



City of Columbia, Missouri

Meeting Minutes

Building Construction Codes Commission

Monday, January 22, 2024
4:30 PM

Conference Room 1C

I. CALL TO ORDER

CALL TO ORDER

CHAIRMAN CONNELL: We are calling the Building Construction Code Commission to order. This is the January 22, 2024 meeting.

I'm going to call roll, and I'm going to do the best I can. So I'm going to go ahead and say because there are ten of us, everybody is voting, so there's no question about that as we go around the room. So, Mr. Weber?

MR. WEBER: Yes.

CHAIRMAN CONNELL: You are here and you are voting. Kyle Sanders.

MR. SAUNDERS: Saunders. Here.

CHAIRMAN CONNELL: Saunders. Sorry. You are here. Rob Jackson?

MR. JACKSON: Yes.

CHAIRMAN CONNELL: Yes. Brian Connell is here. Jonathan Trunk.

MR. TRUNK: Here.

CHAIRMAN CONNELL: Rick Shanker?

MR. SHANKER: Yes.

CHAIRMAN CONNELL: Scott Wallace?

MR. WALLACE: Here.

CHAIRMAN CONNELL: Kas Carlson is.

MR. CARLSON: Yes.

CHAIRMAN CONNELL: John Page?

MR. PAGE: Here.

CHAIRMAN CONNELL: Doug Muzzy.

MR. MUZZY: Here.

CHAIRMAN CONNELL: All right. Ten accounted for.

Present: 10 - Kas Carlson, Brian Connell, Robert Jackson, Douglas Muzzy, Richard Shanker, David Weber, Jonathan Trunk, John Page, Scott Wallace and Kyle Saunders

Excused: 9 - Jay Creasy, Fred Malicoat, Matthew Young, John Neyens, Christopher Howe, Ray Kaisher, Trevor Kilgore, William DeYoung and Jim Dove

II. APPROVAL OF AGENDA

CHAIRMAN CONNELL: I need a motion and/or a second for approval of the agenda. Has everybody had a chance to review the agenda for this evening?

MR. PAGE: Motion to approve.

MR. CARLSON: Second.

CHAIRMAN CONNELL: We have a motion and a second. All in favor say aye.

Any opposed, say nay. (Unanimous voice vote for approval) All right.

Hearing none, the agenda is approved.

Motion to approve.

III. APPROVAL OF MINUTES

CHAIRMAN CONNELL: These are from the meeting on December 18. I know everybody had a chance to read these in detail.

MR. PAGE: Motion for approval.

MR. CARLSON: Second.

CHAIRMAN CONNELL: We have a motion and a second. All in favor of approving the minutes, say aye. All opposed, say nay? (Unanimous voice vote for approval. Hearing none, those are approved.

Motion for approval.

Attachments: [Meeting Minutes 12-18-23](#)

IV. NEW BUSINESS

Attachments: [Storage Units-Sprinkler System-4501 Peabody Rd](#)

CHAIRMAN CONNELL: We move right into our public hearing, which is titled Storage Unit Sprinkler System, 4501 Peabody Road. Commissioners may remember that we heard this -- this appeal in the last meeting, and the appeal was denied based on the way it was presented. The applicants -- I'm summarizing here -- have dropped back, worked with staff, and came back with an amended appeal, which

I am going to read.

So -- and this is lengthy and I apologize.

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 Lot 2A1 of Ewing Industrial Park, Plat 2A, and known as 4501 Peabody Road. Applicants request a variance or a ruling with respect to the above described property.

On the 2nd day of November, code official disapproved the continued construction of a multiple self-service storage mini-storage buildings after the permit was issued.

