

**Item #2a**

**Approval of Minutes**

**BUILDING AND STANDARDS COMMISSION**  
**February 7, 2008**  
**6:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:59 p.m., with the following members present: Chairman Art Ruff, Vice Chairman David Marlett, Steve Markee, Larry Ewing, Kristen Minth and Ken Sterling. Ken Szolosi was absent.

II. CONSENT ITEM

The Commission unanimously elected to approve the minutes from the meetings held on October 11, 2007 and November 8, 2007. Commission will postpone approval of the June 14, 2007 minutes until the March 2008 meeting.

III. PUBLIC HEARING AGENDA

Chairman Ruff declared the public hearing opened.

The following case was heard:

a. **BSC-2008-01 for 135 Rolling Meadows Cir.**

David Gonzales approached and gave a brief history regarding the property in question. He asked that the Commission consider the recommendations of Staff as detailed on recommendations form.. See packet. The owners did, on good faith, hire a company to come in and try to eliminate and prevent standing water. He stated that the standing water leaked down onto the adjacent property of a nearby owner. The building of the pond is capturing all the water, and the leak is at the center of the pond where there is a large amount of standing water on the complainant's property. This is a floodplain. David has numerous photos to clarify the location of the property line, the location of the banks, etc. The Code Enforcement Department went out to re-inspect the property after more than 90 days had transpired, and confirmed that the standing water still existed at that time. It is the contention of the Code Enforcement Dept. that the pond is still leaking.

Chairman Art Ruff asked for any questions.

David Marlett stated the aerial photos show possible foliage, which would be evidence of moisture patterns dating back several years. He asked if there were other permitted ponds in the area with similar issues. David Gonzales answered that the city does not issue pond permits.

Ken Sterling asked if the topical map indicated that the water would flow onto the complainant's property, even if the pond was non existent. David Gonzales stated that this was possible , but it would not become concentrated on a single area. He went on to

say that the soil on the top of the slope was dry and at the bottom of the berm, the soil was a different color indicating moisture.

Chairman Art Ruff asked for the property owners to come forth.

Michelle and Marc Nelson of 135 Rolling Meadows Circle approached and proceeded to give a detailed timeline regarding the measures they have taken to remedy the problem. Michelle Nelson stated that they have contacted numerous organizations, but no one will say for sure whether or not the pond is actually leaking.

Chairman Art Ruff asked if the Commission had questions.

Kristen Minth asked if the individuals they had been in contact with were able to offer any guidance or perspective as to what action should be taken, or perhaps they have references available that they could give to the Nelsons.

Chairman Art Ruff asked if a site plan or survey or water flow study had been prepared before the pond was built.

They answered that the pond has been built and rebuilt. They simply went with the recommendations that were given to them.

Larry Ewing asked if the second contractor had furnished any type of compaction reports.

Mr. Nelson said nothing of the sort had been given.

Ken Sterling asked how much time had lapsed before there was an issue. Ms. Nelson state that the pool was rebuilt in 2005, but it never filled up because of the drought situation. The complaints came about last Fall.

The Commission entered into a brief discussion regarding toxicity levels, elapsed time spans, and the possibility that perhaps more time is needed for the bentonite to take effect.

Scott Pettigrew of 700 Davis Drive approached and begins to detail the soil conditions of his property which is near the property in question. He stated that the pond will never stop leaking, and this spring, there will be a terrible mosquito problem because of the standing water that has flooded his property repeatedly. He stated that the sprinkle method is for areas where you know exactly where the leak is, and that is why it has not worked. He would like to see the Nelsons drain the pond until the Summertime.

Chairman Art Ruff asked for clarity regarding how much history Mr. Pettigrew has observed. Mr. Pettigrew commented that the pond has flooded his property every year for the last several years.

Kristen Minth asked if Mr. Pettigrew had noticed a difference since the bentonite had been put in. He stated that he has seen no difference.

The Commission entered into a discussion regarding what Mr. Pettigrew would like to see happen in order to fix the issues at hand.

Leonard Lynskey 2760 Rolling Meadows Rd., stated that in 2007 there were heavy rains, and the only question should be whether the water that is draining onto Mr. Pettigrew's property now is coming from the pond.

Chairman Art Ruff asked if there were comments from staff. There were none.

The public hearing was closed.

The Commission entered into a brief discussion, regarding the usage of dye to indicate a leak. Chairman Art Ruff suggested that the Commission table this matter until the March 6, 2008 meeting. In the meantime, the Nelsons should have the proper experts investigate to determine where the leak is coming from.

