



City of Columbia, Missouri

Meeting Minutes

Building Construction Codes Commission

Monday, December 18, 2023

Council Chambers

4:30 PM

I. CALL TO ORDER

MR. CONNELL: Richard Shanker

MR. SHANKER: Yes

MR. CONNELL: Scott Wallace

MR. WALLACE: Here

MR. CONNELL: Kas Carlson

MR. CARLSON: Yes

MR. CONNELL: John Page

MR. PAGE: Here

MR. CONNELL: Doug Muzzy

MR. MUZZY: Here

MR. CONNELL: Matt Young

MR. YOUNG: Yes

MR. CONNELL: Fred Malicoat

MR. MALICOAT: Here

MR. CONNELL: Kyle Saunders

MR. SAUNDERS: Here

MR. CONNELL: Jim Dove

MR. DOVE: Here

MR. CONNELL: All right, So everybody is here. The only one that won't vote is Jonathan tonight because he's an alternate.

Present: 11 - Kas Carlson, Brian Connell, Fred Malicoat, Douglas Muzzy, Richard Shanker, Matthew Young, Jonathan Trunk, John Page, Scott Wallace, Kyle Saunders and Jim Dove

Excused: 8 - Jay Creasy, Robert Jackson, David Weber, John Neyens, Christopher Howe, Ray Kaisher, Trevor Kilgore and William DeYoung

II. APPROVAL OF AGENDA

MR.CONNELL: So I'm going to ask for a motion and a second to approve the agenda. Is everybody aware of the agenda? Do you have any issues with it? If not, I would entertain a motion.

MR. PAGE: I'll make a motion to approve the agenda.

MR.Saunders: Second.

MR. CONNELL: All right. All in favor, say aye. Any opposed?

Motion to approve

III. NEW BUSINESS

Attachments: [4501 Peabody rd-Mini storage building](#)

MR. CONNELL: Okay. We have a public hearing this evening, and I will go ahead and recite the appeal application.

Case Number 004

This is appeal application to the Building Construction Codes Commission. This is a Notice of Appeal from the decision of code official in regard in the following described property in the City of Columbia, County of Boone, State of Missouri. It was legally described as Lot 2A1 of Ewing Industrial Park Plat 2A known as 4501 Peabody Road. Applicants request variance or ruling with respect to the above described property. On the 2nd day of November, said code official disapproved the continued construction of multiple self-service storage mini-storage buildings after the permit was

issued. The reason he gave for such action was that planners had overlooked the proper application of Section 903.2.9, Item Number 5, International Fire Code interpretation 20.14 attached of Section 903.2.9, required self-storage facilities to be sprinklered if the fire area is larger than 2,500 square feet due to potential storage of upholstered furniture and mattresses. All of that does not comply with Section 903.2.9 of the 2018 International Building Code and the 2018 International Fire Code, as adopted by the City of Columbia, Missouri, which provides or requires that, and that was left blank in this appeal. A copy of the notice of said official is 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 undo hardship is created by strict compliance with the letter of the Code, but has no significant effect on the health, safety, and welfare of the public or any individual. In parentheses, it says attached cost estimate for hardship encountered, is what I think that's supposed to say. Applicant is requesting a variance or 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. Applicant is proposing constructing the buildings as originally permitted without automatic sprinkler system, or subdividing the buildings into fire

areas less than 2,500 square feet. The large climate controlled building with interior unit access to storage space is subdivided into two fire areas less than 12,000 square feet each. All the other buildings on site are accessed directly from the exterior, IBC 2021. Section 903.2.9.4 exempts those types for buildings from the 2,500 square foot fire area limit. And we have names of the contractor, MissouriSelfStorage.com. Any questions about that? Paula, do we need to have anybody giving testimony to swear in?

MS. EDWARDS: Yes.

MR. CONNELL: Staff, the applicants.

(Witnesses sworn.)

MS. EDWARDS: All right. They've been sworn in.

MR. CONNELL: Very good. State your case.

MR. TENERDINE: I'm Jason Tenerdine with Design Associates Architecture. Plans were submitted originally for permits back in June. We went through three subsequent rounds of review mostly focused on the UDC interpretation and form and development controls related to the exterior appearance of the buildings. So while we were resolving those issues, permits were issued for five of the nine buildings that weren't street facing, I believe. And the buildings were ordered and construction started on those facilities. That UDC issue was resolved and the permit was approved for the construction of all of the structures on the site. And when the owner went to pay for the permit, it was realized that the building areas

were greater than the 2,500 square foot limitation in the IFC interpretation, and the permit was subsequently denied. So what we're requesting is to continue constructing the buildings as originally permitted without the additional fire areas. We did present the plan that is on the screen here today as a solution. It doesn't technically meet the code requirements, but would provide subdivision in the structures to limit them to less than 2,500 square feet in the smaller out buildings. The main building, Building 1, the climate-controlled one with the interior units, we're proposing to partially sprinkle that building to, in a way, compartmentalize the units into areas less than 2,500 square feet without additional fire walls other than the one that was proposed originally to create the two fire areas less than 12,000 square foot as required for a S-1 use. So we were just going to sprinkle the corridors in the interior of the building, and that would, to a degree, compartmentalize those units into areas less than 2,500 square feet to help prevent the spread of fire to other areas of the building. Once that was proposed, the owner did his cost bidding of that work and determined it was somewhat structurally infeasible with a few of the buildings that had been constructed already. They are pre-engineered buildings that weren't designed to have fire walls in them originally. And then the site work was approved back in March, the pavement had been completed, water lines

