



# City of Columbia, Missouri

## Meeting Minutes

### Building Construction Codes Commission

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Monday, October 23, 2017  
4:30 PM

Regular Meeting - Revised

City Hall Conference  
Room 1A  
701 E Broadway  
Columbia MO 65201

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#### I. CALL TO ORDER

MR. PAGE: All right. We'll call the meeting of the Building Construction Codes Commission to order. Brian Connell forgot about it, but he is on his way, so I'll get it started and then when he gets here, he can take over.

**Present:** 11 - Kas Carlson, Brian Connell, Douglas Muzzy, Todd Noordsy, Richard Shanker, David Weber, Matthew Young, John Page, Josh Lehmen, John Neyens and James Watson

**Non-Voting:** 1 - Fred Malicoat

#### II. APPROVAL OF AGENDA

#### III. APPROVAL OF MINUTES

##### A. June Meeting

**Attachments:** [June 26, 2017](#)

. It looks like we have the approval of agenda, approval of minutes, and we have minutes from the June meeting and minutes from the August meeting, which, I guess, John, is that what you have got up on the screen or is it passed around?

MR. SIMONS: They were included in the agenda that was sent to you. There was a link to the minutes.

MR. PAGE: I was going to say, I didn't get it. I -- all I got was this.

MR. SIMONS: You did not get it?

MR. PAGE: All I got was this. I did not have a link to any minutes on my computer.

MR. SIMONS: In the e-mail, there was a link to the minutes. Did everybody read the minutes?

MR. PAGE: Did everybody see that?

MR. SIMONS: I'll pull up the agenda here.

MR. PAGE: The people that saw the minutes -- have seen the minutes, was there anything in them that stuck out or needed to be changed or anything?

MR. SIMONS: So do you see these links identified as attachments in the agenda that was sent out?

MR. PAGE: Oh, okay. It's there.

MR. SIMONS: It was in there.

MR. PAGE: I'm used to seeing it up top, is what I guess what I was doing then.

MR. SIMONS: We've got a whole new staff, so --

MR. PAGE: Yeah. It changed, didn't it? I'll have to remember that. I kept thinking, I wonder why there's no attachment up here at the top. As you can see, I'm not computer savvy. I can get on a computer and print out, but that's about it. So, anyway, any -- any additions, deletions to the minutes, or any motion to accept the minutes? We'll take the June meeting first, the minutes from June 26. Anything with those? We'll entertain a motion to -- for the minutes then.

MR. NOORDSY: I vote to approve the minutes.

MR. PAGE: We have a motion by Todd. Do we have a second?

MR. WEBER: I'd second it.

MR. PAGE: Second by Dave Weber. All those in favor -- do we need to raise our hands for the minutes, John?

MR. SIMONS: Jose stated that you could do just a voice call for approval of minutes.

MR. PAGE: On the minutes. Okay. All those in favor of accepting the minutes, say aye. Any opposed?

(Unanimous voice vote for approval.)

**Motion to approve the minutes.**

**B. August Meeting**

**Attachments:** [August 28, 2017](#)

MR. PAGE: Okay. Now the minutes for the August meeting. It's August 28. Any

additions, deletions, or corrections to those? If not, we can entertain a motion for that.

Any motion for minutes?

MR. WEBER: I would make a motion to approve those minutes.

MR. PAGE: Dave Weber makes a motion to approve. Do we have a second?

MR. NOORDSY: I'll second it.

MR. PAGE: Todd Noordsy seconds it. All those in favor say aye. Any opposed?

(Unanimous voice vote for approval.)

**Motion to approve those minutes.**

#### IV. NEW BUSINESS

A. 205 E Nifong Blvd - Fuzzy's Taco Shop

Attachments: [Case #17-008](#)

MR. PAGE: Okay. We'll get into the new business, which is Fuzzy's Taco Shop.

And I do not have the appeal in front of me, so --

MR. SIMONS: I'll go ahead and put it up on the board.

MR. PAGE: You can put it up on the board. And 20 -- or 205 East Nifong Boulevard.

It looks like the reason for denial was the proposed seasonally enclosed patio area under the canopy does not comply with the building envelope requirements of the adopted energy code. And it looks like the basis for the appeal was the provisions of the Code do not fully apply, and the applicant is proposing adding insulated doors separating the compliant building envelope from the exterior seasonally conditioned patio area of the canopy. We can adequately isolate the spaces at times when the patio area is not conditioned, thereby taking every precaution to remain as energy efficient as possible for all foreseen operational scenarios.

Now, we need to do a swearing in of whoever is going to give this appeal and the City staff. Are you --

MS. BAILEY: I am representing the owner. I'm Tina Bailey; I'm with the architect,

Quincy Welch Associates.

MR. PAGE: Okay. And do you want to swear them and the City staff in, as well.

MR. SHANKER: Excuse me. May I interrupt. Why don't we swear in everybody that's going to testify today?

MR. PAGE: I think she is.

MR. SHANKER: Is she the only applicant today?

MR. PAGE: She's the only applicant. That's all -- that's all I see here.

MR. SHANKER: I thought there was another case.

MR. PAGE: No. Oh. That's the only case that's listed on here; isn't that right?

MR. SHANKER: Then I was mistaken. I apologize.

(Witness sworn.)

MR. PAGE: Okay. If you want to go ahead and state your case, that would be fine.

MS. BAILEY: Great. Thank you very much. If it's all right, I'm going to pass a couple materials around. This is in the Nifong Shopping Center and it's the former bank on the corner of the complex. So these photos are the existing or original bank canopy, the tellers, where you would pull under and originally have the --

MR. PAGE: This is by the Gerbes, correct?

MS. BAILEY: Exactly, yes. Correct. So, yes. It is next to the Gerbes. It's in the Nifong Shopping Center. It's the former bank. And the area in question is the bank canopy at the existing structure. Fuzzy's Taco Shop is a restaurant that is going -- proposing going into the space. They are wanting to enclose that area, or turn that into their outdoor patio area and part of their space. We started this back in 2015, at the end of the year in November, working with Steve MacIntyre and Planning and Zoning. We had a couple of preliminary questions that popped up immediately, and it had to do with that canopy. If it was enclosed as an addition, it was going to trigger and kick in landscaping, parking, and sidewalk compliance upgrades for the entire plaza that would fall on Fuzzy's

Tacos if that was considered an addition, because it would be increasing the square footage of the entire complex. That would not have made the project feasible for our client at all.

