

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
BUILDING CODES COMMITTEE

November 19, 2003
Maricopa Association of Governments Office
Cholla Room
Phoenix, Arizona

COMMITTEE MEMBERS

Bob Lee, Cave Creek
Ken Sowers, Avondale
*Phil Marcotte, Buckeye
*Mike Tibbett, Carefree
*Alex Banachowski, Chandler
*Jeff Sterling, El Mirage
*Unappointed, Fountain Hills
*Unappointed, Gila Bend
Robert Carlston for Jo Rene DeVeau, Gila
River Indian Community
A – Ray Patten, Gilbert
Bill Griffith for Deborah Mazoyer
Glendale
Steve Burger, Goodyear
Chuck Ransom, Litchfield Park

Orion Goff, Mesa
V - Armando Rivas, Paradise Valley
*David Nakagawara, Peoria
*Rick Doell, Phoenix
Tim Wegner, Queen Creek
A - Tom Barrs for David Potter, Scottsdale
Forrest Fielder, Surprise
*Roger Vermillion temporarily
unappointed, Tempe
Mario Rochin, Tolleson
*Skip Blunt, Wickenburg
Bob Cooperider, Youngtown
Tom Ewers, Maricopa County
Rus Brock, Home Builders Association

*Those members neither present nor represented by proxy.
A-Those members participating via audioconference
V-Those members participating via videoconference

OTHERS IN ATTENDANCE

Chris Gates, Maricopa County
Environmental Services
Irl Young, Registrar of Contractors
Autumn Hartsoe, City of Goodyear
Matt Holm, Maricopa County, Planning
and Development

Margaret Ayala, Maricopa County
Emergency Management
Michelle Green, MAG
Constance Kish, MAG

1. Call to Order

The chair called the meeting to order at 2:00 p.m.

2. Introductions

Members of the Committee introduced themselves.

3. Approval of Meeting Minutes for August 13, 2003

Mario moved to accept the minutes as amended and Forrest seconded the motion. Mr. Lee asked if there were any comments prior to taking a vote. Michelle noted that she had changed the minutes as requested by Bill Griffiths to reflect the actual status of the building codes that are being used by the City of Glendale. A roll call vote was taken and the motion passed.

4. Approval of Meeting Minutes for September 17, 2003

Mario moved to accept the minutes as amended and Forrest seconded the motion. Mr. Lee asked if there were any comments prior to taking a vote. Michelle Green then stated that she received e-mails regarding the minutes from Brian Juedes and Clint Mueller who asked that Clint's name be added to the comments in the minutes because he participated equally in the presentation. Following this comment, a roll call vote was taken and the vote passed.

5. Call to the Public

This item was heard out of order to allow the guest presenters to complete their presentations in a timely fashion.

Steve raised the issue of the number of meetings that people attend related to building codes. He raised the question of whether or not all of these meetings are necessary indicating that it may be reasonable to combine the Regional Plan Review Group and the Building Inspectors and Plans Examiners Forum since many of the same topics are covered at both meetings. It is helpful, he added that most jurisdictions are either using the I-codes or are moving towards adoption of the I-codes.

Tim echoed this concern adding that there are too many meetings related to building codes, their enforcement and interpretation that could result in competition among groups. He also stated that combining groups would provide an opportunity to continue to operate on a regional level.

Bob said that Cheryl often combined meetings and that minimizing meetings would be more efficient. He also stated that Bruce did ask for direction. Perhaps this is an

item that could be placed on the agenda next month to give people an opportunity to consider the issue.

Michelle added that MAG would continue to assist the committee by providing a room for meetings.

Bob announced that the City of Mesa is now online with a new permitting system called Tidemark Permitting. The system, he explained, is not fully functional yet. It will be available soon for customers to access the plan review process for a project and track it. He added that field inspectors are getting new laptops so that they can do real-time inspections. He finished by adding that the system should be ready by January.

Bob then talked about the fact that Cave Creek is within a couple of days of initiating Blue Prints as a service. He explained that this service will be offered to contractors so that they can access information regarding inspections via e-mail or the web.

Bob asked committee members if they recalled adopting a standard related to ADA.

