MINUTES
BUILDING BOARD OF REVIEW
Monday, July 8, 2019 at 1:00 p.m.
Omaha/Douglas Civic Center – 1819 Farnam
Third Floor – Jesse Lowe Conference Room

Board Members:
Jack Ryan – Chairman
Ron Feuerbach – Vice Chair
Cheryl Kiel
Michael Naccarato
Kent Therkelsen
Thomas Thibodeau
Dennis Van Moorleghem

Certification of Publication: Board Secretary certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, July 1, 2019.

THE OWNER, OR A REPRESENTATIVE OF THE OWNER, MUST HAVE SIGNED THE APPLICATION OR BE PRESENT AT THE MEETING FOR THE CASE TO BE HEARD.

NOTE: THIS BOARD DOES NOT HAVE THE AUTHORITY TO WAIVE ANY REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT, FEDERAL FAIR HOUSING ACT, OR THE N.F.P.A. 101 LIFE SAFETY CODE; BUT DOES HAVE THE AUTHORITY TO HEAR APPEALS OF THE INTERNATIONAL FIRE CODE, NEBRASKA ACCESSIBILITY GUIDELINES AND THE NEBRASKA FAIR HOUSING ACT.

Mr. Jack Ryan called the meeting to order at 1:00 p.m.

I. Roll Call

Jack Ryan
Ron Feuerbach
Cheryl Kiel
Michael Naccarato – Absent
Kent Therkelsen
Thomas Thibodeau
Dennis Van Moorleghem

Others Present:
Anna Bespoyasny, Superintendent of Permits and Inspections
Le Nguyen, Plans Examiner
Steve Thornburg, Omaha Fire Department
Jennifer Taylor, City Attorney – Arrived Late
Autumn Drickey, Board Secretary

II. Approval of Minutes: Approval of June 10, 2019 minutes.

Motion by Mr. Thomas Thibodeau to approve the June 10, 2019 minutes. Second by Mr. Kent Therkelsen.

AYES: Feuerbach, Kiel, Ryan, Therkelsen, Thibodeau, Van Moorleghem

Motion carried: 6-0, Approved
III. Cases

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Location</th>
<th>Request</th>
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<tr>
<td>19-11</td>
<td>501 Park Ave</td>
<td>Waiver to code ICC 500-2008 – S. 702.2</td>
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At the Building Board of Review meeting held on July 8, 2019, Christian Christensen, Monica Erickson, and Todd Moeller appeared before the Board in regards to the above request at the above address. Le Nguyen appeared on behalf of the City.

Ms. Erickson summarized the request, stating that they were not the original architect, detailing her firm’s involvement in the project. She stated that they are looking to relocate a current storm shelter in an isolated room. She explained how they have utilized a storm shelter in other projects and their hope for this project, to put it in a drive lane in a parking garage. She detailed why they feel as if this use of a storm shelter is more secure, a larger size, as well as up to current code. She did state that they are requesting that they get a waiver to the restroom requirement in the storm shelter because the existing storm shelter does not have a restroom. She explained they are simply moving the storm shelter that was designed under a previous code.

Mr. Ryan stated that the City has no objection to the request. He asked if a Plumbing Board waiver would needed as well. Ms. Anna Bespoyasny stated that the Plumbing Board would not be required because of where the requirement falls. Mr. Thibodeau stated they have granted a similar waiver in the past. Ms. Nguyen stated that because it was initially built under the 2006 IBC, the storm shelter walls’ integrity were not compromised so the City does not oppose the request.

Mr. Thibodeau asked about putting markings on the ground for residents. Ms. Erickson confirmed. Ms. Bespoyasny detailed other aspects that were added. Ms. Erickson stated they are treating it as baffle system. Ms. Nguyen stated the drawings they have illustrate the worst case scenario where the projectiles are, and they are located outside of the worst case scenario.

Ms. Kiel asked how to keep people in the designated area and not other locations. Ms. Erickson stated they designated the striped area for where people should go. Ms. Kiel expressed her concern about wanting to see what is coming because it is not confined. Mr. Thibodeau asked about emergency lighting. Ms. Erickson stated the entire garage has emergency lighting.

Ms. Kiel asked for clarification if the City can be held liable if people do not stay within that area. Ms. Bespoyasny stated that they could not, but the code requires that it is available, there’s a sense of personal responsibility to get to the storm shelter. Ms. Taylor confirmed that the liability would come into play if they waived having the storm shelter. Mr. Feuerbach questioned if it was handicap accessible. Ms. Erickson confirmed.

Motion by Mr. Ron Feuerbach to approve the request as submitted. Second by Mr. Dennis Van Moorleghem.

AYES: Feuerbach, Kiel, Ryan, Therkelsen, Thibodeau, Van Moorleghem

Motion carried: 6-0, Approved
IV. Review Board Policy and Procedures

Ms. Taylor distributed a copy of the Mayor’s Executive Order and the Omaha Municipal Code section as it pertains to this board. She went over their responsibility and general authority of the board. She reminded them that this Board has the ability to review code changes, detailing that they are the only Planning Department with that designated authority. She distributed Policy and Procedures as of February 2014, stating that she is able to answer any questions at the next meeting. Mr. Ryan asked about a conflict. Ms. Taylor detailed how a board member would recuse themselves from that case. Mr. Ryan asked about a quorum and a member’s recusal. Ms. Taylor clarified that the board would just not be able to hear that case. She explained how that could take place, but she would need to look at it in more detail. She stated some changes may be coming to some boards.

Ms. Bespoyasny asked about the changes to the residential code needing to come to this board. Ms. Taylor stated that is not required to review the code change, but they are authorized to hear and suggest code changes. Mr. Feuerbach asked about holding a public meeting. Ms. Taylor clarified that it would be at a regular meeting. She explained they have the power and authority to do so, if they want to. There is discussion about how they could have avoided some cases. Ms. Taylor explained how they could have a public hearing about specific code changes and how it could be beneficial.

Ms. Kiel asked why the City of Omaha is not on the same code as the state. Ms. Bespoyasny stated it is the intention to get on the same page, but there was a catch up. Ms. Taylor stated that the state has allowed municipalities to adopt codes that are mostly in compliance. She detailed the state’s recommendation to updating or coming up to state code. She explained that the state allows municipalities to comply within two years with their accommodations or they will be automatically adopted.

Mr. Ryan stated he abbreviates the open meeting laws, but asked if it is a problem. Ms. Taylor stated that as long as that is covered and there’s a copy in the room that is all that is required. She stated we follow Robert’s Rules of Order.

V. Adjournment

Motion by Mr. Thibodeau to adjourn. Second by Mr. Van Moorleghem.

AYES: Feuerbach, Kiel, Ryan, Therkelsen, Thibodeau, Van Moorleghem

Motion carried: 6-0, Adjourned at 1:28 p.m.