



City of Columbia, Missouri

Meeting Minutes

Building Construction Codes Commission

Monday, March 27, 2023
4:30 PM

Council Chambers

I. CALL TO ORDER

I. CALL TO ORDER

MR. CONNELL: March 27th, 2023, Building Construction Codes Commission meeting will come to order. I'm going to call the roll. Starting with Mr. Weber.

MR. WEBER: Here, yes.

MR. CONNELL: Here and yes. Fred Malicoat?

MR. MALICOAT: Here and yes.

MR. CONNELL: Brian Connell is here and yes. Jonathan Trunk?

MR. TRUNK: Here. And I guess I'm voting.

MR. CONNELL: Yes.

MR. TRUNK: Yes.

MR. CONNELL: We'll need you to vote. Richard Shanker?

MR. SHANKER: Here, voting.

MR. CONNELL: Kas Carlson?

MR. CARLSON: Here, voting.

MR. CONNELL: Doug Muzzy?

MR. MUZZY: Here, voting.

MR. CONNELL: Okay. So it's also important to announce that we have seven Commissioners present this evening, so the rules of order state that if we have eight -- is it eight or less?

MR. SIMON: If we don't have at least eight --

MR. CONNELL: If we don't have at least eight Commissioners present, and you don't find favor with the verdict from this -- this afternoon's proceedings, you have the opportunity to return, so it takes six -- six members -- we have an 11 member Commission, it takes six to pass the -- pass the appeal. Remember that because we're short the eight, you have the opportunity to return. Very good.

City Staff Present:

John Simon

David Brockhouse

Present: 7 - Kas Carlson, Brian Connell, Fred Malicoat, Douglas Muzzy, Richard Shanker, David Weber and Jonathan Trunk

Excused: 15 - Jay Creasy, Robert Jackson, Matthew Young, Austin Tipton, Andrew Wallace, John Neyens, Christopher Howe, John Page, Ray Kaisher, Amy Barrett, Trevor Kilgore, Scott Wallace, William DeYoung, Kyle Saunders and Jim Dove

II. APPROVAL OF AGENDA

III. APPROVAL OF AGENDA

MR. CONNELL: I called the roll. I would like to

ask for a motion and second to approve the agenda.

Mr. Weber?

MR. WEBER: This is Dave Weber. I'll refer to myself as D.W. moving forward. I would make a motion to accept the Agenda.

MR. CONNELL: Do we have second? Anybody?

MR. MUZZY: Sure. Doug Muzzy, second.

MR. CONNELL: Thank you, Doug. All in favor of approving the Agenda, say aye. All opposed?

(Unanimous voice vote for approval.)

MR. CONNELL: Hearing none, the Agenda is approved.

Motion to accept the Agenda.

III. APPROVAL OF MINUTES

IV. APPROVAL OF MINUTES

MR. CONNELL: Let's take a look at the -- the last time we generated meeting minutes was August 22, 2023. I need a motion and a second to approve the minutes as published. Mr. Weber?

MR. WEBER: D.W. I make a motion to approve the Minutes.

MR. CONNELL: Second?

MR. CONNELL: Mr. Carlson.

MR. CARLSON: I second the motion to approve the Minutes.

MR. CONNELL: All in favor of approving the minutes as published, say aye. Any opposed?

(Unanimous voice vote for approval.)

MR. CONNELL: Hearing none, the minutes are approved as published.

Motion to approve the Minutes.

IV. NEW BUSINESS

A) 304-306 Loch Ln-Lack of drywall on garage ceiling

Attachments: [304-306 LOCH LN-GARAGE CEILING](#)

