BUILDING BOARD OF APPEALS
MEETING MINUTES OF
FEBURARY 7, 2017

There was a quorum.

Meeting was called to order. 1:30PM

Roll Call: Present: Mr. Brown, Michael Rakes, John Meek, Bob Coombs, John Weber, Larry Stevig

Absent: Ms. Page, Mr. Neaves, Jeremy Dotson, Douglas Dotson

Meeting was opened to public comment.

No one came forward to comment.

Discussion to be held regarding the bylaws set forth at the Boards Conception.

Mr. Coombs stated the last director set up the bylaws and term lengths were supposed to be decided at that time. Term lengths were never decided upon. A Building Board of Appeals meeting was held since that time, where discussion decided that term lengths of current Board Members would end on a staggering basis of two, three, or four years. However, since that meeting, that particular part of the bylaws were not followed through with.

Mr. Coombs stated he was reopening the discussion of term lengths with the Board and asked members if they were interested in continuing as a member. If so, what time commitment is adequate for being a part of the Building Board of Appeals. Mr. Coombs stated there would be a meeting in March, or at the latest the first week of April due to 2015 code changes coming forth. Board recommendations have to be given to Council and fees will be raised to possibly 5(%) percent. It has been five years since fees have been raised or adjusted.

Mr. Coombs stated, term limits can be thought about and emailed to him before next Board Meeting. Email communication allows all members to see the schedules of other members. Mr. Coombs will have building code changes which staff is recommending, and a new fee structure by the next Building Board of Appeals meeting. Council will likely have to do a comparison study with other cities to compare fees. Mr. Coombs stated two other cities that have been contacted, revealed the City of Bloomington has lower fee prices.

Mr. Coombs stated it is required by law to have a minimum of two meetings per year; in June and December. It was posted on the City website that there was a meeting for the Building Board of Appeals in which Mr. Coombs knew nothing about. To follow Open Meetings Act, it was quickly posted and printed in the paper the meeting was canceled. 2017 will be handled correctly and there will be at least two Building Board of Appeals meetings per year moving forward.

Mr. Weber asked whether there is a list of current members and what their term limits are at this time.

Mr. Coombs gave him what was listed on the City Website, in which no term limits are listed.

Mr. Weber then cited the website; as of April 30, 2017, the Building Board of Appeals does not exist as all terms expire at that time.

Mr. Meek stated notification needs to be sent to Mayor Renner that the Building Board of Appeals will no longer exist and nine more people will need to be found if the website is not updated.

Mr. Coombs asked if there were any Board Members interested in staying on for two years or longer.

Mr. Meek suggested arbitrarily listing Members and how long they wish to be a part of the Board; Brown and Weber two years, Bake and Stevie one year, Rakes three years, Dotson brothers three years, and Neaves three years. By arbitrarily assigning these terms, it helps give some sort of definitive terms to Council.

Mr. Meek stated he could do a one year term extension. The bylaws should permit a Member to be re-elected for at least one more term after what is listed.

Mr. Coombs cited the website; the Mayor makes the appointments, representatives serve staggered terms of rotation by class. No Board member should serve more than three consecutive terms or a total of nine years.

Mr. Meek stated this is a newly constructed Board, thus current members start from scratch for the date the bylaws are written. Mr. Meek stated he would serve the minimum two year term.

Mr. Stevig stated he would serve a two year term.

Mr. Weber stated he would serve a three year term to help stagger terms.

Mr. Brown stated he would serve three or four year term.

Mr. Coombs stated a member can resign from a term if need be and appointment will be given to another elected Member. Mr. Coombs stated he would contact the rest of the absent Members to get their term lengths.

Mr. Meek suggested showing absent Members what present Board Members picked for terms, and giving options of open terms that are still available. Give them a deadline to return email to Mr. Coombs.

Mr. Stevig asked if the Board can assume current member's terms will surpass the April expiration date on the City Website.