Steve Burger replied by saying that it was more like something that was agreed upon rather than formally adopted.

Bob explained that the question arose because of the issue of model homes and how restrooms are treated in that case.

Rus asked if the lot size complied with the zoning that would allow for a commercial use.

Bob stated that it would work under a temporary use permit since the models are renovated back to single family homes.

Steve then asked Autumn Hartsoe, Plans Examiner for the City of Goodyear, who attended this meeting to present the AZBO amendments, how Goodyear handles it. Autumn stated that they use the guidelines mostly in relation to parking and rely on an outdoor restroom to be accessible.

Bob suggested that restrooms in models could be roped off with a simple plastic chain that would indicate that they are there for viewing only. He then added that he would look at the issue a little more closely.

Tim asked if it would be possible to direct staff to provide the committee with annual updates on the activities of the committee.

Michelle said that she would look into the issue and added that the only problem is with limited staff resources. She indicated that she does not make the final decision as to where time is allocated but that she would ask those who do.

Tim then moved on to talk about the Arizona ICC. He announced that he is the president for the chapter and is on the board for the Building Codes Advisory Group out of New York. He announced that they will be sponsoring an energy workshop.

Steve indicated that there is a handout that is designed and ready to go should he need it.

6. Asbestos NESHAP Regulation

Chris Gates with Maricopa County Environmental Services gave a presentation on the history of asbestos use, development of its regulation and provided an overview of existing NESHAP regulation.

Mr. Gates began his presentation by explaining that the presentation he was about to give is usually much longer but that he shortened it to fit within the time allotted. Copies of his presentation are available upon request from Constance or Michelle.

Mr. Gates then explained that the most regulated activities are construction and demolition. The OSHA definition of an asbestos containing substance, he explained, is any material with greater than 1% asbestos. He then went on to say that construction industry workers are most at risk from exposure.

Single-family homes are not regulated, he said; however if a demolition project involves two or more single-family homes it is regulated. He clarified this point by adding that a quadplex, or duplex would not be regulated because while more than one housing unit is involved, it is considered as one building. He also explained that the movement of buildings is considered a construction project and therefore is regulated. He also explained that threshold amounts are used as a criterion in determining what and how projects are regulated. Commercial projects are always regulated, he added.

Mr. Gates explained that the entire wastestream is monitored, for example, trips are made to landfills twice a year.

Armando then asked for clarification on whether or not a project that included a guest house would be regulated.

Mr. Gates responded by saying that yes, because it involves more than one building it would be regulated.

Armando then asked if these regulations applied to new buildings.

Mr. Gates said that buildings are still being built with asbestos, so inspection is required and notification for inspection to verify that the building is ok is also required.

Tim said that the Town of Queen Creek bought a house to build a road and asked if they need to inspect for OSHAP compliance.

Mr. Gates offered the following, without knowing the specifics of the case he said, we do work with ADOT often because right-of-way acquisition typically requires the demolition of multiple buildings; however, as previously stated if it is one house then it does not count.

Tim then asked for copies of his brochure that he handed out for the front counter, stating that it would be helpful to have the information available to people who come in with development or demolition proposals.

Mr. Gates indicated that this is a good idea because often people will end up in settlement because they were not aware of the regulations and nor were municipal staff. He said this is the purpose of addressing groups like the building codes committee is to educate people about the regulations. It is possible to go through the entire municipal process and meet all of those requirements while the NESHAP regulations are not addressed due to lack of awareness. Chris stated that he would like to see a statement on an application for a building or demolition permit reminding applicants that there are regulations other than the City or Town requirements that may apply.

Mr. Lee then thanked Mr. Gates for an informative presentation.

7. Travellers Issues

Mr. Irl Young, lead investigator for the Registrar of Contractors gave a presentation on fraud associated with home repair scams committed by people who move about the Country at different times of the year. He explained that these groups move into the Valley this time of year. A copy of his presentation is available upon request from Constance or Michelle.

Mr. Irl explained that the groups that commit fraud by selling home repair jobs at inflated prices to vulnerable people. He explained that the groups are transient and typically move from the east coast to west and back again. He added that he and his investigators have determined that they have set up in the southeast valley.

