



CITY OF BELLAIRE TEXAS
BUILDING AND STANDARDS COMMISSION
NOVEMBER 16, 2016

Council Chamber

Workshop Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. WORKSHOP SESSION

1. Call to Order & Announcement of Quorum

Chairman Thurmond called the Workshop Session to order at 6:04 PM, and announced that a quorum was present consisting of the following members:

Attendee Name	Title	Status	Arrived
Laura Thurmond	Chairman	Present	
Paul Katz	Commissioner	Present	
Burt Martin	Commissioner	Present	
Mike Baker	Commissioner	Absent	
Danny Spencer	Vice Chairman	Absent	
Lee Hampton	Commissioner	Present	
Charles Formica	Commissioner	Present	
William Davidson	Building Official	Present	
Ashley Parcus	Secretary	Present	
David R. Montague	Council Member	Present	

2. Presentation of the City of Bellaire Drainage Study Report (presented to City Council on September 19, 2016), as prepared by ARKK Engineers.

City Engineer, James Andrews, gave a presentation on the City of Bellaire Drainage Study Report, as prepared by ARKK Engineers. To view the entire presentation or the PowerPoint prepared by Mr. Andrews, please visit the links below:

PowerPoint:

<http://www.bellairtex.gov/DocumentCenter/View/19125>

Presentation:

<http://bellairecitytx.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1612&Format=Agenda>

3. Discussion on the Environmental and Sustainability Board's proposed changes to Chapter 9, Buildings, Article XI, Trees, Section 9-350 M., Undesirable Trees and Section 9-352 D., Tree Disposition Plan, of The City of Bellaire Code of Ordinances.

Chairman Thurmond reviewed the changes that are being proposed by the Environmental and Sustainability Board (ESB).

Commissioner Formica pointed out that a high percentage of the trees within the City of Bellaire are undesirable, and felt that the removal of all of those trees it is going to be a difficult task to accomplish.

Chairman Thurmond and Commissioner Hampton pointed out that it will only pertain to new construction.

Ms. Moran agreed that there is a significant amount of undesirable trees within the City, and reiterated that the environment is being negatively impacted by them. She added that if the City doesn't begin adding more native plants to the area then there will soon be no song birds left in Bellaire. Ms. Moran also pointed out that the invasive plants need a lot more care than native plants do.

Council Member Montague asked where the list of undesirable trees came from.

Ms. Moran stated that she got the list from three very credible sources, the Bayou Preservation Association, the Texas Invasive Plant and Pest Council, and the Native Plant Society of Texas-Houston Chapter.

Mr. Davidson mentioned the language in the proposal that states that it will be the responsibility of the property owner or building contractor to replace any desirable trees removed from the property. He asked if the replacement would have to be the same size as the tree that was removed, and stated that the City doesn't have enough staffing to caliber every tree.

Ms. Moran didn't feel as though that would be necessary. She added that there are several great alternatives that may not necessarily be the same caliber. Ms. Moran questioned if the alternatives needed to be spelled out in the language.

Mr. Davidson stated that in his experience, the more specific the rules are, the more likely they will actually be followed.

Commissioner Hampton mentioned that getting residents on board with this is going to be somewhat difficult due to the fact that a lot of them want their landscaping to match their home. He asked if there would be a way to categorize the list of trees by severity of invasiveness, and focus more on the "low-hanging fruit."

Commissioner Martin asked if all of the trees on the undesirable list were on all three of the sources' lists.

Ms. Moran explained that most of them were, however, there were a few that were not listed on all three.

Commissioner Martin was concerned with the inconsistency of the lists. He questioned the justification for adding a tree to the list that is not called out as undesirable by all three sources.

Chairman Thurmond stated that she was comfortable with the list, but that adding a third column of suggested replacements for the undesirable trees would be beneficial.

Ms. Moran pointed out that it might be difficult to do that as the suggested replacements would depend on what characteristics people like about each undesirable plant, and it would be hard to list each option. She stated that she could put the best possible replacement, in her opinion, if the Commission wished for her to do so.

The Commissioners agreed that it would be helpful. Chairman Thurmond mentioned that it wouldn't necessarily have to be just one suggested replacement, she could list several if she wished to do so.

