

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
BUILDING CODES COMMITTEE

August 18, 2010

Maricopa Association of Governments Office
Cholla Room
Phoenix, Arizona

COMMITTEE MEMBERS

Steven Hether, Mesa, Chair

Ken Sowers, Avondale

Phil Marcotte, Buckeye

*Mike Tibbett, Carefree

*Mike Baxley, Cave Creek

Dave Nakagawara for Alex Banachowski,
Chandler

Mary Dickson, El Mirage

*Peter Johnson, Fountain Hills

*John Smith, Gila Bend

*Jo Rene DeVeau, Gila River Indian
Community

A-Ray Patten, Gilbert

Tom Paradise for Glendale

Ed Kulik, Goodyear

*Chuck Ransom, Litchfield Park

Tom Ewers, Maricopa County

Bob Lee, Paradise Valley

A- Dennis Marks, Peoria

Tom Wandrie, Phoenix

A-Dean Wise, Queen Creek

Ed Peaser for Michael Clack, Scottsdale

A-Michael Williams, Tempe

Mario Rochin, Tolleson

John Stigsell, Youngtown

Rick DeStefano, Wickenburg

*Bridget Jones, Home Builders Association

OTHERS IN ATTENDANCE

Heidi Bickart, MAG

Steve Gross, MAG

Bill King, Goodyear

Dustin Schroff, Scottsdale

Rich Kochanski, Mesa

A-Dennis Chase, Peoria

*Those members neither present nor
represented by proxy.

A-Those members participating via
audioconference

V-Those members participating via
videoconference

1. Call to Order

Steve Hether, Chairman, called to order the August 18, 2010 meeting of the MAG Building Codes Committee (BCC) at 2:01 p.m.

2. Introductions

Voting members Dean Wise, Dennis Marks, Michael Williams, Ray Patten, Dennis Marks, and Dennis Chase attended via telephone conference call. All members introduced themselves.

3. May 19, 2010 Meeting Minutes

It was moved by Bob Lee, seconded by Tom Ewers and unanimously recommended to approve the May 19, 2010 meeting minutes.

4. Call to the Audience

There were no comments from the audience.

5. Comments From the Committee

Bob Lee reminded that the AZBO Fall Education Institute is Oct. 4-8, 2010 in Phoenix and the central chapter has some scholarships available. Mr. Lee said the ICC Code hearings are going to be in Phoenix in the Fall of 2011. In preparation for that, AZBO is sponsoring a hospitality room at the Charlotte, NC hearings in October 2010. AZBO has a subcommittee looking at entertainment and decorations and they are in need of volunteers to help in a hospitality room in Charlotte, NC. Bob Lee announced that a by-laws committee is meeting next week at 10am in Paradise Valley to discuss a name change for AZBO and the inclusion of Arizona Fire Marshalls Association in AZBO. Mr. Lee encouraged members to send him an email if they are interested in volunteering in Charlotte or attending the by-laws committee meeting.

Tom Ewers announced that the Maricopa County Board of Supervisors voted to adopt the 2009 I-Codes, the 2008 NEC, with the MAG/AZBO amendments and the caveat that they amend the codes to delete the requirement for sprinkling single family residential. He said these codes were adopted August 18, 2010. He announced the effective date of October 1, 2010 with a grace period to January 1, 2011 for these codes. Ken Sowers asked if the county is going to be able to enforce the codes. Mr. Ewers replied yes the county is going to be able to enforce the codes because the state legislation applies to cities and towns, as it is in Title 9, and it does not apply to counties.

Tom Wandrie noted that city of Phoenix encountered some issues regarding residential fences and building on a property line. Mr. Wandrie explained that in Phoenix, a property owner is not supposed to build across a property line and a permit is not required when building a fence under 6' high. Bob Lee said this topic is a good idea as it comes up in Paradise Valley. Steve Hether suggested that it be a topic on the next MAG BCC agenda, and after that meeting direction can be given to BI/PE Forum.

6. Electric Vehicle Charging Infrastructure Deployment Guidelines

Heidi Bickart said that staff from ECotality could not attend the meeting, so she provided a brief update on their behalf. Ms. Bickart said about a year ago, ECotality, Inc., a leader in clean electric transportation and storage technologies, was selected by the U.S. Department of Energy for a grant of approximately \$99.8 million to implement the largest deployment of electric vehicles and charging infrastructure in history. The ECotality initiative proposes to deploy charging infrastructure in major population areas, including Phoenix/Tucson.

