A current copy of the Open Meeting Act is posted in a white binder on the north wall of the Jesse Lowe Conference Room. The secretary certifies publication in the Daily Record, the official newspaper of the City of Omaha, on April 2, 2018.

Mr. Jack Ryan called the meeting to order at 1:00 p.m., introduced the board members and staff, and explained the procedures for hearing the cases. Mr. Ryan informed the public that a copy of the Open Meetings Law was available for review on the north wall of the room. He noted that only those items on the agenda could be discussed at the public hearing.

Mr. Ryan explained that the Board does not have the authority to waive any requirements of the Americans with Disabilities Act, Federal Fair Housing Act, or NFPA Life Safety Code. The Board does have the authority to hear appeals of the International Fire Code, Nebraska Accessibility Guidelines and the Nebraska Fair Housing Act. Life Safety Regulations are administered by the State Fire Marshal.

I. Roll Call

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

Others Present:
Jay Davis – Assistant Director Permit & Inspections
Jennifer Taylor – City Law
Anna Bespoyasny – Plans Examiner
Steve Thornburg – Omaha Fire Department
Jim Wonder – Chief Plumbing Inspector
Thomas E. Phipps – Chief Mechanical Inspector
Autumn Drickey – Board Secretary

II. Approval of the March 12, 2018 minutes:

Motion by Mr. Thomas Thibodeau to approve the minutes from the March 12, 2018 meeting. Second by Mr. Dennis Van Moorleghem.

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

ABSTAIN: Kiel

MOTION CARRIED: 5-0-1, Approved
III. Cases:

<table>
<thead>
<tr>
<th>Case No. 18-03</th>
<th>LOCATION: 12200 Burke Blvd, Burke High School</th>
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<tbody>
<tr>
<td>Joe Smejkal</td>
<td>REQUEST: Waiver of Building Code 1104.3.2. Exception 2.</td>
</tr>
<tr>
<td>2821 S 94 St</td>
<td>Request to eliminate the requirement of accessibility to the 2nd Floor.</td>
</tr>
<tr>
<td>Omaha, NE 68124</td>
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</tbody>
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Mr. Joe Smejkal appeared before the Board in regards to a waiver of Building Code 1104.3.2. Exception 2 at 12200 Burke Blvd.

Mr. Jay Davis stated that they did research past cases and were not able to identify any precedent that would allow the Board to waive the request, they will need to raise the press box three (3) feet. Mr. Smejkal stated that he had previously been before the Board and was granted a similar waiver. Mr. Thibodeau recalled that there was a change in regulations that would not allow them to grant such a waiver. Mr. Davis confirmed that the situation boils down to the size of the press box. Mr. Ron Feuerbach stated that it this doesn’t fall under anything that he has experience because in other cases there was access to storage that acted as the press box.

Mr. Smejkal stated they didn’t initially call it a press box. Mr. Davis stated that it is the use that matters, not what it is called. Mr. Ryan stated that at meeting last month it was discussed that the second floor needed to be raised three (3) feet three (3) inches. Mr. Smejkal stated that they can do that if they have to as they don’t want to have a ramp or elevator. Mr. Ryan asked for clarification about the waiver. Mr. Davis confirmed if it raised, a waiver would not be needed.

Mr. Smejkal recalled previous cases as it regards to the stipulation that if there is a federal audit later that it would fall back on the owner to update. Mr. Thibodeau recalled the federal requirement and how it would impact this situation. Mr. Davis recommended that they raise the second floor three (3) feet three (3) inches in order to meet the federal requirement.

Mr. Smejkal asked what has changed. Mr. Davis stated that the 2010 Americans with Disabilities Act (ADA) has strict requirements that were adopted by the city in 2012. Ms. Cheryl Kiel stated that she would agree because the height would only be a benefit for a press box. Mr. Smejkal agreed but stated that the necessity of twelve (12) and fifteen (15) feet makes no sense.

Motion by Mr. Feuerbach to deny based on the change in law. Second by Mr. Kent Therkelsen.

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

Motion carried: 6-0, Denied
Ms. Christina Onnen appeared before the Board with a request for a waiver of the Electrical Code of Section 44.173 in regards to manufactured wiring systems installation requirements. Ms. Onnen stated that they want to utilize this system as they have in previous buildings.

Mr. Ryan asked if the system is UL listed. Ms. Onnen confirmed. Mr. Ryan stated that Permits & Inspection Division does not object to this request.

Mr. Davis stated that they are here as part of an ordinance change in 2014.

Motion by Mr. Therkelsen to approve the request. Second by Mr. Van Moorleghem.

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

Motion carried: 6-0, Approved
Case No. 18-06
Wedi Corporation
Daniel Livegay
1160 Pierson Dr
Batavia, IL 60510

LOCATION: Appeal from Omaha Plumbing Board
REQUEST: Usage of Plumbing material not approved in the
City of Omaha Plumbing Code Section 49.622.Showers.