extended to the fire hydrant on the interior of the site, so cutting the pavement and extending fire lines to the building would cost - I think it says \$60,000 there. And then there would be a room loss inside the building that was planned for a rentable storage unit, that would be converted to a fire sprinkler room, so there would be ongoing loss of revenue. And then the cost to subdivide those buildings, structural modifications, et cetera, would have cost an additional \$20,000 to non-conditioned buildings on the site. So for all those reasons, we're requesting that the permit be issued as originally intended without the extra fire areas or an automatic sprinkler system. The 2021 code does provide a new exception that's not in the '18 code for buildings of this type that are all accessed from the exterior not requiring this 2,500 square foot limitation. I understand that code has not been adopted. I just wanted to point that out as something that has been put in the code in new iterations, so I think there's some support to not having to do anything with the non-climate controlled buildings for the upholstered and furniture restrictions.

MR. CONNELL: Is that it?

MR. TENERDINE: That's all I've got.

MR. CONNELL: Questions? John?

MR. SIMON: So staff doesn't have any resistance to the updated version of the code. It would not require a separation of the single-story buildings that are all accessed from the exterior

and are less than 12,000 square feet. So we can knock that one off right away. So that would leave us now to the main building, as is drawn here.

MR. TENERDINE: So a little over 18,000 square feet in total area, and then the front portion that faces the street is larger units. They're all accessed from the exterior and then that portion is separated by the fire barrier from the units that are accessed from the interior space.

MR. SIMON: We've got fire barriers. We've got fire barriers all across here, and also on both sides of the office area; right?

MR. TENERDINE: The ones going to inside the office area were added as part of this proposed plan to further subdivide those areas, so we would request that we don't do those, just that one, since those are units accessed from the exterior.

MR. CONNELL: Any other -- Mike?

MR. BAUER: Yes, sir. This code came into place after the Super Sofa Fire killing several firefighters in in South Carolina. So the code requirements for sprinklering the area, I mean, it's a black light on the new codes, so --

MR. CONNELL: And has been for a number of cycles since -- well, 2012. So for clarification, the applicant is asking for this to be approved as is, as was originally submitted?

MR. TENERDINE: Correct. Without additional fire barriers or automatic fire protection.

MR. CONNELL: And staff has agreed that we don't have a problem with any of the outbuildings because they're all accessed from the exterior.

MR. TENERDINE: Correct.

MR. SIMON: And also I would agree that the fire separation is shown on this. This portion is all accessed from the outside, as well, so no sprinkler requirement in there or further separation, as long as we remain -- this is a two-hour separation here.

MR. CONNELL: John?

MR. PAGE: So what is the square footage of the interior part again that we're talking about?

MR. CONNELL: It's just under 12,000 square feet. It's 11,967.

MR. PAGE: And what does it need to be sprinklered, period; is that right? Because of the square of the footage?

MR. CONNELL: So I'm going to try to summarize for everybody, and if I'm out of turn, let me know.

MR. PAGE: Go for it.

MR. CONNELL: In the building code and in the fire code, S-1 moderate hazard storage is limited to 12,000 square feet before you sprinkler it. In addition to that requirement, if you are going to store upholstered furniture or mattresses, that area is limited to 2,500 square feet. So what hasn't been said yet is we're talking about a self-storage unit that's conditioned, it's accessed from inside. I have no idea if the contents of these units are monitored or typically

they aren't, but I don't want to jump to any conclusions. So the letter of the Code says that the 11,967 square foot area would need to be subdivided into 2,500 square foot compartments to avoid sprinklering.

MR. PAGE: And this is simply because of what is being stored there. If there weren't mattresses and couches, this wouldn't even be an issue because it's just under 12,000.

MR. CONNELL: That is correct.

MR. PAGE: Okay.

MR. CONNELL: Doug?

MR. MUZZY: All right, I'm a little confused on how construction started without permits or some permits were issued and what part is -- are the permits for the part that's not being affected now?

MR. SIMON: So as always, we make an effort to help construction begin prior to total permit approval. So footings, foundations, all of the site work went in, as the applicant stated, all of their parking lots and so forth. We had actually issued a permit for the last building that we're talking about now prior to us figuring this out. It inadvertently happened when the applicant was concerned about the fees and came in to talk to me, and I discovered this, and once I see something, I can't just ignore it. I have to speak to it, so that's how we ended up here today.

MR. MUZZY: Okay.

MR. SIMON: We have talked about - let me see if I can find it here. I thought the applicant's

design professional team came up with a pretty good idea, to simply sprinkler the corridors. It's not the letter of the Code, but we believed it met the intent of the Code for separation and protection. But then, of course, it became a very costly endeavor, so that's why I think the applicant -- we don't want to speak for you, but I think that's why we're here.

MR. MUZZY: So that was - part of the issue was doing the sprinkler of the hallways, a one-inch line was put in for just the bathroom and the office, and it's not sizable for a sprinkler system. So all that would have to be changed, and that was already put in and paved over, the building pads, everything in. We do have, if you go back to that real quick - well, you can see it right there. On the large building right there on the top right corner of it is the fire hydrant that we put in within about 50 feet of the building to access the whole property and be within or under the footage for fire hose for distance to trucks and stuff. But I think as far as, like, the upholstered and furniture, I mean, everyone has an opinion, but I feel like that kind of goes more towards furniture stores where you have volumes of it. It's the same as nothing is - you know, you can't monitor everything. I mean, you say in our leases, you know, and signs on buildings, and as you drive up, no flammables, no hazardous, no anything like that. Who is to say people store lawnmowers in them, you know.