So, as I said, Steve is no longer with the City, but we worked with him through the end of 2015, November, and well into -- almost to the end of 2016, to come up with a solution, work with the civil engineer, and submit that, which was approved, which would not require -- we treat it as an auxiliary space, not putting any permanent walls around the canopy, and try to treat it as much as possible as a patio and outdoor space. So, that said, that was our taking-off point, and all of that was approved before we even started working on the project and the actual final -- permanent drawings for the building permit itself.

As we went through the review process, as it says, we ran into a questionable area as far as the energy code. The system that we discussed with Steve and Nina and other members at the beginning in 2015 was to do a retractable commercial canopy enclosure system. They are a 40-pound weight vinyl, heavy-duty, 80-mile-per-hour wind restraints, weighted bar at the bottom. It's actually an extruded aluminum track system, so there's nothing on the outside of the building. It goes down the sides where it's being mounted, and it has a coil system that's manual when they want to retract it. So it would remain down at portions of the time, what season, whenever weather permits, their plan is to leave it open and extend their seating. The space, if you saw plans ahead of time, inside, was limited as far as seating. It allowed them to expand their seating area and it does end up being a good portion of their seating and, again, was necessary for the project to move forward to be able to include that.

So as the energy code comes into play, the question came up with Nina. She was actually our plan reviewer for the project and we were working with her throughout it. First, she shows the civil plan and then the next is our plan with some elevations here, as

well, if you need to see. The area in question is right here. Here's the restaurant space, and here's the envelope. This is the canopy. On all three sides, we're proposing using a retractable canopy system. I'm going to start one over here, if that's all right. We're using that system to enclose the canopy.

The question came up during the review comments of how was the canopy going to meet energy code being a vinyl system. And although we went with the most heavy-duty and reliable system that we could find to satisfy that, as I mentioned, treating it as an auxiliary space, we did not have the option of actually enclosing that portion. We did insulate the roof, add a new roof, but being a bank canopy, it actually was just a metal panel system without an actual roof to it. We did sprinkler the canopy, and to protect that, we had to add insulation and conditioned the space, so if you condition seasonally whatever they need to be able to do that.

All of that said, the nature of the product being a retractable outdoor system, they do not actually have any proprietary testing on their product, or any others that I've checked into that actually have a definitive R value or a U value required by the energy code to prove its compliance. They do have testing showing that it is about 90 percent wind resistant and airtight. It is a 40-pound weight vinyl. Like I said, it is the -- the most substantial system that we could find. But they did say that the information they do have, it is equivalent to a single-pane glass as far as R value or U value. That is not going to pass energy code. We've tried checking with consultants and working around it to see if there's a way to improve it any other way besides what we did of adding insulation and everything else, but that's where it stands.

When you run a compliance check for the energy code, it comes back as undefined or undetermined, needing more information. The only way to enter information, if it's not through a proprietary method, is through -- the alternative method is to actually enter the R value for the system. Since that doesn't exist, we are kind of in limbo

between being able to qualify for the exemptions, which we halfway did, or being able to pass by providing the information that we needed, so we ended up in this gray area. Nina and the plan review department actually recommended applying for a variance as the next step to see if that was a possibility or how to move forward, because it was not in their authority to approve it as is.

And that's -- that's kind of where we are. If you have any questions or anything, or need additional information, I'd be happy to add it to this.

MR. PAGE: I guess I'll turn the floor back over to Brian Connell.

MR. CONNELL: Thank you, John.

MR. PAGE: Unless you want me to keep going. I just don't -- I don't want to overturn --

MR. CONNELL: That's fine. I just -- I apologize. I missed the first part of your testimony.

MR. PAGE: I'll go ahead and ask a question then.

MS. BAILEY: Sure.

MR. PAGE: Or maybe what I should do is ask for City staff's input or opinion or whatever of this.

MS. HENNKENS: Right. Well, based on the energy code, as Tina stated, it doesn't comply because they have the vinyl on the walls, even though they're putting insulation or adding insulation into the roof. I had asked for a compliance report and it just -- as she had stated, you know, it came back undetermined or undefined, and we use that to verify compliance. And then we'll, you know, if we need to drill down a little further, we do, but, you know, the concern is that it seems more than just a patio, you know. It's got duct work. It's -- it's heating and cooling year around. It's almost -- I don't know what the plan is that you guys saw, but it's almost all of their seating. So there's very, very little of it inside the old bank, behind the exterior walls. Almost all of the seating is under the

canopy. And that's the concerns that, you know, this time of year, you might be able to get away with having the -- the walls rolled up, but the heating and cooling is just going to pffff -- just right out the walls, and that's the concern.

MR. PAGE: Do you -- what's the -- speaking of seating, what is the seating inside the actual building and the seating in the canopy area?

MS. BAILEY: It's probably about a two-third, one-third breakdown, with two-thirds of the seating being in the canopy area.

MR. PAGE: And what's the overall seating capacity of the whole business?

MS. BAILEY: I believe we're at about 120 seats, total.

MR. PAGE: So roughly 80 would be outside, 40 would be inside?

MS. BAILEY: Correct. Correct.

MR. PAGE: And did I hear you say something about a sprinkler?

MS. BAILEY: Yes.

MR. PAGE: What -- would you repeat that again?

MS. BAILEY: We did sprinkler the canopy, as well.

MR. PAGE: Okay.

MS. BAILEY: It's a precautionary measure because we do have a large amount of seating out there. It is going to be used on a regular basis. It is intended and was presented at the beginning with zoning to be used full time, but to retract them and let it be an outdoor space with weather permitted, and to be able to condition it or enclose it. And we -- we opted, as opposed to having the patio heaters or things, you know, that you see, since we did want to provide a sprinkler system to have to actually condition the space, so there are rooftop units being added to the canopy to deal with that space.