He then explained the groups history, being of English, Irish and Scottish decent, an organized crime family that is very closed, the only way to enter the family and the business is by birth or by marriage.

He explained that they buy new homes and keep the things they have and themselves very clean. He listed several characteristics to look for such as a chrome gas cap that they use on vehicles to identify themselves to one another on the road, he described the types of vehicles they tend to drive and he said there is usually a bible on the dashboard of a truck they are using to create a sense of trust with potential victims.

He explained that they do roof repair, paving jobs, things like that and sell high end tools at inflated prices. Their targets are mostly the elderly, widows and widowers specifically.

Bob thank Mr. Irl for his presentation and added that most of the work they do requires a permit so we should be watching out for that as well.

8. Recommendation From the Maricopa County Hazard Mitigation Plan to Review and Possibly Modify Building Codes

The chair invited Peggy Ayala, Maricopa County Emergency Management, to the table to explain what the County Hazard Mitigation Plan is and what building officials can do to support or assist. Ms. Ayala stated that this is a plan that is required by FEMA. Peggy said that they worked with interested agencies to develop a series of goals and objectives and actions to implement the plan. The intent is to have people involved in the development of land look at what they do with an eye to hazard mitigation. For example, lot splitting has created some hazards with respect to flooding and accessibility during an emergency.

Ms. Ayala explained that some county islands that are now surrounded by urban development are creating issues because they are not typically developed to the same standard, as a City or Town would be. Ms. Ayala asked the committee to consider how we might deal with some of these issues and others as we continue to grow.

Forrest then asked what kind of hazards she was referring to.

Ms. Ayala responded by saying that hazards are natural, constructed, geologic, subsidence, and of course the wildfire and urban interface are examples of hazards.

Forrest then asked what departments are typically involved in this type of effort.

Ms. Ayala said that the group included emergency managers, fire or police chiefs, one or two people from each agency were contacted to create a team to develop the plan.

9. Greater Phoenix Chamber of Commerce Public Affairs Committee Discussion Regarding The City of Phoenix's Building Code Development Process

This item was tabled until the next meeting due to a shortage of time to adequately address the issue.

10. Carstens vs. City of Phoenix

This item was tabled until the next meeting due to a shortage of time to adequately address the issue.

11. Building Officials (AZBO) Code Review and Development (CR&D) Committee Proposed Amendments

Autumn Hartsoe, Plans Examiner with the City of Goodyear presented the annual report. She said that the report is very comprehensive, taking almost three years to complete. These amendments are based on the 2000 codes, the review of the 2003 codes will begin in March of 2004. At first glance, she explained, the 2003 codes do not appear to be very different from the 2000 codes.

It was reported that this review was very successful with 10 or 11 of the proposals submitted were reviewed. Autumn explained that a lot of work went in to preparing the amendments and proposals for review and indicated that sound decisions were made.

Bob then made a motion to adopt the amendments.

Autumn then added that there will be a meeting to review the 2002 NEC on January 9th. She explained that the group is compiling amendments from all over the state and added that she hoped to have a supplement to this document.

Steve seconded the motion to adopt the amendments. A roll call vote was taken and the motion carried unanimously.

Steve then said that he would like to commend the group for a job well done. The document, he said is excellent.

Bob then added that the success rate for having amendments considered is good, adding that he understands how difficult it is from his own experience.

Orion agreed and stated that he is looking forward to the NEC amendments, which will be useful as well.

12. Update on State Plumbing Commission

This item was tabled until the next meeting due to a shortage of time to adequately address the issue.

13. Update Survey of Code Adoption

Mario stated that they are using the 2003 IBC, IRC, the 2002 IEC and the 1994 UPC. He added that the wording includes amendments.

14. Level of Commitment to The Committee

This item was tabled until the next meeting due to a shortage of time to adequately address the issue.

15. Update MAG Building Codes Committee Membership

There were no changes to report at this time.

16. Topics for Future Agenda Items

Topics tabled will be on the next agenda.

17. Adjournment

The next meeting will be held on December 17, 2003 at 2 pm in the Cholla Room. Mario Rochin made the motion to adjourn, Steve seconded the motion, and the meeting was adjourned at 4:05 pm.