V. MR. CONNELL: With that, I believe we move right on into the Appeal. Everybody can read it on the screen, but I'm going to go ahead and recite it. This is an appeal application to the Building Construction Code Commission, legally described -- let's see. Notice of appeal from the decision of Code official in regard to the following described property in the City of Columbia, County of Boone, State of Missouri. Legally described as Horton, Margaret J. Trust, and known as 304-306 Loch Lane. Applicant requests a variance of ruling with respect to

the above described property. On the 27th day of March, said Code official disapproved garage, lack of drywall on ceiling. Reason for such action was that fumes from running car could enter residence, which does not comply with Section 703.2 of the building code as adopted by the City of Columbia, Missouri, which provides or requires that, and that was left blank. A copy of the notice of said official is hereto attached. The basis for this appeal as permitted by the International Building Code, as adopted by the City of Columbia, is -- and the two boxes that are checked here are the provisions of the code do not fully apply, an undue hardship is created by strict compliance with the letter of the code that has no significant effect on the health, safety, and welfare of the public or any individual. In parentheses, it says attach a cost estimate for hardship encountered. Applicant is requesting a variance, a ruling, or both in the way of carrying out the strict letter of the code because the house was built in 1959 and has never had drywall

on garage ceiling. It has always passed inspections in the past including from the same inspector. It is extremely expensive. Contractor says it was not built to have this done. Applicant is proposing waive, which I assume means to waive the requirements for the garage ceiling. The name printed is Mike Thompson. The name of business requesting the variance is -- is that MJH Enterprise, 311 Windham Court, Jefferson City, Missouri 65109, et cetera. Would the applicant (Mike Thomson) like to come forward and speak? I think we'll need you to swear in, anybody else that wants to speak.

MS. EDWARDS: Yes. David Brockhouse and Mike Thomson Please raise your right hand.

(Witness sworn.)

MR. CONNELL: You may proceed.

MR. THOMPSON: My name is Mike Thompson. As you have heard, that my mother actually bought this house about 25 years ago. It's -- it's never had drywall in the ceiling. And I don't know if it was inspected at the time of sale or not. I don't know if that's required, but it's

always been this way. And so, like was said, it has always passed inspection until this time around. And as you can see, it is prohibitively expensive. That's about three times my budget a month, and it looks like from the estimate that the -- it starts at \$8,000 and then more has to be moved, including the electrical and plumbing has to be moved around to accommodate that because you have to have access to it. And so it's quite labor intensive. In fact, he said he didn't even know how exactly he was going to do it all. And if you saw the -- I don't know if you all saw pictures or not, but it's a very low ceiling. In fact, the garage door is -- is just inches from the top. And so that's why things would have to be moved to get drywall up there. Like I said, it's very labor intensive. This is the only gentleman I could get to come out to look at my place. The other places I've called said they wouldn't do it. They weren't interested. It would be a while before this gentleman could even come out and do it. And -- but like I said, it's -- it's beyond my budget to begin with.

And if you have any questions for me or not.

It's just a very big expense. It's never been this way since the house was built, and it's required now. And so that's what I really don't understand. How could it have passed all these times if it is an actual danger to someone, you know. And I -- I can't tell you that I know one way or the other about gas going through the floor and penetrating into a living environment. I don't know about that. But I have been in construction for 30 years. I do have garages without drywall on the ceiling, also at another house that I own, but that's obviously not this one. But I understand -- I have not seen the code, but I have to trust you individuals that that is the code, obviously. I understand that. I'm not disputing that. It's just that it's never had drywall in there before, and all these years, it's passed. There's been no problem. That's why I would like to appeal to you.

MR. MUZZY: Is this a rental, or is it a duplex, it sounds like?

MR. THOMPSON: It is a duplex rental, yes,

sir.

MR. MUZZY: And is the attic above the garage common to the house? Open the garage and go above the house, it's --

MR. THOMPSON: The garage on one side, you can only access through the back, through the garage door. There is no other entrance to the house.

MR. MUZZY: Is it attic space above the garage?

MR. THOMPSON: Okay.

MR. MUZZY: Attic space all tied together

MR. SHANKER: I think Mr. Muzzy is wanting to know what's above the garage.

MR. THOMPSON: There is living space above the garage.

MR. THOMPSON: Yes.

MR. SHANKER: Is it a bedroom above the garage?

MR. THOMPSON: Yes.

MR. SHANKER: Are your -- do you have smoke detectors and CO detectors throughout the house?

MR. THOMPSON: Yes.

MR. SHANKER: Are they wired? Are they
isolated? I mean, are they hard wired or not?

MR. THOMPSON: Battery. All of them are
battery.

