to the code in a similar language. Ms. Sampson noted that they must show in the substantial damage section that they will be using the cumulative method. Using the feedback from the Commission, they have added a 10-year time frame onto the cumulative method for flood permits. Ms. Sampson explains that the first and second flood permit/claim would not be subject to the cumulative review however, after the second permit they will begin to use the cumulative review. The second flood permit will not be counted cumulatively and a permit will be issued even if the damage is more than 50% and considered substantially damaged. However, if there were to be a third flood and the homeowner seeks a second residential remodel permit, they may still be awarded the permit however, the cumulative rule will begin to take effect. When a homeowner applies for a third flood permit the cumulative rule will begin, if it had not begun already, and the market value at that time will be used to determine the substantial improvement. Once the homeowner has sought the third flood permit/claim with a residential remodel permit, they will be denied if they have surpassed the 50% rule. Ms. Sampson noted the substantial improvement cumulative rule is outlined in the packet under definitions. She added that they want the process documented in the code so that way F.E.M.A. can see that they are being consistent.

Mr. Davidson continued the presentation stating there will be a change in section 13 on page 27 of the packet changing the Flood Plain Administrator from the Building Official to the Development Services Director. He noted they have added a formalized procedure (page 30 of the packet) for how the City's repair permits will work as well as stating they will not issue a permit for a substantial improvement, which they will receive credit for if it is included into the Code of Ordinances. Mr. Davidson added that Zachary Petrov, the City Attorney, noted a formatting change under the exceptions that would require an "or" between each of the three exceptions as they are not all required to be met. He noted that Subsection D states that there will be a formal process to follow should there be another flooding event like Hurricane Harvey. On page 17 of the packet, there is a written method for approval of a work hours exception to Chapter 9 of the Code of Ordinances. This is due to there being cases where commercial construction could not be completed within the legal work hours safely and therefore would need a written exception and application submitted. Mr. Davidson continued onto an addition to section 111 that will require a written statement from a mechanical contactor stating that the system meets the requirements of the code and performs as designed prior to a Certificate of Occupancy being issued. Should the construction of something that would require longer work hours be unexpected, regular procedures would take place and they would need to submit the paperwork the following business day. He continued on page 15 of the packet, section 105.1B, and stated there should be a change asking that the building contractors have a registration to operate with the City of Bellaire as opposed to someone that would have a license. Mr. Davidson noted another change item 6A1 on the next page changing where it states "repeated or continuing violations" to "has repeated or continuing issuance of violations." He continued to page 25 of the packet where they added that the City has the ability to follow the building code as adopted instead of the drainage ordinance in the case of a conflict. Page 19, Section 429 needed to be rewritten to state that under certain

conditions private car ports are not required to carry a fire rating, which is already stated in the building code and would therefore override that in certain cases. He also noted that he stripped the fire zone one rating to be consistent with how the Code of Ordinances would read now. Mr. Davidson added they corrected a lot of sections that referenced the wrong sections of the building code. He also noted they changed the wording from “to read as follows” to “to add” as it is in addition to the building code. Mr. Davidson also corrected a reference in 907 from a U.B.C. standard to a N.F.P.A. standard for smoke detector design. Mr. Davidson continued and stated that they deleted sections 9-38 and 9-39 and moved them to the correct section, 9-17. On page 31 and the top of page 32 are the changes to the electrical code that will require a written process for the Building Official’s approval of aluminum wiring for electrical services on buildings as well as deleting the ordinance amendment requiring them to use a metallic conduit in services.

Motion: Commissioner Williams motioned to approve the changes with the minor clarifications as discussed for recommendation to Council as discussed in this meeting in its entirety. Commissioner Coselli seconded the motion.

Vote: The motion passed unanimously with a vote of 5-0.

I. New Business

- 1. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.**

Mr. Davidson noted the Commission will be hearing some additional substandard housing hearings at the January 23rd meeting. It will be at their normal meeting but will contain several buildings on the docket with each building being in a public hearing separately as well as each being its own order. A few of the homeowners may be present and may object.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

Commissioner Coselli asked what was the status of the Maple Street home.

Mr. Davidson answered that they were waiting on Public Works to dig up and cap the sewer however, Public Works will have the sewer disconnected tomorrow. All other utilities have been disconnected and the tree fencing will be installed and approved within the next few days. After that, the demolition contractor will come in and demolish the home as soon as Mr. Davidson is able to schedule it. He noted that he still has not heard from the owner, in writing or otherwise, other than the initial phone call he had with the owner prior to the hearing.

Vice Chair Spencer wanted to thank Mr. Davidson for all the work he has done on the building code review.

L. Adjournment

Motion: Commissioner Williams motioned to adjourn. Commissioner Coselli seconded the motion.

Vote: The motion passed unanimously with a vote of 5-0.

The meeting adjourned at 7:13pm.

**Building and Standards
Commission**

Council Chamber, First Floor of City Hall
Bellaire, TX 77401

City of Bellaire

Meeting: 01/23/19 06:30 PM
Department: Development Services
Category: Discussion
Department Head: ChaVonne Sampson
DOC ID: 2795

SCHEDULED**ACTION ITEM (ID # 2795)**

Item Title:

Discussion and possible approval of the Building and Standards Commission's 2018 Annual Report to City Council.

Background/Summary:

The Commission prepares a letter to the City Council summarizing the previous year's activities and meetings. A copy of the Annual Report is attached.

ATTACHMENTS:

- 2018 Annual Report (DOCX)

City of Bellaire

DEVELOPMENT SERVICES

February 4, 2019

Honorable Mayor and City Council
City of Bellaire
7008 South Rice Avenue
Bellaire, TX 77401

Mayor and City Council:

In 2018, the Building & Standards Commission met at 8 Regular Meetings, 4 Workshop Sessions and 1 Training Session. In addition to serving the statutorily mandated purpose for which it was created, the Commission has continued to serve in an advisory role to City Council and provide public education on issues pertaining to building codes as outlined in the City Ordinance.