MR. PAGE: You also mentioned you couldn't get an R value, but did I hear you say they did have a U value?

MS. BAILEY: No.



MR. PAGE: They did not have a U value?

MS. BAILEY: They -- they do not have any testing to verify it. They did say that it's equivalent to a single-pane window, which would not --

MR. PAGE: Virtually nothing.

MS. BAILEY: Yes.

MR. PAGE: Okay.

MS. BAILEY: But they have not done any testing to actually verify that.

MR. PAGE: Rick?

MR. SHANKER: Fred, is there any safety concerns for you besides energy from Fire?

MR. MALLICOAT: Do I need to swear in?

MR. SHANKER: Yeah.

MR. PAGE: Yes, you do, if you're going to --

MR. MALLICOAT: Well, I was going to -- before I do that, I'm not -- I haven't reviewed this. I'm not prepared tonight. From what I'm hearing, this is sprinkled space.

MR. SHANKER: So it's safe?

MR. MALLICOAT: Yeah, it's sprinkled.

MR. SHANKER: And, John, is there any other public hazard?

MR. SIMONS: No. We're only speaking to the energy efficiency.

MS. BAILEY: I did neglect to mention the building envelope we're not altering, and even though we're opening it up to the exterior, we're adding those doors, it does -- it is remaining the same, and it does pass energy code. It's the canopy itself as a separate item that does not.

MR. SHANKER: So this would be open so people -- like days like today, they could raise them?

MS. BAILEY: Days like today, yes, as opposed to --

MR. SHANKER: All right. Since there's no safety concerns with Fire or Public Safety, I recommend that we pass this variance.

MR. PAGE: Okay. We have a motion to approve. Do we have a second? We have a second. Rick Shanker made the motion. Matt Young seconded. Is there any further discussion? Now, is everybody clear on who is voting? Are we clear on that, John?

MR. SIMONS: Actually, no. Because we have --

MR. PAGE: Okay.

MR. SIMONS: -- three alternates present. We have twelve members here, with three alternates. Eleven can vote, so you could have two alternates voting that have put on here that they're not voting. I'm sorry. There's only two. It's between Josh and Fred.

MR. SHANKER: Who got here last?

MR. SIMONS: John is voting. John is voting. John Neyens is an alternate for -- for Drew, so --

MR. PAGE: John is --

MR. WEBER: Fred opened the door for me, so I --

MR. SIMONS: Oh, is that Muzzy?

MR. WEBER: Yeah.

MR. SIMONS: Yeah. You didn't mark yours, so I was right. So we have -- so we have three alternates here, two of which can vote per the ordinance. I just need to know which two those are going to be.

MR. PAGE: So, John is one of them, Fred is one of them, and Doug?

MR. SIMONS: John is already acting as an alternate voting for Drew.

MR. PAGE: Okay. So, it's just between Fred and Doug then; is that --

MR. SHANKER: And they both could vote.

MR. SIMONS: Josh Lehmen, Fred Mallicoat, and Doug Muzzy.

MR. PAGE: Okay. So Josh is sitting at the table.

MR. SHANKER: So Fred bowed out.

MR. MALLICOAT: I'll opt out.

MR. SIMONS: Okay. So Josh --

MR. PAGE: So those that are sitting at the table are the ones that are voting, okay?

MR. WEBER: I have a question.

MR. PAGE: Yeah. And we're in that discussion phase, so --

MR. WEBER: I was kind of trying to discuss before we made a motion, but -- so I'm just trying to understand and maybe Nina and John can help me understand. When I see these places, like, what's the 44 Stone that has the tent areas and they're out there all the time, and it was some other areas that were downtown that got bought and now there's the giant building there. I -- I thought, in just trying to apply common sense, which I know doesn't really work with code speak, but I had no idea that those were ever -- would be, nor would ever be considered or attempted to be energy code compliant. It's a tent. And so why -- I'm just trying to understand how these other tents happened without having this same problem. Why is this different than these other tent structures that we see in town, just because I don't understand?

MR. SIMONS: I can speak to the one that was downtown. You're just speaking of CC's City Broiler --

MR. WEBER: Yeah.

MR. SIMONS: -- which was erected without a permit originally.

MR. WEBER: I see.

MR. SIMONS: And then -- and then it was -- so it was meant to be a temporary structure, as well, and it was heated with just one of those simple standalone gas burner heating unit.

MR. WEBER: Like the little mushroom propane heater deals?

MR. SIMONS: No. This was more of a tower that was meant for -- for that purpose, but -- and we had one on top of Harpo's for a while during the winter months, so I

understand what you're saying. Typically, those sorts of structures are temporary in nature and not run off rooftop units that build the HVAC system.

MR. PAGE: So if they -- if they don't have -- if they're not trying to heat and cool them, that changes things?

MR. LEHMEN: Or if they're heated a propane heater?

MR. SIMONS: If it's a temporary structure and you're using a propane heater for temporary stuff, then we just look at it differently than we would a full-time usage part of the building.

MR. PAGE: Something where they're using the building unit. All right. Any further discussion? Go ahead.

MR. WATSON: So this is a -- it's sprinkled, it's a wet sprinkler system; is that right? So this -- kind of going on -- this is going to be heated full-time always. It has to be. I mean, there is no seasonal use to it really at all. You can open it when the season allows, but you've got to heat this thing because we have a sprinkler system. Is that -- is that -- do I understand you correctly?

MS. BAILEY: I'm not aware to the precise, you know, temperature, so there is a wide window to where there would not be a possibility of freezing, you know, obviously, throughout the year. And at those times, I don't believe that it would have to be conditioned or actually have any of those systems running at that time.

MR. WATSON: Uh-huh. But, I guess, the use, this is the majority of their dining space, like you said.

MS. BAILEY: Yeah.

MR. WATSON: So they don't plan on shutting this down?

MS. BAILEY: No. No. They do not. They do plan to continue on operating it throughout the year.

MR. WATSON: Throughout the year then, they plan on using it.

MS. BAILEY: Correct.