You go to about any storage facility across Columbia, and I guarantee you you're going find a lawnmower. Well, then you've got flammables, you know. So I feel like, you know, it's - it's kind of vague in that sense.

MR. CONNELL: John?

MR. PAGE: So I want to make sure I understand right. You have agreed to sprinkler the hallways, or you have not?

MR. MUZZY: No.

MR. PAGE: No.

MR. MUZZY: So that was a proposed plan until we found out we couldn't even run a sprinkler system on it due to the water line sucks.

MR. PAGE: So for this building to be compliant, it would have to have sprinklers not only in the hallway, but in the storage areas, too?

MR. BAUER: Yes.

MR. PAGE: Okay.

MR. BAUER: Or be subdivided in the compartments less than 2,500 square feet.

MR. PAGE: All right.

MR. SAUNDERS: I have a question.

MR. CONNELL: Go ahead.

MR. SAUNDERS: Just point of clarification, so the \$60,000 additional, is that to sprinkler the hallways?

MR. MARCY: That's just the hallways, yes. That's for the water line going in and just the hallways. And it would be substantial amount more

if it's doing all units.

MR. SAUNDERS: Okay. So point of clarification again. Kyle Saunders. So the \$60,000 is really just to show you it's going to cost a lot. You don't actually have a cost to sprinkler the building in compliance with what the line Code says?

MR. MARCY: No. That was originally what we had proposed and tried to agree upon was just the hallways, so I got bids on doing just the hallways for a sprinkler system, and then tearing out the concrete. To do the whole facility, they would have to drop a head in every unit and then do a bigger line coming in for more volume, so I couldn't tell you what that price would be, honestly.

MR. SAUNDERS: Can I ask another question?

MR. CONNELL: Yes.

MR. SAUNDERS: So point of clarification, again, does the City sign any warranty, liability of labor to accept liability if something is missed in due process to allow a permit to be issued partially, and allow construction to begin? Is there an assumption of liability for the City when they --

MR. SIMON: No, there is not. So the way the Code reads, if the Code official or his staff missed something does not mean that it's okay to proceed that way, as far as liability goes. It might be easier if I just bring up the ordinance.

MR. CONNELL: Matt?

MR. YOUNG: How far along is the building in question? Are the footings in place and the

structure up?

MR. MARCY: Oh, yeah.

MR. YOUNG: Completely under roof?

MR. MARCY: Yeah.

MR. SAUNDERS: I drove by there yesterday and they were doing roofing, so --

MR. CONNELL: Doug?

MR. MUZZY: From a design professional standpoint, why wasn't this caught before -- you know, when you initially submitted it? I mean, because it seems like we have two things. One, I don't understand quite why it wasn't picked up, and also, City approving it, and it didn't meet Code, but --

MR. TENERDINE: So the IFC interpretation is not actually in the Code book, and the commentary associated with the building codes doesn't really address that. So my interpretation was this building isn't dedicated to the storage of upholstery and furniture, like, a mattress store or something to that effect. So I didn't interpret it as applying to a self-storage, mini-storage facility since they were potentially storing a lot of other things in the building, not just mattresses and upholstered furniture. But the IFC interpretation is clear once it was pointed out that it's their intention that it would apply.

MR. WALLACE: And that was brought to light after the building permit was issued?

MR. TENERDINE: Correct.

MR. WALLACE: And the building was -- the site

work was done and the building was erected.

MR. MARCY: Yeah. So four of the buildings -- five of the buildings were permitted about a month prior, and those were erected, because the other four road facing were under review for compliance for I don't know what thing you would call it.

MR. PAGE: From and developments?

MR. MARCY: From and development standards. So that permit for the last four was issued a month after the first five, as far as construction for erection. All the footings, foundations, all went in at the same time. So plans for the buildings were all there and the MDPs prior to that.

MR. CONNELL: Forgive me. I'm trying to find the administrative provisions still.

MR. CARLSON: I want to say something.

MR. CONNELL: Kas?

MR. CARLSON: After this 11,000 square feet has been constructed, could interior fire walls, two-hour fire walls be put in between units to create smaller spaces.

MR. MARCY: Yeah.

MR. CARLSON: Can double sheetrock be applied or can you get your fire rating that you need and box it down and use some interior fire doors that stay open and only close when there's a fire? I mean, could you not compartmentalize interior with some fire walls.

MR. MARCY: Yeah.

MR. CARLSON: And do a couple of doors that are fire doors that are interior, but across from

walls that shut automatically during a fire.

MR. MARCY: Yeah. So John and I have looked at doing that, and to add enough walls in there, it would add seven fire doors that are between \$2,500 and \$3,000 a piece. And then how the units are aligned, you would have to move walls on the unit sides for the walls to actually line up to put wall strength through.

MR. DOVE: Do you have the MDP drawings?

MR. WALLACE: You said this was a conditioned building, right?

MR. MARCY: Yes.

MR. DOVE: Where is the mechanical space?

MR. MARCY: There's a mechanical room on each side of the firewall.

MR. CARLSON: It would have to be dampered. All that would have to be dampered, would it not?

MR. TENERDINE: Correct.

