

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

REGULAR MEETING MINUTES

CONSTRUCTION INDUSTRIES BOARD/UNIFORM BUILDING CODE COMMISSION

CONFERENCE ROOM

2401 NW 23RD STREET, SUITE 2F

OKLAHOMA CITY, OK 73107

FEBRUARY 17, 2015 - 1:00 P.M.

BOARD MEMBERS PRESENT:

Amber Armstrong, Ross Barrick, Jim George, Danny Hancock (arrived at 1:02 p.m.), Chris Henderson, Larry Herzel, Curtis McCarty (left at 3:27 p.m.), Joe McKenzie (arrived at 1:02 p.m.), David Timberlake, and Cary Williamson

BOARD MEMBERS ABSENT:

None

OTHERS PRESENT:

Billy Pope, Kathy Hehnly, Bryan Neal (Attorney General's Office), Bobbi Moore (OMES ABS), George Faulkner (Burgess Company), Mark Roberts (International Code Council), Scott Boyle (City of Edmond), Charlie Butler (City of Edmond), Robert McGuire (City of Bartlesville), Dave Evans (MERVAN Project), Thomas Larson (Koch Communications), Dan Jagers (Olshan Jagers Foundation), Chief Mike Barnes (Chief of Fire Prevention, Edmond Fire Department), Mike Liston (Plumbing Heating Cooling Contractors), John Harrod, Kenny Whitson (Plumbers Training Center), Mark Sipe (Tulsa Fire Marshal), Matt Wright (Burgess Company), Scott Minton (OnCue Express), Nick Probst (Tulsa NAIOP)

CALL TO ORDER:

Mr. David Timberlake called the regular meeting of the Oklahoma Uniform Building Code Commission to order at 1:00 p.m. in the Construction Industries Board/Uniform Building Code Commission Board Room at Shepherd Mall, 2401 NW 23rd St., Suite 2F, Oklahoma City, OK 73107.

STATEMENT OF COMPLIANCE:

The following statement was read into the record:

"This regular meeting of the Oklahoma Uniform Building Code Commission scheduled to begin at 1:00 p.m. on this 17th day of February, 2015, has been convened in accordance with the Oklahoma Open Meeting Act, Title 25 Sections 301 through 314.

Further, this meeting was preceded by an advance public notice that was sent to the Secretary of State electronically specifying the date, time, and place of the meeting here convened.

Notice of this meeting was given at least twenty-four (24) hours prior hereto. To date, 68 people have filed a written request for notice of meetings of this public body.

REPORTS

CEO Report:

Mr. Billy Pope gave his report to the Commission. He noted both the Residential Building Technical Committee and the Residential Electrical Technical Committee had met. He stated both had elected their Chairman and Vice-Chairman. He added the other two committees had not yet met. Mr. Pope stated the Commission's Education Committee had met and was recommending a slate of classes to be held on the 2009 I-codes. He noted the Commission would be looking at the list in Item 4-E.

Financial Report:

Ms. Bobbi Moore with the Office of Management and Enterprise Services, Agency Business Services Division, greeted the Commission. She reviewed each report and asked if there were any questions. There were no questions for Ms. Moore.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of January 20, 2015 regular meeting minutes

Mr. Herzel noted he found one correction. He noted on page three, under the number four - Alternative Fuels Technical Committee, the word "find" needed to be inserted between the words "to" and "the" on the fifth line from the bottom of the paragraph.

MR. LARRY HERZEL MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO APPROVE THE MINUTES AS AMENDED

VOTING AYE: Ross Barrick
 Jim George
 Danny Hancock
 Chris Henderson
 Larry Herzel
 Curtis McCarty
 Joe McKenzie
 Cary Williamson
 David Timberlake

VOTING NAY: None

ABSTAIN: Amber Armstrong

ABSENT: None

Discussion and possible action on approving individual volunteers to serve on the technical review committees:

Mr. Timberlake noted the item was under tab "D" in the Commissioner's books.

