



**CITY OF BELLAIRE TEXAS**  
**BUILDING AND STANDARDS COMMISSION**  
**AUGUST 23, 2017**

**Council Chamber**

**Regular Session**

**7:00 PM**

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

**I. REGULAR SESSION**

**A. Call to Order**

Chairman Thurmond called the meeting to order at 7:04 PM.

**B. Announcement of Quorum**

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

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Laura Thurmond	Chair	Present	
Paul Katz	Commissioner	Present	
Danny Spencer	Vice Chair	Present	
Lee Hampton	Commissioner	Present	
Charles Formica	Commissioner	Present	
Dan R. Collins	Commissioner	Present	
Christina Stone	Commissioner	Present	
William Davidson	Building Official	Present	
ChaVonne Sampson	Development Services Manager	Present	
Ashley Parcus	Secretary	Present	
Zachary Petrov	Assistant City Attorney	Present	
David R. Montague	Council Member	Present	

**C. Rules for Public Comment**

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

- 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 - Jun 28, 2017 7:00 PM

<b>RESULT:</b>	<b>APPROVED [5 TO 0]</b>
<b>MOVER:</b>	Charles Formica, Commissioner
<b>SECONDER:</b>	Danny Spencer, Vice Chair
<b>AYES:</b>	Thurmond, Katz, Spencer, Hampton, Formica
<b>AWAY:</b>	Collins, Stone

#### **E. Public Comment**

There was no public comment.

#### **F. Unfinished Business, Communications, and Reports**

There was no unfinished business, communications or reports.

#### **G. Swearing in of New Commissioners**

Attorney Zach Petrov swore in the new members of the Commission, Dan Collins and Christina Stone, as well as Laura Thurmond who was being re-appointed.

#### **H. Incoming Commission**

##### **1. Introduction of Incoming Commissioners**

Commissioner Thurmond welcomed aboard new Commissioners Dan Collins and Christina Stone.

##### **2. Election of Chair and Vice Chair**

Commissioner Katz nominated Laura Thurmond and Danny Spencer for Chairman and Vice-Chairman of the Commission, respectively.

Commissioner Formica seconded the nomination.

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

3. Adoption of the Rules of Procedure

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dan R. Collins, Commissioner
<b>SECONDER:</b>	Charles Formica, Commissioner
<b>AYES:</b>	Thurmond, Katz, Spencer, Hampton, Formica, Collins, Stone

## **I. Report from Building Official**

Mr. Davidson introduced himself to the newly appointed Commissioners. He then informed them that the City is currently on track with about 10 new residential homes for the month of August, which means that the numbers are back up to the average number that the City has been keeping for the last approximately three years. However, the end of the year numbers will be slightly lower than in the past.

## **J. Reports of Committees and Communications**

### **1. Communications to Commission members outside of posted meetings.**

Chairman Thurmond mentioned that she and Commissioner Katz have had some correspondence via email regarding an issue with inspections.

Commissioner Katz stated that he had spoken with the Commission's liaison and that the issue is being dealt with by the City and City Council. He added that he feels comfortable in letting things proceed as they are.

## **K. Old Business**

There was no old business.

## **L. New Business**

### **1. Discussion with Interim Director of Development Services, ChaVonne Sampson, on the creation and enforcement of current regulations and possible design standards for sidewalks within the City of Bellaire.**

Ms. Sampson reviewed some background information on sidewalks. She stated that back in 2016, City Council passed an amendment to Section 9-22 of the City of Bellaire Code of Ordinances, requiring the installation of a sidewalk in front of all new residential development. Ms. Sampson added that this amendment replaced the original language which stated that permission must be sought in order to remove a sidewalk, and that the sidewalk would need to be replaced within 6 months. She added that the City now also requires that schematics of the sidewalk be submitted with the building plans. She informed the Commission that she has had meetings with the Public Works Director, Mike Leech, as well as other members of the public works department regarding the process of replacing/installing sidewalks throughout the City. Ms. Sampson added that the standard, which was designed by the City's engineer has been 5 feet. She mentioned that the majority of the sidewalks that are replaced or installed will come out of the public works department through the capital improvement projects/sidewalk replacement projects. She added that although this language is located within Chapter 9 of the Code, which is what the Building and Standards Commission's purview is, anything dealing with City right-of-way is handled by the public works department.