The reason he gave for such action was that plan reviewers overlooked the proper application of Section 903.2.9, item number 5. IFC interpretation 20-14 attached of Section 903.2.9 requires self-storage facilities to be sprinklered in an area that is larger than 2,500 square feet due to potential storage of upholstered furniture and mattresses. A copy of said notice -- of notice to said official was hereto attached. The basis for this appeal as permitted by the International

Building Code is adopted by the City of Columbia is, and the box that is checked is undue hardship was created by strict appliance of the letter of the code and has no significant effect on the health, safety and welfare of the public or any individual. And then it says attached a cost estimate for hardship encountered. Applicant is requesting a variance or a ruling or both in the way of carrying out the strict letter of the code because building permits were issued and construction had commenced before this interpretation was brought to light. The water line has been installed already and may not support the flow required to fully sprinkler the building. Applicant is proposing installation of a partial sprinkler system per Section 4.1.2.1 of NFPA 13 Sprinkler System would be located in the hallways only. The owner would also be willing to install heat and smoke vents in the roof per IBC 910.3.3. The code does not require these vents for this occupancy and size of building, but would increase the health, safety, and welfare of the first responders. The name of the applicant is

Andrew Marcy. The name of the business is Missouri Self-Storage, LLC, addressed at 1495 Old Highway 40, Columbia, Missouri. Unless there are any questions, the applicant has the floor, and I guess that we need to swear in anybody.

(The Court Reporter swears in the applicants.)

MR. TEGARDINE: So as stated in the application, the building permits were issued in this somewhat of a phased permitting process due to some other issues that were brought to light during the permitting process. So the buildings were permitted originally. And then it was determined that we weren't in compliance with the IFC interpretation for this type of mini-storage facility needing a sprinkler system of this size. So we were here a month ago requesting that construction be allowed to continue as originally permitted without any automatic sprinkler systems. Today we're here proposing to partially sprinkler the building as indicated in the application. Yeah. I'm kind of hashed through this quite extensively the last time we were here. I don't know what else to add

to this conversation that we haven't already had.

CHAIRMAN CONNELL: So, Jason, to be clear, you are proposing to install sprinkler systems throughout the hallways?

MR. TEGARDINE: Correct.

CHAIRMAN CONNELL: And then you are proposing to install heat and smoke vents per the section of the IFC?

MR. TEGARDINE: Yes.

CHAIRMAN CONNELL: Okay. Can you elaborate on where you would install the smoke vents?

MR. TEGARDINE: The section of the code requires them to be evenly distributed throughout the roof area, and there's a minimum area required for those vents. So the intent would be that they be equally spaced throughout their opening area.

MR. PAGE: For those of us that don't know, can you tell us about the smoke vents; what do they do? What are they and so forth?

MR. TEGARDINE: So there are openings in the roof that would be controlled via tube link, so if there's heat detected, they open to release that heat, and the build-up of the smoke in the

event. I guess they are kind of represented in this plan with the dashed rectangles, so they're mostly in the multiple -- the hallway areas.

MR. PAGE: I see them there. Got you.

MR. TEGARDINE: So what we're proposing is that sprinkling be the hashed area, the hallways of the enclosed portion of the storage facility, and then installing the vents in that area, as well.

MR. PAGE: I was wondering if maybe we could hear from the fire department.

CHAIRMAN CONNELL: Do you want to make that part of the question?

MR. PAGE: Yeah. If the fire department, if they can tell us about - I'm not familiar with it.

MR. BAUER: With the heat smoke vents?

MR. PAGE: Yeah.

MR. BAUER: My question with the smoke vents in relationship to the sprinkler system is what type of sprinkler systems are going to be installed?

MR. TEGARDINE: They would be a NFPA 13 system.

MR. BAUER: So what type of sprinkler heads

will be used; fusible links or --

MR. TEGARDINE: Fusible links would be the intent there.

MR. BAUER: So the trigger for a fusible link is heat, so if you're -- if you are allowing that heat to escape, the sprinkler system is not going to go off unless your fusible link is set off higher than the sprinkler at temperature.

MR. TEGARDINE: Correct. The code section for the heat and vents section deals with that by requiring a higher temperature for that -- that fusible link on the vents so that, theoretically, the sprinkler system would be set off before the vents are opened.

MR. BAUER: Okay. And that sprinkler system is going to be suppressing any fires that's in the hallway?

MR. TEGARDINE: That is the only location that the sprinkler has to be located, yes.