(1) Residential Building Technical Committee - Mike Gilles (Alternate Residential Contractor)

MR. CURTIS MCCARTY MADE A MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO APPROVE MR. GILLES

He noted Mr. Gilles' name was spelled incorrectly at the top of the page but was spelled correctly on the slate showing his position.

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake asked Mr. Neal if the remaining three positions could be dealt with as one vote. Mr. Neal replied it could. Mr. Timberlake asked the Commission to look at the three remaining positions. He noted Mr. Mark Sipe would serve on the Residential Fuel Gas, Mechanical, and Plumbing Technical Committee as the Fire Representative; Mr. Anthony Stewart would serve on the Residential Electrical Technical Committee as the Fire Representative; and Mr. Eric Pollard would serve on the Alternative Fuels Program Technical Committee as the Hydrogen Fuel Equipment Installer. He noted the application forms were there and gave the Commissioners a few minutes to look at them. He noted if there were any questions on any of the applicants, they could be pulled out and looked at separately.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO ACCEPT ALL THREE APPLICATIONS

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Discussion and possible action on the approval of a schedule of continuing education classes to be held by the OUBCC in 2015

Mr. Pope noted behind tab "E" was a list of proposed classes. He stated there were two two-day classes for Residential Plan Review. He noted the education committee was not sure if there would be enough interest in the topic to hold one class and instructed staff to do a survey. He added due to the results of the survey, his recommendation was that two classes should be held. He noted the classes were all on the 2009 code editions because the inspectors were required to go to classes on the current adopted codes. He noted if the Legislature and Governor approved the rules for the 2015 codes; the committee would begin to book classes on the 2015 codes. There was discussion on the class venues, notifications going out regarding the classes, who could attend the classes, if the instructors would be ICC certified, and the application to the Construction Industries Board for obtaining continuing education credits.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO APPROVE THE SLATE OF CLASSES

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

RULEMAKING ACTION ITEMS

Public hearing and discussion (including but not limited to acknowledgment of receipt of and discussion of written public comments, if any) with possible vote on permanent Rulemaking on: Chapter 20. Adopted Codes

Mr. Timberlake stated he would like the Commission to look at each subchapter separately. He noted the Commission would entertain all the public comment form items under each subchapter. He added if there were any verbal public comments or comments from the Commission, relating to any public comments made, they would be entertained. There was some discussion on how the Commission would proceed, with the conclusion being any written or verbal comments would be address as they appeared in each subchapter. Mr. Neal asked for the record, if Mr. Timberlake was opening the public hearing for comments. Mr. Timberlake replied he was.

Mr. Robert McGuire, the building official for the City of Bartlesville addressed the Commission. He noted he wanted to speak about the proposed annual permit language. He added there were few jurisdictions in the state that actually used the annual permit option. He stated he understood why those few jurisdictions, including his, used them. He explained his recommendation to the Commission, utilizing the example:

The City of Bartlesville would issue an annual permit for \$2000.00; based on an estimated 100 modifications. He added the modifications would be minimum modifications, not remodel efforts. He noted if the annual permit was prescribed by the Commission, he would collect and send \$4.00 for each modification after the work was inspected at the end of the annual permit.

He noted the City of Bartlesville would be very supportive of a fee for an annual permit that would come to the Commission, but was opposed to abolishing the annual permit language.

Mr. Timberlake asked Ms. Armstrong if that was similar to her written comment form handed out before the meeting. Ms. Armstrong noted it was. She discussed the difference between her original public comment form thirteen that deleted the proposed language in the draft rules and her hand out before the meeting that proposed another option that was a compromise between her comment form thirteen and public comment form seven submitted by Mr. Neal. There was discussion regarding numbering the handout given at the meeting and attributing it to Ms. Armstrong, with a consensus to assign the next number, fourteen to the handout.