MR. MARCY: Then we'd be adding dampers. I did a mechanical room on either side of the fire wall, so I'm going to try to prevent anything passing through it.

MR. SIMON: Can you guys see that?

MR. CARLSON: So the interior fire walls would cost way more than what you thought \$60,000 for the sprinklers in the hallways would cost you?

MR. MARCY: Yes.

MR. MALICOAT: I guess if you had to, you could always push a water line --

MR. CARLSON: Underground and make a hookup.

What's the water line required? Is it

two-inch, four-inch?

MR. Bauer: Well, it's probably six.

MR. CARLSON: Six-inch water line, just to
sprinkle those hallways?

MR. BAUER: Well, it depends on what you want

MR. CARLSON: Did you have a size?

MR. MARCY: I know four-inch for doing just
the hallways.

MR. CARLSON: Four inch for doing the hallways.

MR. MARCY: And there's a six-inch going to
the property.

MR. CARLSON: And there's a six-inch out in
the middle of the parking lot, but --

MR. TENERDINE: Yeah, but--

MR CARLSON: So you would have to intersect
that six-inch water line and probably T off a 90
into a building in a proper spot?

MR. MARCY: Yeah.

MR. SIMON: Back to the question about
liability because this is important.
Any officer or employee charged with
the enforcement of this Code, while acting on
behalf of the City, shall not thereby render such
individual liable personally, and is hereby
relieved from all personal liability for any
damage occurring to persons or property. I think
the original question was the City itself, so
this is what I was thinking of -- maybe.

MR. SHANKER: Yeah. This wouldn't hold you
liable. Yeah.

MR. SIMON: So any suit instituted against

any officer or employee, because of an act performed by that officer or employee, in the lawful discharge of duties and under the provisions of this Code shall be defended by their legal representative of jurisdiction until the final termination of the proceedings, the officer or employee shall not be liable for cost in any action, sued or proceeding that is institute pursuant to the provisions of this Code, and any officer or employee acting within the scope of employment, and in good faith or without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission of the performance of official duties in connection therewith. Nothing contained herein shall be deemed a waiver of the immunities of protection afforded to the City or officers and employees pursuant to state and federal law.

I'm uncertain if that answered your question. That's what it took my mind to is that section of the ordinance. The building code itself speaks to if something is missed by the Code official, that doesn't make it okay to just go ahead and proceed.

MR. CARLSON: These had architectural architectural designs; right -- done by a professional and sealed, and so it comes down to that was missed. Is that what we're -- that's what it comes down to, right.

MR. TENERDINE: Yeah. Missed twice.

MR. SIMON: May I? So it is a fairly obscure section because the section of the Code starts out with this type of occupancy shall be -- have an automatic sprinkler system if it's 12,000 square feet or more. And then as the Code often does, there's you're A, B, C, and D, and it speaks to whether you have upholstered furniture or mattresses. And then there's always the interpretation of what they mean. As the applicant stated, we thought that meant if you're a furniture store or you're -- you know, that's what you're -- that's what you're doing. But the interpretation of it is spaces are rented to the individual for the storage of personal household items which could include pieces of upholstered furniture and mattresses. Would this then require an automatic sprinkler system? The answer, this is an interpretation by the ICC. Criteria is written, it says that any S-1 occupancy, not the fire area, but the over 2,500 square feet, used for storage of upholstered furniture and/or mattresses shall be sprinklered throughout. This is regardless of how much upholstered furniture and/or mattresses are actually stored. That's their interpretation.

MR. MUZZY: So I was going to bring the light being as there's not a -- being there's uncertainty on the Code and if it's, you know, applied to mini-storage or not, has this just become light or is every mini-storage that's been built since '17 or '18 when this Code was brought

into City code, then held to that standard?

MR. SIMON: Since 2012, to the best of my knowledge all self-storage facilities have been held to this standard, and this interpretation was made in 2012.

MR. CARLSON: Most of them in Columbia probably have exterior doors.

MR. SIMON: Correct, there are many that do not.

MR. BAUER: The only other one that I know of is the Uhaul it's sprinkled because it's three stories tall.

MR. CONNELL: Kyle?

MR. SAUNDERS: Is this -- can we not get around this by just putting some bylaws in the building that says no furniture or mattresses can be stored inside this area and must be stored in external facilities? Is that not a loophole?

MR. TENERDINE: I think that's something the owner would be willing to consider. It then comes back to the enforcement and how that's going to be monitored, I guess, and it's something that we would consider.

MR. SAUNDERS: Video surveillance, and a legal agreement that they enter into when they lease the space; is that not --

MR. CARLSON: Well, they sign a lease, I would assume, which most of them do, and in that lease, it would be stated that the storage of these items are prohibited in this space.

MR. TENERDINE: Correct.

MR. CARLSON: And there would be, I would assume, some signs put up at the doors or in the interior.

MR. CONNELL: John?

MR. PAGE: Technically, you're not in violation yet because nobody moved in. Is this something that because they're going to bring in household goods, you anticipate that this is going to happen? Or do you know for a fact they're going to be moving mattresses and furniture in there?

MR. TENERDINE: It's what the Code interprets that will happen.

MR. PAGE: Right. You don't know what they're going to do, right?

MR. TENERDINE: Correct.

MR. CARLSON: Yeah.

MR. PAGE: So if you put signage out, but you can't do that.

MR. CARLSON: Restrict it in the lease.

