

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 MARCH 20, 2018 – 1:30 P.M.

COMMISSION MEMBERS PRESENT:

Amber Armstrong, Ross Barrick, David Hall, Chris Henderson, Rick Lueb, Joe McKenzie, Robert Soder, David Timberlake, and Cary Williamson

COMMISSION MEMBERS ABSENT:

Danny Hancock and Curtis McCarty

OTHERS PRESENT:

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Lindsay Heinrichs (OUBCC Staff), Bryan Neal (Attorney General's Office), Steve Funck (Office of Management and Enterprise Services "OMES" – Agency Business Services "ABS"), Mike W. Thompson (Thompson Pool/Association Pool and Spa Professionals), Albert N. Janco (P.E.), Mike Means (Oklahoma State Home Builders Association), Jason Vandever (SPEER), Scott Boyle (City of Edmond), Brian Braley (City of Edmond), Prock Saynyarack (State Energy Office, Oklahoma Department of Commerce), Andrews Zagorski (Oz Safe Rooms), Andrew P. Zagorski (Oz Safe Rooms), James Caruso (Oz Safe Rooms), Larry Herzel (HSE Architects)

CALL TO ORDER:

Mr. David Timberlake called the regular meeting of the Oklahoma Uniform Building Code Commission to order at 1:30 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 1:30 p.m. on this 20th day of March, 2018, has been convened in accordance with the Oklahoma Open Meeting Act, Title 25 O.S. 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, eighty-one (81) people have filed a written request for notice of meetings of this public body."

Mr. Timberlake took a moment to welcome Mr. Robert Soder to the Commission as the Construction Industries Board (CIB) representative.

REPORTS:

CEO Report:

Mr. Pope noted staff was still trying to work through possible floor plans for relocating the offices with the CIB space and indicated it was a work in progress. He reviewed the attendance for the last two continuing education classes and noted staff was working with the International Code Council (ICC) to set up classes for fiscal year 2019 (FY19). Mr. Pope indicated there were still four vacant positions to be filled before the committee to review the electrical code could start. He noted which positions were open and added outreach for volunteers was ongoing. He went over the status of several bills that could affect the agency and asked if there were any questions. Ms. Armstrong asked how often updates were received from our legislative liaison. Mr. Pope replied Mr. Ervin updated him on an ongoing basis, but updates were provided to the Commission monthly. Ms. Armstrong asked if the updates from the legislative liaison could be forwarded out to the members of the commission. Mr. Barrick asked to receive those updates as well. Mr. Pope stated he would make sure those updates were forwarded to everyone. Mr. Timberlake added if at any time any of the commissioners had questions, Mr. Ervin was available to answer them directly.

Financial Report:

Mr. Steve Funck with OMES ABS greeted the Commission. He stated he was the Deputy State Comptroller at OMES and the acting director of Agency Business Services. He reviewed each of the monthly reports. At the conclusion of his review, there were no questions for Mr. Funck. Mr. Timberlake thanked him for the report.

RULEMAKING ACTION ITEMS:

Mr. Timberlake noted the Commission would have public hearing and discussion, (including but not limited to the acknowledgment of receipt and discussion of public comment forms to date). He added the Commission would entertain subchapters 1, 5, 13 and 15 with a possible vote on permanent rule making. He noted for the record, there were fourteen (14) written public comment forms received to date. He noted he would address and present each public comment form, invite public comment from anyone who may have any, and would then entertain a motion for approval. He added the Commission would not be going all the way through the rules and voting at the end, they would vote by each subchapter.

Mr. Timberlake started with Chapter 20, Subchapter 1, IBC® 2015 (International Building Code®). He stated four (4) written public comment forms were received for the subchapter. He noted public comment forms six (6), seven (7), and fourteen (14) all related to modifying the edition year reference for the International Energy Conservation Code® (IECC®) and public comment form thirteen (13) expressed concern related to a senior living facility with only one elevator in the facility. He invited any additional public comments from the audience on the subchapter.

Mr. Jason Vandever with SPEER addressed the Commission. He expressed support for approving public comment forms six (6), seven (7) and fourteen (14) citing issues with the lack of available software to provide the paperwork showing compliance with the IECC® 2006 edition, as required in the current code. He requested at the very least, the edition year should be updated to the 2009 edition.

Ms. Saynyarack with the State Energy Office of the Oklahoma Department of Commerce (SOE ODOC) addressed the Commission. She concurred with Mr. Vandever's comments and recommended going with the 2015 edition of the IECC®, because as soon as the available software is updated, the 2009 edition may not be available.