MR. WATSON: How big are the rooftop units they're heating this with; do you know?

I don't see where --

MS. BAILEY: There are three five-ton units.

MR. WATSON: Okay.

MR. PAGE: Okay.

MR. LEHMEN: So the temporary walls, I guess, is it a true statement to say that we're using those temporary walls, because if you used more of a permanent structure, you would fall into additional sidewalks and parking lots, if those code restrictions weren't there, the requirements weren't there, you would put --

MS. BAILEY: That's what was driving the design from the beginning and --

MR. LEHMEN: You would put more of a permanent system in and --

MS. BAILEY: Yes. The owner would have been open to doing that if it was a possibility or allowed.

MR. LEHMEN: Sure.

MR. PAGE: Any further discussion?

MR. NEYENS: I've got two questions. Did you do any type of energy analysis? Obviously, on a day like today when you've got the windows -- you're saving energy as compared to some day it's conditioning. Did you do any type of hourly analysis over the year to show that in the end you're neutral to a polar condition?

MS. BAILEY: We did not quite to that level, no. A lot of it was information provided by the manufacturer we have worked with before, but it's -- it is being used in a slightly different manner than it typically is, so it wasn't apples to apples to be able to do a -- an accurate analysis or a cost effectiveness for the entire year.

MR. NEYENS: Okay.

MS. BAILEY: We've seen the system used elsewhere. It is, like I said, an extruded

aluminum track. It is a gas-heated system in that track, and it is a weighted bar at the bottom with a sweep at the bottom, as well. And it is a -- I mean, it -- like I said, we don't have tests to prove it to be able to run it in the energy code, but it is a very airtight system even though, obviously, you will have penetration and some loss there. It is sealed as best as this system is going to allow it to be.

MR. NEYENS: And the other one is given -- I have limited experience with this group. How lenient have we been on requests to not follow the energy code? I mean, is this --

MR. PAGE: I don't know if we can answer that.

MR. SIMONS: I don't that we've had a variance to the energy code.

MR. PAGE: Rick?

MR. SHANKER: The fact of the matter is, this is a gray opportunity that we haven't even had one like this. But here's someone who wants to have a business, and we'd be cutting back on two-thirds of their opportunity to have a business. So in answer to your question, we haven't had this. Typically, we pretty much go with the codes.

MR. PAGE: Dave?

MR. WEBER: John, I've got to tell you, I asked that same kind of question when I first started, and at that particular time, it was Darrell Koepe (phonetic) kind of gave me tongue lashing about grandfathering and how that doesn't exist with this body and it never should and we should look at every case on its basis. And it's hard, as human beings, not to consider similar things, like I was just asking about similar things. But, in theory, we're supposed to be very objective and look at each case on an individual basis and not grandfather or think that anything sets any precedent.

MR. PAGE: I think, typically, public safety is -- we definitely -- just like Rick was asking, you know, what public safety, does it have problems it would pose for that, you know. So I think we look at that harder. Any other questions, comments, or

discussions?

MR. LEHMEN: You want physical barrier between the interior and the patio space?

MS. BAILEY: Yes. We are adding additional landscaping. Physical barriers,  
whereas --

MR. LEHMEN: Like a door; is there a physical door with a lock?

MS. BAILEY: Yes. Correct.

MR. LEHMEN: So it would be a separate HVAC system on the inside?

MS. BAILEY: Yes. Yes. Separate system inside, yes. And not tied together at all.

The duct work does not pass from the interior to the exterior.

MR. PAGE: Yeah. Because it says you're adding insulated doors that separate --

MS. BAILEY: We kind of came to a point in the review process where this was going  
to be our hiccup and they recommended going for a variance, but as part of wrapping up  
those final comments with the final review order, we also were adding, because at first it  
was going -- considered being open for a while, and during the review process, we did.

MR. PAGE: Right.

MS. BAILEY: And then we'll ultimately have a pair of insulated doors separating the  
interior portion of the building from the canopy area.

MR. PAGE: Any other questions, comments, or anything discussion-wise? Okay.

Well, everybody knows who's voting, correct? Is there any question about who's voting?

Okay. And we have to have a show of hands, correct, John?

MR. SIMONS: Roll call.

MR. PAGE: Roll call. Okay.

MR. SIMONS: Yeah. Would you like to use this sheet?

MR. PAGE: All right.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr.**

**Shanker,**

**Mr. Noordsy, Mr. Carlson, Mr. Muzzy, Mr. Page, Mr. Young. Voting No: Mr.**

**Weber, Mr. Lehmen, Mr. Watson, Mr. Connell, Mr. Neyens. Motion carries 6-5.**

MR. PAGE: So six to five, six yes votes, five no votes. It passes. We've got six positive votes. It passes.

MS. BAILEY: Okay. Thank you very much for your time, everyone.

**Motion to approve.**

**Yes:** 6 - Carlson, Muzzy, Noordsy, Shanker, Young and Page

**No:** 5 - Connell, Weber, Lehmen, Neyens and Watson

**Non-Voting:** 1 - Malicoat

#### **B. Fire Department Discussion on Stage Canopy Permit Requirements**

**Attachments:** [KLANCE Unlimited Letter RE: Mobile Stage Independent Inspections](#)

MR. PAGE: Okay. That was A. B is the fire department discussion on stage canopy permit requirements. So, Brad, do you want to go ahead and take off with that?

MR. FRAIZER: Yeah. So the adoption of the 2015 Fire Code is a new -- there's some new language that requires, basically, a third-party inspection of any stage -- stage canopy over 400 square feet. And the language, I think, John -- John has got it up here on the -- on the board. This -- so this is what's come into question. And just a little background. We -- we talked to Thumper Entertainment, owners of the Blue Note, basically anybody that we had contact with that puts on large events that have a stage and stage canopies; let them know that this was coming, so it wasn't a surprise. What was a surprise was when it came to getting an independent approved agency to inspect the canopy after it was erected or to make sure that it was erected according to plans, we got a letter from Clancy, and let me explain that real briefly.