MR. SHANKER: Okay. And are you going to
distribute those pictures so we could take a look
at them, please? Yeah. Give them to me and I'll
pass them, please. Thank you.

MR. CONNELL: Any other questions while we're
- I have one. Brian Connell. Approximate size--
are there two garages, one garage?

MR. THOMPSON: Two garages.

MR. CONNELL: Do both of them lack a
ceiling?

MR. THOMPSON: Yes.

MR. CONNELL: Approximate size of these; one
car, two cars?

MR. THOMPSON: One car.

MR. CONNELL: Okay.

MR. THOMPSON: One garage -- if you would
let me add. One garage on the one side has a
door that goes into the basement. The other

side doesn't have a basement, it's just a garage.

MR. SHANKER: Being a -- Rick Shanker. Being a landlord, a lot of times we find that things pass one time and don't pass another time, and a lot of us are subject to that. Having said that, are you familiar with the fact that there are smoke, CO detectors that are electrically operated, but have a remote that can be used that doesn't require wiring to it, and is that something that the code official would accept in lieu of sheet rocking?

MR. THOMPSON: I was not aware of them, but I can --

MR. SHANKER: They're UL approved, and again. John, would -- is that something that's acceptable or not?

MR. SIMON: I'm going to defer to David on that.

MR. SHANKER: Okay.

MR. SIMON: This is rental property, and he's representing neighborhood services.

MR. SHANKER: I understand.

MR. BROCKHOUSE: Right now, with the precedent

that it would set here and in the future, and the safety, I can't allow that myself right now. I'm just basing it on the code, and was just going to leave it as clear as that right now. If there's any compromise, then it will need to be decided on amongst you.

MR. SHANKER: This is a UL approved appliance, and this is not something we're coming up with. This is used all the time or -- and I assume somebody would know this. Is it CO comes out of the car, or is that some other kind of gas that comes out of a car? Carbon dioxide that comes out of the car, or is that CO?

MR. WEBER: CO.

MR. SIMON: So -- so I think what David is stating is the code requires the sheetrock. We -- here's the 55 code that the dwelling was built under. It's up on the board. So any variance from that would have to be something approved by the BCCC, not by staff.

MR. SHANKER: Thank you.

MR. WEBER: So one of the things that confuses me about this, I was thinking this

-- you know, the same thing Doug was, is can we separate this and is it a horizontal issue, but I did not know -- I'm not familiar with the layout, right? So when I heard that there's a bedroom above -- of course, CO is an odorless, tasteless whatever -- gas that's deadly. And when I see this fire resistance requirement that's retrospective, right -- since we're in the property maintenance code now, I do love the 1950-whatever BOCA. It's awesome to see because I know -- did you get that from the library or was that the City or the County.

MR. SIMON: Actually, -- that's in our archives.

MR. WEBER. Yeah. That's -- that's cool. but I think even with the code that requires it, since we're in property maintenance code, it requires it, and I see that as a fire requirement because that wouldn't stop CO any more than plywood would, because it's not like it says it has to be an air barrier. And so, to me, this seems like a fire requirement. And so I'm just trying to get off center and distill the issue. It looks like this is a fire separation issue. So if we start

talking about CO, I think we're talking about the wrong thing. So to be -- if we're talking about accepting alternate solution -- alternate solution for a fire barrier. That's my only comment.

MR. SHANKER: Aren't there, John, houses being built on walkouts that are unfinished in their basement; they're totally exposed with wood? And aren't there garage door - double garage doors where people park their lawn mowers, et cetera, right now?

MR. SIMON: So garages are required to be separated from the dwellings.

MR. SHANKER: Garages --

MR. SIMON: So -- so if they have a garage in the basement, it would be required to be separated from the dwelling with sheetrock on the -- on the framing members.

MR. SHANKER: But the fire hazard still exists whether there is a garage down there or not because it's all exposed wood to Mr. Weber's point?

MR. SIMON: I guess I don't see the correlation. The requirement is that garages be separated from the dwelling, not that the

basement be separated from the rest of the dwelling. So that's what the notice of violation was for, for not having the attic with separation.