Mr. Timberlake asked for any additional audience comments. There were no more comments. He asked if any of the Commission had any comments, discussion or if there was a motion to be made. The Commission discussed the version listed was the minimum code requirement and any jurisdiction could require something more stringent. There was discussion that a designer or contractor could use something more restrictive than the state minimum requirement.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO APPROVE SUBCHAPTER 1 IBC® 2015, AS PRESENTED

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Rick Lueb
Joe McKenzie
Robert Soder
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Curtis McCarty

Mr. Timberlake noted the next subchapter to discuss was Subchapter 5, IRC® 2015 (International Residential Code®). He noted several written public comment forms were received. He stated that public comment form numbers one (1) and two (2) were submitted and dealt with entrapment avoidance for swimming pools; public comment form three (3) related to enclosures and gates for swimming pools; public comment form five (5) requested keeping a requirement outlined in FEMA 320 for the placement of in ground storm shelters to be provided in an area of the garage where a car could not be parked; public comment form four (4) related to swimming pool covers; and public comment forms ten (10), eleven (11) and twelve (12) related to duct installations. He then asked if there was any additional public comments from the audience related to Subchapter 5 IRC®, 2015.

Mr. Vandever stated he had reviewed the duct installation comments and they offered flexibility and options for builders and he thought home builders would like that. He noted he was in support of adding those requirements to the code.

Mr. Mike Thompson with Thompson Pool and Patio addressed the Commission. He stated he was speaking on behalf of the proposed rule changes for swimming pools. He recommended approving all three comment forms for swimming pools citing issues with the older language used that wasn't technically accurate and that the language provided for pool covers should be updated as there was no way to commercially purchase a pool or spa cover that had an R-12 value. He added the proposed language allowed for requiring a specific percentage of reduction for evaporation and heat reduction.

Mr. Timberlake asked for any additional public comments from the audience. There were no additional public comments and Mr. Timberlake asked if the Commission had any comments or discussion.

Ms. Armstrong noted she would like to discuss two of the public comment forms. She noted the first item she wanted to discuss was the change proposed in public comment forms one (1) and two (2), which she thought were identical. She recommended accepting the comment forms to bring the standards up to what was commercially available.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO APPROVE PUBLIC COMMENT FORM ONE (1)

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Rick Lueb
Joe McKenzie
Robert Soder
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Curtis McCarty

Ms. Armstrong noted the next item she wanted to discuss was public comment form four (4). She noted as the material was not commercially available, she felt it was not advisable for the Commission to require it. She added she didn't know enough about the replacement language and felt that language should be looked at by a technical committee.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. DAVID HALL TO APPROVE PUBLIC COMMENT FORM NUMBER FOUR (4) BY STRIKING THE LANGUAGE IN SECTION N1103.10.4 POOL COVERS, IN ITS ENTIRETY

Ms. Armstrong stated striking the language from the code completely was one of the options on the public comment form. She noted it removed the requirement for something that could not be enforced. She added there was no way to know if someone was going to heat a pool beyond ninety degrees and it should be eliminated.

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Rick Lueb
Joe McKenzie

Robert Soder
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Curtis McCarty

Mr. Timberlake asked if there were any further public comments from the audience on Subchapter 5, IRC® 2015 and if not, he would entertain a motion to approve the subchapter with the two changes from the approval of comment forms one (1) and four (4).

Mr. James Caruso with Oz Safe Rooms asked if the motion would include the change proposed in comment form for including the FEMA documents in the code. Ms. Armstrong noted Mr. Caruso was referencing public comment form five (5). Mr. Timberlake noted this would be the time if there were any public comments to be made.

Mr. Andrew Zagorski with Oz Safe Rooms addressed the Commission. He reviewed his history in the storm shelter industry and spoke in favor including language from FEMA P-320 that prohibited installing an in ground storm shelter in a garage in a location where a car could be parked, citing life safety issues due to flooding and possible hazardous materials leaking into the shelter. There was further discussion between the Commission and Mr. Zagorski over enforcement of the code; the fact that not every possible occurrence could be anticipated in a catastrophic event; different conditions that could apply or mitigate loss of life; that the FEMA language included unenforceable language by using the term "possible"; that the code was the minimum and anyone could do anything more stringent than what was allowed; and if there were other solutions that would accommodate and allow equivalent solutions based on where the shelter was installed. There was further discussion on the enforceability of any changes made; if the floor of the storm shelter would be considered an extension of the garage floor and that anything within 18 inches of the floor of a garage was considered a hazardous location for flammable vapors, therefore the whole in-ground storm shelter could be considered to have been installed in a hazardous location; and lack of ventilation in the shelters. At the end of the discussion Mr. Timberlake suggested referring the issue to committee for a recommendation that considered Mr. Zagorski's thoughts and comments and to do further study on the issue.