MR. MARCY: Andrew Marcy. Also the sprinklers is hitting the corridors to separate, and it -- it implements essentially creating a fire barrier to prevent the spread, breaking up each section less

than 2,500 square feet, also. So, essentially, sprinkling the hallways in that point will create fire barriers from the spread of it. So --

MR. WEBER: I have a question, because it's been a long time since December apparently. The code requires this and it was not caught on the review or something; is that right? And so then the -- the code requires all of it needs to be sprinklered, right? Is that correct? I'm just --

CHAIRMAN CONNELL: I'm going to paraphrase and the applicant can correct me if I'm wrong. But, essentially, he would have two options under this situation. One would be to sprinkler the entire building, or subdivide it into fire areas that are less than 2,500 square feet?

MR. MARCY: So essentially sprinklering the hallways would be an implementation of breaking it up into under 2,500 square feet and preventing the spread of fire.

MR. WEBER: But the code says the separations are a fire separation.

CHAIRMAN CONNELL: It would be a two-hour

fire separation.

MR. WEBER: Yeah. Two hour. So this is different than the last time, right? Because the last time, there was nothing. And this time it's the hallways are sprinklered.

CHAIRMAN CONNELL: At the last meeting, the request from the applicant was to be allowed to proceed with this as permitted, which involved no fire barriers and a sprinkler system. This time, they're proposing sprinklering the hallways and providing the heat and smoke vents.

MR. JACKSON: When you say that, you're talking no fire barriers and that's what I'm hearing from you, sir, but am I hearing from you guys correctly, fire barriers?

MR. TEGARDINE: No. No. We're not proposing any additional fire barriers than the one that will be installed to subdivide the building into overall areas less than 12,000 square feet as the base requirement in Chapter 5 of the IBC. And item number 5 that was overlooked originally, and requires further subdivision for mini-storage uses because of the potential storage of upholstered or

mattress furniture. So we're not proposing any additional walls, fire resistant rated walls to be constructed in the facility, just sprinklering of the hallways, which doesn't separate those areas as we're talking about as required by the code, but it does somewhat separate them to the extent by preventing or helping limit the spread of fire in one area to the other.

MR. WEBER: Nothing has been built yet, has it?

MR. TEGARDINE: We are nearly complete with construction.

MR. WEBER: So construction is nearly completed, and it was -- what I heard was it was overlooked by the design team and the reviewers.

CHAIRMAN CONNELL: Yes.

MR. WEBER: And so that is the contention that the fault is the reviewer's or it was just -- it was overlooked in general? I'm trying to figure -- I just --

CHAIRMAN CONNELL: That would be a question for the applicant.

MR. TEGARDINE: We're not trying to establish fault anywhere, we're just trying to come to a --

MR. WEBER: Got it.

MR. TEGARDINE: -- reasonable solution that's going to work with what's been constructed on site already and --

MR. WEBER: So it's built, basically?

MR. TEGARDINE: Yes.

MR. WEBER: It's hard -- I know we went through this last time. I'm sorry.

CHAIRMAN CONNELL: I have a question for staff. Did the applicant reach out to you, fire marshal, and the building official to discuss this modifying appeal?

MR. SIMON: Yes. It was discussed, and it was determined that the building construction code potentially would have to review the case. So I'll -- in other words, we did -- we did not say that we would approve it. Staff would get approval without using this body.

CHAIRMAN CONNELL: Well, I'll ask you guys separately. I'll start with -- with the fire department. How do you feel about a partial

sprinkler system with heat and smoke vents under the circumstances?

MR. BAUER: So the fire would have to grow in each compartment large enough to set off the sprinkler head, which is usually about 155 degrees at the sprinkler -- at the ceiling level. So it would have to grow large enough to escape that space and set off the sprinkler head in the hallway, in which case the sprinkler system is not suppressing fire, it's just creating a cooler space in the hallway. The fire is going to continue to grow from space to space throughout the entire area until we get there. Sprinkler systems will add an hour to a one-hour fire separation given the two, but by themselves, hopefully, they would provide a one-hour fire separation. Of course letting the heat escape, heat and smoke escape could prevent spread to other fire areas.

