



City of Columbia, Missouri

Meeting Minutes

Building Construction Codes Commission

Monday, January 23, 2017

4:30 PM

Regular Meeting

City Hall Conference

Room 1A

701 E Broadway

Columbia MO 65201

I. CALL TO ORDER

Also present Mr. Shane Creech and Ms. Susie Altis (Witness)

Mr. Connell: The official clock says it's 4:30, so we will call this meeting of the Building Construction Code Commission to order.

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

November 28, 2016 *Draft* Minutes

Attachments: [November 28, 2016 Granicus draft minutes](#)

Mr. Connell: The first item on our agenda is approval of the minutes from November 28.

I trust everyone has had a chance to review those. Does anyone have any corrections or comments?

(A show of hands.)

MR. CONNELL: John, and seconded by Todd.

(Unanimous vote for approval.)

Motion to approve minutes by John Page

Seconded by Todd

unaimous vote to approve

IV. PUBLIC HEARINGS

Case 17-001

Jason Tegerdine, Simon Associates, asking for a variance on 38 N Eighth Street, Room 38 Bar and Lounge, for the step and door with regards to the projection into the public right of way.

Attachments: [Case 17-001-Room 38-proposed door & landing](#)

MR. CONNELL: We'll move right into the very first case of our new year. Case Number 17-001

Jason Tegerdine of Simon Associates is asking for a variance on 38 North Eighth, Room 38 Bar and Lounge, for the step and door with regards to the projection into the public right of way.

I will read the application for appeal. 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 Conley Subdivision, Lots -- and there are several listed -- also known as 38 North Eighth Street, Columbia, Missouri. Applicant requests a variance on ruling with respect to the above described property. On the 6th day of December, said code official disapproved proposed door and landing to be built in north wall of Room 38 Bar and Lounge. The reason she gave for such action was that proposed door and landing encroaches into public right-of-way, which does not comply with Section 3202.2. -- 3202.2 and 3202.2.1 of the 2015 International Building Code as adopted by the City of Columbia, Missouri, which provides or requires that doors and windows shall not open or project into public right-of-way and steps shall not project more than 12 inches and shall be guarded by approved devices. A copy of the notice of said official is hereto attached.

The basis for this appeal as permitted by the International Building Code as adopted by the City of Columbia is, and they have checked, the true intent of the Code or the rules legally adopted thereunder have been incorrectly interpreted. Applicant is requesting a variance, a ruling, or both in the way of carrying out the strict letter of the

Code because Columbia City Council has granted Room 38 authority to use the public right-of-way for an outdoor patio. Proposed door swings into this patio. Attached is copy of proposed right-of-use permit. Applicant is proposing to have door and landing be built in Room 38's patio space granted by right-of-use license permit. Name, Jason Tegerdine, agent of Simon Associates, Inc., dated 1/6, 2017.

Will the applicants and anyone representing the City who wishes to speak on this matter stand and be sworn in.

(The witnesses were sworn.)

MR. CONNELL: You have the floor.

MR. TEGERDINE: So, I've got a couple -- some copies of what we're proposing. You might have to share.

MR. CONNELL: Jason?

MR. TEGERDINE: Yes.

MR. CONNELL: Would you state your name for the reporter?

MR. TEGERDINE: Yes. I'm Jason Tegerdine. So, as you can see on the drawings, the Room 38 will be building a patio into the extended sidewalk area there on Walnut Street. As part of that, they want to have better access from the bar and serving area to this patio, so we're proposing to have this door, which projects into the sidewalk with the landing and the door swing. As described, there is a right-of-use permit that the City has granted for the operation of the patio, so we feel that the door is within that area and should be allowed to project into that sidewalk area.

MR. NOORDSY: Is there a provision in there?

MR. TEGERDINE: Yes. As a part of the City's agreement with Room 38, there is language that they have to remove any improvements that they build into the sidewalk if they ever vacate that patio space. So, at the time that that would occur, this door and landing would be removed and no longer swinging or encroaching into the public

right-of-way.

MR. CONNELL: John -- or John? Curt?

MR. LICHTY: Just a couple of clarifications. So, the step or stoop or landing projects how far to the --

MR. TEGERDINE: Currently, it projects about two feet into the public right-of-way.

MR. LICHTY: Okay.

MR. TEGERDINE: Or the sidewalk.

MR. LICHTY: Okay. And then in this diagram, are those railings that I see around tables? Are those permanently attached? What is that?

