



CITY OF BELLAIRE TEXAS

BUILDING AND STANDARDS COMMISSION

MAY 28, 2014

Council Chamber and Council Conference Room
6:00 PM

Workshop & Regular Session

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. WORKSHOP SESSION

A. Call to Order

B. Announcement of Quorum

C. Public Comment

D. Discussion and preparation of the Commission's presentation to City Council regarding the report on water vapor control in residential crawlspace construction.

E. Adjournment

II. REGULAR SESSION

A. Call to Order

Chairman Schuster called the meeting to order at 7:29 PM.

B. Announcement of Quorum

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

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	Present	
Danny Spencer	Commissioner	Present	
Ashley Parcus	Secretary	Present	
Lee Cabello	Building Official	Present	
Alton Moses	Assistant Fire Chief	Present	
Shawn Cox	Development Services Manager	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 pointed out that the rules for public comment are listed on the agenda.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - Apr 23, 2014 7:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike Baker, Commissioner
SECONDER:	Burt Martin, Commissioner
AYES:	Schuster, Thurmond, Katz, Martin, Baker, Yemitan, Spencer

E. Public Comment

There was no public comment.

F. Report from Building Official

i. Update on May 15, 2014 Builder's Luncheon

Lee Cabello, Building Official-Mr. Cabello informed the Commission that the City held a builder's luncheon on May 15, 2014, and that 12-13 building companies were in attendance. He stated that the topics discussed at the luncheon were:

1. Certificates of Occupancy
2. Size of plans that are submitted and ensuring that they meet IRC requirements
3. No lumber within 18 inches of the ground
4. Proposed temporary chain link fence requirement at construction sites
5. Proposed silt protection requirement at construction sites
6. Proposed metal roll-off containers at construction sites

Mr. Cabello explained that he also mentioned that the Commission has been studying thermostat requirements, attic ventilation, termite treatment requirements, and moisture control within crawlspaces.

Chairman Schuster asked if staff was planning to hold these luncheons regularly.

Mr. Cabello stated that they hope to hold them once a year.

Chairman Schuster asked if staff would extend an invitation to the Building and Standards Commission in the future.

Mr. Cabello confirmed that the Commission would get an invitation for future luncheons.

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 other than the Building Official.

H. Old Business

There was no old business.

I. New Business

1. Discussion, Consideration, and Possible Action Regarding Amendments to the City of Bellaire Code of Ordinances, Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, Sec. 9-17, Amendments to building code.

Alton Moses, Assistant Fire Chief-Chief Moses explained to the Commission the language that is currently in the ordinance, which he believes has been that way since 2000. He stated that he is proposing that "Group M" be taken out of the ordinance, leaving just "Group R3," residential. Chief Moses explained that Group R is covered under a different ordinance.

Commissioner Yemitan asked for clarification on what the different groups are.

Chief Moses informed the Commission that Group M refers to mercantile (strip centers) and Group R3 refers to residential housing. He then explained that currently the ordinance requires all commercial occupancies of 7,000 square feet or greater to have fire sprinklers, and that he is proposing to reduce that number to 3,000 square feet or greater. Chief Moses then showed the Commission a diagram explaining the problems that the fire department is facing with the current requirement of 7,000 square feet. He informed them that property owners are coming in and subdividing to create spaces that are under 7,000 square feet in order to circumvent the fire sprinkler requirement, resulting in only part of the building being sprinkled.

Chairman Schuster asked what would happen if tenants then subdivided the smaller areas to less than 3,000 square feet.

Chief Moses stated that he would then have another problem.

Chairman Schuster asked Chief Moses to explain why the proposal is not requiring all occupancies, regardless of the square footage, to install fire sprinklers.

Chief Moses did not know why the city hasn't proposed that, he explained that he hadn't thought of it that way and was simply trying to alleviate the issues that he is currently facing.

Commissioner Spencer asked what the city of Houston's requirements are.

Chief Moses explained that the City of Houston created a step program, requiring an entire building to be sprinkled by a certain year. Within the first year the property owner must present the city with a plan on how this is going to be accomplished.

Commissioner Spencer asked if fire sprinklers are required, regardless of the square footage, for every new permit that is pulled in the City of Houston.

Commissioner Thurmond stated that the City of Houston does not require sprinkling of the spaces within commercial buildings, only the exit corridors.

Chief Moses explained that by code you cannot go into a less protected area, so by sprinkling the paths of egress they are still operating under the requirements.

Chairman Schuster pointed out that regardless of the square footage threshold that the City of Bellaire proposes it will still be above and beyond what the City of Houston requires. She asked Chief Moses if he came up with the 3,000 square feet or greater proposal based on his experience.

Chief Moses confirmed that this number is based on what is currently happening within the city.

Chairman Schuster questioned whether going to an arbitrarily lower number would solve additional problems.

Chief Moses confirmed that additional problems would not arise with an even lower square footage. He also suggested that the City could go to a program requiring that any remodeled building be sprinkled within a certain time frame.

Commissioner Yemitan asked how "remodel" would be defined.

Chief Moses explained that a remodel would take place any time there is a change in occupants.

Commissioner Yemitan asked how much it would cost a property owner to install fire sprinklers in a space/building that doesn't currently have them.

Chief Moses stated that it would depend on what is already installed in the building. He explained that all buildings have a standpipe system, which is what the sprinklers would tie into.

Chairman Schuster stated that this proposal could potentially apply to strip centers built in the 70's that are currently exempt due to the square footage.

Chief Moses confirmed that.

Vice Chairman Thurmond was concerned with the fact that this proposal would require older strip centers to install an under-ground, which is very costly.

Chief Moses agreed that an under-ground is going to cost the property owner around \$20,000.