Mr. Herzel asked if Mr. McGuire had seen a copy of Ms. Armstrong's handout. Mr. McGuire responded he had. There was discussion on the language proposed, specifically about the wording "year term" and if that wording referred to a calendar year or fiscal year. Ms. Armstrong noted her intent was not to simply address the City of Bartlesville's needs, but to make it more uniform for anyone utilizing the section. There was discussion on modifying the language to clarify the questioned language, the intent of the change, that the funds would be collected and submitted to the Commission in arrears, and what changes would need to be made to the reporting form and online reporting system to accommodate tracking of annual permit information. Mr. Neal noted the information should be tracked for recordkeeping to show that the Commission was only charging the fees that should be charged.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO ACCEPT PUBLIC COMMENT FORM FOURTEEN WITH A MODIFICATION OF THE LANGUAGE TO READ "AT THE COMPLETION OF THE ENTITY'S ANNUAL PERMIT TERM" IN SECTIONS 105.1.1 AND 105.1.2 AND TO APPLY THE MODIFICATION TO SUBCHAPTERS, ONE, THREE, SEVEN, ELEVEN, THIRTEEN, AND FIFTEEN AND BE INCLUDED IN SUBCHAPTER NINE AS ANNUAL PERMITS DID RESIDE IN THE NATIONAL ELECTRICAL CODE® (NEC®), BUT WAS NOT INCLUDED IN THE DRAFT RULES

Mr. Neal noted in one or more of the subchapters the section numbering was not 105.1.1 and 105.1.2 but was 106.1.1 and 106.1.2. He noted he did not remember seeing the language in the NEC®. Ms. Armstrong noted that the use of annual permits started in the NEC®.

VOTING AYE: Amber Armstrong
 Ross Barrick

Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake asked if there were any more comments for Subchapter One. Ms. Armstrong noted she would like to discuss public comment form twelve. She noted the code section was changed in the 2012 edition, but was not discussed at any of the technical committee meetings as no one noticed it. She added the modification occurred in both the IBC® and IFC®, in Chapter Nine. She explained the modification required a fire sprinkler system when Group S-1 areas containing upholstered furniture or mattresses exceed 2,500 square feet. She noted last year, the International Code Council (ICC) was asked for a formal interpretation to determine if the requirement applied to self-service storage units. She noted the formal interpretation was published in October, 2014 and said it did apply to self-service storage units. She stated if the Commission adopted the code language as published, any self-service storage unit in a building over 2,500 square feet, would require a fire sprinkler system. She added one of the problems was that the buildings were not always climate controlled, and if a wet system was installed it could freeze in the winter. She noted a dry system would be more costly to install and require more maintenance. She stated her proposal had two options for the Commission to consider. She added a third option could be to leave the code as it currently read.

Ms. Armstrong explained option "A" provided an exception to item number five that exempted a self-service storage facility from the fire sprinkler system requirement. She added this would still require a storage facility with upholstered furniture or mattresses, like a Mathis Brothers warehouse or a Factory Direct warehouse to still have a fire sprinkler system. She stated option "B" would require the fire sprinkler system in a self-service storage facility if the fire area was over 5,000 square feet. She added the 5,000 square feet was in-line with other items in the code. She cited as an example, in a 6,000 square foot building, a fire-barrier would be required to divide the areas into at least two areas each less than 5,000 square feet. Mr. Timberlake asked which option Ms. Armstrong was recommending. She stated she thought a good compromise was option "B". She noted this would address the fire hazard but would not be as burdensome to the owner. There was discussion on if the fire sprinkler system was a life-safety issue or for building protection, the multiple buildings within a self-service storage facility, the threshold size for all the storage buildings regardless of contents, costs for a fire sprinkler system, clarifying the proposed exception was only to item five in the code, and building materials utilized if the building has a sprinkler system.

