

CITY OF BELLAIRE TEXAS

BUILDING AND STANDARDS COMMISSION

JANUARY 24, 2018

Council Chamber	Regular Session	7:00 PM
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7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chair

Laura Thurmond

Commissioner

Lee Hampton

Commissioner

Paul Katz

Commissioner

Charles Formica

Commissioner

Christina Stone

Vice Chair

Danny Spencer

Commissioner

Dan R. Collins

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 - Nov 15, 2017 7:00 PM

E. Public Comment**F. Report from Building Official**

- 1. Update on subsidence within the City of Bellaire**

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. Approval of the Building and Standards Commission's 2017 Annual Report to City Council.
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.**

J. Public Hearings**K. Announcements & Comments by Commissioners****L. Adjournment**



CITY OF BELLAIRE TEXAS
BUILDING AND STANDARDS COMMISSION
NOVEMBER 15, 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:

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

C. Rules for Public Comment

Chairman Thurmond stated that the Rules for Public Comment 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.**

Minutes Acceptance: Minutes of Nov 15, 2017 7:00 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 - Workshop & Regular Session - Oct 25, 2017 6:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Christina Stone, Commissioner
SECONDER:	Dan R. Collins, Commissioner
AYES:	Thurmond, Katz, Hampton, Formica, Collins, Stone
ABSENT:	Spencer

E. Public Comment

There were no public comments.

F. Report from Building Official

Mr. Davidson stated that almost 1,000 flood permits have been issued so far. He added that at the last meeting the Commission had asked for information on how many 5 foot sidewalks have been installed based on the new regulations. Mr. Davidson stated that none of the sidewalks that are required to be 5 feet wide have been installed as of yet. So far the sidewalks that have been installed for new construction have matched the existing sidewalks which were 4 feet.

Commissioner Collins asked what the difference is for flood permits that have been issued versus the number of homes that flooded within the City.

Mr. Davidson stated that there was roughly 1,900 homes that were affected, meaning that about 1/2 of them have been permitted. He added that this does not include the homes that are listed for sale, which will reduce that number.

Commissioner Collins asked what the sense of compliance has been for obtaining permits.

Mr. Davidson stated that the department has enlisted the help of the City's firemen, who have passed out roughly 200 building permit applications, and of those 200 about 45 are still outstanding. He added that certified letters will be sent out to everyone left on the list who has not come in to apply for a permit.

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.

H. Old Business

1. Discussion, consideration, and possible action on a recommendation from the Building and Standards Commission to the City Council regarding the regulations for sidewalks within the City of Bellaire.

Chairman Thurmond mentioned that a draft of the letter had been completed by Commissioner Stone and was included in the agenda packet. She added that the Commission's Council Liaison, David Montague, had submitted some comments with regard to the requirement for 5 foot sidewalks if it is adjacent to the curb.

Commissioner Stone explained that the language dealing with making the sidewalk wider where it abuts the curb was based upon what she had read. She added that in her research she found that it was considered to be less safe if people are walking right next to the street.

Mr. Davidson mentioned that there was a typo on the second page which creates a double negative, which read, "Likewise it is generally not recommended that for safety reason sidewalks should not be placed right next to a curb."

Commissioner Stone agreed that the first "not" should be struck from the sentence.

Chairman Thurmond also corrected one other scrivener's error.

Commissioner Stone explained that the big issue in dealing with the width of sidewalks and ADA regulations is with wheelchair accessibility. She stated that the question becomes whether or not the sidewalk is wide enough to allow for two individuals in wheelchairs to pass each other. Commissioner Stone mentioned that the occasion in which two wheelchairs would pass each other on the sidewalk in the City of Bellaire is almost non-existent.

Commissioner Hampton asked if the intent is for the Commission to recommend something specific to the City Council, or to take a step back and look at this from a more holistic perspective. He added that currently there are all different size sidewalks that have been installed throughout the City, as well as some 5 house cul-de-sacs that do not have sidewalks at all, and in his opinion does not need them. Commissioner Hampton suggested that he is more in favor of asking Council to hold off on the requirement of 5 feet sidewalks until more research has been done to support the decision.

Chairman Thurmond agreed and added that what she would like to see happen is for the City to assign the consultants with the task of researching the issue and creating the guidelines for the City to follow.

Commissioner Collins stated that based on the research done by the subcommittee, the letter was intended to recommend a sidewalk width of 4 feet, but that the Commission could very well decide to simply roll back the 5 foot requirement until more research has been done on the topic.

Chairman Thurmond mentioned that a neighborhood meeting had been held the previous night for the purpose of getting feedback on an upcoming sidewalk installation for a particular street within the City.

