MUSTANG CITY COUNCIL
JUNE 18, 2013
SPECIAL MEETING

The Mustang City Council met in Special Meeting on Tuesday, June 18, 2013 at 5:45 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, June 14, 2013, at 2:45 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Mayor Adams called the meeting to order at 5:45 p.m.

B. ROLL CALL

Councilmembers Present:	**Taylor**
	Staples
	Bowers
	Adams
Councilmembers Absent:	**Jones**
	Hagan
	Mount

C. DISCUSSION ITEMS

1. **Discussion and Workshop** Regarding the International Code Council Codes

Robert Coleman, Community Development Director, introduced ***Mr. Mark Roberts***, MCP, Senior Regional Manager, International Code Council, serving Louisiana, Oklahoma and Texas.

Mr. Roberts introduced himself and gave some background information. He then presented a power point presentation titled "Mustang Oklahoma's Building Code Workshop" where he provided the following information:

- Who is the International Code Council (ICC)?
- Where did the ICC come from?
- Is ICC part of the United Nations and Agenda 21?
- What are building codes and how are they created?
- What is the OUBCC and how do they affect Mustang's adoption of building codes?
- What do these codes regulate?

Mr. Roberts stated that the ICC is a membership organization dedicated to building safety and fire prevention designed for residential and commercial structures as well as some industrial structures. He stated the ICC is a not for profit organization with over 50,000 members and they currently develop fifteen model codes and seven standards. He stated the ICC is designed to protect the health, safety, and welfare of citizens and provide just the minimum requirements the public must meet.

Mr. Roberts advised prior to 2003, there were three model code organizations. In 1994, the decision was made to create the ICC and have one code for the country. He stated it became ratified in 2003 and the other three model code organizations ceased to exist.

Mr. Roberts stated in 1992, Agenda 21 was created in Rio at a United Nations meeting. He stated their creation of the ICC has nothing to do with Agenda 21, but that it had to do with entities like the American Institute of Architects requesting one code for the country.

Councilwoman Bowers asked if presently, there was only one code.

Mr. Roberts stated the ICC creates their codes, but the National Fire Protection Association (NFPA) creates fire codes as well. He stated when the ICC creates their codes, it is a very transparent process. He advised anyone can submit code change proposals for any code that is produced to any section and all the hearings are open to the public.

Adams asked who the subject matter experts are that review the code requests and changes.

Mr. Roberts said 1/3 of every committee are required to be building code officials, such as fire, plumbing, mechanical, etc. since they are subject matter experts and have no financial interest in the outcome.

Councilman Taylor asked if the ICC was the only code available.

Mr. Roberts stated he couldn't speak outside the continental United States; however, the ICC provides codes for the United States. He stated the NFPA also has a set of codes, but they don't cover all the subject matters ICC covers and vice versa.

Taylor asked how they were affiliated with the International Association of Plumbing and Mechanical Officials which also has codes.

Mr. Roberts stated they create plumbing and mechanical codes.

Taylor advised there are other organizations out there then.

Mr. Roberts stated for plumbing and mechanical codes, that was correct.

Mr. Roberts provided the following information regarding ICC Adoptions of core codes:

- The International Building Code (IBC) is adopted in all 50 states, the District of Columbia and the U.S. Virgin Islands
- The International Fire Code (IFC) is in use in 45 states and the District of Columbia
- The International Residential Code (IRC) is in use in 48 states, the District of Columbia and the U.S. Virgin Islands
- The International Plumbing Code (IPC) is in use in 35 states, the District of Columbia and Puerto Rico
- The International Mechanical Code (IMC) is in use in 47 states, the District of Columbia and the U.S. Virgin Islands
- The International Fuel Gas Code (IFGC) is in use in 43 states and the District of Columbia

Mr. Roberts stated some states that don't have the ICCs, have some of the other codes such as the International Association of Plumbing and Mechanical Officials and some states create their own codes as well.

Councilwoman Staples asked how it was international.

Mr. Roberts stated it came from the three model code organizations which all had "international" in the name, plus plans are to reach out internationally.

Mr. Roberts provided information regarding the Oklahoma Uniform Building Code Commission (OUBCC). He stated they hold monthly meetings in Oklahoma and create technical committees in order to adopt and review the codes. He advised the OUBCC is legislatively required to review and adopt minimum codes for the State of Oklahoma and they have reviewed and adopted six codes so far. **Mr. Roberts** stated anyone can go to their committee meetings, submit proposals, be a part of the committee, and help establish the minimum guidelines for the state. He stated after the committee process is done, a jurisdiction can create a more stringent requirement than what was adopted, but can't create a requirement less stringent. He stated the OUBCC has made amendments to the ICCs; they are model codes and can be amended.

Adams stated you made the comment that the OUBCC adopted the ICCs, but also made their own changes. He asked ***Coleman*** if the City of Mustang could adopt the codes that the OUBCC has adopted.

Coleman stated we did request to adopt the codes based on the recommendations of the OUBCC along with a handful of others that were stricter.

Adams asked if the OUBCC adopted the ICCs, but made their own amendments.

Mr. Roberts stated yes and that the amendments can be viewed on the OUBCC website.

Adams stated they adopted all of the 2009 (ICC Codes) edition as well as the *2011 National Electrical Code* edition.

Mr. Roberts advised the next code cycle will be the 2015 codes and not the 2012 ones. He stated the OUBCC just adopted the 2009 codes with the codes going into effect last November and it would be a burden on local government for the OUBCC to review and adopt the 2012 codes so soon. He stated the OUBCC will start the review process in 2014 for *International Residential Code* and 2015 for all the commercial codes.