Mr. Mike Barnes, Chief of Fire Prevention with the City of Edmond addressed the Commission. He noted he believed the original modification to the code was made due to some fire fighters who lost

their lives in a fire at a furniture store in North Carolina. He noted it just happened to draw in self-service storage facilities. He noted the modification should only apply to single-story buildings. He stated if the buildings were multi-storied, they should be looked at differently. He added there was no way to know what was in a self-service storage unit and it could contain items that were large fire hazards. He noted fires at storage facilities were hard to control and felt the proposed option "B" was a good idea. The Commission discussed if the modification could affect insurance ratings and if it would affect existing buildings if the jurisdiction wanted to make the change retroactive.

MS. AMBER ARMSTRONG MADE A MOTION TO ACCEPT PUBLIC COMMENT FORM TWELVE OPTION B

Mr. Williamson asked when the change was applied to the International Fire Code®, would it pose a problem with existing buildings. Ms. Armstrong noted it was in the same section in the IBC® and IFC®. There was further discussion between Ms. Armstrong and Mr. Williamson on if the change could be applied retroactively to an existing building. Ms. Armstrong suggested a brief break to review the code language again. Mr. Timberlake stated the Commission could recess so the recording disc could be changed out while the two looked at the code.

The Commission recessed at 2:00 p.m. and reconvened at 2:15 p.m.

Mr. Timberlake asked Ms. Armstrong if an answer had been reached. Ms. Armstrong noted she did not believe it would apply retroactively. Mr. Timberlake asked her motion stood as-is. Ms. Armstrong noted it did.

MR. CARY WILLIAMSON SECONDED THE MOTION

Mr. Timberlake confirmed the motion was to accept public comment form twelve, option B. Ms. Armstrong asked if she needed to make a separate motion for each code affected by the public comment form. Mr. Timberlake noted whenever the Commission accepted a public comment form, if it affected more than one code, the acceptance would apply to all the codes affected by the change. Ms. Armstrong noted she could amend her motion to include both codes for consistency's sake.

MS. AMBER ARMSTRONG AMENDED HER MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO ACCEPT PUBLIC COMMENT FORM TWELVE OPTION B TO APPLY TO BOTH THE IBC® AND IFC® FOR CONSISTENCY

VOTING AYE: Amber Armstrong
 Ross Barrick
 Jim George
 Danny Hancock
 Chris Henderson
 Larry Herzel
 Curtis McCarty
 Joe McKenzie
 Cary Williamson
 David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake stated public comment form one still needed to be addressed. He noted the public comment form was a suggestion from the ad-hoc technical committee related to "guards". Mr. Herzel reviewed the proposed language. He noted the ad-hoc committee members were all in agreement to the modifications. Mr. Barrick noted the changes gave a way for a fall-restraint system to be added, if approved by the jurisdiction but didn't make the system a requirement. There was discussion about making the change in each of the applicable codes. Ms. Armstrong noted there were separate public comment forms for each of the applicable codes.

MR. LARRY HERZEL MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO APPROVE PUBLIC COMMENT FORM ONE AS WRITTEN AND AMENDED TO INCLUDE ALL FOUR CODES

There was discussion on motion as it did not clarify which codes were affected. The Commission discussed they were reviewing seven codes and the motion stated "four codes" but didn't say which four.

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake noted he had overlooked public comment form eleven and it needed to be addressed. Ms. Armstrong stated the form was just a statement in support of the modifications made to the rules. Mr. Timberlake noted the Commission had taken action on all the written public comment forms for Subchapter One, IBC® and asked if there was any other public comment on the subchapter. Ms. Armstrong asked if public comment form ten affected the IBC®. Ms. Hehnly noted the submitter referenced the IBC®, but the modification was for the IFC®. Mr. Timberlake called for any other discussion or a motion on Subchapter One, IBC®.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO ACCEPT SUBCHAPTER ONE WITH THE AMENDMENTS MADE TODAY

