



CITY OF BELLAIRE TEXAS
BUILDING AND STANDARDS COMMISSION
APRIL 23, 2014

Council Chamber

Regular Session

7:00 PM

**7008 S. RICE AVENUE
BELLAIRE, TX 77401**

I. REGULAR SESSION

A. Call to Order

Chairman Schuster called the meeting to order at 7:00 PM.

B. Announcement of Quorum

Chairman Schuster announced that a quorum was present.

Attendee Name	Title	Status	Arrived
Kristin Schuster	Chairperson	Present	
Laura Thurmond	Vice Chairperson	Present	
Paul Katz	Commissioner	Present	
Burt Martin	Commissioner	Present	
Mike Baker	Commissioner	Present	
Laolu Yemitan	Commissioner	Late	7:08 PM
Danny Spencer	Commissioner	Present	
Lee Cabello	Building Official	Present	
Ashley Parcus	Secretary	Present	

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.

Chairman Schuster reviewed the rules for public comment that are listed on the agenda.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - Mar 26, 2014 7:00 PM

Three minor scrivener's errors were corrected and Commissioner Baker asked that "correct" on page 5 be changed to "consistent with the Commission's recommendation."

RESULT:	APPROVED AS CORRECTED [5 TO 0]
MOVER:	Kristin Schuster, Chairperson
SECONDER:	Paul Katz, Commissioner
AYES:	Schuster, Katz, Martin, Baker, Spencer
ABSTAIN:	Thurmond
ABSENT:	Yemitan

E. Public Comment

Greg Denault, Gregory Custom Homes-Mr. Denault informed the Commission that Mr. Cabello asked him to come speak concerning the proposal that the Commission is considering. He explained that his understanding is that the Commission is wanting to require the installation of two moisture barriers. He stated that after several problems and a lot of forensic inspections he does not feel that it is a wise thing to do. Mr. Denault explained that wood floors come out of the factories with 50% moisture content, requiring the installation of a moisture barrier between the wood floors and the sub floor. He mentioned that adding another moisture barrier on the other side will cause people to fall through the floors in about 5 years from now.

Chairman Schuster clarified that the Commission is proposing the requirement of a vapor retarder on the warm side of the assembly, not a vapor barrier. She also stated that the Commission is not requiring that a specific product be used to accomplish this.

Commissioner Katz asked Mr. Denault if he would put vinyl wallpaper on the walls of a home in Houston.

Mr. Denault stated that he would if there was no moisture barrier on the outside. He explained that DPIS has done a lot of engineering studies for Gregory Homes, monitoring the heat in the walls and where the moisture is coming in.

Chairman Schuster encouraged Mr. Denault to read the agenda materials due to the fact that there are documents that specifically address vapor barriers on the cool side of assemblies in hot humid climates.

Commissioner Katz stated that in hot humid climates building science strongly suggests that there be no vapor barrier or vapor retarder on the cold side of the assembly, and that the building structure can dry to the inside with help from the air conditioner. He added that in the winter, you will have the reverse, but there is very little winter here, and as long as you don't put a vapor barrier on the warm side of the insulation it will still dry. Commissioner Katz explained that the predominance of moisture should be

removed by the air conditioning system in a home, so you don't want to impede the flow of water vapor from the warm side of the insulation to the cold side. He stated that some floor installers are requiring vapor barriers before they put the wood floors down when they could simply dry out the building structure before the finished floor is installed. Commissioner Katz felt that the builders who have been doing the vapor barriers over the floor substrates are masking the problem.

Mr. Denault explained that he puts an air conditioner under the house during construction, and seals all flood vents in order to get the moisture level in the wood floors down to 9% before any wood is installed.

Commissioner Katz asked why he wasn't air conditioning the inside of the house too.

Mr. Denault stated that they are doing that. He noticed that the second floor never had cupping problems, so he started putting air conditioners under the crawlspace and closing it all off. Mr. Denault noted that the wood dries 4 times faster using this method.

Commissioner Katz asked why he wanted to install a vapor barrier.

Mr. Denault explained that he doesn't want to, and that the installation of two moisture barriers would cause problems.

Commissioner Spencer thanked Mr. Denault for coming, and informed him that he is saying exactly what the Commission is.

Mr. Cabello reiterated that Mr. Denault's engineering firm has been conducting studies with regards to moisture in the crawlspace and he wanted him to come talk to the Commission about his experiences.

Commissioner Baker stated that a key point that he took away from Mr. Denault's comments was that he has seen problems of this nature before.

Commissioner Martin asked Mr. Cabello if the studies that have been done are available for the Commission to see.

Mr. Cabello stated that he can scan it and email it to the Commissioners.

Please refer back to agenda item H.1. for the conclusion of the discussion on Chapter 9-Crawlspace Revisions.

F. Report from Building Official

Mr. Cabello informed the Commission that construction in Bellaire is booming. He stated that contractors are taking advantage of the market and buying lots left and right. Mr. Cabello also mentioned that homes are being built bigger.

Commissioner Martin asked if the city has a height limit on homes.

Mr. Cabello stated that they are allowed to build 35 feet 6 inches from the finished floor.

Chairman Schuster asked how many open permits there are.

Mr. Cabello said that there are currently around 100 open permits.

Chairman Schuster asked how many inspectors the city has.

Mr. Cabello informed her that there are two inspectors plus himself.

G. 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.

H. Old Business

1. Discussion, consideration, and possible action on a Report and Recommendation to the City Council on water vapor control in residential crawlspace construction including proposed amendments to the City of Bellaire Code of Ordinances, Chapter 9, Buildings

Chairman Schuster pointed out that the report that was included in the agenda packet was the same report from last month's meeting. She stated that in her opinion the Commission has done all of the necessary research on this topic and suggested that the Commission take action on the report during this meeting in order to forward it on to Council as soon as possible. She then opened up the floor for discussion.