MR. TEGERDINE: That was designed by somebody else, but it's my understanding that those are railings or some sort of barricade to define the patio space.

MR. LICHTY: Okay. And they're permanently attached to the sidewalk?

MR. TEGERDINE: Correct.

MR. LICHTY: Okay.

MR. PAGE: I have a question. Again, it's about this landing. So, when you step out this door, are you slightly above the sidewalk grade?

MR. TEGERDINE: There's a six -- there's a six- or seven-inch step there above the sidewalk. The sidewalk slopes towards the west, I believe. So, from the interior, there is a step or a landing required.

MR. CREECH: Okay. What's the height?

MR. TEGERDINE: Seven or eight inches. I'm not sure exactly at that location what it is.

MR. CREECH: So, what you're proposing is a legal riser?

MR. TEGERDINE: Correct. It will be, yes.

MR. CREECH: Is that correct?

MR. FILE: We're only talking one door, correct? This shows two doors on here, but

we're only talking about the one to the west.

MR. TEGERDINE: Correct. The other -- the other door is already existing and we're only talking about the one at the patio.

MR. FILE: The one door. Okay.

MR. WEBER: I have a question.

MR. CONNELL: David?

MR. WEBER: So, the issue isn't the -- the landing or anything like that. It is the encroachment into the right-of-way, right? That's the only issue?

MR. TEGERDINE: That's the only reason that we're here today.

MR. WEBER: And they're saying they have an agreement that lets them do that, so why are we here? I'm sorry, but is there a conflict between that I can see and this agreement? Okay. So, they have been approved by the Council. If the Council approves something that violates the Code, I am -- I'm sorry. I just -- I'm just trying to figure it out, because I don't get it. I don't understand it.

MR. CONNELL: Well, for clarification --

MR. WEBER: If the Council said they could do it, why are we here.

MR. TEGERDINE: The Council didn't vary the building code.

MR. WEBER: Okay.

MR. TEGERDINE: All the Council said was that they had an agreement when they did the approval that they were going to widen that area out and then they approved a right-of-use that allows the sidewalk café kind of, you know, place to eat outside. And so, they're in the -- they're -- in a way, they're independent of each other. This door swing wouldn't necessarily have to be there, they'd just have to go out their front door probably out to this space. The Code only won't allow you to encroach and swing a door out there and won't have you more than, what is it, 12 inches or something out.

MR. WEBER: So, it's the door swing?

MR. TEGERDINE: It's the door swing and the step.

REPRESENTATIVE OF SIMON ASSOCIATES: It's the door swing and the step.

The door can't swing across the parking line and the step can't be more than 12 inches into the sidewalk.

MR. CONNELL: Kas?

MR. CARLSON: And this variance that we're talking about is following the patio variance or the seating variance that the Council has done, so if it goes away and the door goes away, or if they change ownership, that changes ownership. I'd like to make a motion for approval.

MR. CONNELL: We have a motion to approve. Is there a second?

MR. PAGE: Second.

MR. CONNELL: We have a second from Mr. Page. Discussion?

MR. WEBER: I have a comment. I fail to see why the safety issue. If the Council wants to decide they want to violate the building code, then -- then this issue, why do we have a problem with that. So -- and you know, you're trying to parse it away from that, but that's what we're talking about.

MR. CONNELL: John?

MR. FILE: I don't think that it's really on that. It's -- it's -- I don't believe that it's the life safety thing doesn't play into that. I think it's more of a -- the door swing. But with the step there, people aren't going to be -- be -- having the door swing out in front of them when they're going around that way anyway. I don't believe it's a life safety issue, I think it's --

MR. WEBER: Right. I don't think it is at all. Yeah. That's what I'm saying. I don't think it's -- it's -- the Council said they could do it.

MR. CONNELL: Well, I read through this right-of-use license permit that was an attachment to our package, and I found neither a specific inclusion or a specific exclusion

of this type of improvement to this -- to this improvement that they're being allowed to do with this right-of-use permit into the right-of-way. So, we're not the legal department, but I'm inclined to think that there isn't anything in this document that says they couldn't do that as part of the patio improvement. John?

MR. FILE: Again, I read -- I read the Code just before I came and, to me, it looked like the City is within its right to grant that, but it has to be granted. Otherwise, the Code -- the Code is the authority, but the City has the right to grant that right-of-way, so I think that's just what this process is doing right now is -- is granting that right per the Council.