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake stated public comment forms seven, thirteen, and fourteen applied to Subchapter Three but were already voted on by the Commission. Ms. Armstrong noted that comment forms seven and thirteen were not voted on. The Commission discussed that the vote on public comment form fourteen superseded public comment forms seven and thirteen. Mr. Timberlake noted public comment form twelve was already addressed as well. He noted public comment form two needed to be addressed. Mr. Herzel noted the form dealt again with the guards, specifically for the IFC®.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. LARRY HERZEL TO ACCEPT PUBLIC COMMENT FORM TWO IN SUBCHAPTER THREE

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake noted the next public comment form to be addressed was ten and asked if there were any comments on the form. Mr. Matt Wright with the Burgess Company addressed to the Commission. Mr. Wright discussed the product development history, that the code requirement was a life-safety issue, and the application of the code requirement in different sized cities within the state. He noted the City of Tulsa found it so important they installed it into their City Hall building. He noted it was in the 2009 code without exceptions and was just a matter of education and enforcement. He supported the public comment form request to remove the section of code from the appendix, return it to the code and make it a mandatory requirement.

Mr. Nick Probst, Vice-President of Tulsa NAIOP, a commercial real estate development association addressed the Commission. Mr. Probst represented several high-rise buildings in Tulsa. He discussed interest group representation at the national code hearings and the lobbying to make the product a mandatory requirement, installation of the product by one high-rise building in Tulsa, and the problems the building management found with it being a tripping hazard, defectiveness of the product. He supported denial of the request in public comment form ten and to leave the requirement in the appendix as an option but not a mandatory code requirement.

Mr. Hancock asked Mr. Probst if his group had discussed the issue at the national ICC level during their meetings. Mr. Hancock added there was always a reason in the commentary for each code requirement added. Mr. Probst, Mr. Hancock and Ms. Armstrong discussed interest group representation at the national ICC level and at the OUBCC level. Mr. Herzel stated it was his recollection the modification was left as a requirement for new buildings but was moved to the appendix for existing structure retrofits. Mr. Williamson noted that was correct. Mr. Barrick stated a local jurisdiction could require the product.

Mr. Mark Sipe, the Fire Marshal for the City of Tulsa addressed the Commission. He discussed the code requirement history noting it was developed as a result of the original bombing of the World Trade Center, as the emergency lighting only ran for 90 minutes and they couldn't evacuate the buildings before the lights ran out. He noted in the City of Tulsa, they were under the 2009 IFC®. He noted because there was such a financial burden, the City granted everyone a variance until November 1, 2016. He added that was done so the Commission could determine the decision and the City would simply enforce whatever decision was made. Ms. Armstrong asked what the City of Tulsa would do if the requirement was kept in the appendix as the draft rule proposed. Mr. Sipe replied the city council would not let him move it back in and it would not be enforced. He noted it was a significant cost and added it cost the City around \$40,000 to retrofit the 15-story City Hall building. He added it would continue to be mandatory in new construction. There was further discussion between Mr. Sipe and the Commissioners.

Mr. Timberlake stated for clarification of where the Commission was now, a no motion today would be to leave the requirement in the appendix for existing buildings, but would require it for new buildings. He added a motion could be for whatever a Commissioner desired. He asked for any further discussion or public comments and if none, would entertain for a motion. There was no further discussion and no motion was made.

Mr. Timberlake stated as there was no motion, the Commission would move on. He added that was the last public comment for Subchapter Three, IFC® and asked if there were any further public comments regarding the subchapter not previously addressed. There were no more public comments on the

subchapter. He asked if there were any comments from the Commissioners and if not, noted he would entertain a motion on the subchapter.

MR. LARRY HERZEL MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO ACCEPT SUBCHAPTER THREE IFC AS AMENDED BY THE PUBLIC COMMENTS

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake stated Subchapter Seven IEBC® had the same public comments; seven, thirteen, and fourteen. He noted there were no other public comments that would apply to the subchapter. He called for any further public comments on the subchapter or comments from the Commission.