Chairman Art Ruff motioned to table this matter for 30 days; during which time a dye test will be performed to determine where the leaking is coming from. The property owner will be required to come back before the Commission at the March 6, 2008 meeting and if at the time, the origin of the leak has not been located, the Commission will enter a new ruling as to what additional steps should be taken. Larry Ewing seconded the motion. The motion was passed with a unanimous vote of 6 to 0.

The following case was heard:

**b. BSC-2005-02 for 303 E. Rusk St.**

Cliff Griffin gave a brief history of the case in question beginning with when it received landmark status back in 2003. The Code Enforcement Department is not concerned with the condition of the inside at this time. The main concern is with the unsightly appearance of the outside of the building. He described various repairs that are needed. The Staff is asking for minor repairs to bring the building up to the standards of the Property Maintenance Code. See Staff recommendations.

Chairman Art Ruff asked for questions from the Commission.

Property owner, Vickie Lall 9191 Garland Rd. Dallas TX., representing His Covenant Children, approached and offered some clarification as to the current condition of the building. She acknowledged that the building does need to be painted, there is no heat or water. She stated that the doors will be replaced eventually, so any upgrades done to the building at this time would be for appearance only.

Nickie Watts approached and stated that up to this point, all the work has taken place on the inside in order make the building structurally sound and secured. She stated that although progress is slow, work is ongoing.

Kristen Minth asked who was financing the project. She asked if there was a functioning church within the facility. She stated that the main sanctuary is not in use at this time, but the downstairs is open to the public.

Vickie Lall stated that His Covenant Children is the owner of the building.

The commission entered into a brief discussion with Ms. Lall and Ms. Watts regarding previous orders of the Board, and what their expectations are for upcoming repairs.

David Gonzales recommended that the Commission order the owners meet with the Code Enforcement Dept, city attorney, and possibly the building inspectors on February 11, 2008 at City Hall in order to discuss in depth what exactly that needs to be done. He commented that this matter should be tabled for 30 days until the March meeting.

David Marlett motioned that this item be tabled for 30 days, during which time the owners will meet with Staff to discuss moving forward with compliance of this property as suggested by Pete Eckert, the City Attorney. Steve Markee seconded the motion. Ken Sterling stated due to the fact that 20 years has elapsed since this property was purchased, he is not in agreement with the decision to table the matter.

The Public hearing was closed.

The motion was passed with a vote of 5 to 1.

Larry Ewing motioned to dismiss. Chairman Art Ruff seconded the motion. The motion was passed with a unanimous vote of 6 to 0.

#### IV. ADJOURNMENT

Larry Ewing motioned to adjourn. Chairman Art Ruff seconded the motion. The motion was passed with a unanimous vote of 6 to 0.

The meeting adjourned at: 10:36 p.m.

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Commission Chairman

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Commission Recorder

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Date

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Date

**Item #2a**

**Approval of Minutes**

**BUILDING AND STANDARDS COMMISSION**  
**March 13, 2008**  
**6:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:42 p.m., with the following members present: Chairman Art Ruff, Vice Chairman David Marlett, Kristen Minth, Ken Sterling, and Ken Szolosi. Larry Ewing was absent.

II. CONSENT ITEM

The Commission unanimously elected to approve the minutes from the meetings held on June 14, 2007 and February 7, 2008.

III. PUBLIC HEARING AGENDA

Chairman Ruff declared the public hearing opened.

The following case was heard:

a. **BSC-2007-02 for 5702 Ranger Dr.**

Anna Ankrum approached and stated that this case is a continuation of the February 7, 2008 meeting. She gave a brief summary of the property in question.

David Marlett asked what repairs are outstanding. Anna Ankrum stated that the retaining wall still needs to be addressed. Cliff Griffin commented that the rebar still sticks out on the side, and that a balcony or railing needs to be installed on the upper floor. He went on to say that the structure is still open to rodents.

John Ankrum stated that there is not currently, nor has there been for several years, a building permit to repair this structure. He agreed that the Building Inspections Department could not release this structure for occupancy in its current state.

Chairman Ruff asked for the owner of the property to approach. No response. Cliff Griffin stated that the appropriate notice to appear was mailed to the owner.

John Floeter, 5442 Ranger Drive; Rockwall; Chairman of the Environmental Committee for the Chandlers Landing HOA approached. He gave a detailed report of the repairs that are needed. He stated that although engineered drawings have been submitted, they still need to be approved by the City. He went on to say that the HOA has asked the owner to hire a competent builder to complete the home, but to this date, this has not been done. The HOA had hoped that the owner would be at the meeting to provide some information, but in light of her failure to attend, they would like to see her ordered to appear before the Commission every 30 days until compliance is completely met.