Commissioner Collins asked if any questions on design, mechanics, or outcome were solicited by the City.

Ms. Sampson confirmed that none of those topics were discussed, and that it was more of an informative meeting and to answer any questions about time frame, how residents would get access to their homes, etc.

The Commission voted 5-0 to approve the recommendation with the two corrections mentioned above, as well as a revision to the fifth paragraph on the first page to read, "The Building and Standards Commission therefore recommends that the City Council direct the City Manager to forego the direction to install five foot sidewalks until such time that the matter can be further addressed by the appropriate consultants," and the striking of a sentence on the second page that read "Where a sidewalk is constructed next to a curb, it should probably be at least a five foot sidewalk."

RESULT:	ADOPTED AS CORRECTED [UNANIMOUS]
MOVER:	Laura Thurmond, Chair
SECONDER:	Lee Hampton, Commissioner
AYES:	Thurmond, Katz, Hampton, Collins, Stone
ABSENT:	Spencer, Formica

I. New Business

1. Commission Training

a. The process for which the City and Commission deem a house substandard.

Attorney Petrov reviewed the process that the City must follow in order to deem a house substandard. To view the presentation, please visit <https://www.bellairetx.gov/DocumentCenter/View/20822>.

Commissioner Collins questioned whether the process would only apply to homes that have been provided with a Certificate of Occupancy, or if it could apply to new construction or remodeling as well.

Attorney Petrov stated that a home could potentially be abandoned mid-construction/remodel, which could ultimately lead to it becoming substandard. However, this could not happen while the construction permit is active.

2. Discussion with staff on what the next steps should be in dealing with flood damaged properties where work has been done without a permit, as well as securing flood damaged homes within the City that have not been remediated.

Ms. Sampson explained that there are three phases that staff has put into place when dealing with flood damaged properties. She added that phase three is in the process of being finalized and will involve the Commission. Ms. Sampson then provided the Commission with some background information on the flood permitting process that has been in place since Harvey. She stated that beginning September

5th, the Development Services Department did not accept any permit applications other than those that were flood related, and by September 18th, flood permits were relocated to the City's Parks and Recreation building. Ms. Sampson explained that phase one of the process begins when the property owner submits an application. She stated that the first thing that staff looks at is whether the home is compliant, meaning that it is built one foot higher than the Base Flood Elevation (BFE). If the home is not found to be compliant and the repairs to the home seem to be more than 50% of the HCAD valuation of the structure, then the application moves to the next step. Ms. Sampson explained that at this point, staff uses the market value calculator to determine a more appropriate value for the structure and this number is then compared to the estimated cost of repairs. If it is determined that the cost to repair is still more than 50% of the valuation, then an inspection of the property is conducted by staff. She added that once the inspection has been completed, an assessment report is done to determine the extent of damage to the property. If the cost of repairs are still found to be more than 50% of the total valuation then the structure is deemed substantially damaged. Ms. Sampson mentioned that at this point, a meeting is set up between herself and the property owner to determine if additional information has been received or is needed, and also to discuss their options. She explained that the options are:

1. To do nothing, as long as the property is remediated or boarded up and does not become in disrepair
2. To elevate the structure, or
3. To tear it down and rebuild.

Ms. Sampson stated that there are currently about 30 homes that have been declared substantially damaged, out of the roughly 900 permits that have been submitted. She added that phase two is in dealing with the property owners who have flood damage, but have not applied for a permit or remediated at all. Ms. Sampson explained that 80 letters had been mailed out to those homeowners informing them that they need to contact the City to let staff know what their plans are for their flood damaged home. She added that staff has since received responses from 20 of those property owners, leaving roughly 60 that are still unaccounted for. At this point, a second letter was sent out letting them know that if they do not contact the City within a certain time frame, a citation will be issued. Ms. Sampson explained that once that deadline has passed with no information from the property owner, phase three will begin. During phase three, the City, with assistance from the Commission, must determine if structures are substandard. She mentioned that some property owners may not know yet what they want to do with their homes, which could ultimately lead to the structure becoming a health hazard. Ms. Sampson pointed out that staff will need to determine at what point the City steps in. She mentioned that she wanted to keep the Commission up to date on what is taking place, due to the fact that they will ultimately be the ones making the determination on whether a property is substandard. Ms. Sampson also mentioned that there could potentially be some amendments to Chapter 9 that would also come before the Commission. She stated that she will keep the Commission up to date as those issues begin to unfold.

Commissioner Katz mentioned that there is a house on Newcastle that had been vacant for a significant amount of time prior to the flood, and is now black with mold. He asked if the City attempts to contact the owners of properties such as those.

Ms. Sampson confirmed that the City is doing its best to keep a record of those homes that have not yet been remediated.