Mr. Timberlake asked if there were any further comments on the IRC® and if not, would entertain a motion to approve.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO APPROVE SUBCHAPTER 5 IRC® 2015, AS PRESENTED AND MODIFIED BY THE ACCEPTANCE OF PUBLIC COMMENT FORMS ONE (1) AND FOUR (4)

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson

Rick Lueb
Joe McKenzie
Robert Soder
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Curtis McCarty

Mr. Timberlake noted the Commission was now to Subchapter 13, IMC® 2015. He noted one public comment form was received, public comment form eight (8), which amended the edition year of the IECC® to the 2015 edition. He asked if there was any discussion or public comments on the chapter. After seeing no public comments, Mr. Timberlake asked the Commission if there was any discussion on the subchapter and if not, he would entertain a motion to approve.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO APPROVE SUBCHAPTER 13 IMC® 2015, AS PRESENTED

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Rick Lueb
Joe McKenzie
Robert Soder
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Curtis McCarty

Mr. Timberlake noted the last section was Subchapter 15, IPC® 2015, and noted one public comment form, number nine (9) was submitted that addressed changing the edition year of the IECC® to the 2015 edition. He asked if there were any additional public comments on the matter. After seeing none, Mr. Timberlake asked the Commission if there was any comments or discussion.

MR. CARY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. RICK LUEB TO APPROVE SUBCHAPTER 15 IPC® 2015, AS PRESENTED

VOTING AYE: Amber Armstrong
Ross Barrick

David Hall
Chris Henderson
Rick Lueb
Joe McKenzie
Robert Soder
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Curtis McCarty

Mr. Timberlake asked Mr. Neal if there was anything further that needed to be addressed for the record. Mr. Neal noted the only thing he knew about was the fact that public comment form fourteen (14) was submitted late, after the deadline. Mr. Timberlake noted at this point the public hearing has been closed.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the January 16, 2018 regular meeting minutes

Mr. Timberlake noted this was item "D" in the commission books and asked if there were any additions or corrections to the minutes.

MR. JOE MCKENZIE MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO APPROVE THE JANUARY 16, 2018 REGULAR MEETING MINUTES

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Rick Lueb
Joe McKenzie
Robert Soder
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Curtis McCarty

Discussion and possible action on the fiscal year 2019 (FY19) annual budget

Ms. Armstrong stated the Budget, Fees, and Rules Committee had a conference call and reviewed the budget in detail. She highlighted some of the changes from the budget request to the final budget, noting the final increase was \$14,298. She pointed out what some of those changes were. Mr. Barrick

noted most of the changes were from items that were addressed after the initial budget request. Ms. Armstrong noted for the last five years, Commission expenses had all been less than what was budgeted each year. Ms. Armstrong noted other than the larger items she pointed out, there were some small adjustments, but nothing significant.

Mr. McKenzie asked if funds had been budgeted to address the rearrangement of the office location. Mr. Timberlake noted it was in negotiations with the Construction Industries Board (CIB) as the office relocation was at their request. He noted it had been discussed with the CIB, but anything could happen and no funds had been budgeted for construction of the space or for the move. Mr. McKenzie asked if funds should be budgeted for that. Mr. Timberlake replied he didn't think so, but the budget could be amended if needed.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO APPROVE THE FISCAL YEAR 2019 (FY19) ANNUAL BUDGET

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Rick Lueb
Joe McKenzie
Robert Soder
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Curtis McCarty

NEW BUSINESS:

There was no new business.

PUBLIC COMMENTS:

Mr. Timberlake noted the public comments on the agenda had been closed.

ADJOURNMENT: (2:45 P.M.)

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. JOE MCKENZIE TO ADJOURN

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Rick Lueb
Joe McKenzie

Robert Soder
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Curtis McCarty

Minutes approved in the regular meeting on the 19th day of June, 2018

DAVID TIMBERLAKE
David Timberlake, Chairman
Oklahoma Uniform Building Code Commission

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

OFFICIAL COPY: Original with signature in office file.