

BOARD OF CODE STANDARDS AND APPEALS MINUTES

February 6, 2012

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Brad Doeden, Randy Harder, Russ Redford, Larry Webb, Gregg Wilhite, Warren Willenberg

Present: Banuelos, Coonrod, Crotts, Doeden, Harder, Redford, Webb, Willenberg

Staff Members Present: Rick Stubbs, Elaine Hammons (Central Inspection); Jeff Van Zandt (Law Dept.); Fire Marshal Brad Crisp (Wichita Fire Dept.)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Coonrod on Monday, February 6, 2012, at 1:35 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the January 9, 2012, minutes.

Board Member Willenberg made a motion to approve the January 9, 2012, minutes. Board Member Banuelos seconded the motion. The motion carried.

Chairman Coonrod requested that the Board and City Staff introduce themselves to the public in attendance.

Approval of the February 2012 license applications as follows:

<u>Applicant Name</u>	<u>Company Name</u>	<u>Class</u>
Timothy A. Dubord	Timothy A. Dubord dba C & S Construction	Class B
Marco Gonzalez	Marco Gonzalez	Class B
Rick Hoffman	New Century Homes, LLC	Class B
Patrick Lang	The Kitchen Place, Inc.	Class C
Erik Layton/David Farinola	Erik Layton/David Farinola dba Custom Decking	Class C
Lyndol Marney	Dooall Services, LLC	Class C
John Matadobra	John Matadobra dba J & Q Remodeling	Class B
Jeremy Patrick	Superior Roofing Services, Inc.	Roofing/Siding
Joseph Scarpelli	F.H. Paschen, S.N. Nielsen & Associates, LLC	Class A
Michael Seery	Seerco, Inc.	Class B
Samuel Smith	Sam Smith dba Artisan Renovations	Class B
Christine Timko	Flynn Construction Management—General Contracting, Inc.	Class A
Brent M. Topham	Ten Talent, LLC	Class B
Matt Vogel	Woodco Construction, LLC	Class A
Hunter Weekes	Weekes Construction, Inc.	Class B

The following applicants were removed from consideration due to omissions of required documentation in their respective packets: Patrick Lang; Erik Layton; Lyndol Marney.

Central Inspection staff had not received verification of the insurance carriers' authorization to write insurance in the State of Kansas for applicants Mr. Marco Gonzalez and Mr. Matt Vogel, respectively, by the start of the meeting. Board Member Crotts made a motion to approve Mr. Gonzalez and Mr. Vogel pending the receipt of the necessary documentation of their respective insurance carriers. Board Member Webb seconded the motion. The motion carried.

Finding the remaining packets in order, Board Member Harder made a motion to approve the remaining applicants for licensing. Board Member Webb seconded the motion. The motion was approved.

1. Change of Company Name – Oakridge Construction Services, LLC (Class B)

Due to the dissolution of a partnership, Mr. Max Christensen, company owner and Qualified Person for the Class B Contractor's License requested that he be permitted to change his company name from Oakridge Construction Services, LLC (Class B) to Max Christensen dba Oakridge Construction Solutions (Class B). Although the State of Kansas still showed an active business under Oakridge Construction Services LLC, it was noted that Mr. Christensen still operated his plumbing business under that name. Mr. Christensen originally made the request at the January 2012 meeting and was denied the change at that time due to unresolved permits. Since there were still unresolved permits, Board Member Webb made a motion to deny the request until the permits are resolved and the applicant appears before the Board. Board Member Harder seconded the motion. The motion carried.

2. Change of Company Name – The Kitchen Place, Inc. (Class C)

Mr. Harry J. Frieze requested that he be permitted to change his company name, The Kitchen Place, Inc., to Maison Management (Class C), also changing the business organization from a corporation to a sole proprietorship. Mr. Frieze also requested that the license number issued to his business as The Kitchen Place, Inc., be transferred with him rather than to Mr. Patrick Lang, the individual who purchased The Kitchen Place from Mr. Frieze. There were no unresolved permits. Because of the confusion surrounding the sale of Mr. Frieze's company (The Kitchen Place), Board Member Crofts made a motion to deny the request until both Mr. Frieze and Mr. Lang appear before the Board to answer questions for clarification of the transaction. Board Member Webb seconded the motion. The motion passed.