MR. MALICOAT: D.W. is correct. It's a fire separation rather than a CO. One little story, I had an employee and his wife die. Their garage was sheetrocked, but the engine was running and they were overcome by carbon monoxide. Another issue I saw in the pictures was a water heating sitting -- it looks probably on the garage floor. And there's an 18-inch requirement that any fuel burning appliance be up off the floor for 18 inches because it's a hazardous area. If there was a gasoline fume leak, that could explode in that area. And there was a furnace, too, so if the combustion takes place lower -- 18 inches or lower, it's a hazard.

MR. WEBER: And so, you know, I was just using common sense. I don't know, like you do, Fred, but -- so, to me, it's, like, as all this history, and you can't deny that in what he's saying. I totally get what he's saying is that,

why now, and it happens all the time for our body, right? So, to me, I'm having a hard time wrapping my mind around what would be an alternative solution to the fire separation besides a fire separation, because an alarm doesn't make a fire separation. And so -- so I'm just -- and I'm not -- that's not my expertise, but I'm just trying to figure out the elements of this case so I can make a logical decision. But how does an alarm or an argument about some other room -- fire separation requirements that's existed since 1959. It's hard for me to wrap my mind around that. That's just a comment, but if this discussion..

MR. CONNELL: The one thing that might be an option. There are products out there intumescent coatings that can be sprayed or brush or roller applied to the underside that lends a certain amount of fire resistance, if that's what we're looking for. It wouldn't necessarily require the membrane, the board ceiling and would give the applicant perhaps an opportunity to look to see if there was another option than taking down all of the electrical and all the mechanical,

installing a sheetrock ceiling. I'm just speculating; I'm not sitting here suggesting that the intumescent coatings are the way to go. Anybody else?

MR. WEBER: But, you know, maybe even you could get a thin gunite coating, you know the concept, just some sort of gun applied or liquid applied -- the problem is usually those are usually with a UL rating, and you have to have the backing that's a certain thing, and that creates complexity for him because he's got to hire somebody that has the expertise. That's -- I'm just having a hard time wrapping my mind around besides a three-quarter hour rating, it's a fire issue, not a --

MR. CONNELL: I know there are -- and I'll get to you here in a second. A lot of these products come in five-gallon buckets. There would need to be some substrate applied, but I guess it's a matter of discussion with City staff whether they would consider allowing this.

MR. SIMON: Simply required.
The code simply required a three-quarter hour

separation. How that separation is achieved by what means and method we're going to be okay with as long as it meets the three-quarter hour requirement. Is the garage being used as a garage?

MR. THOMPSON: Yes.

MR. SHANKER: Once again, according to the fire officials that aren't here, I think if a house is not occupied and there's a fire and the house burns down, I think this is life safety, as well as fire. And so I would like to make a motion to approve this based on installation of a complete CO-fire alarm system, just to get this thing off dead center. So my motion is, grant the motion or the appeal based on installation of a CO-fire alarm system for not only the garage, but throughout the house or duplex.

MR. CONNELL: He can second it.

MR. WEBER: I second that motion to bring it to --.

MR. CONNELL: We have a second. Now is there discussion?

MR. SHANKER: And according to what you said, whether this passes or doesn't pass, the applicant

could still come back based on the fact there's not enough people here; is that correct?

MR. CONNELL: That is correct.

MR. SHANKER: Just so you know what's going on.

MR. CONNELL: Any other --

MR. MUZZY: So one more question. I take it, I think you said, that they use it as a garage. I mean, it wouldn't have value if you wall it off, I guess, and not have a garage, and be fine. It might be cheaper than --

MR. THOMPSON: Oh, yeah. No doubt it would be. Mike Thompson. I'm sorry.

MR. MUZZY: Right. But you lose the parking, so --

MR. THOMPSON: No doubt it would be cheaper to wall it off. In fact, that's quite easy to do. But one side is a really nice garage and they use it all the time. The other, it's kind of intermittent. In fact, most of the time, he doesn't use it, but there is some times that he does. When he goes out of town, he puts his car in the garage.

MR. MUZZY: I did note that, so --

MR. SHANKER: So there's two garages, not one? Okay. I'd like to call the question. And, I think I need to withdraw my motion. I thought it was one garage. The problem is if the power goes out on one side, and it's not occupied, and that's what's powering the system, then there's a fault. Does it work? So I'm going to withdraw my proposal.

