



**CITY OF BELLAIRE TEXAS**  
**BUILDING AND STANDARDS COMMISSION**  
**JULY 25, 2018**

**Council Chamber**

**Regular Session**

**7:00 PM**

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

**I. REGULAR SESSION**

**A. Call to Order**

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

Attendee Name	Title	Status	Arrived
Laura Thurmond	Chair	Present	
Paul Katz	Commissioner	Present	
Danny Spencer	Vice Chair	Present	
Lee Hampton	Commissioner	Present	
Charles Formica	Commissioner	Present	
George Williams	Commissioner	Present	
Dan R. Collins	Commissioner	Present	
Christina Stone	Commissioner	Present	
Paul Coselli	Commissioner	Present	
David R. Montague	Council Member	Present	
William Davidson	Building Official	Present	
Zachary Petrov	Assistant City Attorney	Present	
Marleny Campos	Secretary	Present	

**B. Announcement of Quorum**

Chairwoman Thurmond announced there was a quorum present.

**C. Rules for Public Comment**

Chairwoman Thurmond observed that there were no public comments and passed over the 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 - Apr 25, 2018 7:00 PM

Chairwoman Thurmond allowed for Councilman Montague to provide his suggestions to the corrections of the April meeting minutes (see section E below).

**Motion:** Commissioner Formica made a motion to amend the minutes on page 9, 2nd sentence to add "interim" between "4-feet" and "requirement". It was seconded by Chairwoman Thurmond.

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

**Motion:** Chairwoman Thurmond made a motion to amend packet page 6, paragraph 8 to "Council Member Montague gave an update on the Task Force discussion regarding minimum requirements of home elevations. It was concluded that because of the low number of homes built after the 2007 regulations were damaged and the magnitude of Harvey, the Task Force felt that the standard was sufficient." The Motion was seconded by Commissioner Formica.

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

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Christina Stone, Commissioner
<b>SECONDER:</b>	Dan R. Collins, Commissioner
<b>AYES:</b>	Thurmond, Katz, Spencer, Hampton, Formica, Collins, Stone
<b>EXCUSED:</b>	Williams, Coselli

**E. Public Comment**

Councilman Montague had comments regarding the April meeting minutes. On packet page 6, he wanted to clarify the debate among the Task Force members mentioned in the minutes. The Task Force considered whether or not the current guidelines of 1 foot above Base Flood Elevation should be changed in the City of Bellaire. There was a discussion on the topic and a realization that when the guideline was put into effect in 2007, out of the houses built from the point forward, only 47 of them flooded. Given the fact that majority of those homes were not harmed, the general feeling among the Task Force was that the 1 foot above BFE standard was sufficient. It was overall more important to consider the other recommendations made by the Task Force.

His second comment on the minutes was on packet page 9 about the City Council recommendation. There was a discussion based on what Commission brought to the City Council about how to best go forward. The original motion was to direct the City Manager to forgo the current approach to install 5-foot sidewalks in residential areas until the City Engineer and appropriate consultants could

further address the matter. After discussion, the motion was amended to forgo the current approach of 5-foot sidewalks in residential areas and instead install 4-foot sidewalks until the City Engineer, and appropriate consultants can further address the matter. That motion carried 4-3 and led to the sidewalk workshop in June.

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

There was no unfinished business, communications, or reports.

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

Assistant City Attorney, Zachary Petrov, swore in 2 new members of the Commission, George Williams and Paul Coselli. Commissioner Spencer and Hampton were re-appointed. Commissioner Katz and Formica retired.

Commissioner Thurmond thanked both Commissioner Katz and Formica and expressed her appreciation of their time serving on the Commission.

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

##### **i. Introduction of Incoming Commissioners**

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

**Motion:** Commissioner Stone nominated Commissioner Thurmond as Chair and was seconded by Commissioner Collins.

**Vote:** the motion passed unanimously with a vote of 7-0

Commissioner Thurmond accepted.

**Motion:** Commissioner Collins nominated Commissioner Spencer as Vice Chair and was seconded by Commissioner Stone.

**Vote:** the motion passed unanimously with a vote of 7-0

Commissioner Spencer accepted.