Chairman Schuster asked if the specific intent of this proposal is to address spaces in two buildings that happen to be right around 3,000 square feet.

Chief Moses explained that this proposal is to address all buildings within Bellaire, as well as new buildings coming in. He reminded the Commission that the requirements are put in place not only to protect the building and its occupants, but also the fire fighters who are responding to the call. Chief Moses pointed out that with the potential redevelopment of Bellaire the city needs to get ahead of the game to ensure that all spaces are equipped with the necessary resources to provide safety to all parties involved.

Chairman Schuster mentioned that requiring a property owner to spend thousands of dollars to install fire sprinklers could potentially create a detriment to redevelopment.

Vice Chairman Thurmond agreed that people are going to go rent space in another city that does not have these requirements.

Chief Moses pointed out that it's the price of doing business sometimes.

Vice Chairman Thurmond asked Chief Moses if he would be willing to exempt existing structures.

Chief Moses stated that he would not be willing to do that. He explained that the lack of fire sprinklers within existing buildings is what lead to this proposal in the first place, so exempting those would defeat the purpose.

Commissioner Spencer pointed out that spaces would be rented more easily if the property owner took it upon himself to bring it up to code. He also mentioned that the owner could then charge a premium for doing so. Commissioner Spencer stated that the end goal is protection for all.

Chairman Schuster asked for clarification that the reason for the presentation is not to request action, but simply to inform the Commission of what is being posted for public comment.

Chief Moses confirmed this.

Commissioner Yemitan stated that reducing the threshold to 3,000 square feet could become quite onerous for the property owners involved.

Vice Chairman Thurmond explained that her concern is with the 1 story strip centers that will have to start from scratch.

Commissioner Baker felt that this proposal is necessary, and that the City would benefit from an increase in the number of buildings that are sprinkled.

Chairman Schuster stated that the way she understands the new notification process is that information regarding the proposal will be put up on the City website and any comments that the City receives within the next 60 days pertaining to those changes will be forwarded on to the Commission.

Shawn Cox, Development Services Manager-Mr. Cox confirmed this, and explained that the item will then be brought back before the Commission at their August meeting, and action will be requested at that time.

Chairman Schuster then moved on to the report and recommendation to the City Council regarding water vapor control in residential crawlspaces.

Motion: a motion was made by Chairman Schuster and seconded by Commissioner Katz to amend the date and the first paragraph of the report in the following ways:

1. Change the date from April 23, 2014 to June 2, 2014
2. Change "9 months" to "12 months"
3. Change "12 meetings" to "15 meetings"

Commissioner Baker made a friendly amendment to mention that city staff was also in attendance at each meeting and workshop held by the Commission.

The friendly amendment was accepted and Vice Chairman Schuster added "attended by staff and local builders" and struck "including a workshop with local builders to collect information and feedback."

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

Commissioner Baker asked if he could seek some input from the Commission's council liaison, Councilman McLaughlan.

Chairman Schuster stated that she would be fine with that.

Commissioner Baker asked Councilman McLaughlan how receptive he believed Council was going to be to this issue.

Councilman McLaughlan stated that he does not know how his fellow council members will respond to this recommendation, but felt that if the Commission is present for the meeting and comes forth with a strong presentation it will greatly benefit the outcome. He mentioned that one of the arguments of city staff is that the Commission is looking to change something that has not been reported as a problem. Councilman McLaughlan used the example of an airplane and stated that you don't wait until the wing falls off to act on a potential issue. He added that the Commission has done the research, and in his opinion, is adequately prepared to answer questions regarding the proposal.

Commissioner Katz mentioned that "non-hygroscopic material" under the proposed language is redundant and suggested removing that from the report.

Commissioner Baker mentioned that he liked the idea of the Commission providing Council with suggested language, but he would also like to leave a little "wiggle room" for Council to revise it as necessary.

Chairman Schuster stated that they will still be able to tweak the language as needed.

Motion: a motion was made by Chairman Schuster and seconded by Commissioner Katz that the rest of the report be revised as follows:

1. Under **Exhibit I** Strike "for the consideration of City Staff and the City Attorney in developing a revision and add "be added."
2. Under "Recommendation" strike "direct staff to work with the Commission to develop" and add "adopts."
3. Also under "Recommendation, "Strike everything after "Refer to **Exhibit I** for suggested language."
4. Under the proposed language strike "Sections R402.1 and R402.2 of the 2012 IECC, a non-hygroscopic material" and add "the currently adopted IECC and IRC, an"

Chairman Schuster clarified for everyone watching the broadcast, that prior to the regular meeting the Commission had a very productive workshop where staff's current position on the proposal was addressed. She explained that the outcome was that this Commission remains confident in their recommendation and is ready to proceed in presenting it to Council on Monday. She pointed out that the revisions that she is proposing to the report are clarifying that the Commission is asking Council to adopt language requiring a vapor retarder on the warm side of the assembly.

Vote: the motion carried on a vote of 6-0-1, with Commission Yemitan abstaining.

Chairman Schuster asked if any Commissioners would be available to meet on Sunday to go over the presentation to Council.

Chairman Schuster, Vice Chairman Thurmond, Commissioner Martin, and Commissioner Spencer agreed to meet on Sunday, June 1st at 1:00 PM at Chairman Schuster's home on Birch Street.
(Requested by John McDonald, Community Development)

- 2. 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 brought to the attention of the Commission.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

Chairman Schuster reminded the Commission that the presentation before Council is on Monday, June 2nd, and asked who planned to attend the meeting.

Chairman Schuster, Vice Chairman Thurmond, Commissioners Martin, Katz, and Spencer all stated that they would be in attendance.

L. Adjournment

Chairman Schuster adjourned the meeting at 8:31 PM.