MR. D.W.: No. I'm perfectly good with Rick withdrawing.

MR. SHANKER: I'll withdraw my motion.

MR. CONNELL: Okay. So I think -- I think we have a motion to withdraw.

MR. WEBER: I would second that. Yeah.

MR. CARLSON: Are these garages interconnected?

MR. THOMPSON: They are.

MR. CARLSON: Is the reason this passed because of one garage or because of both garages? I don't know if that was brought clear or not, because both garages --

MR. THOMPSON: Both garages, in fact.

MR. CARLSON: From a different level

separated, not connected, but both garages have to have the same or they are connected side by side?

MR. THOMPSON: They're connected side by side, separated by a wall. Mike Thompson. And, in fact, the one garage does not have living space above it. It doesn't have a bedroom above it. It's --

MR. CARLSON: But they are connected?

MR. THOMPSON: They are connected. Only one side has --

MR. CARLSON: By a wall of sheetrock or nothing?

MR. THOMPSON: Correct. A wall with sheetrock.

MR. CARLSON: I don't know if that was clear or not. I just wanted to make sure we were clear on if the garages are connected or separated by a wall with sheetrock and that's it.

MR. WEBER: Could you pop that street view up again? So -- so one of the garages has a bedroom over it, and the other garage has what over it?

MR. CONNELL: I'm not sure which dwelling it is. Somebody point out which -- I punched in 306 Loch Lane, but it didn't look like.

MR. THOMPSON: Go left.

MR. CONNELL: Okay. What?

MR. THOMPSON: That's it right there.

MR. CONNELL: This one?

MR. THOMPSON: Yes.

MR. SHANKER: So one garage has --

MR. CARLSON: So it's around back?

MR. SHANKER: -- a bedroom. So you go around, and the one garage has a bedroom. What does the other garage have over it?

MR. THOMPSON: The unit you see on the left has a garage directly underneath it, and the only access to that garage is through the garage door. The unit on the right has a garage, and it also has a full basement underneath that with a garage door that separates the garage from the basement.

MR. D.W.: So they both have living areas above the garages?

MR. THOMPSON: Living area, yes.

MR. D.W.: Okay. Got it.

MR. CONNELL: So as I understand it, we're back to square one. Doug Muzzy?

MR. MUZZY: Yeah. One more question. So as a rental unit, this gets inspected every three

years?

MR. MUZZY: Do you know how many times it's been inspected before -- I don't know when that process started.

MR. BROCKHOUSE: I inspected it at least the last two inspections.

MR. SHANKER: One more thing. The reason why my idea won't work is because if one side goes out and somebody parks a car in there, you could still have fumes from one side leak into the other with no protection. If you had a house meter, I'd say my suggestion is viable. That's a problem. You would have to have two separate systems, and I don't know if the board would go for that.

MR. CARLSON: Single meter or double meter? This house has one electric meter or two?

MR. BROCKHOUSE: I'm going to kind of repeat. I thought by common sense this is not gas problem, this is a fire separation problem. Why we keep talking about COs (and gas barrier, trying to parse out what the real problem is.

MR. CARLSON: One other thing, in the code on fire separation, does this fall under a problem

with fire separation because we've been talking about CO. You've inspected it and in the rental code, does fire separation dictate that this needs to be sheetrocked? We need to know that, right?

MR. SIMON: So the property maintenance code requires that the fire resistance ratings under which the dwelling was built be maintained. And so we dug up the '54 BOCA which was in force during that time, and it, in fact, does require that fire barrier. It reads, "Private garages located beneath a one- and two-family dwelling or attached thereto shall have walls, partitions, floors and ceilings separating the garage space from the dwelling constructed of not less than three-quarter fire -- hour fire resistance."

MR. CARLSON: So it should have been done in the beginning.

MR. SIMON: Should have.

MR. CARLSON: It wasn't done.

MR. SIMON: Correct.

MR. CARLSON: It's been inspected every six years since the City began inspecting rental properties. It's come up again, and this time

it's been caught because of this fire separation, and that's where we're at right now. I just want to make sure we're clear on that.