MR. PAGE: Yeah. I mean, because, again, I guess you haven't violated it yet.

MR. SHANKER: Does this body have the authority to make such a stipulation? And, secondly, if the new Code was in effect, would this still be a viable problem? It still would be a problem. I don't know if we have the authority legally to do that?

MR. CONNELL: Matt?

MR. YOUNG: So the way I look at the board, the board has to do a few different things, and the thing that comes first and foremost is life

safety. And means to egress, stuff like that, if there is a fire in there and it's not sprinkled, it could be a bad situation, period. You know, if the corridors are sprinkled and everything like that, I would feel better about it personally for life safety. It still wouldn't meet the intent of the Code, but life safety would be helped greatly, I would say. And would be us giving a little bit considering what they have to go through, honestly.

MR. CONNELL: Jim?

MR. DOVE: It would seem like you're making this center core a conditioned storage, which, when I think of conditioned storage, you want to store stuff in there you don't want to get moldy and mildewy. And so to limit you not to allow mattresses and stuff that might be a good thing to store in that kind of environment seems to kind of limit -- and I kind of agree with what was just said, that if you could sprinkle part of the building, like the corridor, maybe that kind of helps with the life safety, but I don't know how you would keep people from putting a mattress in there, even if you put a sign up. Just my thought that conditioned storage, they're going to be expecting you probably charge a higher fee for the conditioned storage and -

MR. MARCY: Yes, the condition, I mean, a lot of -- you get people that move, you have people -- college students. You have offices that have paperwork, you know. I don't know, combustibility, I mean, about anything in storage I feel like is,

you know, I'm not shooting myself in the foot, but anything can be considered a hazard. A mattress here, a mattress there, I mean, it's -- it's like sprinkling a house. You have a bed in every room. You've got furniture in the living room, you know. You've got big houses, they're not sprinkled, and they've got furniture in every room. How many of these units will have furniture? Who knows. But will every single one of them? Unlikely.

MR. CONNELL: Doug.

MR. MUZZY: What's the situation with smoke detectors? Does this thing detect -- you know, what do we have in here? I'm just trying to think, do we really have some other alternative to protection that's a lot less expensive that would provide that life safety, but --

MR. TENERDINE: We don't have an automatic smoke detection system, I don't believe.

MR. SHANKER: Even if there was and even if it was monitored, Fred can add to this, there's no guarantee that the subscription would go on for years and years.

MR. CONNELL: Fred.

MR. MALICOAT: Every storied building that I've seen that has this situation is spinklered or you put fire partitions in there, so I move to deny the appeal.

MR. CONNELL: So we have a motion to deny the appeal. Is there a second?

MR. SHANKER: I'll second it, just to get the ball rolling.

MR. CONNELL: So we have a motion and a second.
Discussion? Kas?

MR. CARLSON: And our motion for denying is just on the conditioned storage units because you said that the other's kicked out. So I just wanted to make sure that was in the motion, that you're denying the whole appeal, but apparently we rectified part of this and it's just on the conditioned space.

MR. CONNELL: Correct.

MR. CARLSON: Okay.

MR. CONNELL: Doug?

MR. MUZZY: Yeah. I just wanted to make sure that we've explored other practical life safety -- saving alternatives that are not as expensive as going back and putting a whole sprinkler system in. I don't know if the fire department could speak to any possibilities. And -- and that would include, you know, signage that says, you know, hazardous material could be in this building for the -- you know. Don't go in it.

MR. MARCY: Yeah. And there are, you know exit signs, there are fire extinguishers in every hallway. There's the fire hydrant, the egress doors. You know, keeping -- the doors do have windows, trying to keep light in there. So trying to make no -- no hazards for any traveler. They're wide hallways, so --

MR. WALLACE: I've got a question, Will there be a staff or somebody there onsite during normal business hours?

MR. MARCY: During office hours, but not 24/7 or anything like that.

MR. WALLACE: Office hours. And there will be -- not fire hydrants, but --extinguishers?

MR. MARCY: Yeah. Extinguishers in -- in the whole facility, in the hallways and everything.

MR. CONNELL: Kas?

MR. CARLSON: I think the original intent of what is said in this Code right here is -- and I know it's life safety. But you're protecting the people that are fighting the fire because they know what they're getting into when they go to the building. It's not the individual or one or two people in that given day that are going to be in there, because if they smell smoke, they're not going in. But the firefighters that are going in have to understand what this building is and what they're going to fight when they get there. And by -- by ignoring that part of the Code, I don't know how they could ever understand going into that building what they're coming up against, because they do not have the protection set forth in the Code to help fight this fire. This is for protecting the people that would fight a fire if it was going to be -- if a fire was going to happen. The one or two people that walk in there and store something, in a day, you can go by any given mini-storage, and there's not that many people there. This is not full of people seven days a week by any means. And -- and it's -- I think this was put in that Code for the -- for

the firefighters that have to go in there and fight it so they know where they're going and what they're doing.

MR. CONNELL: Matt?

MR. YOUNG: So just to reiterate.

So if this appeal is denied, every single part of this building is going to have to be sprinkled, correct?

MR. CONNELL: Or subdivided.

MR. YOUNG: Correct. And to the less than 2,500 square feet with firewalls.

MR. CONNELL: Jim?

MR. DOVE: Jim Dove. John, I know they're building another self-storage across from Menard's, Has that got any of these criteria, and did they have to --

MR. SIMON: I can guarantee you, this will not be missed on that -- on that building. There's another south-side storage facility going in, as well, we're off Chinaberry that's fully sprinklered, as well.