MR. MARCY: So on the units, all the units are open to the hallway areas. On the roof there is about a foot of opening where the air comes in and out of the hallways because they are climate

controlled. The other three sides of every unit, the walls -- the metal walls do go all the way up. So, essentially, fires breathe. All your heat and air should be going back and forth to the hallways where the sprinklers are. So the walls do go all the way up on the other three sides of all the units.

MR. JACKSON: All the way up to the ceiling?

MR. MARCY: Yes.

MR. JACKSON: On -- on every individual compartment, but yet there is space to the hallways?

MR. MARCY: Yes.

MR. JACKSON: And the only sprinkling option, is it going to be in the hallways with these vents, and what powers the vents to open them?

MR. TEGARDINE: I think you were speaking of interior air circulation, so the wall between the hallway and the individual unit does not continue to the roof area.

MR. JACKSON: Yes.

MR. TEGARDINE: There is a gap between the roof and the bottom and the top of it.

MR. JACKSON: Okay. I believe I gathered that, okay? But the vents going out to the roof that you're saying you're going to want to vent heat and smoke, what -- what powers those to raise and lower?

MR. TEGARDINE: It's mechanical, there's no power associated with it. It's --

MR. JACKSON: And how do you -- how does that open when there is a fire?

MR. TEGARDINE: The fusible link would release the latch mechanism.

MR. JACKSON: Spring loaded or motorized?

MR. TEGARDINE: I -- well, I would assume spring loaded, but I don't know the details off the top of my head.

CHAIRMAN CONNELL: John, the same question. Under the circumstances --

MR. SIMON: And so at this juncture, I really need to defer to the fire official. When I first heard the proposal, it seemed intuitively to make sense to me to separate spaces. It seemed like a reasonable assertion. But, again, the official has much more expertise in that area.

MR. SAUNDERS: So reading the sheet that you read at the beginning, it said that on November 2nd, the code official disapproved continued construction. The permit that was issued was a conditional permit, it wasn't a full permit, to my understanding; is that correct?

MR. SIMON: At that juncture, it was a full permit.

MR. SAUNDERS: Okay. But that on November 2nd, they were told to stop building?

MR. SIMON: Correct. And it essentially had already been erected. So there's a lot of moving parts here, if I may. They have eight or ten outdoor buildings that are all accessed with outdoor overhead doors. And it was determined per the 21 code, those could continue being built. Honestly, it was in an effort to keep the project going that we issued footing and foundation, and then sought -- we discovered the fact that the sprinkler system wasn't included in the plans -- unknown, what, a month after we had issued the permit to several weeks, because the applicant was concerned about the cost, and that's when I

figured out that it hadn't been included on the plan. And my letter's in here from November 2nd, I think you said. So it was essentially already built, unfortunately.

MR. SHANKER: Before I ask Mike what his opinion of granting or not granting this, are you guys able to tell us, and you don't have to tell us, the total cost of this project and also, more importantly, that I would like to know, is what would the price be if you had gotten the permit and you knew you had to do this, how much would it have cost to do it from the get-go versus how much it would cost to make it right now. In other words, a lot of times when we have the hardship that's a monetary thing, so if we're -- a lot of times we like to figure out what's the total cost of the project. What would the cost have been if you had known that you had to do it, and then what's the cost now to do it the correct way?

MR. MARCY: Yeah. I know for a fact, essentially, your first price of 25,000 wouldn't be in question, because there would be no concrete cut up. You wouldn't be replacing another water

line. We've got another water line in there already. And that will be another deal to talk to the City about, because I know talking to the water department, they only like one tap per business. And this water line for the sprinkler system would have to come in at a different spot for a sprinkler room and to be close to the fire hydrant. Well, if we're only allowed one tap, then we have to cut up the other line and route it around, too. So that price, if we're only allowed one tap, that price will go up, also.

MR. SHANKER: What would the price be if you knew about it from the get-go?

MR. MARCY: To do just the sprinkler system?

MR. SHANKER: Just to do it the way -- let's say he came in, they caught the problem --

MR. MARCY: To sprinkler the whole building, it would be that 47,000.

MR. SHANKER: And so to do it now the correct way would be what?

MR. MARCY: You're adding about 30,000, so almost twice as much, two-thirds as much more.