Mr. Coombs stated he would send notification and updates to the City's IT Department to update the website information.

Mr. Meek suggested keeping it more professional by notifying the Mayor, and giving notice of the term lengths discussed and decided on for all Members.

Mr. Coombs questioned the Board if anyone had recommendations for a new Member in case terms fall short.

Mr. Meek asked for clarification on composition of the Board.

Mr. Weber stated there are two plumbers, two electricians, two fitters, two construction members, and one member at large.

Mr. Meek asked to move onto a new topic of Building Codes.

Mr. Coombs stated this was not a new Energy Conservation Code, but rather the Board will be adopting the 2015 International Code; a new Building Code, Residential Code, a new HVAC Code, and Property Maintenance codes. 2014 Codes have not been officially adopted yet but would be part of the 2015 International codes as well. Gary Hinderliter, the City's Plumbing Inspector, has changes to be put within the City's code Chapter 34 for plumbing. Nick Knight, the City's electrical inspector, has three pages of stuff to be added to the City's electrical code.

Mr. Meek verified that Mr. Coombs would schedule a meeting to review all these code changes with the Board.

Mr. Coombs stated he needs to verify what is available and where the meeting will take place. He also will check when the Council meets in order to ensure the next meeting date falls within the time needed.

Mr. Weber stated the Mr. Koth's case was tabled at the meeting in September of 2015.

Mr. Coombs questioned if the Koth case needs to be scheduled on an Agenda or if it will die with no action is taken.

Mr. Raikes stated if the case was tabled, it needs to be brought back up to take action on it. The Board cannot take action on a decision without it being put on an agenda for proper public notice.

Mr. Coombs stated that the issue is Mr. Koth was supposed to come before the Building Board of Appeals back in 2015. He scheduled the meeting and then cancelled a week prior to meeting date asking to have a future meeting date. In between the scheduled dates, he spoke with the City Attorney in which he felt a deal was worked out and made. However, Mr. Koth cannot provide Council with any paperwork of such a deal.

Mr. Coombs stated he has asked other Cities how they handle these types of situations. This was an egress issue, which code has been clear on since the 1950s. The second issue was the sleeping rooms were created without permits.

Mr. Weber commented, this was an egress issue correct?

Mr. Stevig, has Mr. Koth done anything regarding this issue?

Mr. Coombs, not that I am aware of at this time.

Mr. Stevig, so is the ball in his court or ours?

Mr. Coombs stated he has met with the City Attorney to make text amendments to the City Code to address these issue to ensure it is taken care of but nothing has been done.

Mr. Meek stated the issue at hand is that Mr. Koth's case was brought forth to the Board and it was suggested by the Rental Inspector that something needs to happen to write new code, to direct staff and direct Mr. Koth. It is the responsibility of the Board to take action and not let this problem continue without any type of responsibility.

Mr. Coombs stated the Board could recommend to Council that a text amendment needs to be implemented to address these issues so that Mr. Koth's case will be resolved.

Mr. Meek stated this recommendation would also help Housing Authorities to take action and continue to govern public safety.

Mr. Coombs suggested the text amendment to require a hard-wire fire alarm system be installed and interconnected among devices. This will help make a building as safe as possible while also insuring the owner can afford to make the changes needed to older buildings.

Mr. Meek stated there are going to be owners who will rebuttal as these costs are not going to be cheap. Getting the Fire Marshall's approval and help with this amendment change would help greatly. This change is going to raise opinions of the Council and there will be great discussion in terms of costs to owners.

Mr. Coombs stated the presence of sprinklers does not mean the need for emergency disappears, you still need emergency egress.

Mr. Stevig questioned whether the Board needs to contact Mr. Koth while this discussion is going on, and allow him to come to the meetings.

Mr. Meek suggested that Board figure out exactly what is to happen and what amendments will be made prior to contacting Mr. Koth. Then, at that time, Mr. Koth should be notified of changes.