MR. DOVE: So it's a common -- common occurrence.

MR. SIMON: It has become that way since 2012.

MR. DOVE: Correct.

MR. CONNELL: Kas?

MR. CARLSON: If they were to propose sprinkling the hallways in this, they would have to bring it to us as that, or it would have to be amended to that, because right now, the -- we've got a -- for denial of the way it is, them doing

nothing.

MR. CONNELL: We have a motion to deny.

MR. CARLSON: That's -- yes. They could bring it back as if they were going to sprinkle the hallways, but we cannot do that until they make that motion.

MR. CONNELL: Matt?

MR. YOUNG: They can do that right now, if they're willing to do that.

MR. CARLSON: Didn't say -- didn't say they couldn't. I just said --

MR. CONNELL: Question for the applicant. When you -- when you got cost estimates for a sprinkler system, can you define which system? Is it NFPA 13, full-blown, and a PA-13R or B?

MR. TENERDINE: No. It was not based on a FPA standard. There's -- I don't think there is any standard -- sorry. This is Jason Tenerdine again. I don't think there's any standard that would allow you just to sprinkle the hallways of a building, and be in compliance with the Code, NFPA standards. So this was a unique sort of proposal to compromise to some degree with departmentalizing the buildings without fire-rated constructions by using the water, you know, from the sprinkler system to sort of compartmentalize.

MR. CONNELL: Question for Mike Bauer or John Simon. If they were to propose a sprinkler in the hallways, would you consider at 13P system?

MR. BAUER: Well, a 13P system will not use other than just powdered materials. Domestic.

Probably you would want to go with a MP13. Okay. I just wanted to clarify that.

MR. SHANKER: I make a motion to call the question, predicated on if they want to do something different, they can bring it back, just like you suggested. So I'd like to make a motion to call the question.

MR. CONNELL: We have a motion. We need a second.

MR. CARLSON: I'll second it.

MR. CONNELL: All right. We have a motion and a second to call the question. And the question is, we -- we have a motion to deny the appeal.

MR. SHANKER: No. The question is to call the -- the motion is to call the question. You have to vote on that first. Shall we call the question or not.

MR. CONNELL: So I stand corrected. Everybody in favor of calling the question, raise your right hand.

MR. SHANKER: That ends discussion.

MR. CONNELL: Everybody opposed? It looks like the ayes have it. So we're calling the question. So I'm compelled to say to the applicant there is an opportunity here to withdraw this appeal and drop back and try to work something out with staff before we vote however we're going to vote on this motion to deny this appeal.

MR. TENERDINE: So can you explain what that means so we understand.

MR. CONNELL: Well, there's a motion on our floor to deny the appeal as -- as presented. We can proceed with that, or you tell me if I'm wrong, John, you have the opportunity to withdraw this appeal before we vote on it, and drop back and work something out with John and Mike.

MR. MARCY: Hang on for a moment.

MR. CONNELL: Yeah.

MR. MARCY: So quick question, to piggyback off of your question referenced earlier on the liability of the City, John had pulled up in the Code how it covers any oversight from the employees. What's the City's liability for something like this?

MR. SIMON: So I would -- you're going to have to talk to an attorney. I don't know about legal liability. I would surmise from the ordinance that what we're -- what the ordinance is saying is, without malice, we interpreted to the best of our ability, and it was missed. And the Code says if it was missed, that does not give the contractor nor the design professional the opportunity to not do it in a Code compliant fashion.

MR. CONNELL: Rick?

MR. SHANKER: All this means is the variance that you requested tonight, if it gets voted down, is denied. That's all this means. As far as calling the question, that's it. We don't talk about it, we go.

MR. CONNELL: All right. We have a motion to

deny the appeal. All in favor -- so voting in favor of the motion is denying the appeal. Kyle Saunders?

MR. SAUNDERS: I vote to deny the appeal.

MR. CONNELL: Matt Young?

MR. YOUNG: No.

MR. CONNELL: So you're voting not to deny --

MR. YOUNG: Not to deny the --

MR. CONNELL: Okay. Fred Malicoat?

MR. MALICOAT: Yes.

MR. CONNELL: Brian Connell? Yes.

MR. CONNELL: Richard Shanker?

MR. SHANKER: Abstain.

MR. CONNELL: Okay. Scott Wallace?

MR. WALLACE: No.

MR. CONNELL: Kas Carlson?

MR. CARLSON: Yes.

MR. CONNELL: John Page.

MR. PAGE: No.

MR. CONNELL: Doug Muzzy?

MR. MUZZY: No.

MR. CONNELL: All right. We have one, two, three, four in favor of the motion, and we have one, two, three, four opposed to the motion. It is a tie.

MR. SHANKER: It does not pass.

MR. CONNELL: So the appeal is denied.

MR. TENERDINE: Okay. Thank you.

MR. CONNELL: Thank you.

MR. SHANKER: No. Wait. Wait. Wait.

MR. PAGE: You've got to have six

MR. CARLSON: You've got to have six. We have to have a majority in order to --

MR. PAGE: So if it doesn't get six votes either way, it's denied.

MR. SIMON: Before they leave, let's make sure we've got this right.

MR. SHANKER: John, just so -- and everybody who voted no means you are against the suggestion that it's denied; is that correct?

MR. PAGE: That is correct.

