



**AGENDA
BOARD OF APPEALS
REGULAR MEETING
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148
TUESDAY, SEPTEMBER 28, 2021
5:00 PM**

CALL TO ORDER

ROLL CALL

REPORTS

PUBLIC COMMENT

PUBLIC TESTIMONY FOR ACTION ITEMS

ACTION ITEMS

- 1. Discussion and action on selection of Board of Appeals Officers - Chairperson, Vice-Chairperson, and Secretary
Randy Richards, Building Official
Paul Hackleman, Director of Public Works**
- 2. Consider action to approve the meeting minutes of the July 26, 2021 Regular Meeting and Hearing of the Board of Appeals
Randy Richards, Building Official
Paul Hackleman, Director of Public Works**

ADJOURNMENT

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625 FOR FURTHER INFORMATION.

I, Terri Johnson, Interim City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday,

September 24, 2021, before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

Terri Johnson
Terri Johnson, Interim City Secretary





AGENDA MEMORANDUM

DATE: September 23, 2021

TO: Board of Appeals Members

FROM: Randy Richards, Building Official
Paul Hackleman, Director of Public Works

SUBJECT: Discussion and action on selection of Board of Appeals Officers - Chairperson, Vice-Chairperson, and Secretary

BACKGROUND/INFORMATION:

Subpart A, Chapter 2 Article III., Division 4. Board of Appeals. Sec. 2-110. Officers. (a) The officers of the board of appeals shall be a chairperson, vice-chairperson, and a secretary. The officers shall be selected from the voting members of the board of appeals and shall serve for a period of one year.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend selection of officers.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Division 4. Board of Appeals

REVIEWED BY:

Randy Richards, Building Official
Paul Hackleman, Director of Public Works
Terri Johnson, Interim City Secretary
Approved as to form for inclusion on Agenda

Approved - 9/23/2021
Approved - 9/24/2021
Final Approval - 9/24/2021

DIVISION 4. BOARD OF APPEALS

Sec. 2-107. Creation; powers and duties.

There is hereby created for the city a board which shall be known as the "board of appeals". The board of appeals shall have the power to hear and decide appeals of orders, decisions, or determinations made by the city's building official or fire code official regarding the application or interpretation of the Building Code or Fire Code currently adopted by the city.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Sec. 2-108. Composition; appointment and removal of members; terms of office.

(a) The board of appeals shall consist of five members. An interview committee composed of three members of the city council shall be appointed by the mayor for a term of one year (October 1 through September 30) to interview applicants to fill vacancies on the board. The mayor shall designate one of these three members as an "alternate." In the event the city council has a quorum of four members, all three members (including the alternate) shall serve in their capacity to interview applicants. In the event the city council has a quorum of three members, the alternate will not participate in the interviewing of applicants. However, the alternate shall serve in his or her capacity to interview applicants in the absence of one of the two other members. Members of the interview committee, individually, or as a group, shall submit the names of those recommended for appointment to the mayor. No person shall be recommended for appointment to the mayor by a member of the interview committee unless they have been interviewed by at least one member of the interview committee. The mayor, subject to the approval and consent of the city council in an open meeting, shall appoint members to the board. Members of the board of appeals may be removed by a majority vote of the city council.

The board of appeals shall recommend to the mayor and city council removal of any member who is absent from two consecutive meetings without first notifying the chair or the city secretary's office by 12:00 noon of the meeting date and/or fails to exhibit a general interest in the endeavors of the board. Two consecutive absences by a member, whether or not the member first notifies the chair or the city secretary's office by 12:00 noon of the meeting date, shall require a specific agenda item at the next regularly scheduled meeting to determine if the reasons for the absences are sufficient to be excused or constitute a failure to exhibit a general interest in the endeavors of the board. Members serve at the pleasure of the city council and may be removed at the discretion of the council.