So in the case of -- well, Thumper Entertainment, who puts on Roots'N'Blues and the Blue Note have the same setup. They hire Puzzle Productions to put the shows on, and then Puzzle Productions hires Clancy, which is a stage provider, a separate agency. Clancy -- so Clancy provides the stages for Roots'N'Blues Barbecue, Summerfest, and some other events. This letter is from their vice -- Clancy's vice president, and it says



that they're not able to find a qualified independent inspector in our area. So that letter is dated August -- as you can see, August 24th this year. I called Dave Weber, because I wanted to get -- I wanted to get feedback from an engineer to see -- because we -- we had some internal discussions. And I didn't feel like we -- I was in a position to determine that that letter is accurate or not, and someone could do it or they couldn't, because I'm not an engineer.

I know Dave, so I called him. He was deployed to Houston for the hurricane. I talked to Dave's partner and he granted -- and he did not -- and he -- he was very up front about this. Without having the opportunity to look at the stage and what it involved, he thought it might be something they could do, but -- so that -- then -- I mean, that, to me, created a situation where we needed to get clarity. We didn't have a lot of time to go any farther to get in front of this Commission to get some direction, so we came up with a plan to get through Roots'N'Blues and Barbecue and Summerfest to have a qualified person -- the most qualified person who could sign off on it on these stages and stage canopies.

But I wanted to get before you guys and explain the situation and get some guidance on how you want to proceed. Do we -- do we need to modify the language of the code? Is this accurate? Is it -- can -- do we think that someone here can inspect these stage canopies? If we think it's more specialized and we believe that's not possible, then we probably need to consider modifying the language.

MR. PAGE: So it's either don't inspect them or hire a local engineer to inspect them; is that correct? Does that tie --

MR. FRAIZER: Yeah.

MR. PAGE: Or change the language?

MR. FRAIZER: Yeah. That's right. It doesn't have to be an engineer, either. It can

be a qualified person. There's actually -- I can't think of the name of the organization, but there's -- there's an organization of stage people that puts on inspection classes. You can get a certificate and then you're -- you're determined to be qualified. It also mentions that an engineer -- an engineer is not necessarily -- you don't have to be an engineer to do that, but it stands to reason that an engineer is probably going to be the most obviously qualified.

And so to answer your question, if someone is locally qualified to do it, in this case, they said they're going to have to fly somebody in from the West Coast, it's going to cost about -- they said it was going to cost several thousand dollars to do that. They thought it was unrealistic, an undue hardship. So then we're left with, well, okay, we don't have a qualified person per the code language. We had to come up with an alternative.

MR. PAGE: Rick?

MR. SHANKER: Muzzy, Todd, and I really feel horrible now that we went to this thing because it may not have been safe. Now, having said that, why can't Simon or one of his crew do it? I mean, why can't we just say they are qualified.

MR. FRAIZER: If you look at the language, it says it's got to be an independent --

MR. SHANKER: They are independent from Thumper Productions.

MR. FRAIZER: Hang on. Let me look at the language.

MR. SIMONS: Do you want me to blow it up a little bit?

MR. FRAIZER: Yeah. Where is the language about the third --

(Several people talking)

MR. WEBER: Right down there. It's --

MR. SIMONS: I think it's back to right here.

MR. WEBER: -- approved agency or individual.

MR. SHANKER: I think we, as a municipality, can do that. We can assign

someone who we think is qualified to do such an examination.

MR. FRAIZER: Right. There's -- hang on. There's another -- where is the third-party thing?

MR. SIMONS: Well, it says qualified independent approved agency individual.  
Independent would --

MR. FRAIZER: Independent, yeah.

MR. SIMONS: Independent, would --

MR. FRAIZER: Independent of the --

MR. SIMONS: Meaning third party.

MR. FRAIZER: Yeah.

MR. SHANKER: So why -- why isn't the City of Columbia's Public Works Department independent of Thumper Production? I mean, let's try and make it simple versus \$3,000 to get some guy from the West Coast.

MR. WEBER: I can easily answer that.

MR. SHANKER: What I'm asking is, and legal is not here to say can we do this or does it a -- is it a Council thing or does anyone know?

MR. PAGE: That might be a question for the legal department. Dave Weber might --

MR. WEBER: The Code -- the Code is really clear with the responsibilities of the City's inspections. They're not. It's really clear. A lot of people think that -- the Code is really clear of what the responsibilities of a municipality when it comes to inspecting. They're not.

MR. SHANKER: Excuse me a second, though.

MR. WEBER: They're not responsible. It says that in the Code specifically.

MR. SHANKER: Any municipality can either adopt, reject, or modify any part of the Code, period.

MR. WEBER: Right. Right.

MR. SHANKER: Is that right? So if legal needs to be involved with this, let's get legal and take it off of our shoulders, but I think that's the simplest.

MR. WEBER: I don't think you understood what I said. You were asking if the City could do a special inspection, and they can.

MR. SHANKER: They can or cannot?

MR. WEBER: They explicitly say in the Code that they're really not responsible for these inspections.

MR. SHANKER: Excuse me. You, sir, are not listening. We do not have to accept it. We can modify or we can change part of the Code.

MR. WEBER: Oh. You want to change the Code, is what you're saying. Okay.

MR. SHANKER: Right. So --

MR. WEBER: Yeah. We could change the Code.

MR. PAGE: Brian.

MR. SHANKER: We do it all the time.

MR. PAGE: Brian?

MR. CONNELL: Yes. The question I have for Brad and somewhat for Dave also. When folks like Clancy come to town, and their stage, their mobile stage is disassembled, does it come with shop drawings?

MR. FRAIZER: It does. They're very detailed.

MR. CONNELL: They are very detailed?

MR. FRAIZER: Very detailed.

MR. CONNELL: So there is something that a qualified engineer or inspector could look at and compare for -- to see that it's being erected in accordance with the --

MR. FRAIZER: Right. And I want to say it was in the commentary. See, we looked at this very closely to find out who the independent -- what they mean by independent. And we don't have the commentary and I understand we don't adopt the commentary.