##### **iii. Adoption of the Rules of Procedure**

##### **1. Rules of Procedure**

Mr. Davidson mentioned that staff had discussed the meeting times of the boards and commission, and whether to keep it at the current time of 7 PM or change to 6 PM like the Planning & Zoning Commission.

Chairwoman Thurmond asked Mr. Petrov if they would be able to do that tonight.

Mr. Petrov answered yes.

**Motion:** Vice Chair Spencer made a motion to discuss the meeting times and was seconded by Commissioner Williams.

Commissioner Stone was okay with either time, as well Commissioner Hampton.

Commissioner Coselli prefers the 6 PM time, noting the extra hour.

Both Commissioners Collins and Williams would rather the meeting start no earlier than 6:30 PM.

Commissioner Williams asked if there have been any logistical issues with the meeting starting at 7 PM in the past year.

Mr. Davidson answered no, they hadn't seen an issue as far as attendance.

**Motion:** Vice Chair Spencer moved to close the discussion and seconded by Commissioner Coselli.

**Vote:** the motion passed unanimously with a vote of 7-0

**Motion:** Commissioner Coselli made a motion to change the Building and Standards Commission meeting time from 7 PM to 6:30 PM. It was seconded by Commissioner Stone.

**Vote:** the motion passed with a vote of 5-2.

**Motion:** Vice Chair Spencer made a motion to adopt the Building and Standards Rules of Procedure as amended with the new meeting time of 6:30 PM. It was seconded by Commissioner Williams.

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

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Danny Spencer, Vice Chair
<b>SECONDER:</b>	George Williams, Commissioner
<b>AYES:</b>	Thurmond, Spencer, Hampton, Williams, Collins, Stone, Coselli
<b>EXCUSED:</b>	Katz, Formica

## I. Report from Building Official

Mr. Davidson reported that the volume of permits remains at slightly elevated levels compared to Pre-Harvey. Construction has continued at its regular pace, and permit applications have reduced to a normal volume. The Bellaire Town Center is starting to turn in applications for interior build outs and will drive the volume up for a little while. Based on the 100-houses-a-year development rate, the City can predict that they have had 1,000 houses built to the current standard. 47 flooded structures out of 1,000 constructed would round out to about 5%.

Chairwoman Thurmond asked how many structures have been lifted or are in the process.

Mr. Davidson looked at the number about a month ago and can return to her with an answer.

## J. Reports of Committees and Communications

There were no reports.

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

**2. Committee Reports****3. Reports from Staff other than the Building Official****K. Old Business**

There was no old business.

**L. New Business****1. Public Hearings**

Docket# 2018-01-Discussion, consideration, and possible action on a complaint filed by the Building Official to consider or determine whether the structures located at 4515 Maple Street, Bellaire, Texas 77401, comply with the minimum requirements of the City of Bellaire, Texas, Code of Ordinances and to consider or determine whether the structures must be vacated, repaired, secured or demolished in accordance with Chapter 54 and/or 214 of the Local Government Code of the State of Texas.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Laura Thurmond, George Williams
<b>SECONDER:</b>	Paul Coselli, Commissioner
<b>AYES:</b>	Thurmond, Spencer, Hampton, Williams, Collins, Stone, Coselli
<b>EXCUSED:</b>	Katz, Formica

**A. Presentation of the Public Hearing Process**

Mr. Petrov explained the public hearing process.

**B. Presentation by the Property Owner**

The property owner was not present.

**C. Staff Findings**

Mr. Davidson reviewed his timeline of events with 4515 Maple that began with the Code Compliance Officer, Ms. Linda Barbour, investigating houses the City had received complaints on. Those complaints generally revolved around structures that had not been remediated. At the end of December, letters were sent to homeowners informing them to remove flood material to comply with Chapter 22 of the City Code of Ordinances, including 4515 Maple. At Ms. Barbour's follow-up visit, she found that the doors and windows would not close or lock. After 2 notices were sent to the homeowner, no action was taken, and the City then issued a citation. The issue was transferred from Code Compliance to the Building Official for review as a possible substandard structure. Mr. Davidson performed an inspection in April and found that the doors would still not lock.