MR. SIMON: It sounds accurate. I can't speak to how long it's been in the rental system.

MR. CARLSON: Fine. We didn't ask how many times that it had been inspected or how many times it had been missed, but here we are.

MR. SIMON: Okay.

MR. CARLSON: Okay. So I wanted to make sure it's all laid out and we had the stats in front of us.

MR. WEBER: That's one thing I hadn't thought about. When did -- do we know how long this has been a rental?

MR. THOMPSON: At least the 25 years or so my mother has owned it.

MR. MUZZY: Are the other houses in this neighborhood the same? I mean, is this a -- like, a huge problem, or is it for some reason one snuck through? Do we have a -- do we have an idea of what -- you know, I've been in a lot of old houses where you drive down into the garages that have no

drywall, you know, in Columbia. But, I mean, it's not unusual, right? You probably see it. Yeah. You probably see a lot of older homes.

MR. MUZZY.: Well, I'm trying to come up with some solution that makes sense for this situation -- what did we say -- '59? I assume from when it was built. I'm just trying to come up with some reasonable solution. It provides enough life safety, you know.

MR. SHANKER: To chime on Doug's point of view is, this is done in '55. Who knows if Kenneth, Victor or anyone was around then to inspect. It may have not even gotten inspected. Maybe it did. But I agree with you. There are other houses on Loch that are that floor -- that footprint. If you put those on the screen again, you can see some of them, that may have the same problem throughout Columbia. So I suggest that the applicant may look at -- withdraws his case for today, and looks at alternative means. I don't want to set a precedent by -- one way or the other. And it's life safety, it's not fire safety. Fire is, we're worried about people getting burned.

We're worried about life safety more than protecting property.

MR. BROCKHOUSE: It does matter if it's a rental in a lot of ways because you get people in and out of there, and they're not as maybe potentially familiar with the property, you have to get out of there quickly, and that's kind of why these get inspected with that more -- you know, motels are the same way, -- we're just not making this up. There is a difference if someone has lived there a long time versus you have a renter come in for a year. They're not as familiar with the property and so that's kind of why the system is that way, so it's not like it's out to get you, but it's for safety reasons.

MR. SHANKER: By the nature of a duplex, it's property management. You can't have two owners in a duplex. That would be a condo; isn't that correct? So if I own a duplex, and I live on one half, and I rent it out to someone else on the other half, doesn't that fall under property management?

MR. SIMON: I don't understand the question.

MR. SHANKER: The question is, I own a duplex.
I live on one half. I rent it to you on the other
half.

MR. SIMON: Okay?

MR. SHANKER: Am I subjected to rental rules
in the City of Columbia?

MR. SIMON: Yes. You're subjected to rental
compliance, yes.

MR. SHANKER: So by nature of the fact that a
lot of these houses that John has just put on the
screen, these are duplexes. These all could be
subject to this if they're not sheetrocked. So
what I'm trying to get at is, do we want to open
this box of worms up without a solution that Doug
might -- was trying to offer?

MR. CONNELL: Any other comments, questions?

MR. CARLSON: I'm not sure we're opening up a
precedence on this. I think each property rests
on its own merit here. We can pass or deny him
because of this property, and somebody comes in a
month later with another one, we're going to have
the same issue up. And we're going to be handing
a get out of jail free to every single person who

doesn't have sheetrock in their basement in a garage. I don't think we are.

MR. MALICOAT: I'm going to make a motion to deny the appeal.

MR. WEBER: Second.

MR. CONNELL: Discussion?

MR. MUZZY: Is there an alternative that would provide an additional fire notice, fire, you know, that would protect the occupants without having to install the drywall?

MR. WEBER: And I think that's the alternative compliance we need to be talking about. What is the fire thing we can do that is acceptable life safety wise for him to get around the three-quarter hour separation, and I just don't know what that is.

MR. MALICOAT: I just remind you, it's not our job to solve the problem, but to point out that there's a danger, and it needs to be fixed.