The Commission entered into a brief discussion with Mr. Floeter, during which ownership and the status of the estate was questioned, as well as whether or not there were any existing liens on the property.

Mr. Floeter stated that the owner's plan as stated is to repair the property and then sell it.

The public hearing was closed.

Pete Eckert, City Attorney, suggested that the Commission as per the evidence, find the building to be substandard at this meeting, and then order the owners to appear at a Show Cause hearing before the City Council on April 7, 2008, to show why the building still exists in its current state. Kristen Minth made the motion as per Pete's suggestion. Art Ruff seconded the motion. The motion carried, 4 in favor of, with 1 member abstaining.

The following case was heard:

**b. BSC-2008-02 for 221 Dartmouth Dr.**

Anna Ankrum approached and gave a brief history of the property in question. Staff found the property to be in violation of the Property Maintenance Code. (See recommendations).

Ken Sterling asked if removal of the retaining wall is the only solution. John Ankrum stated that there are other possible solutions, but the owner would be required to submit plans for those alternative solutions in writing to the Building Inspections department.

Bill Watts 221 Dartmouth; Rockwall TX approached and briefly summarized a history detail of the property in question. He stated that he has been trying to comply since 2004. He stated there is no way to drain the back yard without adding fill dirt. Chairman Ruff asked what type of drain Mr. Watts would use. Mr. Watts stated that a 4 inch pipe would be used, but at this time, all work has been halted until the Commission resolves this case.

The Commission went into a brief discussion with Mr. Watts regarding adjustments to the property, flow of water, and other drainage issues.

David Marlett pointed out that the Commission's issue at hand is the retaining wall, and flow of and pooling of water onto the neighbor's yard.

Kristen Minth asked if there was an HOA in this area. Watts stated that there is not.

Tarina Balch 219 Dartmouth approached and stated that there are draining issues on both sides of her property, but on the side adjacent to the property in question, the water stands and pools, causing mosquitoes, her fence to rot, and a bit of a shift in her foundation. She stated that her father is the owner of the property, and she rents from him. She stated that he has not been at the property for several years, but he is aware of these proceedings.



The Commission entered into a brief discussion with Ms. Balch regarding origin of the drainage problem and the existence of the shared fence and retaining wall. Chairman Ruff asked if anyone else wished to speak

Peter Wyman 2315 Graystone, Rockwall, TX, approached (he is the stepfather), and stated that there used to be a swell that ran the length of the property, but with the fence being installed, the land is like a swamp area. He stated that all they want is to have the drainage issues resolved. He stated that at this time, finances will not allow them to fix the problem, which is why they have turned to the City.

Chairman Ruff asked if anyone else wished to speak. Mr. Watts stated that his property drains directly into the street.

Public hearing closed. The Commission entered into a discussion with Staff regarding the absence of a swell and the change in grade.

Chairman Ruff made a motion for the Commission to allow Mr. Watts 2 weeks, by March 27, 2008, to have a professional engineer look at the drainage problem and design a plan to correct it. By May 8, 2008 the issue must be resolved, a status report must be supplied to the city, and if not, Mr. Watts must reappear at the May 8, 2008 meeting.

Ken Szolosi seconded the motion, which carried unanimously with a vote of 5 to 0.

**c. BSC-2008-01 135 Rolling Meadows Cir.**

David Gonzales approached and gave a brief summary of the property in question. He also reiterated the Orders of the Commission at the February 7, 2008 meeting. (See previous orders). He stated that the blue dye test had been completed, and that test indicated that there is definitely a leak.

Chairman Ruff asked if there were questions from the Commission. There were none.

Michelle and Marc Nelson of 135 Rolling Meadows approached. Michelle Nelson stated that they are leaning towards trenching and cutting the damn. David Marlett asked what their preference was, and she stated that they would like to trench the damn, if it was at all fiscally reasonable. Ken Sterling asked Staff what day they were notified by David Gonzales that the blue water existed. David Gonzales stated that he phoned on Feb 11, 2008 and left a message that the blue dye was visible. Michelle Nelson stated that although you can see the dye on the damn, it is not visible in the pond.

Scott Pettigrew approached and stated that the blue dye is visible for 280 feet. He commented that he would appreciate it if the Commission would resolve the issue quickly, because Spring is fast approaching, and then the problems will be compacted.