A search was conducted to assess the structural quality of the single-story residence to find that the residence had taken about 36 inches of water. Mr. Davidson displayed pictures of his inspection of the home showing the conditions such as the water line, the ceiling showing signs of caving in, multiples cracks around the house, the presence of mold, buckling and warped flooring, wallboard failing, water leaks from the roof, and a significant amount of refuse inside the house. There were also pictures displayed on the exterior of the home that showed exposed wiring, a detached electrical fixture, the

wood from the greenhouse rotting, and standing water. Mr. Davidson mentioned that the gas meter has been pulled and not able to heat the home as required by the building code. He noted that the smell was distinctive.

Commissioner Collins asked if there was still an electrical meter.

Mr. Davidson replied that many of the lights do not work even though there is still an electrical meter. He continued to say that a homeowner has the option to repair their home, but since the home is in the 100-year floodplain, repair costs are limited to 50% of its improvement value - not the land value - of the home as determined by the Harris County Appraisal District. After evaluating the home's value using the system that has been in place for all flood repairs for Hurricane Harvey, it was determined the home was worth about \$95,000 and, therefore, the home could be repaired for about \$48,000. The City came up with a repair cost estimate based on the inspection and other factors such as square footage of the house, the amount of sheetrock and flooring to be replaced, and the need to replace electrical fixtures. The costs were based on sources including FEMA's estimates for flood insurance claims as well as flood repair permits that have been previously issued. A total of about \$72,000 was estimated to be the repair costs for 4515 Maple which is above the \$48,000 calculated in the market value estimator. The structure was considered to be substantially damaged, and the City would not be able to issue a flood repair permit. Mr. Davidson stated that the homeowner had options to demolish or elevate the structure to come into compliance with current standards. Based on the violations of the City Code, Building Code, the unlivable condition of the home, and the inability to issue a permit to repair the home, he recommends the Commission to issue an order to demolish the structure in a time period to be determined by the Commission.

**D. Public Comments**

There were no public comments.

**E. Response of the Property Owner**

The property owner was not present.

**F. Questions from the Commission**

Commissioner Collins noticed that an updated address for the homeowner was obtained and asked if there has been proper contact with the homeowner.

Mr. Davidson answered yes. He sent the Notice of Public Hearing via regular and certified mail to his residence on record, as well as the property address. Following a discussion with the homeowner, Mr. Davidson was informed that the homeowner was getting regular mail. The City was able to get current contact information from the Police Department when the homeowner paid his citation for failure to remediate. He added that previous phone numbers on file were disconnected.

Commissioner Collins asked for confirmation that there is no indication that anyone lives in the home even with utilities being paid and a vehicle on the premises.

Mr. Davidson confirmed that no one is living there. He and a police officer had gone to see if anyone was living there and the house is now boarded up. The property owner now lives in Tomball.

Commissioner Stone asked what the property owner's reaction has been in their conversations.

Mr. Davidson replied that the homeowner stated he is on a fixed income and will have financial difficulty with demolishing the home himself. He intends to sell the property and wants to leave property up for a while but did not give a time frame. Mr. Davidson mentioned that the property owner did ask how a substantial hearing worked and was provided an answer on the phone as well as e-mail.

Commissioner Stone questioned if the City demolishes the home, will a lien be placed for the costs.

Mr. Davidson answered yes.

Commissioner Coselli states that it appears the homeowner doesn't care. He questions what constitutes the City to put up a lien for demolition costs.

Mr. Davidson responded that is the Commission issues an order to demolish the home, and if the homeowner fails to comply, the City will hire their own contractor to have the building demolished. An invoice will be submitted and a lien will be attached to the property for the cost.

Commissioner Coselli comments that conducting property owner responsibilities takes away from staff time to coordinate the demolition process. He questions if the costs of staff time are included in the lien.

Mr. Davidson replied that it would just be the costs of the contractor, not staff time taken away.

Mr. Petrov added that there are only certain things that are allowed to be placed on the lien and staff time would be outside the scope.

Commissioner Coselli asked where that information comes from.

Mr. Petrov replied the local government code, Chapter 54 and 214.