MR. CONNELL: Any other comments? We have a motion and a second to approve the -- the applicant's request. All in favor, raise your right hand.

(A show of hands.)

MR. CONNELL: We have one, two, three, four, five, six, seven, eight, nine. Opposed? Seeing none. The request is granted.

(Unanimous vote for approval.)

MR. TEGERDINE: Thank you.

MR. CARLSON And this variance that we're talking about is following the patio variance or the seating variance that the Council has done, so if it goes away and the door goes away, or if they change ownership, that changes ownership. I'd like to make a motion for approval.

MR. CONNELL: We have a motion to approve. Is there a second?

MR. PAGE: Second.

MR. CONNELL: We have a second from Mr. Page.

MR. CONNELL: Any other comments? We have a motion and a second to approve the -- the applicant's request. All in favor, raise your right hand.

(A show of hands.)

MR. CONNELL: We have one, two, three, four, five, six, seven, eight, nine. Opposed? Seeing none. The request is granted.

(Unanimous vote for approval.)

V. OLD BUSINESS

Trade Board Ordinance Discussion

MR. CONNELL: Thank you. Is there any old business to discuss? Yes, sir?

MR. LICHTY: Mr. Simon asked me to pass around photocopies of the local amendments to the mechanical code, the electrical code, the plumbing code, along with a cover sheet that summarizes it for everyone to look at for the next meeting perhaps.

MR. CONNELL: Okay.

MR. LICHTY: And in these photocopies is the photocopy of the entire mechanical ordinance with changes printed in red. So, I'm going to start these around.

MR. CONNELL: All right.

MR. LICHTY: The mechanical code is coming first. There will be a cover sheet for somebody. We have -- that's a new -- there's a cover sheet, just one on a page with about six or seven lines.

MR. CREECH: I don't want to speak for Craig, but I think (indiscernible).

MR. CONNELL: Which one is it?

MR. CREECH: That would be Columbia.

MR. CONNELL: Did everybody get a plumbing?

MR. CREECH: Yes. Yes.

MR. JACKSON: The plumbing, mechanical and --

MR. CREECH: Electrical.

MR. JACKSON: -- electrical. Right.

MR. CREECH: Yeah.

MR. LICHTY: Plus a cover sheet.

MR. JACKSON: Plus a cover sheet, got it.

MR. CONNELL: I don't know if that was just covered by old business.

MR. LICHTY: It's under agenda under old business, but I'm not sure.

MR. CONNELL: Okay.

MR. LICHTY: Tray 4 is discussion.

MR. CREECH: I think you'll remember at the last meeting we talked about having the trade boards and things --

MR. JACKSON: Yeah.

MR. CREECH: They're gone away. We need to kind of clean all that up, so this is -- this is our -- our recommendation.

MR. WEBER: I remember we asked you to take a shot and we're going to look at it, yeah.

MR. CREECH: Yeah, look at it and we'll talk about it next week, but it is okay that we can proceed, and we want to make sure you guys had an opportunity to see it, and have any comments you might have.

MR. JACKSON: This means if we have no cases next month, do you still want to meet? That's a hard question.

MR. WEBER: Or do we want to go through it right now? Is there too much to go through on the projected?

MR. CREECH: I would suggest letting you guys review it first, read it first.

MR. WEBER: Okay.

MR. JACKSON: Read it first?

MR. CREECH: I don't know that if we didn't have any cases for next month, we would have to meet. But if we went two months without, then, at some point, I'd want to get it back together and get it moving forward, but --

MR. FILE: Shane, are we getting many applicants in any of these three coming down to the staff to be approved? We are getting some?

MR. CREECH: We are getting some.

MR. FILE: Not many?

MR. CREECH: No, not too many, but not that any of the ones that you see, but I

have nothing, well, controversial, nothing --

MR. FILE: The real advantage I see of just setting it forward is if somebody comes in, they don't have to wait until a certain date until the committee meets. You all -- I'm assuming you're taking care of it pretty much right then, and I think that's real advantageous to the applicant.

MR. LICHTY: No. It's -- it's very efficient, very streamlined.

MR. FILE: And no -- there's been no problems or anything from the staff's standpoint?

MR. LICHTY: What normally happens, John, is that if I have a problem with an applicant's criteria or experience, then I'll take it to John Simon and see what he says. In other words, it -- I don't think I can approve any test or reciprocate, and before I contact the candidate, I take it to John Simon and see what he says so that he gives it a review.