Mr. Davidson stated that he would check with the Code Compliance Officer to see if that house is on her list.

3. 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.

Commissioner Collins mentioned that he had attended the last Flood Mitigation Task Force meeting in which the City Engineer discussed the amount of subsidence within the City. He added that in some areas it was significant, and asked that staff provide the Commission with the current subsidence information for review. He felt that this could ultimately affect the City's flood standards.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

Chairman Thurmond thanked the Commissioners for being in attendance and she and Commissioner Katz wished everyone a Happy Thanksgiving.

L. Adjournment

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

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

The meeting was adjourned at 8:29 PM.

**Building and Standards
Commission**

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



Meeting: 01/24/18 07:00 PM
Department: Development Services
Category: Report
Department Head: ChaVonne
Sampson
DOC ID: 2446

**SCHEDULED
ACTION ITEM (ID # 2446)**

Item Title:

Approval of the Building and Standards Commission's 2017 Annual Report to City Council.

Background/Summary:

Chapter 2, Administration, Section 2-104, Annual or special reports to city council, of the Code of Ordinances, requires each board and commission to file a report with the City Council no later than the first Council meeting in February.

The report is to address the following:

1. Whether the board is serving the purpose for which it was created;
2. Whether the board is serving current community needs;
3. A list of the board's major accomplishments
4. Whether there is any other board, either public or private, which would better serve the function of the board; and
5. Other recommendations.

Attached is a draft report, as prepared by Commission Chairman Laura Thurmond.

Recommendation:

Approval of the final report, amended as may be deemed necessary, to be forwarded to the City Council.

ATTACHMENTS:

- BSC_2017_Report (PDF)

February 5, 2018

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

Mayor and City Council:

In 2017, the Building & Standards Commission met at 7 Regular Meetings, 1 Workshop Sessions and 2 Training Sessions. 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. During 2017 the Commission did not hear any complaints regarding substandard structures.

At the end of the year the Commission consisted of:

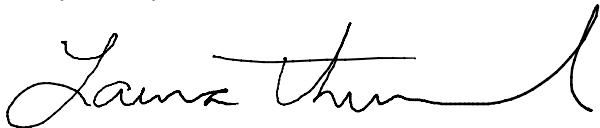
Laura Thurmond – Chair
Danny Spencer – Vice Chair
Christina Stone
Paul Katz
Dan Collins
Charles Formica
Lee Hampton

The Commission considered and acted on the following issues:

1. Public Hearings
 - a. The Commission held no public hearings during 2017.
2. Variances
 - a. The Commission did not receive any variance requests during 2017.
3. Ordinances
 - a. The Commission voted to amend the City Ordinance Chapter 9 Building to include a definition for “base flood elevation” as recommended by the City’s Development Services Manager.
 - b. The Commission received a recommendation from the Environmental and Sustainability Board to make changes to the City’s current tree ordinance. The Commission advised the board to work with staff to refine their list of undesirable trees to be prohibited.

- c. In 2016, the Commission passed ordinances defining the regulations for Storm Water Prevention and Protection Plans (SWPPP) and in 2017 we sent a letter to the City Manager addressing several job sites around the City that were observed to be non-compliant in regard to SWPPP requirements. SWPPP was also included as a topic of discussion at the Bellaire Builder's Informational Breakfast that took place in April.
 - d. Sidewalks were an ongoing topic throughout 2017, specifically the appropriate width of new sidewalks. During 2017, the City Manager issued a directive to Public Works to set the standard minimum width for sidewalks at 5 feet. The Commission feels that 5 feet is not appropriate for all situations and subsequently sent a letter to City Council recommending that the directive be revoked until the topic could be further analyzed.
- 4. Educating the public about issues pertaining to the city's building codes
 - a. With the impact of Harvey flooding on the City of Bellaire we heard from the City's Development Services Manager, Ms. Sampson on several occasions.
 - i. More than 1,900 homes were flooded during Harvey.
 - ii. As of our October meeting 17 homes are declared substantially damaged.
 - iii. Ms. Sampson reviewed with the Commission the steps involved with inspecting flood damaged homes during the permitting process, the factors involved in declaring a house substantially damaged and the role that the commission may play in a scenario where a house is deemed substandard.
- 5. Other Business
 - a. In June the Commission thanked Mike Baker for 7 years of service to the Commission.
 - b. 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.
 - c. In August the Commission welcomed two new commissioners: Christina Stone and Dan Collins.
 - d. In November the Commission received training from the City Attorney regarding the Commission's role in deeming houses substandard.
 - e. The Commission prepared and submitted an Annual Report to City Council.

Respectfully Submitted,



Laura Thurmond, Chair
Building & Standards Commission