Commissioner Williams requested confirmation that if the Commission decides to order the property owner to demolish the home, the homeowner would have 90 days to comply and if not, then the City would demolish it within 30 days.

Mr. Davidson clarified that Chapter 214 would desire the Commission to order the homeowner to tear the home down. The law supports a 30-day timeline, and if they don't, the City will act in 90 days.

Commissioner Williams pointed out that with the condition of the home, it could be possible that Mr. Davidson was exposed to lethal fungus. He asked if there would be an option for the Commission to suggest expediency. Whatever the situation is with the homeowner, he believes the structure is a hazard to its neighbors.

Mr. Petrov responded that they could set a timeline less than 30 days, but the homeowner can appeal within 30 days of the order being issued with the district court. The City cannot act until appeal opportunity has passed.

Commissioner Collins requested an explanation of options in Sec. 9-77, the emergency procedure, and if the City thinks the structure will deteriorate worse in the coming months where the Commission will have to take a different course of action.

Mr. Davidson stated that the home would continue deteriorating, but the 30/90 timeline is the fastest they can execute.

Mr. Petrov additionally stated that the emergency procedures seem to be if the structure were to fall.

Commissioner Hampton stated that the house had been boarded up and this type of situation happens in the City of Houston all the time. He can't justify an emergency in this case.

Mr. Davidson doesn't think it's an immediate emergency since the house has been boarded up and been concluded that it is substandard.

Vice Chair Spencer wants to look out for the homeowner and wonders if there is any reason to believe that he may have any competency or medical issues to prevent doing any of the actions he expressed.

Mr. Davidson couldn't provide an expert opinion but mentioned that the property owner could hold a conversation and seemed to follow along.

Chairwoman Thurmond inquired if a substantial damage letter has been issued.

Mr. Davidson answer no. Without the homeowner turning in a permit application, no permit can be issued to follow internal compliance with floodplain management.

Chairwoman Thurmond asked if there is a mortgage company involved.

Mr. Davidson informed that a title search showed no liens on the property and the home was purchased almost 40 years ago.

Chairwoman Thurmond questioned if he had flood insurance.

Mr. Davidson would assume he didn't.

Vice Chair Spencer remarked that it wouldn't really change the situation.

Mr. Davidson responded that the only difference would be that if he has flood insurance, he'd be able to recoup those demolition costs.

Commissioner Collins asked to what extent would the house be demolished.



Mr. Davidson replied that the City would remove everything from the lot and leave it an undeveloped condition.

Vice Chair Spencer commented that they have determined that this home not be an emergency, but asks if there is any way the City can disconnect the power.

Mr. Davidson stated that he can send a notice to Centerpoint to request the removal of the electrical meter and will do so after this meeting.

Commissioner Coselli asked if the 90 day period is a statutory amount of days.

Mr. Petrov stated that Mr. Davidson's recommendation is 30 days.

**G. Closure of the Public Hearing**

**Motion:** Commissioner Williams made a motion that the Commission issues an order to the homeowner to facilitate the demolition of the structure on 4515 Maple Street within 30 days. It was seconded by Commissioner Cosselli.

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

2. Discussion on Chapter 2, Administration, Article VII, Boards and Commissions, Section 2-92, Creation of New Boards, subsection (b) of the Code of Ordinances of the City of Bellaire.

Mr. Davidson presented the item for discussion. On June 19, 2018, City Council voted to commence a periodic review of the City of Bellaire board and Commissions, pursuant to Section 2-92 (b) of the Code of Ordinances. This item has been added to each board and commission's July agenda to allow members the opportunity to provide feedback. The Council Liaison to each board/commission will report back to City Council on the discussion during a Workshop Session to be held in August of 2018.

Chairwoman Thurmond stated that she believes the Commission is an important piece in the government puzzle. They serve an essential function even though matters like the meeting's public hearing are few and far in-between. She says it's important not to consolidate too much power or authority into one place. They can deal with many things that would not appear on City Council's radar such as building science efforts and thinks they will continue to see matters like that. If there were any desire for Council to dissolve the board, she would be the loudest voice to protest.