Heidi Bickart thanked the MAG BCC members for their hard work reviewing and providing comments on the Electric Vehicle Infrastructure Deployment Guidelines. She noted that the document was brought through the MAG committee process. She announced that on June 30, 2010, the MAG Regional Council, by consent, approved the Deployment Guidelines document version 3.0. This document is to serve as guidelines to implementation of infrastructure that will support and encourage the adoption of electric vehicles in the MAG region.

Heidi Bickart noted that the document will provide the foundation upon which the EV Micro-Climate© program is implemented to provide the optimum infrastructure to support and encourage the adoption of electric vehicles in the MAG region.

Heidi Bickart said that as a next step, ECotality is going to hold a meeting September 2 for their EV Project Team. This team is comprised of one representative from the utility companies, ASU sustainable cities representative, MAG BCC Chair, other interested parties from cities and towns and interested citizens. The purpose of this meeting is to provide an update on the EV project and to review the EV Micro-Climate© Plan. This plan should provide a map showing locations of EV chargers and an explanation for placement. Rather than blanket the Phoenix metro area with infrastructure, this plan looks at the demographics of the likely innovators and early adopters of EVs to provide rich EV infrastructure that will continue to encourage the adoption of EVs. The objective of this plan is to have specific locations for publicly available Level 2 and DC Fast-Charge Electric Vehicle Supply Equipment (EVSE) infrastructure.

Heidi Bickart stated staff from ECotality has expressed interest in providing an update at a future MAG BCC meeting.

13. Operating a Fire Prevention Inspection Program After Downsizing

Rich Kochanski, Deputy Battalion Chief, City of Mesa Fire Department, described how to operate a fire prevention inspection program after downsizing.

Rich Kochanski said Mesa had to cut about 60 percent of their staff in the Fire Prevention Inspection Program. He said he currently has 5 inspectors. He said that impacted their ability to do the work. He said they focused on their current fire problems and mandated inspections. He said Mesa broke down occupancies into several risk categories using their accreditation. He said they do high risk inspections every other year. He said the frequency of inspections is the biggest change. Moderate risk is every 3rd year program. Lower risk occupancies are handle with a self inspection program.

Tom Ewers asked if Mr. Kochanski has responsibility for plan review. Rich Kochanski replied that in Mesa he is in charge of fire inspections and Steve Hether in Building Safety is in charge of fire plan review and new construction fire inspection.

Tom Paradise asked if Mesa was experiencing backlog in inspection process before cutbacks. Rich Kochanski replied that Mesa had about 90 percent completion year to year. He noted they were not doing all 12,000 occupancies. He said they were able to do about 3,500 inspections. Tom Paradise noted that Glendale has a difficult time keeping up with what is supposed to be done each year. Rich Kochanski said that Mesa charges for their inspections. He noted that City Council wanted dollars from this effort. He said they are a cost recovery model to cover inspector salaries. He said he has a 1.1 million dollar goal and met \$890,000 of that total.

Bob Lee asked Rich Kochanski to discuss third party reporting. Rich Kochanski said Mesa does not do inspections on hood systems, a third party does those inspections. He said the third party inspects and sends deficiencies to Mesa. He reported that the third party company does not have an enforcement arm. Rick DeStefano asked who approved the third party company. Rich Kochanski responded that they were approved by his department. Rick DeStefano asked if the fee structure is published. Rich Kochanski replied that the fee structure is available on the Mesa web site.

Bob Lee said that group homes and entities that get licenses from the Department of Health Services (DHS) are requesting an annual inspection. He noted that changing the frequency of the inspection is the responsibility of the local jurisdiction and Paradise Valley is set up to do inspections on an annual basis. Rich Kochanski said they are not doing an annual inspection for group homes at this time. He said Mesa is doing every other year for group homes and will wait to see if it passes the test.

Bob Lee asked if Mesa is doing school inspections. Rich Kochanski replied that the State does those inspections. Mr. Kochanski said he does inspect charter schools but does not inspect public schools. He said Mesa wants to inspect public schools but the State is doing them.

Bob Lee asked who is in the high risk category. Rich Kochanski responded that hospitals, air craft hangers, hotels, a lot of the high loss of life, apartments, semi-conductors, repair garages, residential care facilities, etc. Mr. Kochanski said he would provide a list of high risk category to Heidi Bickart to distribute to the committee.

Rich Kochanski said Mesa has an agreement for residential care units not licensed by the State, that states everyone in the facility could self evacuate. He said these facilities are not licensed by the State. He noted that Mesa does these inspections every other year.