MR. SHANKER: T hirty thousand.

MR. JACKSON: Thirty thousand to the 47,000?

MR. MARCY: Yeah. On top of that, yeah.

MR. SHANKER: And the 47,000 was the - would be the price to do it if you were to have known about it from the get-go?

MR. MARCY: Yeah. From the get-go, yeah. And then something there's -- you can't really put a price on is, you know, the time, you know, scheduling now, because this would have already been done, you know, through summer and when all the ground work was done. Now we're getting back on the schedules and dealing with weather, so whatever down time and loss of lease would be, too.

MR. WEBER: So kind of circling back to what I've previously said. So it's not the job or the responsibility of a municipality to make sure everything gets built by code, it's the contractor and the owner that's responsible to build by code. And so the process is unfortunate, it really is, but it's the contractor and the owner that are responsible to build by code, and that's immediately clear in the code and it has been

since before IBC existed. And all three of the codes, the Southern and the BOCA and the UBC is really clear that it's the owner and the contractor are obliged to comply with the building code. And so I think we have to parse out the City's involvement with this and look at does the owner -- is the owner obliged to comply with the code or not. Because I think that muddies the waters. That's why I went there. And I don't care about blame, I'm just saying everyone should know that the contractor and the owner have to comply with the code. That's really clear in all code supplises I've ever seen, all three cycles and IBC, that that should be sort of jettisoned from the conversation because it's unfortunate, but, you know, the reality is the contractor and the owner have to comply with the code.

MR. SHANKER: My other question was for Mike, with -- if he was going to recommend approval of this or not.

MR BAUER: I'll recommend NFPA 13 compliance sprinkler system.

MR. SHANKER: Okay. Does that mean you

agree with --

MR. BAUER: Throughout the building.

MR. BAUER: The sprinkler system will require a monitoring system, so we'll have a horn strobe for the water flow and an alarm panel that dials out and essentially calls the fire department.

CHAIRMAN CONNELL: So there is no requirement for smoke detectors in this building

MR. BAUER: Right.

MR. SAUNDERS: So just from looking at, you know, kind of the way the -- there was a design and it missed something and it was permitted and construction started. You know, the -- someone is doing this to make money, right? They're building a structure to rent it out, and they've gotten approval and completed the outbuildings. This main building that's the hiccup for it is either going to cost some more to get it to meet code, or we can vote to move one way or the other, but as a contractor with many projects where you lose money when you don't see something, you find your way through it. There is no reason it can't be just ignore this one building, or change this one

building so that it meets different regulations, right? You don't have to put a sprinkler system in. You can tear that building down and build something else, or just tear that building down and make it a parking space, right? There's other ways through if you can't financially meet code compliance, build something else there or don't build something there. No one is going to make you, you know, put in a sprinkler system if it's too expensive, stop that part of the construction and finish the rest of it, start renting the rest of it, and make that a parking or put in a few more smaller structures, get rid of your bad -- you know, there's -- just saying, there's -- there's more ways than to say, well, I can't afford this part of the construction phase, just cut the loss and move on. But I don't recommend we build something that could put people at risk.

MR. MUZZY: So as a residential contractor, I'm not familiar with, you know, to build a building while, you know, the permit is not completely approved. We can't start anything

until -- you know, so this whole situation they're in is completely unusual for me. You know, we can't start footings, can't dig, technically, you know, until we get our permits. But it seems like in this case that's contributed to some confusion and getting into a spot that I would like to think because of that could be worked out, you know, with the sprinkler systems that they're -- they're suggesting it's -- it's -- I guess you have to figure out how safe is it, you know. Is it safe? Do you put a sign and say this is not completely safe, you know, for a sprinkler system? But I just -- I guess from what I've seen, I'm not -- I mean, if it has sprinkler systems in the hallway, I think a lot has been accomplished to meet the fire department and the inspections requirements, hopefully, just because of the way this thing has gone, so --

MR. PAGE: And again, to kind of reiterate something I -- we haven't talked about again. There would be this building -- I want to make sure this is right. I think it still is -- would not have to be sprinklered if there were not

furniture and mattresses in it, correct?

MR. BAUER: Correct.