Vice Chairman Thurmond stated that she helped Chairman Schuster finalize the report and agreed that the Commission should take action to move it forward to Council.

Commissioner Baker asked Chairman Schuster if there was any science, or research that the Commission had done that would point to this requirement having adverse effects on building construction.

Chairman Schuster stated that they have not come across anything that would cause adverse effects. She reviewed the concerns of the builders and gave a rebuttal on each:

1. Commission would be telling builders what to do

-this is a performance criteria that can be achieved in multiple ways

2. City would be taking on liability

-the Commission has come to the conclusion that this would not be the case due to the fact that this proposal is a performance criteria.

3. Enforcement of the requirement

-something that the Commission has discussed, but practical input from staff is needed.

4. Is it the correct way to construct the crawlspace

-based on the work and research done by the Commission, yes.

Chairman Schuster then listed the concerns of staff and gave a rebuttal for each:

1. Enforcement of the requirement

-see above response

2. Commission would be telling contractors what to do

-see above response

3. Staff has not seen a problem

-as stated by Mr. Cabello, just because the city is not aware of any problems doesn't mean that there aren't any. The Commission has anecdotally heard of problems.

Chairman Schuster mentioned that increase in costs was another concern that had come up during discussions and explained that the Commission has determined that any increase would be minimal.

Commissioner Baker pointed out that some of the builders in Bellaire are already doing what the Commission is requesting.

Commissioner Martin stated that he didn't understand why Menny Rosenbaum and Philip Robbins were so reluctant about the proposal when they are already doing what the Commission is asking.

Chairman Schuster didn't feel that they opposed the proposal. She stated that Mr. Robbins simply wanted to ensure that the Commission had done the proper research to determine that this is the best practice, and that Mr. Rosenbaum was not comfortable with the Commission telling him how to build, when ultimately the liability will be on him. She reiterated the fact this is a performance criteria, and can be achieved in many different ways.

Commissioner Baker mentioned that the builders also liked the idea of the Commission creating a more level playing field that would bring other builders up to a higher standard.

Commissioner Yemitan felt that the builders were not opposed to the objective, but the technique needed to deliver that objective.

Chairman Schuster then read aloud the recommendation that was included in the report and asked if air barrier needed to be addressed as well.

Commissioner Katz explained that the air barrier is already covered under the 2012 IRC and IECC, as is the insulation.

Commissioner Baker asked if the requirement would apply to a floor above a garage.

Chairman Schuster stated that the Commission is using the term "crawlspace" and asked if that term was defined anywhere.

Commissioner Katz pointed out that the Commission is referring to crawlspace as "the interface between unconditioned space and conditioned space."

Chairman Schuster explained that in that case it would apply to a floor located above a garage, because a garage is an unconditioned space. She then pointed

out that the language located within the report does not use the terms "conditioned" and "unconditioned," but simply says "crawlspcace."

Commissioner Yemitan asked for clarification on where the definition of crawlspcace was located.

Chairman Schuster stated that the Commission has not defined it.

Commissioner Yemitan asked if the city has a definition for it.

Chairman Schuster stated that she doesn't know the answer to that question, but pointed out that the Commission is simply offering recommended language and is not proposing that this revision be adopted at this time.

Mr. Cabello explained that "crawlspcace" would most likely be defined within FEMA's regulations.

Chairman Schuster mentioned that there was another handout that was emailed to the Commission members that specifically defines vapor barriers and vapor retarders, and stated that ultimately that information will need to get worked into the ordinance language.

Commissioner Baker stated that the Louisiana State University study regarding insulating raised floors in hot humid climates was very informative and suggested that it also be included with the information that gets sent to City Council.

Chairman Schuster explained that there are three appendices that the report refers to, and explained what each one is. She added that she would like to also incorporate the last report that was sent around to the Commission. Chairman Schuster asked Mr. Cabello if he had any response to the discussion so far, in terms of the direction that the Commission is headed.

Mr. Cabello stated that the Commission has done a lot of work on this project, and it is the decision of the Commission how they move forward. He said that he would be happy to work with Council and the Commission to achieve the necessary outcome.

Commissioner Baker mentioned that some citizens had come in late and made a motion to suspend the rules of procedure to allow for public comment.

Commissioner Yemitan seconded that motion.

The motion carried on a unanimous vote of 7-0.

Please refer to agenda item E for the public comment.

Vice Chairman Thurmond made a motion to approve the report as written and forward it on to City Council.

Commissioner Katz seconded the motion.

Chairman Schuster offered a friendly amendment adding "for inclusion on a future agenda, with a workshop at Council's discretion."

Vice Chairman Thorogood and Commissioner Katz were in agreement with the friendly amendment.

The motion now reads:

To approve the report as written and forward it on to City Council for inclusion on a future agenda, with a workshop at Council's discretion.

Vote: 7-0.

(Requested by John McDonald, Community Development)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Laura Thurmond, Vice Chairperson
SECONDER:	Paul Katz, Commissioner
AYES:	Schuster, Thurmond, Katz, Martin, Baker, Yemitan, Spencer

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.**

Vice Chairman Thurmond stated that it isn't new business, but that she came across some good resources dealing with air barriers and institutions that study it. She added that she would make sure the rest of the Commission gets the information.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

Chairman Schuster thanked the Commission for all of their hard work on the Chapter 9 report.

L. Adjournment

Motion: a motion was made by Commissioner Baker and seconded by Commissioner Katz to adjourn the regular meeting.

Vote: the motion carried on a unanimous vote of 7-0.

The meeting was adjourned at 7:37 PM.