But it's pretty clear that it had to be someone separate from the company that's putting the stage up. And --

MR. WEBER: At some point -- I wouldn't mind at some point talking about it if you --

MR. PAGE: John?

MR. SIMONS: So the idea behind the special inspector is that often municipalities don't have the expertise or resources to do these types of inspections, so I think that may be part of the reason they're seeking third-party inspection here.

MR. WEBER: So there's kind of like three things that are -- that are to me really obvious. One is, is we know why the reason they're doing it. They're trying to get -- it's exactly -- not exactly, but very analogous to the fire escapes. They're trying to get rid of old inventory that's -- that's not adequate. Not even saying dangerous, just that's not adequate, right? So remember how we changed the code a little bit to be reasonable, make some reasonable concessions about the fire escapes. And I know you remember that, Rick.

But the second thing is, is that we were confronted by telephone calls with two different, specifically different cases. One with, hey, we have this old circus equipment or stage equipment --because I'm very familiar with Clancy and we do a lot of theaters and rigging systems and stuff like that, and they're a great company. And so you have -- you have that kind of thing where they have drawings and they have engineered, they're sealed, and all this detailed information that any special inspector is perfectly qualified to do. We have multiple firms here, St. Louis, and Kansas City, at the Lake, Kirksville. They're everywhere that do these special inspections and would be perfectly qualified to review a structure that's built per a set of plans that are reasonable. That's one thing. So that letter is not only not accurate, it's ridiculous.

And the third thing is, is what we got calls about a lot was, hey, we have this old thing, we don't have any drawings, we don't know what it is, but we use it all the time and

we think it's fine and you've just got to sign off on it. Well, guess what, we can do that, too, but that will be very, very costly. And so costly that -- that it's impractical because who, in their right mind, would sign off on something that has various -- you know, bolts from the hardware store or whatever over the years and modifications and no -- no real plan.

So those are the three things that it's -- this is not that hard. If the inventory is like that, a carnival, a carne puts together, then no one is going to sign off of it, so who knows where they'd have to fly somebody from Zimbabwe or something to sign off on it, fine. But if there's drawings, we -- we have many firms that are perfectly capable of -- of providing a special inspection to see that the plans are done properly.

MR. FRAIZER: Well, that's the question is, how do you want to proceed. Do we want -- I would recommend that we're going to leave the language as is, that we require a third-party. Right now, the way we had the supervisor from Clancy that set it up sign off on it in -- in place of this independent inspector. So I just need your direction.

MR. WEBER: You just -- you have an industry reacting to a new code provision and it's hard. It's hard.

MR. FRAIZER: Yeah.

MR. PAGE: So what would happen, that Clancy would set this up, and they would call some local firm.

MR. WEBER: Well, they would have -- yeah.

MR. PAGE: Some local firm and say, hey, here's the plans, we're setting this up, come inspect it.

MR. WEBER: Kind of very much like a contractor would have to do for special inspections when they're building --

MR. PAGE: Yeah. That doesn't seem too difficult to me.

MR. WEBER: No. But they're just not used to doing that, obviously. I mean, if they

--

MR. PAGE: I didn't read the whole letter, I just --

MR. WEBER: If they think no one can do it, and that they've got to fly somebody in from California, then --

MR. SIMONS: Do you want to see the letter?

MR. PAGE: I didn't -- I didn't get to read the whole thing, but --

MR. WEBER: What they -- what their asking is not big of a deal.

MR. SIMONS: It's the first and last paragraph of that letter.

MR. WEBER: If they don't have drawings, it's a big deal.

MR. FRAIZER: They have very detailed drawings.

MR. PAGE: Yeah.

MR. CARLSON: What date did the event take place?

MR. FRAIZER: September 30th.

MR. WEBER: It really isn't that big of a deal.

MR. PAGE: We are unaware of anyone qualified in the area. That could come back

--

MR. WEBER: And that's a true statement. They may be unaware of anyone in the local area.

MR. PAGE: Well, I think you just --

MR. SHANKER: What kind of engineer is required for this?

MR. WEBER: Just a qualified one and that's how that works.

MR. SHANKER: Well, is it mechanical, is it civic, is it -- what kind of engineer?

MR. WEBER: Structural.

MR. SHANKER: Okay. So they would have to have a structural engineer, correct?

MR. WEBER: Which there are of lot of them.

MR. FRAIZER: Or there's a more qualified --

MR. PAGE: Which there are a lot of them.

MR. FRAIZER: -- and I don't -- and -- and -- you know, so if we get a --

MR. WEBER: Well, it's licensure that dictates that, just like any --

MR. FRAIZER: It's not necessarily an engineer, just to be clear by what code language. It could be a qualified person that has a I guess a certificate that says they know what they're doing.

MR. WEBER: You could have somebody who is qualified to do it under the direction of an engineer that's a special inspector that does that all the time, like doing weld inspections. It's just not that big of a deal.

MR. CONNELL: So, Brad, what is it that you're seeking for us to do?

MR. FRAIZER: I need to know, I think -- I think what I'm hearing is, I need -- I need some direction from you on how to enforce this. Either we're going to require a third party moving forward, and the -- and the statement that there's no one qualified in your area, we're going to disregard and explain that there are people qualified. They need to seek those people out, if we can help. You know, they can -- we're not going to give them names, but suggest that there are qualified people they need to find. If you felt like this was an accurate letter, then we would -- I would suggest that we get the language cleaned up.

MR. PAGE: I don't think it's accurate in that letter. Rick, did you have something else you wanted to say?

MR. SHANKER: Yeah. I would just make a motion we recommend that Brad informs these people that a structural engineer needs to sign off on it, and any -- anything else?

MR. FRAIZER: Nothing --

MR. SHANKER: That's it.



MR. PAGE: Well, and I would -- okay. Do we have a second for that motion for the purpose of discussion?

MR. CONNELL: I'll make a second for the purpose of discussion.

MR. PAGE: For the purpose -- thank you. Yeah. Go ahead, discussion.

MR. WEBER: Could I --

MR. PAGE: Yes, Dave.

MR. WEBER: I would just say a qualified special inspector.

MR. PAGE: Right.