MR. PAGE: That's my understanding. I think that's correct. The way this building is built, it would not have to be sprinklered if there were no mattresses or furniture in there.

MR. BAUER: With the fire wall that's existing.

MR. PAGE: So -- but the unfortunate part of it, there is no way to monitor somebody -- to keep somebody from putting in furniture and mattress. So we're all sitting here assuming that there's going to be mattresses and furniture, at least if it's in one of them, it's in violation, but we have no way of monitoring. They'd have no way of monitoring, which that's unfortunate.

MR. WEBER: I kind of heard that as if it's a storage, it could have, therefore, that trips a trigger, so I'd just say, you know, if they store whatever and it's the fire load, if it triggers the trigger, and so since it's variable --

CHAIRMAN CONNELL: I think what makes this

difficult -- I'm going to jump in here for a second. Under the building code, you can have an S1 moderate hazard storage facility, a warehouse, a distribution center, pick something, and you can have up to 12,000 square feet before you either have to subdivide it into fire areas or sprinkler the building. And I think that's the path that perhaps the design team and the ownership went down in the beginning. Underneath that requirement, there are these caveats for certain special kinds of storage, including upholstered furniture and mattresses, commercial vehicles, I can't think of any of the other ones right off the top of my head, but there are more restrictive circumstances where the 12,000 feet is reduced to either 5,000 or 2,500. So therein lies part of the problem. The other -- the other thing that I want to point out, although it's not applicable typically in this situation, the building codes, the family of building codes does allow for compliance alternatives on occasion. Now, typically, those are applied to existing buildings where you can say, look, I don't have this, but

I'm going to give two of that as a really silly analogy. Or more exits, more smoke and heat detectors, more -- more fire ratings, whatever. If you're trying to avoid having to sprinkler a building, for example, there are alternatives that are available to you under other circumstances. This is an unusual circumstance. It came before this commission because the project was permitted, fully permitted, and allowed to proceed before City staff, City inspectors realized that they missed something. That's why we're here. So in my mind, the question is --

MR. WEBER: Brian, I think they missed something.

CHAIRMAN CONNELL: Oh, I don't -- I didn't mean to suggest they didn't.

MR. WEBER: Yeah.

CHAIRMAN CONNELL: But at this point, I think there are two options. One is clearly to say comply with the code, or the other one is, is there an alternative that meets Mike's requirements, that meets building -- the building official's requirements. I don't know that we've

heard it yet, but I'm asking the question.

MR. SHANKER: We could change -- Brian, we could change the code. We could tell the commission that we need to change the code. I mean, there's another alternative, if you want to keep going with alternatives.

MR. WEBER: Well, I think one of the things I heard you say is that maybe we can consider this an existing building.

CHAIRMAN CONNELL: No. I'm not implying that at all. I'm just saying under other circumstances, there would be the opportunity to take advantage of compliance alternatives. That's all I'm saying. It would be up to the applicant to come back and say we have -- we have a fire marshal that's saying that he wants compliance with NFBA 13. What they've proposed doesn't do that.

MR. WEBER: Well, they proposed it compliant or an alternative in that they have these water curtains, and so they're asking us to weigh in on a water curtain in the hallways.

CHAIRMAN CONNELL: Yes.

MR. SHANKER: John, if this board at this

time or any other time rejects an appeal, what are the options for the -- for the applicant, not this applicant, but any applicant after this?

MR. SIMON: They could come back with a different appeal or, in this case, we only have ten commissioners here, so they can bring that back to this body with the same appeal because we don't have a full eleven commissioners.

MR. SHANKER: Okay. And let's just say everybody is here and it's voted down. Isn't there another option?

MR. SIMON: Let's just change the code.

MR. SHANKER: No. No. No. No. Besides that.

MR. SIMON: There is. They can bring a different appeal and ask you to look at a different appeal.

MR. SHANKER: No. No. No. No. No. Besides that, there is another option.

MR. SIMON: What's that?

CHAIRMAN CONNELL: They can take it to court.

MR. SHANKER: That's correct.

MR. SIMON: Oh. That's true. That's true.

