

BOARD OF BUILDING CODE STANDARDS AND APPEALS MINUTES

February 4, 2013

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

Present: Coonrod, Crotts, Doeden, Harder, Redford, Wilhite, Willenberg

Staff Members Present: Tom Stolz, Rick Stubbs, Deb Legge, Bud Lett, Richard Meier, Elaine Hammons (MABCD); Jeff Van Zandt (City Law Dept.)

The regular meeting of the Board of Building Code Standards and Appeals was called to order by Chairman Coonrod on Monday, February 4, 2013, at 1:00 p.m., at the Wichita Area Builders' Association Offices, 730 N. Main, Wichita, Kansas.

Approval of the January 16, 2013, minutes.

The minutes of the January 16, 2013, meeting were approved as written.

Condemnations:

New Cases:

None

Review Cases:

1. 1844 S Lulu (aka 1838 S Lulu)

No one was present to represent this property.

This is a one-story frame dwelling about 40 x 55 feet in size. Vacant for at least seven years, this structure has been damaged by fire. It has missing steel siding; badly deteriorated and fire-damaged composition roof, with holes; and rotted, missing and fire-damaged wood trim and framing members.

The property in question is the smaller structure behind the main house. It was first brought before the Board at the November 5, 2012, hearing. At that time, Ms. Castillo, the contract buyer representing the property, was present. The Board deferred action until the regular December hearing; at the December hearing, the Board action again until the next regular hearing in January. Due to a special joint Advisory Board meeting, the Board's regular business was deferred until the February meeting.

Unable to make contact with the owner from whom Ms. Castillo is buying the property, she has decided to try and remove the structure herself.

Board Member Crotts made a motion to send the property to the City Council with a recommendation of condemnation, with ten days to begin demolition of the structure, and ten days to complete removal. Board Member Harder seconded the motion. The motion carried. (Board Member Wilhite was not present for this vote.)

Discussion of House Bill 2024 (State Registration of Roofing Contractors)

Mr. Stubbs explained that in 2011, the State of Kansas began looking into requiring all roofing contractors to register with the State. The process of registering with the State under the current proposed House Bill will require that contractors provide background information, post a \$500,000 certificate of insurance, renew the registration annually with the State with up to a \$500 fee, and a listing of all applicants will be maintained. The House Bill will permit local jurisdictions to conduct their own licensing requirements for roofing contractors. Mr. Van Zandt, along with some of his

colleagues, has been looking into the requirements proposed by the State to clarify whether the bill allows local jurisdictions to maintain their autonomy. The bill does not appear to impact residential and farmstead property owners in that they would still have the ability to reroof their structures without having to comply with State registration requirements. Mr. Stubbs said that under the current bill, the annual renewal cycle is on June 30th, and most jurisdictions have a renewal cycle at the beginning of the year, leaving a six-month lag between the two renewal cycles. The State's renewal cycle is likely due to its July to July fiscal year.

Chairman Coonrod inquired about the schedule if the bill should pass. Mr. Stolz told the Board that the bill was not out of committee, but there were additional actions to be taken by the State before the bill would be enacted into law. The primary reason for informing the Board of the bill's existence is to make it aware of the bill's requirements and to give the Board an opportunity to consider whether or not it would support such a bill. Although the Metropolitan Area Building & Construction Department would remain neutral, it could advise constituents in Topeka of the Board's position.

Mr. Stubbs noted that there had been some discussion internally about whether to expand the self-inspection program, which would help alleviate the inspection load on the already taxed inspection schedules of the inspectors. With the possible passage of the proposed bill, it may be wise to wait until that is resolved before considering the expansion of the local program.

Chairman Coonrod said that he wanted to delve deeper into the bill and suggested the other Board Members also look over the bill, and express their comments at the next Board Meeting. Mr. Stolz agreed that it would be an appropriate action. He told the Board that he could provide a copy of the bill for anyone who needed a copy for perusal.