Commissioner Hampton asked for clarification that public works will put in 5 foot sidewalks regardless of what it is in Section 9-22.

Ms. Sampson explained that yes, 5 foot sidewalks will be installed. She clarified that this standard was not set by the code, but by the City's engineer.

Commissioner Hampton asked if that is set in stone.

Chairman Thurmond asked if an ordinance had been passed to set 5 feet as the minimum.

Ms. Sampson explained that there is no ordinance requiring a specific size of sidewalk.

Mr. Davidson clarified that the ordinance only states that a sidewalk must be installed, the minimum size of the sidewalk was determined by the City engineer and the public works department.

Commissioner Formica asked if it was set based on an existing standard.

Attorney Petrov stated that he believes that the ADA requirement is 5 feet.

Vice Chairman Spencer disagreed. He added that the ADA is the exception, not the rule. Vice Chairman Spencer stated that his sidewalk was done less than a year ago and was done at 4 feet. He mentioned that he would like to know where 5 foot sidewalks have been installed.

Ms. Sampson stated that she can get that information for the Commission.

Council Member Montague explained that through the end of Rebuild Bellaire Phase 5A, which was paid out in June this year, the standard sidewalk design was 4 feet.

Vice Chairman Spencer asked where that standard was written.

Mr. Davidson stated that he does not know where or if that standard was in writing. He added that he does not have any involvement in improvements within the City right-of-way. Mr. Davidson explained that in the past, the only interaction that he has had is in regards to the replacement of an existing City sidewalk, for which they were required to replace at the same size that it was previously.

Vice Chairman Spencer stated that he was under the impression that all of the recently installed/replaced sidewalks within the City were done at 48 inches.

Council Member Montague agreed that this was the case, until a discussion at a City Council meeting last year. He added that the Council felt as though a better job needed to be done with regard to sidewalks, which led to the adoption of the amendment to Section 9-22. Council Member Montague then stated that at that time, and without much discussion, it was determined that the sidewalk requirement would be 5 feet. He explained that this information was then transmitted to the City Engineer to design 5 foot sidewalks. Council Member Montague added that to the best of his knowledge, City Council has not had a direct discussion regarding whether they should be 4 or 5 feet. He added that as the City Manager will point out, the City of Bellaire does not have any design standards set for sidewalks, and has proposed that the City set aside appropriate funding to put together a list of standards. Council Member Montague mentioned that in his opinion, there should be a more in depth discussion on what the minimum should be, and the reasoning behind that minimum.

Commissioner Formica agreed that this is a topic that needs to be discussed further. He suggested that maybe one size doesn't fit all, and that it is unrealistic to hold small streets, such as Southdale, to the same standards as the larger boulevards within the City.

Council Member Montague strongly agreed. He added that one of the red herrings that is out there is that the City of Houston requires 5 foot sidewalks, however, that is not true. He explained that back in 2009, the City of Houston passed an ordinance requiring 5 foot sidewalks, but only on main thoroughfares and exempted residential. Council Member Montague also pointed out that a pathways study is under way, which will ultimately impact the sidewalk regulations within certain areas of the City. He stated that he doesn't want it to become too convoluted, but suggested that the regulations be separated into two different categories, one for your "standard, plain vanilla" residential street, and another for the more highly trafficked areas of the City.

Vice Chairman Spencer stated that he is excited that the Commission is having a conversation about sidewalks. He added that although he appreciates public works for driving the sidewalk project, he feels strongly that it is a Chapter 9 issue and that the Building and Standards Commission should be "driving that bus." Vice Chairman Spencer suggested that the Commission do the research and report their findings back to City Council in order to determine the regulations, versus the City Council just enforcing 5 feet because they feel that it is a good idea. He added that there are some very qualified members of the Commission that do these things for a living.

Commissioner Hampton asked if a consensus had been reached as to whether the Commission is charged with making this decision or recommendation on sidewalk regulations.