MR. FILE: And -- and if he's not sure or -- then it comes to us, I guess, is the way that works; is that correct?

MR. CREECH: The way we set this up, if we were to deny it and they thought that was done incorrectly, they have the option to bring it to you guys.

MR. FILE: So, it's up to the applicants really to bring it to us, not to you guys.

MR. WEBER: Yes. So they can appeal to us.

MR. LICHTY: Okay. Yeah. Not --

MR. JACKSON: In the same setting.

MR. CREECH: Because they have a chance to correct it with you before they would do it to us.

MR. LICHTY: Yeah, if they wish.

MR. CREECH: Yeah.

MR. WEBER: Brian, I don't want to backtrack, but, Curt, when I'm looking at this, there's two things that are obviously strike-throughs which I get, and then there's red highlighting. Could you just for me let me know what you were thinking? Highlighted is something in red is something and, obviously, strike-through means that the existing note is being deleted; is that --

MR. LICHTY: Great question. I'm not sure that I can answer it accurately.

MR. WEBER: You really don't have to do it today.

MR. LICHTY: Your question is, what's the highlighted part and what's the red print?

MR. WEBER: Yeah. I was just wondering if there was a rhyme to reason or --

MR. LICHTY: Yeah. And I believe the text printed in red ink is an addition to the existing ordinance, the red ink to match other -- other ordinances involved in the license trades. So, then the question becomes what's the highlighted part.

MR. WEBER: But if the red is added, why would it be struck out? That's what I didn't understand.

MR. CREECH: Because it's got lines through it.

MR. WEBER: Why would you add it and strike it out? I just don't understand that.

MR. JACKSON: Because when we read this, you're really not going to understand it.

MR. LICHTY: Probably because it was in there, but they're striking it out to take it out, and so that's why it's both the crossed out and in red, so it's a change.

MR. JACKSON: And the highlight is in red. It looks like it.

MR. LICHTY: Yeah. I'm uncertain.

MR. WEBER: But we should be able to look at the highlighted, the red stuff and that's the only real difference between the old and the --

MR. LICHTY: See, I'm looking at the electrical and stuff --

MR. CREECH: I can't speak to this for sure because John -- John did this, but there is a desire to try and make the three of them read the same --

MR. JACKSON: Got you.

MR. CREECH: So, he's probably cutting and pasting from a different one, so the highlight is probably there, he dropped it in the red, and then he was probably, well, that part needs to come out. He's just trying to make them all read the same.

MR. WEBER: Since he's in California, the --

MR. CREECH: Yeah. He probably did that -- he did that --

MR. JACKSON: Suggestion, if you can clarify that and send an e-mail to us --

MR. CREECH: We can do that.

MR. JACKSON: Would that be a possibility?

MR. CREECH: Definitely. Definitely.

MR. WEBER: Surely the cut and paste thing is the reason why the red is struck out, because I -- I just don't -- that's got to be the reason. That's got to be.

MR. PAGE: Any reports out?

MR. CARLSON: I don't think so.

MR. PAGE: I haven't got --

MR. CONNELL: General -- Yes, Matt?

MR. YOUNG: Curt, it's for you. Is there any typo here on the journeyman requirements for an electrician? It says 6,000 hours, I thought it was 8,000 hours. That's, like, a bunch.

MR. LICHTY: It's a bit confusing, but what we have are two different journeyman type of licenses, a C-6 and a C-8. A C-6 means you can test for your journeyman's license after 6,000 hours or three years and get a license from the City of Columbia. That license, a C-6, will not reciprocate with other jurisdictions, especially and specifically, Jefferson City. They will, I think, reciprocate the C-8, which means you tested after 8,000 hours.

MR. YOUNG: So, once you tested six and are approved, you're saying you have to

have another 2,000 hours to test again for an eight, or does 2,000 hours more give you the --

MR. LICHTY: Does not give. You've already got a City of Columbia license.

MR. YOUNG: So, you've got a six.

MR. LICHTY: Six.

MR. YOUNG: You retest again for an eight?

MR. LICHTY: Yeah.

MR. WEBER: So, the reason why we don't --

MR. LICHTY: Or you retest in Jeff City for -- for a journeyman's license might be the way that will happen.

MR. YOUNG: All right.

