MINUTES
BUILDING BOARD OF REVIEW
Monday, December 10, 2018 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, December 3, 2018.

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
Kent Therkelsen – Absent
Thomas Thibodeau
Dennis Van Moorleghem

Others Present:
Mike Wilwerding, Acting Superintendent of Permits & Inspections Division
Anna Bespoyasny, Plans Examiner
Jennifer Taylor, City Law
Autumn Drickey, Board Secretary
Tom Phipps, Chief Mechanical Inspector
Steve Thornburg, Omaha Fire Department

II. Approval of Minutes: Approval of November 19, 2018 minutes.

Motion by Ms. Cheryl Kiel to approve the minutes from the November 19, 2018 meeting. Second by Mr. Dennis Van Moorleghem.

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

Motion carried: 6-0, Approved
III. Cases

<table>
<thead>
<tr>
<th>Case</th>
<th>LOCATION</th>
<th>REQUEST</th>
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<tbody>
<tr>
<td>18-32</td>
<td>3914 Gibson Rd</td>
<td>Waiver of code section 507.5.1 IFC and Approval of alternative method</td>
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</tbody>
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Ms. Samantha Prier appeared representing the DeLong Company’s request. She explained the history of the project as well as this request. She explained how her company, Summit Companies, came on board at the location. She stated that she and the Fire Department worked through the plan going forward and the areas of the code they are looking at specifically.

Capt. Thornburg stated that he has no concerns. He detailed specifics about the project that have been worked through. Mr. Feuerbach clarified if they needed water. Ms. Prier confirmed that the water would be brought in per the pre-plan. She stated that the smoldering fire potential is not there because the grain is not stored at the location for long.

Ms. Bespoyasny confirmed that conversations have taken place with Capt. Thornburg and the City supports the analysis.

Motion by Mr. Ron Feuerbach to accept the waiver as applied. Second by Ms. Kiel.

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

Motion carried: 6-0, Approved
Mark Sanford appeared. He stated that he is waiting for his client and requests that the case be held at the end.
Mr. Brad Beall, Mr. Larry Jobern, and Mr. Tanner Micheli (did not sign in) appeared in regards to the above request.

Mr. Beall explained Top Golf to the Board. He stated his understanding of the building officials. He explained that this is a two story facility, so the guard rail requirement conflicts with the purpose of the facility. He stated they are requesting an alternate to the guard rail. He stated they are using something comparable to FAA requirements, he detailed the safety netting that is used. He stated that this standard is used at all other Top Golf locations and the hope is to be able to use it as a standard in Omaha. Mr. Micheli stated that the standard of five feet was based on research for when a guard rail cannot be installed. He stated that previously they utilized 4 foot or forty-two inch nets, but since the discovery, they installed 5 foot of netting as a standard. He stated they have been utilizing this since May 2016 and in that time no one has fallen over those nets. He explained why five feet is the standard, anything over would allow for ricocheting golf balls hitting people and if they extend the net too far guests will see it as inviting. He explained that when increasing the net to five feet they saw people jumping into the nets. He stated that they understand they are a unique use and they appreciate the ability to speak today. He explained their intent and success with their mission of caring. He explained standard operating procedures including a safety orientation for all guests every time. He explained yearly training of staff for reckless behavior and how they want to provide a safe environment. He concluded stating that they cannot have a single venue that does not comply with a five foot standard because it opens them up to liability at their other locations if something were to happen. Mr. Jobern stated that the five foot netting is unable to be differentiated from site to site. He explained that this request has been approved by City Council. He explained that he spoke with Mr. Dave Fanslau and was told that they want Top Golf to be in the City of Omaha.

Ms. Bespoyasny stated that the case analysis was written based on codes allowable to this jurisdiction. She stated that they are looking at an equivalent safety requirement, she stated that the five foot netting is a minimum code requirement. She stated that her position does not allow for her to waive the code requirement.

Ms. Kiel asked how big the net was. Mr. Beall stated that they are separated by beams that are 11 feet apart. She stated her concern with 25 pounds per square foot. Mr. Michael Naccarato stated that the net would catch a person because of the tension capacity of the nets and the net support brackets. Mr. Van Moorleghem asked if people have jumped or fallen into the net. Mr. Micheli stated that people have been caught in the net. Mr. Naccarato explained his experience at a Top Golf in another jurisdiction. He stated he did not feel unsafe being up that high given the safety presentation and the presence of the net, but was more worried about the potential of ricocheting balls and swinging golf clubs. Mr. Micheli stated that when you are in the middle of the mat, you are approximately four feet from the edge. Mr. Jobern explained that safe but not inviting regarding the net is the goal. Mr. Feuerbach stated the drawings would need to be stamped by a structural engineer. Mr. Beall confirmed they would be.