MR. SIMON: 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.

MR. PAGE: We didn't have 11. Four and four-

MR. CARLSON: How many have we got?

MR. SIMON: We have nine. So you are given the opportunity to bring it back before the board, because we did not have 11 commissioners present.

MR. SHANKER: We have 11 here.

MR. SIMON: Jim Dove came in afterwards. How many did we have.

MR. SIMON: There's one, two, three, four, five, six, seven, eight, nine, ten listed on here, and we've got John Page.

MR. SIMON: John is listed.

MR. CONNELL: Jim Dove is the only one that's not on this list, and I didn't ask my alternate to

vote. Rick Shanker abstained. I voted. So now we're in a Robert's Rules dilemma. Jim came in late. I don't know if that means that he could still vote, if he was here on time for the vote.

MR. SIMON: He was here in time for the discussion.

MR. CONNELL: Jonathan is my alternate; he's here. He's not a regular member, he's an alternate. If he's allowed to vote --

MR. PAGE: I think all members are allowed to vote, aren't they, if we don't have enough.

MR. CONNELL: Up to 11, yes.

MR. PAGE: No matter who they are.

MR. CONNELL: All right. So we have -- we have -- we have one abstention. So, okay. I'm going to -- this is unprecedented, but I'm going to ask Jim Dove to vote yes or no on the -- on the motion.

MR. DOVE: Remind me of which way was which.

MR. CONNELL: The motion was to deny the appeal, so a yes vote would be to deny the appeal?

MR. DOVE: Yes.

MR. CONNELL: Jonathan?

MR. TRUNK: Yes.

MR. CONNELL: Now we have six votes to deny the appeal.

MR. SIMON: If I may, that does not preclude you from coming back with the idea of only using the sprinkler system in the hallways.

MR. TENERDINE: Coming back here or coming back to you?

MR. SIMON: I think we need to come back here. Yeah. I think we need to come back here.

MR. TENERDINE: There is no way we can further discuss that now to keep them from moving-keeping the ball rolling forward.

MR. SIMON: It's up to you guys.

MR. CARLSON?: We voted.

MR. SHANKER: Yeah.

MR. CARLSON: We asked them to -- before we voted if they wanted to drop this or amend it, and they did not. It --

MR. CONNELL: And Rick -- Rick is correct. All we did was vote to deny this appeal.

MR. RICK: That's correct.

MR. SIMON: That doesn't preclude you from pursuing other options with the City with this Commission. Doug?

MR. MUZZY: John, you all have worked with them on that corridor idea, right? That's a -- do I understand that's jointly considered between you guys, so there is a compromise that you all were talking about.

MR. SIMON: It seemed like a reasonable way to do things, but I think it was determined that this body would have to make that decision as an alternative to the strict letter of the Code.

MR. MUZZY: Okay.

MR. CARLSON: So looking at the calendar and they come to you tomorrow and say we want to follow up with the sprinkler of the hallways, when do they come back? Do we have a time they come

back? Do we have a special meeting? Just so as they leave this room, they understand what's going on.

MR. SIMON: The chairman can call a special meeting of the Board. That is for sure.

MR. DOVE: Given the holidays, do we want to attempt that?

MR. CONNELL: The next meeting is January 22.

MR. CARLSON: Well, I would say we could have something special after the first of the year. I think it would be hard to do it between now and the first of January. I'm not saying we couldn't try to do a special meeting or --

MR. SHANKER: How much time would you need to actually show what you want to do for this corridor thing? Could you have it done in two weeks, because we can have special sessions? Is it a week? Review it with fire, review it with the City. How long would it take you? I, for one, am willing to come to a special meeting, but --

MR. MARCY: And I think the corridor we have talked about moving the walls, the uprights, it's a pre-engineered building, there's roof supports. So moving stuff isn't always the easiest, and then also adding seven more doors in there.

MR. SHANKER: Is that for a sprinkler system?

MR. MARCY: No, not for a sprinkler. I thought you were talking about doing the corridors.

MR. SHANKER: No. No. No. No. Any alternative, how long do you guys need?

MR. CARLSON: I would think you would have to

have a plan drawn that the City looked at and said this is what you want to present. I don't think we could just come here and say, yeah, we'll sprinkler the hallway. You're still going to have to approve --

MR. SHANKER: That's what I'm trying to -- do you need two weeks, do you need a week, do you need three weeks? What do you need?

MR. TENERDINE: With the holidays and everything else, it's probably two weeks would be my guess. And then kind of doing our due diligence to see if the sprinklers, whatever NFPA standard it is, still makes sense, or if we want to further explore, just subdividing the building, and not coming back here.

MR. KAS: Fred -- I asked Fred if chemicals are an alternative. He's indicating that it's more expensive than water; is that correct?

MR. MALICOAT: Uh-huh.

MR. SHANKER: Okay.

MR. CARLSON: I have a questions for staff. How much public notice we need?

MR. SIMON: Well, it says we can post it within 48 hours, and the commission shall meet upon notice of the chairman within ten days, and that's -- that's for special; otherwise, we meet once a month, so it sounds like the Board is open to --

MR. CARLSON: Because that's -- I don't know a whole lot about fire systems. I didn't know if there was a way, you know, for the safety of the

people fighting the fire, potentially, if a sprinkler system was put in the hallway, and tapped outside where they could put the hose onto it, and to the fire hydrants 50 feet away. I didn't know if that's --

MR. SIMON: All those things they're going to have to submit for, you know, as a plan. And so we considered the hallway thing. We thought it was a reasonable idea. We just wanted the commission to approve that, if it's going to happen, and they're willing to meet again within two weeks.