MR. WEBER: I mean, it doesn't -- let the Code do its job to say --

MR. SHANKER: Well, we have the -- why don't we say that or a structural, so we can get --

MR. WEBER: Sure.

MR. SHANKER: -- you know, things going in the City of Columbia versus limbo, they've got to fly somebody in. So a qualified person. I'm going to change my motion to be a qualified, and that's your decision, who is qualified or structural, and that gives you an out.

MR. FRAIZER: Yeah. No. That's what I needed.

MR. PAGE: So we have an amended motion.

MR. CONNELL: I'm still discussing.

MR. PAGE: You're still discussing. Okay.

MR. CONNELL: So do we need to act on --

MR. PAGE: Well, I would think we would want to for the purposes of discussion anyway. He amended his motion to say a structural or a qualified person, correct?

MR. SHANKER: Yes.

MR. PAGE: Yes.

MR. CONNELL: I'll second that for the purpose of discussion.

MR. PAGE: Okay.

MR. CONNELL: John, I have a question for staff. Maybe you, too, Brad. And Dave can chime in. Aren't we -- doesn't Chapter 17 cover this -- special inspections?

MR. WEBER: It -- it does, Brian, but that's the problem is, you know, this is a different code. This is the fire code and -- and this is a temporary structure and so it's a little different. So there isn't really anything in Chapter 17 that talks about temporary structures for this purpose. It's usually in the event of a built, permanent structure.

MR. CONNELL: Okay. Okay. So we don't have the equivalent of 17 in the fire code; is that --

MR. WEBER: That's right.

MR. CONNELL: Okay.

MR. WEBER: So the big problem with this is, is they say it has to be sort of inspected. Well, there's really nothing codified in a -- like the Chapter 17 protocols that are -- a lot of those through adopted codes now. There isn't that sort of boilerplate or template for looking at that, so all you can really say is that someone that knows what they're looking at sees the plans and sees that it's built properly, that knows what they're looking at and then -- and then says it's built properly. So it's a little different than your normal Chapter 17 stuff in that case.

MR. PAGE: Brian?

MR. CONNELL: So, can I ask Rick to restate the amended motion?

MR. PAGE: Yes. Rick?

MR. SHANKER: What is it that you want me say?

MR. PAGE: Restate your amended motion.

MR. CONNELL: Just so we all understand what we're voting on.

MR. SHANKER: A qualified person or persons or a structural engineer may do this

inspection. We would leave it to the fire people to say who is qualified and who is not.

MR. PAGE: Is that clear?

MR. SHANKER: John, what --

MR. PAGE: John?

MR. SIMONS: I don't believe there is any reason to amend the code if that's where --  
the route you guys are going.

MR. WEBER: That's what the code says.

MR. SIMONS: I think Brad's concern was, is this -- is this letter realistic. It sounds  
like the commission is looking at this letter and saying no. This letter is not realistic,  
there are many people who can do these inspections.

MR. SHANKER: I don't know if that's what you're wanting. I mean --

MR. SIMONS: Yeah. I think we just leave the code as it is.

MR. WEBER: Yeah, I think so.

MR. PAGE: So we don't need to vote on it.

MR. FRAIZER: Yeah. If you -- yeah. It might be helpful for you that we -- and I  
suppose --

MR. SHANKER: Would you feel better if we voted?

MR. FRAIZER: I don't -- I'm fine with whatever you do. I know exactly what I need to  
do, so whatever you think you need to do. Yeah. I'm good. I'm okay with that.

MR. LEHMEN: So how far does this code go? Does it -- just temporary structures  
as far as a stage? What about canopies, large tents?

MR. FRAIZER: This is -- this is stage. No. This is stage canopies over 400 square  
feet.

MR. LEHMEN: Okay. Just the stage canopies. Okay.

MR. FRAIZER: Yeah.

MR. WATSON: Okay.

MR. FRAIZER: Tents are compared different.

MR. SIMONS: Brought on by the catastrophe in Indiana that happened a couple of years ago.

MR. FRAIZER: Yeah.

MR. LEHMEN: Yeah. Yeah. Carnival equipment, you know. That's a concern, too, but not covered by this.

MR. PAGE: So if you're good, we don't need to vote on it then.

MR. FRAIZER: Okay.

MR. PAGE: Do you want to withdraw your motion?

MR. SHANKER: No.

MR. PAGE: No. It died for lack of a vote.

MR. SHANKER: I think it should be voted on, that way he has some kind of stamp of approval. I think that's what we need to do.

MR. PAGE: Well, I mean, I'm okay with voting on it. I don't care. He just said -- and we do not need to do -- John, we do not need to do a roll call vote on this, do we?

MR. WEBER: Are we still discussing?

MR. PAGE: Yeah. We are in discussion mode, but I was going ask him --

MR. WEBER: If we're going to make a motion, we need to change that language because that language is weird. It just needs to say we need to do what the code says.

MR. CARLSON: Because it says it right here.

MR. WEBER: Yeah. I mean, I don't know what you're getting at, but the code -- the code already says that. Approved agency or individual to inspect.

MR. PAGE: Yeah. It says the same thing.

MR. WEBER: I mean, why would we change that?

MR. PAGE: We don't need to change it.

MR. SHANKER: It gives specificity to the fire marshal. That's all. He doesn't have

to see a

letter like that being scared, but you can say, look, get a structural engineer here in town to do it, end of story.

MR. WEBER: But my point is --

MR. SHANKER: But fine. Let's just go on. If you have problems with the language, you don't want to vote, that's fine. I'm totally fine without the vote.

MR. WEBER: My point, Rick, is that it's not -- it's special inspector. A special inspection agency can do it. It doesn't -- you know what I mean? And I think that that's what the code follows.

MR. SHANKER: And you're clear on that, so we're good.

MR. FRAIZER: I'm clear on it. I appreciate the offer.

MR. WEBER: Because they're compelled by licensure rules to not do something they're not qualified to do.

MR. PAGE: Motion died for lack of a vote.

MR. SHANKER: Cool. Let's go on.

MR. PAGE: All right. Brad, you're clear on everything, so you're good with that, and then is there anything else we have?