Motion by Ms. Kiel to approve. Second by Mr. Naccarato.

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

Motion carried: 6-0, Approved

Mr. Ryan asked why anyone would jump into the nets. Mr. Micheli stated they are still unsure why. He explained the annual testing of the nets.
Case 18-33 was recalled.

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<th>18-33</th>
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<tbody>
<tr>
<td>Mark Sanford</td>
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<tr>
<td>1306 N 162 St</td>
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<tr>
<td>Omaha, NE 68118</td>
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<tr>
<td>LOCATION:</td>
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<tr>
<td>7616 Dodge St</td>
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<tr>
<td>REQUEST:</td>
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<td>Waiver of code section 506 IMC 2006</td>
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Mr. Mark Sanford and Mr. Tommy Pang appeared stating that this is a tenant finish. Mr. Sanford explained the product and the equipment. He stated the product is prepackaged and there is no open flame. Mr. Pang explained the unit stating it was similar to the units at Subway that cook the bread. He stated that the food is approximately 20% of all sales as most of their sales are the teas like bubble tea. He explained the food that is cooked. He explained the pre-cooked food and how long it is cooked. Mr. Sanford stated that there are no grease laden vapors produced. Mr. Pang stated parchment paper is put under everything they cook.

Mr. Phipps stated that per the approved plans, the fire examiner requires various hoods. Mr. Phipps stated that there are nine products at this location that require hoods. He detailed the products that are in use according to the plans. He stated that the Turbo Chef can be contained, but if there are fat producing proteins, then they lose the listing and require a hood. He stated that in the past, a Type II hood has been required over cook-tops. Mr. Thibodeau asked about requiring a hood for a coffee pot. Mr. Phipps confirmed and detailed why. He stated the Plans Examiner stated they would need a hood or a waiver from this board. He explained that people with the Turbo Chef have tried to cook other items thus creating a failure in the catalytic. Capt. Thornburg stated that when there is a single Turbo Chef a hood is not required, but when there are two a hood is required to help the air conditioner handle the load. Ms. Bespoyasny and Mr. Wilwerding confirmed Mr. Phipps’ recommendation.

Mr. Feuerbach stated that this is different from previous requests because it is more food prep. Mr. Thibodeau asked about the hood. Mr. Phipps explained. Mr. Feuerbach asked if there is a hood on the plans. Mr. Sanford stated at their midtown location they were not required to put in a hood. Mr. Thibodeau asked about what type of hood. Mr. Phipps stated that there were two recommendations, one from Fire and one from the Plans Examiner. Mr. Thibodeau stated that it sounds like there is more than just boiling water. Mr. Pang stated that the cooktops are for water only. Ms. Kiel wondered if there was a fire, how many people would it effect, she’s more concerned about public safety and a hood would take care of that. Mr. Sanford asks about reducing the Turbo Chef to one unit if they would need a hood. Mr. Phipps explained the code as well as the potential to produce grease laden vapors on the cooktop. Mr. Sanford stated that the product is only warmed up, not cooked. He stated they are just looking for consistency. Mr. Pang stated they have been at the midtown location for four or five years. He restated that the food is a minimal part of the business.

Mr. Wilwerding asked if the current facility has all of these items as well. Mr. Pang stated they only have one cooktop at the original location and they have two Turbo Chefs. He stated that they added it just in case because it is a bigger location. Mr. Feuerbach stated that is his concern because of the potential for more. Ms. Kiel asked if they went to something else that just boils water would they need the hood. Mr. Phipps confirmed but stated they would need to design their HVAC accordingly but with two Turbo Chefs they would need a hood. Mr. Thibodeau stated it sounds like there’s too many products to not have a hood. Mr. Phipps confirmed. Ms. Kiel asked about the difference between a Turbo Chef and a convection oven.

Mr. Feuerbach asked about the hardship. Mr. Sanford stated that it is an older building so it could be done but it is a cost factor. There is discussion about the difference between the Type I and Type II hoods.

Motion by Mr. Feuerbach to deny. Second by Mr. Naccarato.

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

Motion carried: 6-0, Denied
IV. Adjournment

Motion by Ms. Kiel to adjourn. Second by Mr. Feuerbach.

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

Motion carried: 6-0, Adjourned at 1:49 p.m.