- (b) Members of the board of appeals serve for a two-year term, but may be reappointed for consecutive terms.
- (c) Places 1, 2, 3 on the board of appeals shall have terms of office that expire on September 30 of odd-numbered years. Places 4 and 5 on the board of appeals shall have terms of office that expire on September 30 of even-numbered years. Vacancies shall be filled by appointment for the unexpired term by the recommendation of the mayor with the consent and approval of the city council.
- (d) The city's building official and fire code official shall be ex officio members of the board of appeals and shall not vote on any matters before the board of appeals.

(Ord. No. 1556, § I(Exh. A), 5-19-2014; Ord. No. 1636, § I, 1-23-2017; Ord. No. 1679, § I, 10-22-2018)

Sec. 2-109. Residency; qualifications.

- (a) Members of the board of appeals are not required to be residents of the City of Watauga.
- (b) No voting member of the board of appeals shall be a city employee.
- (c) The city council shall endeavor, to the extent reasonably available, to appoint members to the board of appeals who have sufficient training or experience in matters relating to building construction, fire hazards, explosions, hazardous conditions, and fire protection systems.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Sec. 2-110. Officers.

- (a) The officers of the board of appeals shall be a chairperson, vice-chairperson, and a secretary. The officers shall be selected from the voting members of the board of appeals, however the city secretary may be appointed as the secretary.
- (b) At its first meeting in October of each year, the membership of the board of appeals shall determine by a majority vote the chairperson, vice-chairperson and secretary. Officers shall serve for a period of one year, or until the first meeting after October 1 of the following year.
- (c) Vacancies that occur in office are to be filled as follows:
 - (1) In the event of a vacancy or incapacity of the chairperson, the vice-chairperson shall serve as the chairperson for the unexpired portion of the term.
 - (2) Vacancies that occur in other offices shall be filled by a majority vote of the board of appeals for the unexpired terms.
 - (3) Vacancies occurring in any office shall be filled at the next meeting of the board of appeals.
- (d) Duties of the officers shall be as follows:
 - (1) *Chairperson.*
 - a. Preside at all meetings.
 - b. Schedule meetings.
 - c. The chairperson shall be permitted to vote on all issues coming before the board of appeals.
 - (2) *Vice-chairperson.* Assist the chairperson in directing the affairs of the board of appeals and act in the chairperson's absence.
 - (3) *Secretary.*
 - a. Is responsible for creating and maintaining the minutes of the board of appeals' meetings. A copy of the minutes will be provided to the city secretary within three working days following any meeting. The minutes shall reflect the vote of each member, or if a member is absent or abstaining shall indicate that fact.
 - b. Sign the approved minutes.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Sec. 2-111. Rules of order.

The board of appeals may adopt rules and procedures for the conduct of meetings. The rules and procedures of the board of appeals shall be adopted and approved by the city council. Any suggested modifications to the adopted rules and procedures shall first be submitted to the city council for approval. An approved copy of these rules and procedures, and any amendments thereto, shall be filed in the office of the city secretary and be made available for public inspection during regular business hours. The edition of Robert's Rules of Order adopted by the city council shall be the final authority on all questions of procedure and parliamentary laws not covered by the rules and procedures of the board of appeals.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Sec. 2-112. Meetings.

- (a) A quorum shall consist of three voting members of the board of appeals and shall be required to conduct official business.
- (b) The chairperson shall establish the date and time for each meeting.
- (c) All meetings shall be open to the public and shall be conducted in accordance with the Texas Open Meetings Act, as now or hereafter amended.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Sec. 2-113. Compensation of members; expenditures.

- (a) All members of the board of appeals shall serve without compensation.
- (b) No debts of any kind or character shall be made or incurred by the board of appeals or anyone acting on its behalf without express authority of the city council.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Sec. 2-114. Assistance by city staff.

- (a) City departments are to furnish the board of appeals with reports and services at the direction of the city manager or city council.
- (b) The board of appeals may receive reports, advice and available services from the various city departments as required and directed by the city manager or his designated representative.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Sec. 2-115. Appeals.