Mr. Brown stated, we need to agree on what we will recommend before having him appear again.

Mr. Meek stated that the City's attorney would need guidance from the Board as to what this wiring system requires and consists of.

Mr. Weber questioned who rewrites the Building Safety City Codes and what the Board's actual part in Code rewriting is.

Mr. Coombs stated it is staff who bring up a change needed in City Code. The Building Board of Appeals is to give guidance and recommendations to the City Council as to what they feel is the best action to take.

Mr. Stevig stated, code requires smoke detectors, so install them but it does not relieve the requirement for egress.

Mr. Brown, that is the issue as I see it. These are two separate issues. He is in violation of required egress which is what we need to be discussing.

Mr. Weber stated, according to Mr. Koth, the building was this way when he purchased it.

Mr. Brown stated, this should have been caught when a permit was issued. Costs aside, other owners have had to update their properties.

Mr. Stevig suggested posing the question to Mr. Koth as to in the past year and half, has any written proof been found to show the Board that permission was given to rent out his unit without an egress exit. If proof was not found or cannot be given to the Board, then the Board would take the position of upholding the inspector's findings and Mr. Koth will have to create a second means of an egress exit.

Mr. Coombs stated that Mr. Koth needs to be present at the meeting where a motion is made and a short discussion is presented in front of him.

Mr. Weber stated at the June 17, 2015 meeting, where this item was tabled, according to the inspector's letter, this was the second inspection on Mr. Koth's property. The first inspection was on January 19, 2007. After the first inspection, the inspector notified Mr. Koth that two of the interior rooms could not be used as bedrooms due to lack of egress. At the second inspection in March, the areas were still being used as bedrooms without any changes to lack of egress.

Mr. Brown stated no matter what decision is made, the Board has to remain consistent with every case.

Mr. Meek stated a conclusion must be made as it is known the Board is aware of the situation and have not acted on it. Which questions if the City of Bloomington is at risk of being held liable since this issue has been tabled and not acted upon.

Mr. Meek suggested Mr. Coombs go to the City Attorney to get direction as to what the Board should do, so that the City is not liable if something happens. Mr. Meek questioned if the Board can take an action now, or does Mr. Koth have to be at the next meeting in March to tell him the position the Board is taking. His case was tabled to a future meeting, thus should this board make contact with him?

Mr. Raikes stated his interpretation of Open Meetings Act is the Public has to be notified at least 48 hours in advance as to such a meeting where an action will be made. The item has to be put on a proper agenda and displayed properly for the public to see.

Mr. Meek stated the egress issue of Mr. Koth's property and the sprinkler issue are two separate issues, and the Koth case needs to be settled separately.

Motion to direct staff to review Mr. Koth's case with the City Attorney was made by Mr. Brown, seconded by Mr. Raikes.

Ayes: Mr. Brown, Mr. Rakes, Mr. Meek, Mr. Weber

Nay: None.

Mr. Meek stated Mr. Koth's item will be placed on next month's agenda for a final decision.

Mr. Brown asked for clarification on when the code was written to say living quarters in an upper unit had to have a sprinkler system and smoke detectors in place. Moving forward, any property owner who has proof that their unit had living quarters in place before the new code took effect, should not have to install a sprinkler system or smoke detectors, unless they decide to remodel, then proper permits and new code would have to be followed.

Mr. Stevig asked to have staff present the Board with current City Ordinances concerning fire alarm systems, smoke alarm systems, detection, and notifications for existing buildings.

Ayes: Mr. Brown, Mr. Rakes, Mr. Meek, Mr. Coombs

Nays: None.

NEW BUSINESS: None

Motion to adjourn by Mr. Stevig, seconded by Mr. Raikes at 2:44PM.
Votes of Ayes were made via Voice of all remaining Board Members; Mr. Brown, Mr. Rakes, Mr. Meek.

Submitted by

Robert Coombs
Board Secretary