Vice Chair Spencer has been on the board for 5 years and seen a multitude of different professions of the Commissioners (e.g. engineers, construction professionals). He mentioned some of their achievements like making construction sites in the City more pleasant and stormwater pollution prevention. He believes they are a diverse and intelligent group serve unique functions that cannot be compared.

Commissioner Stone wouldn't want to see the issues they see thrown into other boards. They are specialized for a good reason and can go into issues in depth.

Addressing item 2, Mr. Davidson commented that they do not have to have another board like this to serve the same purpose. Moving on to item 3, he states that the Commission is in an interesting position because their existence is required. The City does need to have a

board to fulfill certain duties and check on the Building Official. He thinks the costs are relatively trivial compared to the functions that are carried out by the board.

Chairwoman Thurmond agrees.

Mr. Davidson mentioned that the Commission would probably serve a role with grant money indirectly as the floodplain changes. It is in the chapter that the Commission regulates. The City's compliance with NFIP will have to go through this Commission if there are any changes. He stated that number 5 ties into number 1 as it has been discussed earlier in that meeting that the Commission is serving a good purpose. Mr. Davidson reminded that City e-mail addresses are to be used for official communications and to be checked it regularly.

Commissioner Coselli remarked that the main duty of the Commission is to maintain the safety of the Citizens and is equally as important as the expertise of the building code.

Councilman Montague appreciated the discussion of the public hearing and the feedback. He followed up on Mr. Davidson's comment about the City e-mail. Citizens are interested in the functions and activities of the City Council and boards that requires going back on communications as part of The Freedom of Information Act. It is easier to go through communications through City e-mails rather than personal e-mails. He also announced the annual board and commission training session is tomorrow. Old members are welcomed to attend with the new members.

Vice Chair Spencer asked what the training requirements are.

Mr. Petrov believes it is only for the new members.

Chairwoman Thurmond asked if there have been any more conversations about sidewalks at the Council level.

Councilman Montague answered no and didn't believe there would be until the Commission addresses anything in regards to standards and brings a proposal forward to Council.

Mr. Davidson mentioned the recent Planning and Zoning meeting did discuss the Pathways Plan.

Chairwoman Thurmond asked if there was an apparent consensus on the public comments for the Pathways Plan.

Mr. Davidson replied that most were against the Pathways Plan and there were a few in favor.

Commissioner Stone had attended the meeting and said there was an overwhelming majority against the plan and were hostile against sidewalk work in their yards.

- 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 recalled an earlier comment of Mr. Davidson's that home elevation is one method of bringing a home into compliance with the current standards. He mentioned that house leveling is within Chapter 9, Article IX. He did some research, and it seemed to be the only area of the code that touches on the subject of raising a structure. He's aware that raising a home is quite a structural and engineering event. He says that 5 sections in the Code deal with the license required for a contractor and the insurance requirements. Information is thin on details of the requirements for raising an entire structure. There are many types of technology and building science that are evolving to address the need for areas that have had flooding. To better educate himself and the Commission, he recommends requesting a workshop to be scheduled covering home elevation. He would like the Commission to acquaint themselves with the process, building requirements, and inspection requirements.

Commissioner Hampton asked how many homes have been raised since the flood.

Mr. Davidson doesn't remember off the top of his head but could estimate around 30 or more.

Chairwoman Thurmond agrees that it would be a great workshop. She asked the Commission Secretary, Marleny Campos, to get together some dates and times for the workshop and add it to the new business item for next agenda.

#### **M. Announcements & Comments by Commissioners**

Commissioner Williams expressed his appreciation of his family members that showed up to the meeting.

Chairwoman Thurmond thanked the previous Commissioners and welcomed the new. She thinks they are an important part of a small city government with an essential function - not just in regards to the hearing. Going forward, the Commissioners will see different items that they have run into such as home elevation, crawlspace, improving storm water management, making construction sites safer with fencing and dumpster requirements. She mentioned that Commissioner Katz was instrumental with updating the City's policies for crawlspaces. All these items will provide homeowners a better product.

#### **N. Adjournment**

**Motion:** Commissioner Williams made a motion to adjourn the regular meeting and seconded by Commissioner Stone.

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

**The meeting was adjourned at 8:30 PM.**