MR. PAGE: One of the things, talking about what you were saying; not pressing blame, but we've heard this before, that our codes commission meets the people that come here and appeal and say, well, I've always done it this way and they've never caught it before. Whether they've caught it or not doesn't matter. It was never right. So just because they didn't catch it doesn't excuse anything. It does not, so --

MR. WEBER: Well, and I guess why I was saying that, I think that that's an emotional appeal because the code is really clear on that, so that's why I was bringing it up.

MR. SIMON: Sure.

MR. WEBER: And I haven't -- listen, I use emotional appeals all the time. I mean, everyone does. It's just I want to parse that out from, you know, what we're talking about here. We -- the elements are, it doesn't comply with the code. I know we could, with the water curtain and the thing, not it's because the City missed it. But it's not an element in this deal.

MR. JACKSON: Just a comment and then I'd be ready for the question. These things, when they go

up, they turn into a huge maze of smoke. You can't see anything. And I've been in those buildings, and they become a hazard whether they're sprinklered or not. And I've certainly been in enough buildings on fire in my world to know that when things can go bad, they can go bad, really bad. You've got public coming in here. You have no ability to control who is storing what at any time. And irregardless of what compliances or requirements you put in there, I've opened storage buildings with gasoline and all kinds of other stuff that, thank God, it never went up, you know, kind of a deal. So I'm thinking -- I apologize, and I know it stinks, and I've been there before on that side of the permit, but I'm thinking I've got to go with the public safety on this one.

MR. SHANKER: Are you calling a motion?

MR. JACKSON: I'd call a motion for the question.

MR. SHANKER: Second.

CHAIRMAN CONNELL: So we have a motion and a second to call the question. All in favor, aye?

MR. JACKSON: Aye for the question?

CHAIRMAN CONNELL: Aye for the question. All opposed? Hearing none, call the question. So if I can state it properly, the motion is to deny the appeal.

MR. SHANKER: That is correct.

CHAIRMAN CONNELL: Does everybody understand that? Is there any discussion? Okay. Mr. Weber?

MR. WEBER: Yes.

CHAIRMAN CONNELL: So you are -- you're voting to deny the appeal?

MR. WEBER: Yes.

CHAIRMAN CONNELL: Mr. Saunders?

MR. SAUNDERS: Yes.

CHAIRMAN CONNELL: Mr. Jackson?

MR. JACKSON: Yes, to deny.

CHAIRMAN CONNELL: Yes. Mr. Trunk?

MR. TRUNK: Yes.

CHAIRMAN CONNELL: Mr. Shanker?

MR. SHANKER: Yes.

CHAIRMAN CONNELL: Mr. Wallace?

MR. WALLACE: No.

CHAIRMAN CONNELL: Mr. Carlson?

MR. CARLSON: Yes.

CHAIRMAN CONNELL: Mr. Page?

MR. PAGE: Yes.

CHAIRMAN CONNELL: Mr. Muzzy?

MR. MUZZY: No.

CHAIRMAN CONNELL: So we have eight yes votes,
two no votes, **Appeal denied**. Again, as was stated
before, we
don't have a full commission, so if you choose to
do so, you can bring this appeal in the hopes
that we will gather a full commission.

MR. TEGARDINE. Thank you.

CHAIRMAN CONNELL: Thank you.

MR. SIMON: We can go off the record.

(The meeting concluded at 5:12 p.m.)

Motion to deny the appeal.

Yes: 8 - Carlson, Connell, Jackson, Shanker, Weber, Trunk, Page and Saunders

No: 2 - Muzzy and Wallace

Excused: 9 - Creasy, Malicoat, Young, Neyens, Howe, Kaisher, Kilgore, DeYoung and Dove

V. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

VI. NEXT MEETING DATE FEBRUARY 26, 2024

VII. ADJOURNMENT

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.

USB DRIVES PROHIBITED: Due to cybersecurity concerns, flash drives and other media devices are no longer permitted for delivering files or presentation materials. A speaker who desires to display a presentation must upload the presentation, in advance, to the city network using an upload portal. To upload your files and learn more, visit CoMo.gov/upload. (Effective Jan. 1, 2023)