Commissioner Hampton also mentioned that he would like to see a list incorporated of the top 10 worst undesirables.

Ms. Moran suggested leaving the list as it is, and including a link to the website for that information.

The Commissioners agreed that with that idea.

Council Member Montague mentioned that it would also be beneficial to include an explanation of the purpose/goal behind the proposed changes.

Chairman Thurmond pointed out that you don't normally see a lot of explanation within the ordinance language, typically it is just the regulations without discussing the intent behind it.

Commissioner Formica suggested adding one small paragraph describing the reasoning for the proposal.

Chairman Thurmond mentioned that there are always going to be those residents that are highly motivated about their landscaping and will find a way around the regulations.

Commissioner Hampton asked Ms. Moran if she was aware of any cities that currently enforce these types of regulations.

Ms. Moran stated that she was not aware of any. She added that she would like to see Bellaire be proactive on this issue.

Commissioner Formica pointed out that ten years from now people will no longer think of it as restrictive, as it will simply become part of the culture.

Commissioner Hampton pointed out that it could be a slippery slope due to the fact that this list will continuously change. He asked who would maintain it.

Ms. Moran stated that she would like to see the City hire some sort of environmentalist that would be in charge of these types of issues.

The Commissioners asked what the next step would be.

Staff informed the Commission that it could be added to the next agenda, and if the Commission is comfortable with the revised language provided by Ms. Moran then they could vote to recommend the amendment to City Council. Staff pointed out that the proposed changes will then go up on the City website for the 45 day review period, so that public input can be gathered and evaluated.

Chairman Thurmond asked Ms. Moran to revise the proposal to include the column of suggested plants to use instead of the undesirables.

Commissioner Hampton felt that the regulations needs to be a little more "watered down" because he doesn't feel as though Council is going to support it as is.

Commissioner Martin reiterated that he would like to see a list produced strictly by a reputable third party source, rather than a list composed of trees off of multiple sources and put together by the ESB or the Commission.

Chairman Thurmond suggested that Ms. Moran list her sources and possibly speak with someone from the Nature Discovery Center to confirm the list.

Commissioner Formica mentioned including a legend that tells what source each undesirable tree comes from.

Chairman Thurmond also asked that a couple sentences be added to explain the intent of the proposal.

Commissioner Formica volunteered to work with Ms. Moran on preparing a paragraph on the intent.

Chairman Thurmond reiterated that someone will need to update the list, as necessary, and stated that she feels as though that is not something that is solved with the ordinance, but is more of an administrative issue. She suggested that the City hire a third party landscape architect.

Ms. Moran stated that landscape architects are normally not very ecologically correct.

Commissioner Hampton mentioned that he is going to have a hard time supporting this proposal without a solid plan on how to keep the information up to date.

The Commissioners thanked Ms. Moran for all of her hard work.

Chairman Thurmond then asked Council Member Montague what his thoughts were on the proposal.

Council Member Montague stated that this is something that is completely different than what the City Council normally supports, and that he was trying to determine what would be necessary to get them on board with these changes.

Commissioner Formica felt that regulating new construction should not be as controversial due to the fact that it is not affecting anyone that was previously there.

Commissioner Hampton reiterated that a lot of residents are very passionate about their landscaping complementing the style of home that they build, therefore, that would require that landscaping plans be submitted prior to the beginning of construction, which not something that is done today.

Mr. Davidson agreed. He informed the Commission that staff has no problem increasing the list of undesirable trees, however, from an enforcement perspective, this could potentially create a lot of issues.

Chairman Thurmond asked for clarification that there is already a requirement for a tree disposition plan in place.

Mr. Davidson confirmed this and explained that it is a pre demo topographical survey with the existing trees located on it, along with a list of trees that are going to be removed and reason for their removal. He added that if a new home is being built then a copy of the proposed site plan is also required, however, it does not have to show the locations of trees afterwards, just the footprint of the house.

Council Member Montague mentioned the requirement that any desirable trees removed from the property must be replaced and stated that questions will most likely arise regarding the specifics of that regulation.

Commissioner Hampton agreed and stated that he feels as though it is a great concept, but that there still needs to be some practicality in it.

4. Adjournment

Chairman Thurmond adjourned the workshop at 7:45 PM.