- (a) Any person who is affected by a decision of the building official or fire code official may appeal an application or interpretation of the substantive provisions of the building code or fire code. An appeal must be based on a claim that the building code or fire code was improperly interpreted, the provisions of the Code do not fully apply, or an equivalent method of construction or protection exists.
- (b) An appeal must be filed in writing with the city secretary. The notice of appeal shall be filed within ten business days after any decision or interpretation is made or a permit is refused or disapproved. A

nonrefundable fee in the amount set forth in the fee schedule in Appendix A of this Code shall be delivered to the city secretary at the time of filing the appeal.

- (c) Appeals shall be placed on the agenda of the board of appeals for a hearing. The secretary shall notify all necessary parties of the date, time and location of the hearing. Parties may appear before the board of appeals in person or through counsel.
- (d) A decision by the building official or fire code official involving a hazardous situation to life or property shall remain in full effect pending the final decision of the board of appeals. A determination of whether a hazardous situation to life or property exists shall be made by the building official or fire code official.
- (e) The building official and fire code official shall transmit to the board of appeals all records and data in the city's possession that is relevant to the appeal. The board of appeals may require such additional data, tests, or expert professionals as it deems necessary to render a decision.
- (f) A majority vote of a quorum of the board of appeals is required to overturn or modify a decision of the building official or fire code official. The board of appeals shall have no authority to waive any provisions contained in the building code or fire code, but may determine that a provision contained in the building code or fire code does not apply or that an equivalent method of construction or protection is suitable. The building official and fire code official shall enforce and execute all decisions and orders of the board of appeals.
- (g) Each decision of the board of appeals shall be in writing, signed by the members rendering the decision and maintained in the office of the city secretary.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Secs. 2-116—2-120. Reserved.



AGENDA MEMORANDUM

DATE: September 23, 2021

TO: Board of Appeals Members

FROM: Randy Richards, Building Official
Paul Hackleman, Director of Public Works

SUBJECT: Consider action to approve the meeting minutes of the July 26, 2021 Regular Meeting and Hearing of the Board of Appeals

BACKGROUND/INFORMATION:

This item contains Meeting Minutes Draft for Board of Appeals review and approval.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend the Board of Appeals review and take action on the item presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. BOA07262021
2. BOA07262021 - Hearing (BA.21-01)
3. BA. 21-01 - DECISION - JULY 26, 2021

REVIEWED BY:

Randy Richards, Building Official
Paul Hackleman, Director of Public Works
Terri Johnson, Interim City Secretary
Approved as to form for inclusion on Agenda

Approved - 9/23/2021
Approved - 9/24/2021
Final Approval - 9/24/2021

**MINUTES
BOARD OF APPEALS
REGULAR MEETING
JULY 26, 2021
CITY COUNCIL CHAMBER, 7105 WHITLEY ROAD
10:00 A.M.**

CALL TO ORDER

Mayor Art Miner called the meeting to order at 10:08 a.m.

ROLL CALL

David Villafuerte	Place 1 – Absent with notice
Mary Stormer	Place 2
Glenn Knight	Place 3
Joy Longerbeam	Place 4 - Absent with notice
Leah Chauvin	Place 5

and

Shawn Fannin	Fire Chief
Randy Richards	Building Official
Paul Hackleman	Director of Public Works
Andrea Gardner	City Manager/City Secretary
Jeannette Garcia	Planning and Zoning Coordinator

And

Mayor Art Miner

REPORTS

1. Introductions of Randy Richards, Building Official, and Brian Hatfield, Fire Marshall

NEW BUSINESS

1. Discussion and action on Selection of Officers

a) Chairperson

Member Chauvin nominated Member Villafuerte as Chairperson. Member Knight seconded the motion. Nomination was unanimously approved.

b) Vice-Chairperson

Member Stormer nominated Member Knight as Vice-Chairperson. Member Chauvin seconded the motion. Nomination was unanimously approved.

c) Secretary

Member Chauvin nominated Mary Stormer to serve as Secretary. Member Knight seconded the motion. Nomination was unanimously approved.