MS. AMBER ARMSTRONG MADE A MOTION WITH AS SECOND BY MR. CARY WILLIAMSON TO ACCEPT SUBCHAPTER SEVEN IEBC® AS AMENDED

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake noted Subchapter Nine NEC® had no written public comments received. He asked for any public comments. Ms. Armstrong noted there could be an editorial issue regarding public comment form fourteen. She noted the language for the code modification was written based on the original wording in the IBC®, not the NEC®. She added the approved language may be a little different than what was written in the NEC®. She verified the language in NEC® and stated the language in her modification should work for the NEC®.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. JOE MCKENZIE TO ACCEPT SUBCHAPTER NINE NEC®

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake noted there were public comment forms for Subchapter Eleven IFGC®. He noted public comment forms three, five, and six needed to be addressed and fourteen would apply as previously voted on. Mr. Barrick noted public comment forms three, five, and six all came out of the ad-hoc committee. He reviewed each of the public comment forms stating three dealt with the "Guards" section; five dealt with the separation of gas piping from other piping sections; and six dealt with the allowing the use of copper tubing for natural gas installations. He explained the reasoning behind each recommendation from the ad-hoc technical committee.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. JOE MCKENZIE TO APPROVE PUBLIC COMMENT FORMS THREE, FIVE, AND SIX AS SUBMITTED BY THE AD-HOC TECHNICAL COMMITTEE

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie

Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake then called for any other public comments on Subchapter Eleven IFGC®.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. JOE MCKENZIE TO ACCEPT SUBCHAPTER ELEVEN INCLUDING THE PUBLIC COMMENT FORMS THREE, FIVE, AND SIX

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake noted Subchapter Thirteen IMC® was the next to be discussed. He noted public comment form fourteen would apply as previously voted on. He noted public comment forms four, eight, and nine needed to be addressed. He noted public comment four was from the ad-hoc committee on the "guards" section. Ms. Armstrong stated the way she saw the wording "or equivalent" being proposed in public comment form eight was that if the wording was to allow a French drain to be of a different size than what was listed in the language so long as the volume was the same. Mr. Pope responded that was correct. She noted she wanted to confirm the language addressed the size of the pit, not the volume of rock required.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. LARRY HERZEL TO ACCEPT PUBLIC COMMENTS FORMS FOUR AND EIGHT

VOTING AYE: Amber Armstrong
Ross Barrick

Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Mr. Timberlake asked if there was any discussion on public comment form number nine which dealt with adding an exception to the Type I hoods requirement for the installation of a Type II hood under certain circumstances.

MR. JOE MCKENZIE MADE A MOTION WITH A SECOND BY MR. LARRY HERZEL TO APPROVE PUBLIC COMMENT FORM NINE

Ms. Armstrong noted she still stood by what she said at the last two meetings where the issue was discussed. She added there were possible hazards when there was the potential for grease laden vapors in any of the facilities. She reviewed the code language and commentary on what would be considered a food service facility. She stated she felt the required hoods needed to be in places where there was the potential for grease laden vapors. Mr. McKenzie noted it was his belief it should be left to the local jurisdiction to decide if the facility was commercial or non-commercial. There was further discussion on which facilities would be considered commercial or non-commercial, which appliances would be considered light-duty or medium duty, and allowing the local jurisdiction to make the call.

Chief Barnes addressed the Commission. He noted the City of Edmond inspected day care centers and looked for the grease laden vapors. He noted the exception would be unenforceable and cited an example showing that. He read to the Commission the definition of a medium-duty appliance as published in the IMC®. He discussed the causes of fires and fire deaths in the United States. He felt allowing the exception for places like day cares was a mistake. He did agree that the authority having jurisdiction should be able to regulate the issue. He noted the way the exception was written was not specific enough. He asked the Commission what the definition of a "small community church" was. He added his definition would be different from another code enforcer's definition in a rural area. He noted he would not include the exception number two that was proposed.