No one appeared before the Board in regards to the usage of plumbing material not approved in the City of Omaha Plumbing Code Section 49-622 Showers. Mr. Ryan stated that this Board does not grant plumbing waivers, instead determines if the decision made by the Plumbing Board is to be upheld or not. Mr. Jim Wonder appeared for the City of Omaha.

Mr. Wonder stated that he recommends denying the request. Mr. Wonder reviewed the Plumbing Code as it pertains to this request. He briefly reviewed the differences in this request and similar requests heard by the Plumbing Board. He stated that the other objection the applicant had was in the Plumbing Board’s decision on their linear drain. Mr. Wonder stated that there is not a standard that they are currently able to adopt or adapt and the Plumbing Board determined that the request did not meet standards. Mr. Wonder reviewed a request that was approved by the Plumbing Board. He added that the applicant wanted a blanket waiver instead of for a single location. Mr. Wonder informed the Board that they are working with those in the tile industry to adopt changes. He added that he understands the advantages of utilizing materials like this, however this product was not explained well.

Mr. Van Moorleghem asked if this would replace the mud lining. Mr. Feuerbach asked if they have to evaluate every product. Mr. Wonder explained the process for this material as it was described to the Plumbing Board. Mr. Wonder stated that the tile industry is really helping to come up with some rules about this and how to monitor it. He stated they are looking at requirements for testing tile installers.

Mr. Thibodeau asked about the installation of this product. Mr. Wonder stated that his understanding is that it goes under the tile and is glued down after the installer makes cuts to the product. Mr. Therkelsen asked about the effectiveness of the flood test. Mr. Feuerbach asked if this was able to pass a flood test. Mr. Wonder stated that the individual was not able to answer the Plumbing Board’s questions and they were worried about the inability to clamp, thus the denial. Mr. Wonder referred back to the definition of the clamping drain that this product did not meet. Mr. Ryan stated that Permits and Inspections does object to this request.

Motion by Mr. Therkelsen to accept the Plumbing Board decision. Second by Mr. Feuerbach.

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

Motion carried: 6-0, Accepted Plumbing Board decision
Mr. Steve Volkert and Ms. Peggy Langholdt appeared before the Board requesting a waiver of the requirement of the installation of a Type I hood and to allow two residential fire suppression range hoods over two electrical residential ranges in transitional housing. Mr. Thomas Phipps appeared on the City's behalf.

Mr. Phipps stated that when he wrote the recommendation he was using it as a teaching kitchen. His problem is that a permit has not been issued to a building that is not sprinkled. Mr. Phipps stated that upon inspection this morning he discovered that the building is 100% wood, not sprinkled, and the kitchen backs up to a garage with four (4) active gas cans. Mr. Phipps stated that the waiver has been used for the 2012 code, thus not meeting the conditions listed. He stated that because of the transient cooking and the gathering space, he would not recommend approving this request.

Mr. Thibodeau asked what they want to install. Mr. Volkert stated that it would be an electric range. He stated that they were recommended a suppressant hood. Mr. Thibodeau asked about the other acceptances of previous cases. Mr. Phipps confirmed. Mr. Feuerbach asked if they were always supervised situations. Mr. Phipps confirmed. Mr. Therkelsen asked for clarification. Mr. Volkert stated that they want to utilize Exhibit 3.

Mr. Davis stated that this is typically what is used. He asked about the size of the space. Mr. Volkert stated that the kitchen is approximately 175 square feet. Mr. Davis asked what was beyond the kitchen. Mr. Volkert stated there would be six (6) round wood tables, then offices, then more seating space. Mr. Davis asked about the garage use. Mr. Volkert stated that it was primarily for maintenance. Mr. Davis has concerns about the separation of the kitchen and the garage.

Mr. Volkert stated that most of the food is brought in. Mr. Davis asked if they could remove the stove, thus removing the need for the hood. Mr. Phipps stated that they could use a single convection oven but would need to pick up the heat load created. Mr. Davis stated that that might be the safer option. He stated that if the stove isn’t necessary they might want to think of a warming type kitchen. Ms. Langholdt asked if electric versus gas stove made a difference. Mr. Davis stated that it does not.

Mr. Thibodeau stated he has concerns with it being a wood building that isn’t sprinkled. Ms. Kiel agreed. Mr. Therkelsen asked why they can’t put in the hood that’s approved by the city. Mr. Davis stated that in an updated code, cost is the obstacle, which is not normally a reason.

Motion by Mr. Feuerbach to deny the waiver. Second by Ms. Kiel.

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

Motion carried: 6-0, Denied
Mr. Ryan asked if the applicant wished to have this case dismissed. Mr. Davis stated that the applicant requested a layover.

Motion by Mr. Thibodeau to lay over the case for thirty (30) days. Second by Ms. Kiel.

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

Motion carried: 6-0, Laid over to May 14, 2018
Ms. Tasha McNeil, Mr. William McNeil, and Ms. Barbara Ingram appeared before the Board requesting a waiver of IFC 903.2.6 and IBC 903.2.5.