David Gonzales stated that when he went out on Feb 9, 2008, the first day that the water was noticed, there were three puddles where the water was concentrated.

The Commission entered into a brief discussion with Mr. Pettigrew. There being no more questions, the Commission discussed possible solutions.

Chairman Ruff suggested that the previous orders of the Commission be modified. The Nelsons approached and proceeded to answer questions asked by the commission.

David Marlett recommended a two-step process during which the Nelsons drain the pond within a two week period, and then the second step would be left up to the owners as to how they would proceed. Since the pond would be dry, it would be easier to determine whether or not any additional measures should be taken. Chairman Ruff stated that the evidence as presented tonight indicated a blue dye, which in turn indicated that there is a leak. The blue color was not in fact a reflection of the sky.

Kristen Minth and Ken Sterling agreed that the Commission does not want this problem to linger past an additional thirty days.

Chairman Ruff asked for any additional comments from the Commission.

David Marlett made a motion which ordered that by March 27, 2008, the owners present the city with a plan that complies with all applicable regulatory standards, is satisfactory to Staff, and can be completed by the May 8, 2008. Ken Szolosi seconded the motion. If the owners believe that this plan cannot be completed by the May 8, 2008 meeting, they are ordered to appear at the April 10, 2008 meeting to request additional time to comply. The motion passed with a vote of 5 to 0.

**d. BSC-2005-02 303 E. RUSK ST.**

Cliff Griffin approached and gave a brief history of the property in question. He also presented the Commission with paperwork that was received late this evening.

Vickie Lall, 9191 Garland Road; Dallas TX, approached and presented photos of a church group that is assisting with repairs. She stated that she is currently looking for someone to restore the doors according to historical guidelines. She stated that it will probably be several months before the doors are installed, but that she wants to show the Commission that they are currently trying to raise the funds to proceed with the repairs.

Chairman Ruff stated that the Commission is right now only concerned with the exterior appearance of the building. He asked what the plan was for raising funds, and whether or not there is a plan currently in place so that all of the exterior issues can be remedied. Vickie Lall stated that she is currently trying to get grants to fund the repairs. Chairman Ruff stated that the Commission is looking for a more concrete timetable as to when the exterior could be completed. Ms. Lall stated that the work could probably be completed within 60 days.

Cliff Griffin pointed out that the Fire Codes require hardware on all doors for the simple fact that there must be a way to enter and leave the building since there are volunteers inside working.

Ken Sterling asked how many of the repairs outlined in the Commission's last order have been completed. Ms. Lall stated that none of those repairs have been completed.

Chairman Ruff entered into a brief discussion with Ms. Lall to clarify ownership, non-profit status, and the presence of any additional board members.

Chairman Ruff asked if there were others in the audience who wished to speak. There were none.

Public hearing was closed.

Chairman Ruff made a motion for the owners to have the repairs completed by May 15, 2008, as outlined in the letter mailed to the owners on Feb 15, 2008. In the event that the repairs are not completed, civil penalties in the amount of 50 dollars a day will accrue beginning May 16, 2008. Ken Szolosi seconded the motion. The motion passed with a vote of 4 to 1.

#### IV. ADJOURNMENT

Chairman Ruff motioned to adjourn. Kristen Minth seconded the motion. The motion was passed with a unanimous vote of 5 to 0.

The meeting adjourned at: 11:02 p.m.

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Commission Chairman

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Commission Recorder

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Date

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Date

**Item #2a**

**Approval of Minutes**

**BUILDING AND STANDARDS COMMISSION**  
**May 8, 2008**  
**6:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:36 p.m., with the following members present: Chairman Art Ruff, Vice Chairman David Marlett, Kristen Minth, and Larry Ewing. Ken Szoliso and Ken Sterling were absent.

II. CONSENT ITEM

The Commission unanimously elected to postpone the approval of the minutes from the meeting held on March 13, 2008.

III. PUBLIC HEARING AGENDA

Chairman Ruff declared the public hearing opened.

The following case was heard:

a. **BSC-2008-02 for 221 Dartmouth Dr.**

Cliff Griffin approached and gave a brief summary on the property in question and mentioned that this case is a continuation from the last meeting held on March 13, 2008. Chairman Ruff asked for the owner of the property to come forward.

Bill Watts of 221 Dartmouth, Rockwall, TX approached, as did Laura Watts. Mr. Watts asked for a copy of the city engineer's memo, and was given one by Cliff Griffin. Chuck Todd, City Engineer and Mr. and Mrs. Watts briefly discussed the memo.