At the end of the year the Commission consisted of:

Laura Thurmond – Chair
Danny Spencer – Vice Chair
Christina Stone
Paul Coselli
Dan Collins
George Williams
Lee Hampton

Building Official, William Davidson, serves as the Commission's staff liaison, and David Montague serves as the Commission's City Council liaison.

The Commission considered and acted on the following issues:

1. Public Hearings
 - a. The Commission held one public hearing on a substandard house at 4515 Maple Street, and voted to issue an order for demolition of the structure within 30 days.
2. Variances
 - a. The Commission did not receive any variance requests during 2018.

City of Bellaire

DEVELOPMENT SERVICES

3. Ordinances

- a. The Commission voted to amend Chapter 9, Buildings, Article IV, Electricity, Division 1, Generally, Section 9-92, Amendments, Section 220.13A, of the Code of Ordinances to delete the amendment, allowing the existing electrical code section to prevail.
- b. The Commission voted to bring forward to City Council an ordinance to revise the City of Bellaire Code of Ordinances, Chapter 9, Buildings, Sections 9-17,9-18,9-38,9-39,9-70,9-92, and 9-363 to modify, remove, or add the items in Appendix A.

4. Other Business

- a. In April, the Commission was involved in a discussion with the City Engineer regarding the standards for sidewalk widths within the City.
- b. In October, the Commission was given a presentation from ChaVonne Sampson, the City's Floodplain Manager and Director of Development Services, on upcoming changes to construction standards and codes, relating to floodplain management in the City.
- c. In July, Paul Katz and Charles Formica retired from the Commission and two new members were appointed: Paul Coselli and George Williams
- d. Also in July, members of the Building and Standards Commission attended a training session hosted by City Officials, which addressed the roles and responsibilities of the various City Boards and Commissions.
- e. The Commission prepared and submitted the 2017 Annual Report to City Council.

Respectfully Submitted,

Laura Thurmond, Chair
Building & Standards Commission

Attachment: 2018 Annual Report (2795 : Annual Report)

**Building and Standards
Commission**

Council Chamber, First Floor of City Hall
Bellaire, TX 77401

City of Bellaire

Meeting: 01/23/19 06:30 PM
Department: Development Services
Category: Public Hearing
Department Head: ChaVonne Sampson
DOC ID: 2792

SCHEDULED**ACTION ITEM (ID # 2792)**

Item Title:

Docket # 2019-01, A hearing at the request of the property owner of 4428 Holt St., Bellaire, TX, regarding the securing of the structures on said property by the City, and consideration, deliberation, and action on the Docket Item.

Background/Summary:

In November of 2018, the City of Bellaire received a complaint about a number of houses on Holt street that were not secured against entry. The building official inspected the property, and found that the front door was not locked or secured. The structure was found to be in substantial disrepair on the inside. Therefore the building official notified the home owner that the building would be secured by the City if no action was taken. The building was found to be unsecured on two other occasions afterward, and therefore the Building Official ordered the building to be secured on December 5th, 2018.

The property owner has requested the hearing on the basis that the building was adequately secured, and therefore did not meet the minimum standards set forth in the Code of Ordinances.

City Staff recommends the Building Standards Commission uphold the City's securing of the building premises.

**Building and Standards
Commission**

Council Chamber, First Floor of City Hall
Bellaire, TX 77401

City of Bellaire

Meeting: 01/23/19 06:30 PM
Department: Development Services
Category: Public Hearing
Department Head: ChaVonne Sampson
DOC ID: 2793

SCHEDULED**ACTION ITEM (ID # 2793)**

Item Title:

Docket # 2019-02, A hearing at the request of the property owner of 4432 Holt St., Bellaire, Texas, regarding the securing of the structure by the City, and consideration, deliberation, and action on the Docket Item.

Background/Summary:

In November of 2018, the City of Bellaire received a complaint about a number of houses on Holt street that were not secured against entry. The building official inspected the property, and found that the front door was not locked or secured. The structure was found to be in substantial disrepair on the inside. Therefore the building official notified the home owner that the building would be secured by the City if no action was taken. The building was found to be unsecured on two other occasions afterward, and therefore the Building Official ordered the building to be secured.

The property owner has requested the hearing on the basis that the building was adequately secured, and therefore did not meet the minimum standards set forth in the Code of Ordinances.

City Staff recommends the Building Standards Commission uphold the City's securing of the building premises.

**Building and Standards
Commission**

Council Chamber, First Floor of City Hall
Bellaire, TX 77401

City of Bellaire

Meeting: 01/23/19 06:30 PM
Department: Development Services
Category: Public Hearing
Department Head: ChaVonne Sampson
DOC ID: 2794

SCHEDULED**ACTION ITEM (ID # 2794)**

Item Title:

Docket # 2019-03, A hearing at the request of the property owner of 4437 Holt St., Bellaire, TX, regarding the securing of the structures on said property by the City, and consideration, deliberation, and action on the Docket Item.

Background/Summary:

In November of 2018, the City of Bellaire received a complaint about a number of houses on Holt street that were not secured against entry. The building official inspected the property, and found that the front door was not locked or secured. The structure was found to be in substantial disrepair on the inside. Therefore the building official notified the home owner that the building would be secured by the City if no action was taken. The building was found to be unsecured on two other occasions afterward, and therefore the Building Official ordered the building to be secured.

The property owner has requested the hearing on the basis that the building was adequately secured, and therefore did not meet the minimum standards set forth in the Code of Ordinances.

City Staff recommends the Building Standards Commission uphold the City's securing of the building premises.