Ms. McNeil stated that she has two (2) home daycares. She explained the steps she has taken to turn her home daycare into a center. Ms. Ingram stated that a request and a waiver have been submitted as options to the Board. Option 1: they are requesting that the fire sprinkling be waived because the understanding was that they would add another exit on the main level so that all spaces with children two and a half and under have direct exits. Option 2: to only provide fire sprinkling on one floor to save money. She stated that they believe they may be able to change their occupancy.

Ms. Kiel asked about the basement. Ms. Ingram stated that it is a main level and second floor, no basement. Ms. Kiel gave the area and the footprint. Ms. Ingram stated that it would be approximately 3,400 square feet.

Mr. Davis asked if we could keep the copy. Ms. Kiel stated that the plans don't look complete, it's only one level. Ms. Ingram stated that they didn't do any work on the second floor. Ms. Kiel asked if they are using the second level. Mr. McNeil stated that they are using the second floor for three year olds and above. Ms. Kiel asked how many children they wanted to serve. Ms. Ingram stated that there would be fifty-six (56).

Mr. Davis gave history of the property and working with the McNeils. Mr. Davis stated that we are now looking at life safety code. He confirmed that these plans are not clear enough to show the exit from each room. Ms. Kiel stated her concern is only seeing one plan without the second floor and that if they can afford to sprinkle one level, the cost to sprinkle the second floor would not be much more. Ms. McNeil stated that there is a 1 hour construction in some of the doors. Mr. McNeil stated that the building was constructed in 2002 and they were willing to put everything into the building in order to become as safe as possible, however the financial hardship is too much at this time to sprinkle the entire location. Ms. Kiel stated that with fifty-six (56) children the cost would be made up quickly. Mr. McNeil stated that fifty-six (56) is the goal.

Ms. Ingram asked about the possibility of a different occupancy. Ms. Kiel stated that would be up to Mr. Davis. Mr. Thibodeau asked about the rating. Ms. Ingram explained their situation. Mr. Ryan stated on the Board's side, cost doesn't come into it. Ms. McNeil stated that on her side, the problem is being told different things. She stated that they are removing the hazards as they are told.

Mr. Ryan asked if the sprinkler system is required. Mr. Davis stated that Exhibit 3 shows that they need the fire sprinkler system according to the table provided by Ms. Anna Bespoyasny. Captain Steven Thornburg stated the applicant was looking at the classification, not the height of the building. Mr. Davis stated that they did meet but the vision for the center was not the same as the applicants. He stated that the occupant load requires a sprinkler system. Ms. McNeil asked if they could change the occupancy. Mr. Davis stated that to sprinkle the entire building would cost less than to sprinkle a single floor. He stated that with twelve (12) upstairs, twelve (12) downstairs for a total of twenty-four (24) would be the occupancy for them if there were two (2) R2 classifications at the location. Ms. McNeil asked if she could then have three (3) R2 classifications at the location. Mr. Davis confirmed. Ms. McNeil asked about a ten (10) versus twelve (12) occupancy. Cpt. Thornburg stated that DHHS allows for twelve (12) whereas the city code allows for ten (10). Ms. McNeil stated that during the certificate of occupancy process that she was rejected for an occupancy of twelve (12). Mr. Davis stated that they typically allow a two (2) carryover.

There is discussion about how many Ms. McNeil can have. Mr. Davis stated she should start at a ten, ten, and ten and work from there. Ms. Ingram stated that they would change their plans to reflect that. Ms.
McNeil asked if they could change the bottom level to commercial use and leave the top floor an R2. Ms. Ingram stated it goes back to occupancy. Mr. McNeil asked the question again. Mr. Davis stated that they would have to look into that further. He asked what the state is requiring for square footage per child. Mr. McNeil stated thirty-five (35) square feet. Mr. Davis stated that there is some creative math that needs to be done because it reduces the occupancy count, the applicant will need to examine the code. Mr. Davis stated for the bottom line occupant load, what the applicant is stating they want and what the applicant is showing doesn’t match. Mr. McNeil asked about the use again. Mr. Davis stated that they needed to look at the floor plan. Ms. Ingram stated that they will need to reverse-engineer to get to their occupancy load. Mr. Davis stated they should focus on the ten, ten, and ten for occupancy. Mr. McNeil asked the question again. Mr. Davis stated that it is a possibility, but they need to look at their square footage.

Mr. Ryan stated that they can request a layover to then come back and withdraw their request if they want. Mr. Davis stated a layover might be a good thing. Mr. Therkelsen stated they would not need to come back if they focused on a ten, ten, and ten occupancy.

Ms. Ingram asked what the commercial code would be. Mr. Davis stated that it depends on the occupancy, but there is creative math that needs to be done on the applicant’s part. Ms. McNeil asked about how to get to a twelve, twelve, and twelve. Mr. Davis stated that for each of the home daycares they could get there, technically speaking, but there are other ways to look at it.

Motion by Mr. Thibodeau to layover the case for thirty (30) days. Second by Mr. Feuerbach.

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

Motion carried: 6-0, Layover to June 7, 2018 meeting

IV. Adjournment: 2:22 p.m.

Motion by Mr. Feuerbach to adjourn. Second by Mr. Therkelsen.

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

MOTION CARRIED: 6-0 APPROVED