MR. WEBER: And we always find ourselves in these do-gooder situations trying to -- we know things, and we're trying to help, and that's not our job, so --

MR. CONNELL: This -- so we have a motion and a second. Brian Connell. I would like to say, I want to remind the applicant that you have a couple of options here. You could ask for us to table this while you look for alternatives to a sheetrock ceiling. I'm not sure withdrawing it is an option, is it?

MR. CONNELL: But, of course, you -- again, I cited this before. There are not eight members present, so if we vote unfavorably for you, you have the opportunity to come back.

MR. WEBER: I think that we could withdraw the motion if he wants to withdraw his appeal request.

MR. SHANKER: That's correct. We've done that in the past, if the applicant wants to withdraw.

MR. SIMON: So when eight qualified commissioners are not present to consider a specific appeal, either the appellant, the building official, or their representative may request a postponement of the hearing. Determining vote, failure to secure six concurring votes shall be deemed a confirmation of the decision of the building official except that the

appellant shall be entitled to further hearing before a full commission if there were not 11 qualified members present when the vote was taken. I think that answers your questions.

MR. MUZZY: And, again, I'll reiterate my other question. Is it even an option for the applicant to withdraw his -- not to ask for postponement, but to withdraw the appeal?

MR. SIMON: Certainly.

MR. SHANKER: So when you're saying withdraw the appeal, are you saying that he is going to just comply, or is he withdrawing it for now, just so he knows -- so Mike knows what he's up against.

MR. CONNELL: I'm being very specific. There's a difference between asking to table it or postpone it, and withdraw it. If the applicant chooses to

withdraw his appeal, in my mind, that means that he's going to back and he's going to work with Mr. Brockhouse to resolve the issue in some way that's compliant with the code.

MR. SHANKER: Do you understand this, because if you don't, now is the time to ask questions?

MR. THOMPSON: I do, but I want to make sure that there is an alternative before I leave you all, if there's an alternative, so a spray or a coating or something that delays this fire deal.

MR. CARLSON: We cannot come up with that for you. We can either approve or deny in our vote. We cannot come up with an alternative for you. We don't solve your problem.

MR. WEBER: I'm confident there is. The problem is, is how you find that and show them the right info. There is something out there, trust me. It's just -- that's paint or gunite applied system. There has to be something acceptable that you can prove.

MR. CONNELL: Hearing no further discussion, we have a motion and a second to deny the appeal.

MR. THOMPSON: No. I mean, if there's -- if there's no alternative to putting something in there, I really don't understand. I mean, if there is an alternative, I would like to pursue it, and if it would be okay, but, you know, if I go pursue an alternative and I spray the stuff in there that

delays it, and it still doesn't pass because it has to be drywall, I'm back to square one.

MR. CARLSON: You would decide what your alternative is. You would present it to the inspectors, who would either tell you that will be okay or not. You would not have to come back in front of us if you did that. So whatever you decide to do as an alternative, you would bring forth to them to make sure they approved it before you did it.

MR. SHANKER: Yeah. Before you do it.

MR. CARLSON: Before you do it. You go, here's what I want to do, will this pass. Yes or no. You're not in front of us anymore.

MR. THOMPSON: I ask that question now of them?

MR. CARLSON: You can ask that question now.

MR. SIMON: I don't know what kind of product. And John Simon.

MR. CARLSON: Yeah.

MR. SIMON: You would have to come up with a plan for how you intend to get the three-quarter rating, and once you come up with a plan, yeah, we're happy to take a look at it and say yes or no,

and if it meets our requirements, certainly. I'm not positive what that product is, but along with D.W., I agree it is available. I just don't know if the expense is any less or more or that sort of thing.

MR. CARLSON: That's not for us to judge.

MR. SIMON: No, it's not. So there's probably a product out there you can use that would meet your needs.

MR. THOMPSON: I would like to pursue that.

MR. SIMON: You know, and it could be a mix match. It could a portion of it with sheetrock, the easier parts to get to, and the rest of it, I mean, you can line the joists with sheetrock. You -- that gets time-consuming, but you can line both sides, put it on floor, all sorts of different things you can do, so --

MR. CARLSON: So it's coming down to you are going to let us say yea or nay, or you're going to withdraw, come up with an alternative way for you to present to the City to approve. It's your choice. You can ask us to vote, or you can withdraw. Is that where we're at?