Bob Lee noted that older adults living in group homes can self evacuate when they move in but as they age in place they may not be able to self evacuate. Steve Hether said this is a huge problem we all face. Mr. Hether suggested that forcing them out of group homes in an effort to protect them may in fact end up killing them.

Bob Lee said that if there are less than 5 people than sober houses are unregulated. He said he is approached by owners of sober houses with 8-12 bedrooms and they state that there are less than 5 people living there.

Tom Ewers said this happens all the time at the County where there is a big house, lots of family in rooms in the house, and clearly more than 5 people living in the house, so County makes them go R4 sprinkler due to the number of bedrooms. Mr. Ewers also noted that the owners of these homes will state that everybody living in the extra rooms is a relative.

7. HUD Sustainable Communities Planning Grant Program

Steve Hether read an email he sent to Amy St. Peter regarding the HUD Sustainable Communities Planning Grant Program. He noted that the MAG BCC currently does not have any green initiatives underway but that it may be helpful to implement a green building code as part of ICC in the future. In looking at the grant criteria it may be possible to include funding the research, development and recommendation to implement a green building code by the MAG member communities. The International Code Council (ICC) is currently developing a green code (IGCC) as a jurisdictional compliance option to be included in the 2012 edition of the family of ICC Codes. Grant funds would enable MAG to research, develop, and implement this project. MAG would need to compare the 2012 IGCC, to any other model green codes. Public meetings with designers, contractors, owners, developers, elected officials and other stakeholders would need to be held to discuss significant short-term and long-term impacts both positive and negative. Input from stakeholders would be considered as MAG develops any recommended amendments for a Green Code. Training for public and jurisdiction staffs would need to be developed and delivered.

Steve Hether said he believes an effort in this direction would fit well into the parameters of this grant, especially if it is a part of a regional effort in sustainability. He said a regional approach would be much more economical for the MAG members than individual efforts that would duplicate many aspects in R&D cost.

Steve Hether said Mesa used the possible adoption of an energy code as part of an application for stimulus funds received last year. He asked Phoenix if they received grant funds to explore the adoption of a green code. Tom Wandrie noted that Phoenix is looking into adopting IGCC hopeful that state legislation won't hinder adoption

Steve Hether said Mesa just completed a Request for Information (RFI) process for research, development and implementation of the energy code. The bids were in the \$200K plus range.

Amy St. Peter said she is very pleased to have this opportunity to provide an update on the grant. She said she was pleased to have the input from the Chair in May. Amy St. Peter said it is strictly a planning grant to support the creation of regional plans for sustainable developments. The work that Steve Hether was proposing would be a wonderful opportunity to come out of the grant.

The grant touches on a number of different issues such as housing, transportation, environment and the economy. She said developing IGCC could be part of a second component. Category 1 is to create a plan. Category 2 is the detailed execution plan where the MAG BCC idea could come into play. Category 3 is funding available for implementation. She said the grant application is for the sun corridor (Pima, Pinal, Maricopa counties). She said MAG may be able to move forward with some parts of the project even without receiving funding. She said that 6 initiatives have been identified.

1. A regional housing plan including affordable housing and the family.
2. A cluster and economic development study.

3. Canal/path integration study.
4. Native American communities transit study.
5. Arizona health survey.
6. Connect housing, transportation and jobs in order to make activity centers more viable.

She said there is nearly \$21 million leveraged already through partnerships. There are 120 partners.

Steve Hether said grant funding would be helpful to communities when doing research and development.

Bob Lee thanked Amy for her hard work on the grant application.

9. Updated MAG Building Codes Committee Membership

Members were encouraged to send any changes to Heidi Bickart. Steve Hether announced that John Stigsell is retiring and Bryan Woodcox is no longer working at the city of Glendale. Heidi Bickart said she would work with city of Glendale to appoint a new MAG BCC member.

10. Update on Survey of Code Adoption Document

Steve Hether encouraged members to send Heidi Bickart changes to the table. Heidi Bickart said that contractors and public request this table and have noticed that the anticipated adopted date has already past and the city has not in fact adopted the new codes.

Tom Ewers said that Maricopa County has one change in the last column and provided that to Heidi Bickart.

11. Topics for Future Agendas

Steve Hether said that residential fences is a future meeting topic.

Bob Lee suggested green construction code as a future meeting topic. Mr. Lee said they are looking for public comment until end of September. Tom Wandrie said that city of phoenix is commenting. Bob Lee said the gentleman who did class in Flagstaff said it could be adopted as a voluntary code.

12. Adjournment

Ken Sowers made motion and Mario Rochin seconded motion. The meeting adjourned at 2:50 pm.