Mr. Stolz surmised that the creation of the bill likely came about due to complaints about roofing contractors that were not obeying licensing and permitting requirements in jurisdictions throughout the State. The legitimate contractors have no problem following the rules, but the illegitimate contractors are the ones who try to circumvent the system. One of the questions yet to be answered is who will enforce and/or take action against contractors that do not comply with the necessary registration requirements?

Mr. Van Zandt told the Board that the bill was actually cloned from a bill in Oklahoma. Whether a local jurisdiction would be able to require its own license is not clear. The bill does not allow a contractor with a Class A, Class B, or Class C license to engage in the sale of or installation of roofing unless he obtains a separate State license, unlike the current local ordinances which allow a General Contractor with a Class A, B, or C license to also do roofing. A major concern will be that there will be virtually no enforcement locally if the State takes over the licensing of roofing contractors.

Bruce Gilder dba A Home Expert asked to address the Board and comment about the proposed bill. He said that OSHA is so strict with enforcement of its regulations which are extremely costly that local contractors are forced to subcontract to other crews. Using other crews decreases the quality control that the contractor has on the installation. Additionally, there are contractors who sell roofing contracts within entire neighborhoods by discounting the job the amount of the insurance deductible.

Board Member Crotts noted that if a roofing contractor is sub-contracting a job, he is still responsible for the project whether or not his crew is doing the work. Mr. Gilder responded that a contractor who sub-contracts roofing jobs has to disassociate himself from the job to a certain degree or the members of the crew become his employees. Chairman Coonrod concurred with Board Member Crotts, adding that the contractor selling the job and getting the permit is ultimately the responsible party to see that the work is correct.

Consideration of a single day for all Advisory Boards to meet.

Mr. Stolz said that he would like to see all the Advisory Boards agree to meet on one day. He asked that the Board consider a possible change in meeting date and time if all Boards could agree to meet on the same day.

Consideration of a potential temporary adjustment to landscaping requirements due to drought conditions and potential watering restrictions.

Over the previous two years, the lack of an adequate amount of rain/snow has resulted in near drought conditions. Keeping the dry condition in mind, Mr. Stubbs reminded the Board of the strict requirements for landscaping that must be met for commercial projects. In the event that water restrictions are imposed, Mr. Stubbs pointed out, fulfilling the requirements for landscaping may be nearly impossible. Requesting the Board's agreement and subsequent recommendation, Mr. Stubbs suggested that a temporary adjustment to the landscaping requirements be implemented if such water restrictions are enacted. The adjustment would include jobs already in progress. There was a consensus of the Board Members to agree to the recommendation that landscaping requirements be suspended for a reasonable time.

Discussion regarding local code versus State requirements for restrooms in restaurants.

During the first part of 2012, MABCD was informed that the State, through the Health and Environment Department, was no longer regulating restaurants in regards to restroom requirements. Formerly, there was a fairly significant requirement that restaurants provide restrooms for the public in addition to employees. The local code mirrored that requirement. Since the requirement for public restrooms was removed from the State's regulations, a decision must be made on whether the local code will also eliminate the requirement for public restrooms, or continue to require that public restrooms be provided. The owners of a small restaurant that are preparing to submit plans through an architect have already inquired why the City is requiring separate public restrooms (one male and one female) be provided if the State does not require them.

Board Member Doeden stated that public restrooms contribute to the health and safety of the general public and preferred to have the local code continue to require public restrooms in restaurants. Chairman Coonrod agreed that the local code should remain status quo on restroom requirements until the next code review.

Update on the merged operations of the Metropolitan Building & Construction Department.

Giving a brief update on the merged operations, Mr. Stolz told the Board that he was working on the organizational chart for the newly formed department. Additionally, he is working to alleviate the pay disparities between like positions within the department. Bringing the Codes Administrator position back into the organization is under consideration; there is a definite need to have someone staying up-to-date with all codes and being aware of changes as they occur.

To help stay abreast of complaints and compliance issues, Mr. Stolz said he is looking at using some of the Neighborhood Inspectors to do some of the investigative process and follow-up. With the experience of those inspectors, he feels using their expertise to resolve complaints/compliance issues would be beneficial to the public and MABCD

With no other business to conduct the meeting adjourned at 2:10 p.m.