MR. TENERDINE: And a regular meeting is?

MR. SIMON: The 22nd.

MR. TENERDINE: Okay. So it would be almost five weeks before the next regular --

MR. CONNELL: I don't know that we have to decide tonight. If you guys decide that you want to ask for a special meeting, just make a request, Matt?

MR. YOUNG: There's no way we can just make a motion right now? And if everything gets laid out to John on paper as what we discussed, then we don't have to meet again. Is that possible? I think that's the only way you're going to get through this, honestly. I'm being completely frank with you. And so I'm just trying to move the ball for you.

MR. TENERDINE: I appreciate that.

MR. WALLACE: Scott Wallace. So just to kind of reiterate on you, we would approve that whatever John and the fire marshal would agree

upon, whatever proposal they brought on --

MR. YOUNG: We can just -- yeah. We can propose it now, and he just needs to make sure it's translated.

MR. SIMON: If they're ready to propose it.

MR. YOUNG: They don't have to agree to do it. I mean, otherwise, you're going to have to sprinkle the whole building.

MR. KAS: You're going to have to come back.

MR. SHANKER: Brian?

MR. CONNELL: Yes.

MR. SHANKER: Rick Shanker. In the words of John Page, we're not here to solve problems at these meetings. And I don't feel comfortable about just saying, yeah, we talked about it, go ahead and do it without this guy and that guy looking at the specifics, and by their own admission, they may look at something else; is that correct?

MR. YOUNG: The beauty is everybody has a vote, Rick.

MR. SHANKER: You're right.

MR. YOUNG: So I can say my vote now, if at all possible for this, I would -- I would make a motion if the corridors are sprinkled and the firewalls are in place, per this plan, for that appeal, I would vote on that.

MR. SAUNDERS: I feel like your intention is to save them money so they can move ahead with construction so they can perform their option.

MR. PAGE: Exactly.

MR. SAUNDERS: But having been a contractor, if we vote that they can do that, then we're making them do that and they can't come up with another option.

MR. YOUNG: They can come up with an option that'll meet the intent of the Code all they want. This is -- this is like us making a little bit and giving --

MR. CARLSON: All you're doing is authorizing John to approve a plan, and for them to continue on based off them sprinkling the hallways, based off that plan right there. And if they deviate from it, and John is not comfortable with it, then he would deny it.

MR. YOUNG: Correct.

MR. CARLSON: So that's what the motion would be, that they would -- by that plan and sprinkling the hallways and John and the fire department would both agree that this is the right sprinkler system to use, this is the right size to use, that's what we talked about, and then it's a done deal. And if it's not and they're going to deny it, it would have to come back to us.

MR. YOUNG: Correct.

MR. MALICOAT: Brian?

MR. CONNELL: Yeah. Fred, Sorry.

MR. MALICOAT: That might -- so you're thinking about it, you're going to call U-Haul and tell them they don't need to sprinkle all of their building. Because it's the same -- the same situation, and they're putting up a system, and

they're sprinkling the entire building, like the Code says. So now the next person that does a storage building, they just need to sprinkle their corridor, and then they're going to go. I don't think that's why the Code was written in 2012. So just my opinion.

MR. MARCY: This -- this is a code variance, being as we've already proceeded with it, and this is kind of a after-coming of it brought to our attention after groundwork is in. Those places that you're referring to are multi-story. Clearly, they're going into it knowing we need a water line that size. We're adapting knowing after the fact.

MR. MALICOAT: I've done storage buildings in Kirksville, St. Robert, and I don't know how many others. Existing buildings a company moves into, we sprinkle there.

MR. CONNELL: Yeah, Mike.

MR. BAUER: So my concern in sprinkling the hallways is what is going to burn in the hallways versus what it's going to burn in the -- in the storage units.

MR. DOVE: And the storage unit is probably a metal building?

MR. BAUER: The whole building is metal construction, yes. So doing the hallways would just separate essentially as a fire barrier, same as putting the walls. I saw doing the walls you run into moving things for structural, plus you add seven doors in there, and I feel like it would be a nightmare if someone was in there

to get them out quickly.

MR. CONNELL: Kyle?

MR. SAUNDERS: I motion we continue with the agenda, and move on.

MR. CONNELL: Do I have a second.

MR. CARLSON: Second.

MR. CONNELL: All right. All in favor of moving on, raise your right hands. Okay.

MR. SHANKER: Did you get a second on your proposal or not?

MR. YOUNG: No.

MR. CONNELL: It died.

MR. SHANKER: Yeah.

MR. CONNELL: I'm going to suggest you guys come back with a plan to John and Mike, and if we need -- if we need to call a special session, I think everybody here has agreed they're willing to do that.

MR. TENERDINE: Okay. Thank you.

MR. CONNELL: Thank you.

Appeal is denied.

Yes: 6 - Carlson, Connell, Malicoat, Trunk, Saunders and Dove

No: 4 - Muzzy, Young, Page and Wallace

Excused: 8 - Creasy, Jackson, Weber, Neyens, Howe, Kaisher, Kilgore and DeYoung

Abstain: 1 - Shanker

IV. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

V. NEXT MEETING DATE JANUARY 22 , 2024

VI. 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.

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)