Council Member Montague felt that it does.

Commissioner Formica suggested that the Commission move forward as though they are, and have someone tell them that they are not.

Council Member Montague informed the Commission that he had spoken with the City Manager about the Commission addressing the topic and he stated that to the best of his recollection he said, "Ok."

Commissioner Collins stated that he felt as though it is under the Commission's scope and authority to do so, and is stated so very clearly in the code. He also mentioned that there were four different uses and applications to this topic listed within the Beautification Master Plan that was recently completed, and asked if the Commission would be tasked with only the residential sidewalk regulations or if other uses would be taken into consideration as well.

Ms. Sampson explained that staff would need some time to look into that, due to the fact that some of those other applications that Commissioner Collins referred to are done through other departments and alternate projects. She added that there is already some level of design standards regarding commercial properties within Chapter 24, which is the Planning and Zoning section of the code. She questioned whether design standards set for sidewalks would need to be within Chapter 9, or if they would need to be located within Chapter 24 as well. Ms. Sampson stated that it is beneficial to hear the Commission's questions regarding this topic, and that she will take all of those questions and come back to the Commission with answers.

Chairman Thurmond asked what the width of the City's right-of-way is on a typical residential street.

Mr. Davidson stated that it is 16 feet.

Commissioner Formica mentioned the developments that have recently come in or are coming in to the City, such as, the new H-E-B and Evelyn's Park, and asked how the size of those sidewalks were determined.

Ms. Sampson explained that those regulations were not determined based on standards set by the City of Bellaire, but on standards that are set for specific projects.

Commissioner Stone felt that the Commission would need to be relatively flexible with the requirements due to the changes and improvements that are taking place throughout the City. However, she agreed that a minimum of 4 feet could be the general rule for residential sidewalks.

Chairman Thurmond agreed with the consensus that it cannot be a "one size fits all" regulation.

Commissioner Collins stated that he feels as though regulations on residential sidewalks is well within the Commission's purview to discuss and make a recommendation on. However, if the charge is broader, which potentially moves into other areas of the code that the Commission has not been directly charged to maintain, then that becomes a little more difficult.

Mr. Davidson pointed out that Section 9-22, which is the amendment that is being discussed, deals only with residential development. He reiterated that this is the only code regarding sidewalks that he is tasked with, all others are outside of his authority and are not governed directly by Chapter 9. Mr. Davidson stated that in this regard, the Commission is clearly within its bounds to make a recommendation on residential development.

Ms. Sampson reiterated that she will have additional meetings with public works, the City Engineer, and the City Attorney to determine how this would impact other departments and/or sections of the code if a ruling were to be made by the Commission. She again mentioned that a majority of the replacement/installation of sidewalks will take place under the capital improvement projects, which are not housed in the Development Services Department. She pointed out that the percentage of sidewalks that will be replaced by builders is very little when compared to that of the capital improvement projects.

Chairman Thurmond asked if the right-of-way area is included in the calculation of lot coverage.

Mr. Davidson explained that the setback is measure to the front, back, or rear property line. Areas outside of that do not count toward or against your impervious lot coverage.

Ms. Sampson pointed out that regulations dealing with impervious lot coverage does come out of Chapter 24.

Chairman Thurmond was concerned by the fact that in a City with serious drainage issues, someone has decided that it would be a good idea to pour more concrete over it.

Commissioner Formica added that it will also lead to the removal of a significant amount of trees throughout the City.

Ms. Sampson stated that she would take the information back to the appropriate parties, and will give the Commission an update during the next meeting.

Council Member Pollard explained that there was a study done several years ago regarding safe pathways for schools, and that it was out of that study that the idea for 5 foot sidewalks came about. She stated that she understood the Commission's concern with requiring 5 foot sidewalks throughout the City and suggested that maybe the regulation should be set based on a certain percentage of the setback that is required within that area. She also mentioned that the community pathways study should help to determine the requirements that should be enforced. Council Member Pollard stated that she was surprised that this topic was coming before the Commission, but that she does want to hear what the Commissioners have to say.

Commissioner Collins asked when the community pathways study is scheduled to be completed.