MR. WEBER: The reason for that, their typical designation is eight, but we will have out of this (indiscernible) is that's what's going on with that? Or is that -- has that always been two tiers?

MR. LICHTY: It hasn't always been two tiered. It came about probably -- I don't know -- 15 years ago or so where we were trying to bring more people into the electrical trade, so believing that four years is not necessarily required to sit for an examination and to spur people to get motivated to study and test for our license before eight years -- or before four years -- sorry.

MR. WEBER: So, it's a -- like a C --

MR. CONNELL: Other comments? General comments by public, members and staff? Seeing none. We have -- the next meeting date is tentatively February 27, 2017. I guess we'll keep an eye on whether or not any cases are -- are submitted. Is there a consensus about if there are none, are we going to skip that meeting?

MR. CREECH: Unless the staff needs -- unless we need to talk about this?

MR. LICHTY: Yeah. I'd say we skip it --

MR. CREECH: We can skip it unless you think we need to talk about this?

MR. LICHTY: I don't have any issue with the next one.

MR. PAGE: If it goes --

MR. CREECH: My only concern would be if we'd go three months without one, I'd probably at least want to have one to talk about it. Plus you all will read it and throw it back in the truck and forget about it at some point, so . . .

MR. LICHTY: Unless you all want to read it, and come back here.

MR. JACKSON: We don't have any -- we could get together and bond or something else -- have bonding time.

MR. CONNELL: I don't know that we need to formally act on that today. I'm getting the gist of the general consensus; if there's no cases, we won't need it then.

MR. LICHTY: No need to.

MR. JACKSON: But if we do, this will be part of the discussion?

MR. CONNELL: Yes.

VI. NEW BUSINESS

Open Commissioner Spots discussion

MR. CONNELL: Any new business to discuss?

MR. PAGE: Did we have anything open up, any of our commissioners open as far as what we're doing? Is there anything new or anything coming open for us?

MR. CONNELL: When you say open for us?

MR. PAGE: Didn't we add energy or the environment to our grid?

MR. CONNELL: We did, yes.

MR. LICHTY: Yes. In fact, it's on the assignment sheet.

MR. PAGE: And there's been nobody come forward, correct -- who saw it in the paper or something?

MR. CONNELL: Currently, we -- we have no one for the regular or alternate member for energy conservation.

MR. PAGE: Yeah.

MR. CONNELL: And according to my notes that I confirmed with the girls at the customer service counter today, we still have a vacancy as an alternate to the residential rental property owner.

MR. PAGE: I'm working on that.

MR. CONNELL: And that's the only other vacancy, so we have one regular member vacant and two alternates.

MR. CARLSON: And I was going to approach Drew Wallace to apply for the energy.

MR. CONNELL: For what?

MR. CARLSON: I think he'd be fantastic.

MR. MURRY: Uh-huh. He really is.

MR. CARLSON: Well, actually, they're trying to get him on -- on the Energy Commission, but have him apply for that if they have an opening or get him involved in that. He just needs to get more involved in the City of Columbia and the way it works and

everything.

MR. CONNELL: Okay.

MR. CARLSON: And I think he'd be a great one to have on our committee.

VII. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

VIII. NEXT MEETING DATE, February 27, 2017

MR. CONNELL: Other comments? General comments by public, members and staff?

Seeing none. We have -- the next meeting date is tentatively February 27, 2017. I guess we'll keep an eye on whether or not any cases are -- are submitted. Is there a consensus about if there are none, are we going to skip that meeting?

MR. CREECH: Unless the staff needs -- unless we need to talk about this?

MR. LICHTY: Yeah. I'd say we skip it --

MR. CONNELL: I don't know that we need to formally act on that today. I'm getting the gist of the general consensus; if there's no cases, we won't need it then.

IX. ADJOURNMENT

MR. CONNELL: Would anybody like to make a motion to adjourn?

MR. CARLSON: I think maybe I would like to make a motion to adjourn.

MR. JACKSON: I'll second.

MR. CONNELL: All in favor.

(Unanimous vote for approval.)

MR. CONNELL: Would anybody like to make a motion to adjourn?

MR. CARLSON: I think maybe I would like to make a motion to adjourn.

MR. JACKSON: I'll second.

MR. CONNELL: All in favor.

(Unanimous vote for approval.)

Members of the public may attend any open meeting. For requests for accommodations related to disability, please call 573-874-7214. 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.