MR. CONNELL: That is where we're at.

MR. CARLSON: That's where we're at. So we're just waiting for you to decide -- if we deny or approve you tonight when we vote, your choice is to come back to another meeting, or between you coming back to another meeting, have an alternative with the City to approve, and then you don't have another meeting. So make the call how you want us to do it.

MR. SIMON: So I just want to make sure, Mike, you understand. We'll meet with you any time or your contractor with whatever you propose. I mean, we want to be as helpful as we can. We just can't design it for you.

MR. THOMPSON: I don't have an answer either.

MR. SIMON: Yeah. No. I understand.

MR. CARLSON: John, does approval or denial put him on a different track, a different time element? If he called the vote, does he have any more time or any less time based on us, the way we vote?

MR. SIMON: I would let Mr. Brockhouse speak to that.

MR. BROCKHOUSE: So we can -- what you're

saying, because I'm a little confused. We can discuss options and see if we can get something worked out, and then if we do, we're good. If we don't, we come back; is that correct?

MR. CONNELL: Correct.

MR. BROCKHOUSE: So I would like to see if we can find some methods that will meet this requirement and see if we can get something worked out. I'm -- you know, I'd like to work with you and see what we can do.

MR. THOMPSON: Yeah. I would, too.

MR. WEBER: One thing you might consider, and I know this is self-serving to some extent. You might consider getting somebody who does this for a living to help you comply because it sounds like you're not sure and you may not want to just wing it but talk to people that do this every day. You might hire somebody to help you and just navigate that problem, solve it, but it would cost you money to hire that person, but that is a solution.

MR. CONNELL: Well, we're in a unique circumstance here because we do not have eight commissioners present this evening. You have

the opportunity, as John recited, from the ordinance to postpone, to ask us to postpone this hearing, or we can go ahead and vote, and if we vote no, because there aren't eight commissioners here, you have the opportunity to come back anyway.

MR. THOMPSON: Is there one that gets me more time than the other?

MR. CONNELL: Probably postponing.

MR. THOMPSON: That's what I would like to do then.

MR. CONNELL: He's not withdrawing, he's asking us to postpone that.

MR. CONNELL: Let's make a motion and act on it just because I'm not sure if we need one.

MR. CARLSON: I'm going to make a motion that we accept the applicant's proposal to postpone.

MR. SHANKER: I second postponement.

MR. CONNELL: Any discussion? I'm going to call the vote. So we have a motion and a second to grant the applicant the opportunity to postpone this hearing. I'm going to go down the roll here. Mr. Weber?

MR. WEBER: Yes.

MR. CONNELL: Fred Malicoat?

MR. MALICOAT: Yes.

MR. CONNELL: Connell, yes. Jonathan Trunk?

MR. TRUNK: Yes.

MR. CONNELL: Richard Shanker?

MR. SHANKER: Yes.

Mr. CONNELL: Kas Carlson?

MR. CARLSON: Yes.

MR. CONNELL: Doug Muzzy?

MR. MUZZY: Yes.

MR. CONNELL: Unanimous. You have the
opportunity to work it out with Mr. Brockhouse
or Building and Site.

MR. THOMPSON: I appreciate you all listening,
and it is quite nice to talk to people who know
what they're doing, so obviously you --

MR. CONNELL: You're welcome. Thank you.

Motion that we accept the applicant's proposal to postpone.

Yes: 7 - Carlson, Connell, Malicoat, Muzzy, Shanker, Weber and Trunk

Excused: 15 - Creasy, Jackson, Young, Tipton, Wallace, Neyens, Howe, Page, Kaisher, Barrett,
Kilgore, Wallace, DeYoung, Saunders and Dove

B) BRIEF REPORT OF THE AD HOC COMMITTEE

V. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

VI. NEXT MEETING DATE APRIL 24, 2023

VII. ADJOURNMENT

Meeting adjourned at 6:00pm

Members of the public may attend any open meeting. For requests for accommodations related to disability, please call 573-874-CITY (573-874-2489) or email CITY@CoMo.gov. In order to assist staff in making the appropriate arrangements for your accommodation, please make your request as far in advance of the posted meeting date as possible.

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