3. Change of Company Name – Harvey Remodeling (Class B)

Mr. Berry Harvey requested that he be permitted to change his company name to Village Decorative - Paul R. Pennington Trustee dba Paul Pennington Revocable Trust (Class B) due to Mr. Harvey's joining Village Decorative – Paul R. Pennington Trustee dba Paul Pennington Revocable Trust. Board Member Webb made a motion to deny the request for change of company name until such time that Mr. Harvey appears before the Board to answer questions pertaining to the change. Board Member Willenberg seconded the motion. The motion carried.

4. Change of Company Name – Handy Pros, Inc. (Class B)

Mr. Gregory P. Piche requested that the Board approve a name change for his company, Handy Pros, Inc. (Class B), to Piche, Inc., dba Piche Contracting and Handy Pros (Class B) due to the change of his corporate name. There were no unresolved permits. Finding Mr. Piche's documentation in order, Board Member Webb made a motion to approve the request for the change of company name. Board Member Doeden seconded the motion. The motion was approved.

5. Change of Qualified Person – Wichita Habitat for Humanity, Inc. (Class C)

Mr. Adam Doll requested that he be permitted to take over as the Qualified Person for this license. In December 2011, Mr. Tony Zimbelman was granted permission by the Board of Code Standards and Appeals to be the Qualified Person until another individual could meet the testing qualifications. There was one unresolved permit. After perusing the required submissions for the change, Board Member Banuelos made a motion to approve Mr. Doll as the Qualified Person for Wichita Habitat for Humanity, Inc. Board Member Willenberg seconded the motion.

6. Change of Qualified Person – Kansas Premium Roofing, LLC (Roofing)

Mr. Garry Russell, formerly the Qualified Person, terminated his employment with the company. Mr. Shawn McAlpin requested that he be allowed to become the new Qualified Person for the license. There were ten unresolved permits for the current license. After reviewing the documentation in the packet, and upon the recommendation of Mr. Van Zandt as legal counsel to the Board, Board Member Harder made a motion to deny the request and require that a representative of the company appear before the Board to provide an explanation about the lapse in licensing while

continuing to contract jobs within the City of Wichita, Kansas. Board Member Webb seconded the motion. The motion passed.

Condemnation Hearings:

There were no properties submitted for Condemnation Hearings for February.

Review of potential Board Policies on general processes for reviewing contractor license applications, including those applications for parties with ICC Certification who are seeking to renew expired licenses.

Mr. Stubbs briefly reviewed the current license renewal fees and procedures. At the Board's request, he checked on the processes of some jurisdictions comparable to Wichita. His findings were that most jurisdictions use annual renewals; however, a few allow for renewals on a span of three or four years. Applications fees for licenses run from \$53.00 to \$100.00 in many areas, although some jurisdictions have more varied fees. Most of the jurisdictions have a fixed penalty fee that remains constant for the year.

Chairman Coonrod asked that OCI present a document for the Board's review that would detail the changes that are needed to make the license renewal process fair for all contractors and more streamlined for the contractors and OCI staff. Chairman Coonrod also requested that the language in the ordinance regarding contractor licensing and renewals be clarified and submitted to the Board for its approval.

Update from the City of Wichita Fire Department on the Kansas State Fire Marshal's review of the 2006 IFC amendment package.

Fire Marshal Brad Crisp was present to apprise the Board of his recent communications with the State Fire Marshal's Office. In November 2010, Fire Marshal Crisp requested that the Board give the City Council its recommendation to adopt the proposed amendment package (a collaborative effort between the Wichita Fire Department and Central Inspection) to the 2006 International Fire Code. After receiving the Board's recommendation and the City Council's approval, the amendment package was adopted.

In February of 2011, the State Fire Marshal's Office adopted the 2006 International Fire Code. The adoption of the IFC 2006 was done with very few amendments. At the same time, the State Fire Marshal's Office adopted the NFPA 101, which is the life safety code, and the continuation of the Kansas State Fire Marshal's safety handbook. Additionally, KSA 31-134 was enacted which states in part, "Such rules and regulations shall have uniform force and effect throughout the state. No municipality shall enact or enforce any ordinance, resolution or rule or regulation inconsistent therewith..." In the case of the City's amendment package, some items could be viewed as less restrictive than that adopted by the State Fire Marshal's Office. In the same statute, it also states that it is the duty of the State Fire Marshal to make such determinations after hearing from all interested parties as to whether a code amendment package would be approved. In Regulation 21-1-1, there is verbiage regarding municipal compliance with the Kansas Fire Prevention Code, to which the International Fire Code is referred at the State level; and it also states in part, "...a summary of those modifications shall be submitted to the State Fire Marshal's Office for consideration and approval." In June 2011, Fire Marshal Crisp submitted the City's proposed amendment package to the IFC 2006 to the State Fire Marshal's Office for consideration. Under Regulation 21-1-4, there is a provision for the State Fire Marshal's Office to grant an exemption or variance with compliance with any provision of the Kansas Fire Prevention Code based on three things: 1) If the enforcement of a specific requirement will cause unnecessary hardship; 2) the exemption is necessary for the petitioner to take advantage of new methods or equipment; 3) the condition, structure, or activity in non-compliance poses no immediate life safety hazard. Fire Marshal Crisp said that the City of Wichita is the first fire department in Kansas to submit an amendment package to the State Fire Marshal's Office under the new statutes.