Mr. Watts gave a detailed history of the issues surrounding the property in question. Chairman Ruff asked Mrs. Watts if she wished to speak. She approached and stated that the neighboring property has had drainage issues from day one, and that there was never a swell on that property. She questioned why her engineer's report was not acceptable to the city. Mr. Griffin stated that the report was not rejected, but it is the city's contention that since the issues were caused by the retaining wall, then the party who placed the non-permitted wall there, should assume responsibility for any problems caused by their actions.

David Marlett asked if Mr. Watts accepted his engineer's report as to how to remedy the drainage issues of 219 Dartmouth. Mr. Watts answered that he accepted his engineer's report as submitted.

Chairman Ruff asked if it is necessary for all retaining walls to be permitted. John Ankrum stated that a building permit is needed. He went on to explain that the city's

response to the fact that the shed and fence and retaining wall were erected without the proper permits being in place, was to red tag the structures and to instruct the owner to go to the city to pull the appropriate permits. The Commission went into a lengthy discussion regarding the permitting process, and the violations in question.

Tarina Balch of 219 Dartmouth, Rockwall, TX approached. She stated that the engineer who supplied the report to the city, never actually came onto her property. Therefore, she does not understand how he was able to make a true assessment of the issues at hand. She went on to say that water stands on her property for days at a time because it cannot drain. Instead, it pools and stands for days at the property line, which in turn causes mosquitoes and other problems.

Kristen Minth asked how long Tarina Balch lived on the property. She stated that she has lived there 4 years. Kristen Minth asked if there was a swell on the property previously. Tarina Balch answered that there is definitely a difference since the wall has been put in. There is no longer a swell on her property.

David Marlett asked Tarina Balch if she had a problem with Mr. Watts coming onto her property to repair the damage to her property. She answered that she does not.

Chairman Ruff asked if anyone else wished to speak.

Pete Wineman, Tarina Balch's stepdad approached and stated that the ordinance states that such changes cannot be made without a permit, and Mr. Watts violated the city ordinance by doing so. He stated that a three foot retaining wall and an eight foot fence is what Mr. Watts has placed on his property. Mr. Wineman gave an emotional recap of the events that have led to the current state of the property, stating that these issues have lingered on for the past two years.

Raymond Schooler of 2301 Pebblevale Drive; Suite 2011, Plano, TX; (professional engineer) approached and stated that it is the grade of the lot, and not the retaining wall that impedes the drainage of water.

Kristin Minth asked if the dirt that would need to be moved in order to put in a retaining wall would alter the swell. Mr. Schooler stated that the water flows into the swell just as it did before; it just is not flowing out to the front of the property. He stated that the problem is that it does not flow out to the front. Kristi Minth contended that when the dirt was moved, the swell was ultimately altered, and it should be up to the person who removed the swell to fix the problem. The Commission entered into a discussion concerning the movement of dirt, the swell, and possible solutions to the problems on this property.

Chairman Ruff asked if there were additional questions from Staff. There were none.

Kristen Minth and Mr. Watts discussed placement of the fence, the retaining wall, and ponding issues on the property in question. Mr. Watts gave a detailed description of what

the actions he has taken to remedy the standing water problem. Kristen Minth stated that in truth, a man made feature was put into something that altered a God created, natural flow. She stated that something that Mr. Watts created simply needs to be maintained since it was essentially altered by him in the first place, and went on to say that the Commission is merely asking for the ponding issues to be corrected.

The public hearing was closed.

The Commission entered into a brief discussion.

David Marlett made the following motion: Mr. Watts is hereby ordered to install a drain pipe with catch basins on the property at 219 Dartmouth, starting at 10' from the rear fence, all the way to the front of the property where it will tie into Mr. Watts existing drain pipe and be carried on out to the street. Mr. Watts is to present a drawing of the drain system to the Building Inspections Department for Mr. Chuck Todd to review. The Building & Standards Commission will levy civil penalties of \$100.00 per day starting June 1, 2008 if Mr. Watts has not complete the installation of the drain pipe by May 31, 2008. The maintenance of the drainpipe that Mr. Watts installs on the property at 219 Dartmouth will be the responsibility of the homeowner for that address. Larry Ewing seconded the motion. The motion carried unanimously 4 to 0.

#### IV. ADJOURNMENT

Chairman Ruff motioned to adjourn. Kristen Minth seconded the motion. The motion was passed with a unanimous vote of 4 to 0.

The meeting adjourned at: 8:40 p.m.

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Commission Chairman

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Commission Recorder

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Date

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Date