There was discussion among the Commissioners and Chief Barnes on what would define a "medium-duty residential appliance." Mr. Williamson noted he was trying to figure out what a "non-commercial cooking occupancy" was that a fire marshal would inspect. Mr. McCarty noted he felt that was when someone used a residential 30-inch free-standing range and installed it in the kitchen of their church. He added he thought the submitter was trying to save the small churches and day cares from having to put in a \$10,000 hood. Chief Barnes noted he felt that was when the authority having jurisdiction in the

area should be the one making the call. There was further discussion on the issue that covered what the health department inspected, grease laden vapors, if the exception allowed the authority having jurisdiction the leeway to make the call, consistency in code interpretation across the state, the minimum code established by the Commission, and what was a "medium-duty residential appliance." The Commission discussed ways of modifying the language to be more specific regarding the type of appliance to be used, but no change was made.

VOTING AYE: Jim George
 Danny Hancock
 Larry Herzel
 Joe McKenzie
 David Timberlake

VOTING NAY: Amber Armstrong
 Ross Barrick
 Chris Henderson
 Cary Williamson

ABSTAIN: None

ABSENT: Curtis McCarty

Mr. Timberlake asked if there were any other comments on Subchapter Thirteen and if not he would entertain a motion.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. JIM GEORGE TO ACCEPT SUBCHAPTER THIRTEEN AS AMENDED

VOTING AYE: Amber Armstrong
 Ross Barrick
 Jim George
 Danny Hancock
 Chris Henderson
 Larry Herzel
 Joe McKenzie
 Cary Williamson
 David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Curtis McCarty

Mr. Timberlake noted the last subchapter was fifteen. He noted the only public comments that would affect the subchapter were seven, thirteen, and fourteen and they had already been voted on. He asked if there was any further discussion.

MR. JOE MCKENZIE MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO APPROVE SUBCHAPTER FIFTEEN AS AMENDED

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Curtis McCarty

NEW BUSINESS:

There was no new business.

PUBLIC COMMENTS:

Mr. Mark Sipe, Fire Marshal for the City of Tulsa addressed the Commission. He stated he was speaking on behalf of the Fire Marshal's Association of Oklahoma (FMAO). He discussed his and the Association's efforts to inform the Oklahoma Department of Labor (ODOL) that the OUBCC had the statutory authority when it came to the code for building facilities. He noted the ODOL had received a legislative mandate for the Alternative Fuels initiative. He discussed the results of those efforts in the formation of the Alternative Fuels Program Technical Committee and the Commission's genetic makeup of the committee. He expressed his disappointment that after all that work, none of the applicants to serve on the committee submitted from the FMAO made it onto the committee. Mr. Timberlake thanked him for his comments.

Mr. Robert McGuire with the City of Bartlesville addressed the Commission. He thanked the Commission on their earlier action on the annual permits. He discussed his past work with the City and how some of what he learned made him appreciate what the OUBCC, the Oklahoma Tax Commission (OTC), the Construction Industries Board (CIB) and other state agencies had to do. He recommended the Commission look into an alternative form of funding by charging the \$4.00 fee directly from those CIB state licensed electricians, mechanical workers, and plumbers when they worked in areas where no authority having jurisdiction was exercised. He felt their annual license renewal could require a report and payment of those fees before it could be renewed. He stated it was an easy administrative move and he thought the law already supported it. He added he would support the Commission in any way he could to lobby the state for that fee to be collected as reported or the tradespeople wouldn't be able to renew their license. Mr. Timberlake thanked Mr. McGuire for his comments.

ADJOURNMENT:

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO ADJOURN

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Curtis McCarty

Minutes approved in the regular meeting on the 21st day of April, 2015

DAVID TIMBERLAKE
David Timberlake, Chairman

PREPARED BY: KATHY HEHNLY
Kathy Hehnly, Executive Assistant
Oklahoma Uniform Building Code Commission

OFFICIAL COPY - *Original with signatures in office file*