Fire Marshal Crisp went on to explain that the State Fire Marshal's Office has jurisdiction over all schools, K-12, and colleges; preschools; child care centers; home daycare centers; assisted living centers; residential board and care homes; hospitals; ambulatory surgery centers; jails and detentions; any location that sells fuel; and hotels and motels.

Although the State office is the enforcement entity, the City's Fire Department is appointed to handle inspections within Wichita on behalf of the State Fire Marshal's Office. Periodically, the State Fire Marshal's Office will conduct inspections in the City without prior notice.

After reviewing the City's amendment package, the State Fire Marshal's Office responded to the City on October 19, 2011. There was concern expressed on 27 of the 124 amendments. Fire Marshal Crisp said he met with the State Fire Marshal, Chief Inspector Brenda McNorton of the State office, along with Central Inspection and City Fire Department staff on January 17, 2012, regarding the language in the amendments. A response addressing the concerns of the State office was sent on January 20, 2012; a final response from the City clarifying the amendments was then sent back to the State. On February 3, 2012, Chief Inspector McNorton informed Fire Marshal Crisp that she had prepared the document to send to their legal staff for review. Once the document is approved by their legal staff, the amendments will then return to the State Fire Marshal's Office for its approval. One of the amendments regarding lumberyards and wood working facilities (Section 1904) and requirements for sprinklers in those types of facilities will most likely be overturned by the State Fire Marshal. The remaining amendments in the package appear to be slated for approval. Any approval that is received by the City will be strictly for this jurisdiction.

Mr. Stubbs noted that questions that the State Fire Marshal's Office had regarding the amendments were items taken directly from the 2009 code. The State wanted justification for using items from a code newer than the one adopted by the State. Future amendments will probably be reviewed and approved by the State prior to being presented to the Board for its review.

Mr. Matt Blunt, representing Kansas Premium Roofing, arrived at the meeting and asked that the Board allow him to appear before it for consideration of the company's request to allow a change in the Qualified Person. Board Member Crotts made a motion to reopen the review and discussion of the contractor license applications. Board Member Webb seconded the motion. The motion carried.

The Board and City staff re-introduced themselves at Chairman Coonrod's request.

Mr. Blunt told the Board that he had mixed up the date and time for the Board meeting and apologized for arriving late. He told the Board that he had believed that the current license was still in effect as a valid license. He recently had taken over as an area manager for the company and had been in the position for approximately four months. He added that the staff was also relatively new.

Chairman Coonrod inquired about the applicant, Shawn McAlpin, for the change in Qualified Person. Mr. Blunt said that Shawn McAlpin was no longer the applicant and Danny Leverett, co-owner of the company, wanted to be considered as the applicant. Chairman Coonrod explained that the necessary documentation would have to be submitted with a new application for Mr. Leverett before the Board could consider the change of Qualified Person to Mr. Leverett.

Asked if the company had pulled permits in the City of Wichita since the former Qualified Person left the company in April 2011; Mr. Blunt said that permits had been issued to Kansas Premium Roofing. Chairman Coonrod asked if there was a local office with a local phone number. Mr. Blunt assured the Board that the company maintained a local office with staff to answer incoming calls. Chairman Coonrod asked how the permits were pulled since there has been no Qualified Person since April, and the license would not have been valid in order to pull permits. Mr. Blunt said he was certain that someone from the company had pulled all necessary permits.

Because there were unanswered questions remaining that prevented the Board from making an informed decision about the change in Qualified Person, Board Member Crotts made a motion to reject the application and require that the applicant, along with the owner(s) of the company, appear before the Board upon submission of a new application. Board Member Webb seconded the motion. The motion carried.

With no other business to conduct, Board Member Crotts made a motion to adjourn the meeting. Board Member Willenberg seconded the motion. The motion passed.

The meeting adjourned at 2:43 p.m.