Council Member Pollard stated that she thought it was supposed to be done in August, but now it is looking like it won't be completed until closer to the end of the year.

Council Member Montague mentioned that the City Engineer stated that based on the 5 foot regulation and Council's decision to install sidewalks on both sides of residential streets, 67 miles of sidewalk would ultimately be installed. He pointed out that this is a lot of additional money and coverage.

Vice Chairman Spencer asked what kind of timeline the Commission is looking at with regard to 5 foot sidewalks being installed on residential streets.

Mr. Davidson explained that all residential development is already putting in 5 foot sidewalks.

Vice Chairman Spencer stated that it is absurd that the minimum sidewalk width was changed to 5 feet with no vote from anyone. He added that currently there are 4 foot sidewalks on residential streets and now builders are coming in and installing 5 foot sidewalks next to those. Vice Chairman Spencer was concerned that it would look like an "awful patch quilt," and would not be uniform at all. He added that if the Commission is going to be charged with this task, it needs to happen really fast.

Council Member Montague mentioned that a 4 foot sidewalk was recently installed in front of a home on Bellaire Boulevard in order to blend in with the rest of the sidewalks on the street.

Mr. Davidson explained that the design phase for that property was approved by his predecessor, prior to the change to 5 feet, and therefore was not held to the 5 foot sidewalk requirement.

Commissioner Collins asked Mr. Davidson if there had been any negative feedback on the 5 foot requirement or a request for a variance, and if so, is there a process in place to review that request.

Mr. Davidson stated that there has been some push back, and there currently does not appear to be a process in place for a variance per the previous director of the Development Services Department. He added that there had been one variance request that was turned down.

Chairman Thurmond questioned why a resident would not be allowed to come before the Commission for a variance to that requirement.

Ms. Sampson clarified that the variance request was not dealing with the width of the sidewalk, but rather the individual did not want to install a sidewalk at all.

Mr. Davidson explained that there is no allowance or avenue to obtain a variance on the basis that you feel that an ordinance does not apply to you. He added that there is an application for a special exception, but certain requirements must be met and something of this nature would not meet those requirements.

Chairman Thurmond mentioned the property on Bellaire Boulevard that has been going on for a significant amount of time and asked if permits expire.

Mr. Davidson explained that they expire after 6 months of idleness, but there is no expiration date on projects where work is being done.

Commissioner Formica asked where the Commission goes from here.

Chairman Thurmond stated that she feels as though the Commission has been given the opportunity to look into the matter and give a recommendation. She suggested putting a sub-committee together to do some research and hold a workshop prior to the next regular meeting of the Commission to share the findings.

**Motion:** a motion was made by Vice Chairman Spencer and seconded by Commissioner Formica to form a sub-committee to do some studies on sidewalk regulations and also to hold a workshop session prior to the next regular meeting of the Commission.

Vice Chairman Spencer and Commissioners Collins and Stone volunteered to be on the sub-committee.

**Vote:** the motion passed with unanimous vote of 7-0.

**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.**

Chairman Thurmond asked if the topic regarding sidewalks would need to be carried over onto the next agenda.

Staff stated that it will be listed as a standing item on the agenda until the Commission finalizes the item.

**M. Announcements & Comments by Commissioners**

Vice Chairman Spencer stated that it was not his intention to offend anyone during the discussion regarding sidewalks, and if he did he was sorry.

Ms. Sampson stated that Commission specific training would take place in the near future. She also mentioned that a process for permitting small cell towers needs to be put into place and will come before the Commission as a part of Chapter 9.

Chairman Thurmond asked Mr. Davidson if it would be possible for the Commission to get a list of addresses/streets within the City where 5 foot sidewalks have been installed.

He stated that he would get that information to the Commission.

Chairman Thurmond thanked Council Member Montague for his input on the topic of sidewalks.

**N. Adjournment**

**Motion:** A motion was made by Commissioner Formica and was seconded by Commissioner Katz to adjourn the Regular Meeting.

**Vote:** The motion passed with a unanimous vote of 7-0.

**The meeting was adjourned at 8:09 PM.**