With the conclusion of the selection of officers, Mayor Art Miner stepped down to allow the Vice-Chairperson, Glenn Knight to continue meeting in the absence of Chairperson, David Villafuerte.

APPROVAL OF MINUTES

1. Approval of minutes from September 24, 2018, Regular Meeting

Member Stormer made a motion to approve the minutes from September 24, 2018. Member Chauvin seconded the motion, which was approved unanimously.

ADJOURNMENT

With there being no further business to discuss at this time, Vice-Chairperson Knight adjourned the meeting at 10:16 a.m.

APPROVED: this the _____ day of _____, _____.

SIGNED: this the _____ day of _____, _____.

APPROVED:

David Villafuerte, Chairperson

ATTEST:

Secretary

**MINUTES
BOARD OF APPEALS
REGULAR MEETING – HEARING
JULY 26, 2021
CITY COUNCIL CHAMBER, 7105 WHITLEY ROAD
10:30 A.M.**

CALL TO ORDER

Vice-Chairperson Glenn Knight called the meeting to order at 10:33 a.m.

ROLL CALL

David Villafuerte	Place 1 – Absent with notice
Mary Stormer	Place 2
Glenn Knight	Place 3
Joy Longerbeam	Place 4 - Absent with notice
Leah Chauvin	Place 5

and

Shawn Fannin	Fire Chief
Randy Richards	Building Official
Paul Hackleman	Director of Public Works
Andrea Gardner	City Manager/City Secretary
Jeannette Garcia	Planning and Zoning Coordinator

And

Mayor Art Miner

ACTION ITEMS

1. Discuss and consider action on request from Birdville ISD (BISD) to rule IBC 2018, Section 423 related to storm shelters for new buildings and construction, does Section 423 apply to the Modular Complex installed at Watauga Elementary in August 2020

The City of Watauga Board of Appeals, met to review an appeal submitted by Birdville Independent School District (BISD) against the decision of the Building Official and Fire Official related to IBC 2018, Section 423, storm shelters.

Member Chauvin made motion to approve in favor of the appellant that Section 423 does not apply to the Modular Complex installed at Watauga Elementary School in August 2020. Member Knight second the motion. With there being no further discussion, Vice-Chairperson Knight called for a vote, with members present voting as follows:

AYES:	Stormer, Knight, Chauvin
NAYS:	None

ABSENT: Villafuerte, Longerbeam
ABSTAIN: None

The motion carried 3-0-2-0.

ADJOURNMENT

With there being no further business to discuss at this time, Vice-Chairperson Knight adjourned the meeting at 12:10 p.m.

APPROVED: this the _____ day of _____, _____.

SIGNED: this the _____ day of _____, _____.

APPROVED:

David Villafuerte, Chairperson

ATTEST:

Secretary



BOARD OF APPEALS

DECISION

BOARD OF APPEALS MEETING: July 26, 2021

BOARD OF APPEALS CASE NO: Board of Appeals Case BA. 21-01

The City of Watauga Board of Appeals, met to review an appeal submitted by Birdville Independent School District (BISD) against the decision of the Building Official and Fire Official related to IBC 2018, Section 423, storm shelters. The Board made motion to approve in favor of the appellant that Section 423 does not apply to the Modular Complex installed at Watauga Elementary in August 2020

DECISION OF APPROVAL OR DENIAL:
APPROVAL 3 DENIAL 0

COMMENTS:

(REQUIRED FOR DISAPPROVALS)

Absent with notice

Place 1 – David Villafuerte

A handwritten signature in blue ink, appearing to read 'Glenn Knight'.

Place 3 – Glenn Knight

A handwritten signature in blue ink, appearing to read 'Leah Chauvin'.

Place 5 – Leah Chauvin

A handwritten signature in blue ink, appearing to read 'Mary Stormer'.

Place 2 – Mary Stormer

Absent with notice

Place 4 – Joy Longerbeam