MR. SIMONS: Yeah.

**Motion we recommend that Brad informs these people that a structural engineer needs to sign off on it. To change my motion to be a qualified (person), and that's your decision, who is qualified or structural, and that gives you an out.**

**Photovoltaic System Access / Pathways and the 2015 International Residential Code / 2015 International Fire Code**

MR. PAGE: Oh, we've got a C. Is that yours, too? Okay. No? You've got International Fire Code, a system access for approval.

MR. SHANKER: If any of us has --

MR. PAGE: Thank you. Anyway, go ahead.

MR. SIMONS: Okay. So I'm going to get us started on this one.

MR. PAGE: Okay.

MR. SIMONS: What this -- what this is about is when we reviewed the 2015 International Residential Code, under this Section 324 I have up on the board, it went into access and pathways for roof-mounted photovoltaic systems. It kind of mirrored the R3 requirements in the fire code for three-foot pathways around the perimeter of the solar array and so forth, various other small things. Well, what happened during the review process is this was included in the first printing and was removed from the second printing as errata. I've never seen it before in all my years that they -- the whole half of the section was removed as errata. And usually errata is simply misspellings, misplacement, that sort of thing. But they actually deleted this whole section.

And so in the IFC, it is deleted by exception to R3 requirements. So there is no -- there is no code technically in force unless -- because when we adopt codes, we don't state that we are adopting the first printing of the 2015 IRC. So I'm not certain where we stand on that, and I was unable to get ahold of legal in the last couple days regarding it. And I didn't know if this body wanted to think about what that would mean. I think Brad probably has some input what that would mean from his perspective to not require those pathways.

MR. FRAIZER: Well, it was interesting because John called and said he called the ICC and they said that it was deleted because there's -- firefighting doesn't happen on roofs. And I can tell you that that is just absolutely not true. We -- we vertical ventilation is a key maneuver, and when we need to get on the roof, we've got to get on the roof. And those pathways are there to allow us to get on the roof and move. So I would ask you to consider having the same guidelines in place for single-family residential as you do for commercial, because we do need to get on the roof at times.

MR. WEBER: So, John, the -- I just see that as a clear intent that the houses don't need to comply with this, but commercial structures do, and that seems like that's the

intent. Is that -- I

mean --

MR. SIMONS: That was -- that is the intent.

MR. WEBER: And it seems really clear that their intent is houses don't -- don't have to comply.

MR. SIMONS: That is their intent. By the same token, this was the code that we reviewed and adopted. And so I feel like I either need to make sure that's clear in the ordinance, that we want to retain these pathways. Now, the commercial code requirements are a lot broader. They require a four-foot pathway and it's just a little bit -- a little bit more to it. These are smaller pathways, and an allowance for only 18 inches in dips and valleys, we'll have 18 inches on each side, but still a three-foot pathway. But I don't know what your thoughts are about that.

MR. WEBER: But, John, I guess what I was saying was that quite the opposite of that two-edge sword was, is that it seems like the code is really super clear that --

MR. SIMONS: ICC -- ICC definitely deleted it. Yeah.

MR. WEBER: -- that, yeah. This doesn't apply to houses.

MR. SIMONS: Their statement to me was their data showed that most fire departments would not fight fires from the rooftop on single -- on buildings that were governed by the International Residential Code.

MR. PAGE: Huh. Rick?

MR. SHANKER: You said that you were going to contact legal, but you weren't able to. Why don't we do that and see what they say and revisit.

MR. SIMONS: About what took place with the adoption of this section?

MR. SHANKER: Yes.

MR. SIMONS: That may be wise.

MR. CARLSON: Do you take those pathways into account on the calculations on

your square footage requirements on solar panel? I'm just asking.

MR. SHANKER: No, I know.

MR. CARLSON: If you can't put them there, then you've got to -- I mean --

MR. WEBER: We talked about this a lot. How do you comply with this loss of space and all this; we talked about it a lot.

MR. SIMONS: Yeah. We did. All of the proposed solar plan layouts for future leave that pathway. I'll take it for granted that this was the code all -- it came to my attention a couple of weeks ago that it was deleted from the second printing.

MR. PAGE: Okay. So you're going to check with legal on that?

MR. SIMONS: Then maybe talk about it more at the next meeting, put it back on the agenda for next meeting?

MR. PAGE: The next meeting, yeah. Let's do it at the next meeting.

MR. WEBER: Before we stop, could I ask -- could I ask a question? Would you mind disseminating that letter regarding the stage stuff to the Board?

MR. SIMONS: It's on -- it's in there.

MR. WEBER: It is. I just --

MR. SIMONS: Yeah. It was a link in the agenda.

MR. WEBER: Okay. Awesome.

MR. WATSON: I think it was sent in a follow-up, I believe.

MR. SIMONS: It's -- they replaced the agenda and put it as a link in the agenda.

MR. PAGE: Anything -- any further discussion on anything? Todd or Curt?

MR. LICHTY: I might add that the 2014 NEC put into place a system of rapid shutdown for solar panels for the sole express purpose of firemen getting on the roof. And so when they spray water or get on the roof, there won't be anything more than 30 volts coming out of those panels. So there is in the NEC a requirement that will say that firemen do need to get on the roof.



MR. FRAIZER: We do get on the roof.

MR. SHANKER: But -- but by your own statement, you kill it, it's done, right? It is not part of the code?

MR. FRAIZER: It drops. It drops to less than 30 volts.

MR. WATSON: Right. Even you can do 30.

MR. WEBER: But your point is it's slippery probably.

MR. FRAIZER: The access is what's que to us. We want to make sure we've got -- we're not going to climb on a solar panel if we don't have to.

MR. PAGE: Right. Anything else?

MR. SIMONS: Okay. I will let you know what the legal department says and continue the conversation at the next code submission meeting.

## **V. NEXT MEETING DATE - November 27, 2017**

## **VI. ADJOURNMENT**

MR. PAGE: Yeah. Seeing nothing else, we'll adjourn the meeting.

(The meeting adjourned at 5:26 p.m.)

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