Mr. Roberts advised the OUBCC had adopted the following codes:

- International Building Code, 2009 Edition (IBC)
- International Existing Building Code, 2009 Edition (IEBC)
- International Fire Code, 2009 Edition (IFC)
- International Fuel Gas Code, 2009 Edition (IFGC)
- International Mechanical Code, 2009 Edition (IMC)
- International Plumbing Code, 2009 Edition (IPC)
- National Electrical Code, 2011 Edition (NEC) (NFPA)

Mr. Roberts stated the Electrical section is not owned by the ICC, but that it comes from the National Fire Protection Assoc. He stated the ICC does not create their own electrical code.

Mr. Roberts advised the only code that affects residential building is the *International Residential Code*.

Mr. Roberts also presented other codes by the ICC not adopted by the OUBCC.

Mr. Roberts stated the ICC Zoning Code is basically a template that jurisdictions use to create their own zoning codes. He advised several jurisdictions had done that.

Mr. Roberts presented the ICC Standards as well with one being in regards to storm shelters.

Adams asked how it compared to the FEMA 320 standards.

Mr. Roberts stated FEMA 320 standards are specifically for single-family. He advised the ICC covers single-family as well as public structures.

Mr. Roberts stated the OUBCC has adopted the *Standard for the Design and Construction of Storm Shelters* as well as *FEMA 320* and one for larger structures.

Mr. Roberts stated the two newest codes produced are the:

- International Swimming Pool and Spa Code which was adopted by the State of Oklahoma; and
- The Green Construction Code

Adams stated on Slide 19 which lists the codes adopted by the OUBCC, the list does not include the International Residential Code. He asked if it was adopted as well. **Adams** also stated this is the only one that actually affects one and two-family dwellings and townhomes; the others are commercial.

Mr. Roberts advised yes, it was adopted by the OUBCC.

Bowers asked if the codes covered fireworks.

Mr. Roberts said he believed Oklahoma amended the code when it came to fireworks and that it regulates them, but he doesn't think it prevents them.

Bowers asked if she could get a list of the changes from the 2009 codes to the 2012 codes on all six codes.

Adams stated the OUBCC isn't considering the 2012 codes.

Bowers concern was why not adopt the latest ones, but did not realize at the time the Council considered the codes before, that OUBCC would be skipping to 2015.

Mr. Roberts advised the City would need to have the infrastructure in order to go to the 2012 code and make amendments. He stated to outright adopt the codes without going through a process, wasn't advisable. He advised the 2009 codes had gone through a process in Oklahoma to fit Oklahoma.

Bowers stated she had been reviewing the 2012 codes and she voted no on this before because she hadn't read all of them.

Bowers also asked about the minimum construction requirement for a bedroom being 10 x 12.

Mr. Roberts stated every residential structure is required to have one living space that meets a minimum size. He stated if they wanted to deviate from the requirement, it could be taken up with the Community Development Department and to the Board of Adjustment if necessary.

Staples stated she didn't like telling someone how big a room has to be. She also stated she currently had too many questions to even bring up right now.

Sr. Planner Melissa Helsel stated when it comes to public safety, our inspectors would not allow a deviation, but if size were an issue, for instance, may be different.

Coleman stated the City currently has two different residential codes adopted – the *1995 Code Administrators and Building Officials (CABO) Code*, and the *2003 International Building Code* for residence, but advised we do not have a commercial code.

Mr. Roberts advised these are minimum requirements and the jurisdictions can modify as they need it.

Bowers asked the price of the codes.

Mr. Roberts said somewhere around $85 for residential codes and $100 for building codes.

Coleman advised they had asked in the past for approximately $1200 to spend on codes, but this was for the commentaries and other services as well as the codes. He stated the commentaries go more in depth and provide more information.

Taylor asked how much revenue the ICC made in the last fiscal year.

Mr. Roberts stated he did not have the number off the top of his head, but could send their annual report which includes the Treasurer report.

Taylor asked if it is fair to say their expenditures match their incoming revenue.

Mr. Roberts stated he wouldn't say it matches exactly; hopefully there is some revenue in reserve. He stated all businesses and non-profits need a rainy day fund, but there's not much left over.

Taylor asked who nominates people to OUBCC.

Adams advised they were appointed by the Governor, Speaker of the House, and the President Pro Tem.

Taylor inquired about their terms.

Mr. Roberts stated they are staggered, either two or four year terms with eight years maximum. He stated a member can be reappointed after sitting out for two years.

Taylor stated that in your presentation, you stated citizens may submit code changes to OUBCC. He asked if it's denied, what is the appeal process.

Mr. Roberts stated to provide some background, you would make a proposal for a code amendment and the review committee would review it and possibly turn it down. He stated in the committee's report to the full commission, they would recommend the commission adopt the amendments they have made. He advised at that point in time, there are public hearings where the public could come and speak and talk about those amendments and it is an open public hearing.

Taylor stated on Slide 11, it states codes keep construction costs down, could you give examples.

Mr. Roberts advised one way they keep costs down is they allow for new materials that are out on the market. He stated right now, the City of Mustang has the 1995 CABO codes adopted and there are tons of materials that the 1995 CABO doesn't recognize.

Taylor stated on Slide 14, it states codes contribute to the well being of the community, could you provide examples of property values being increased as result of the codes.

Mr. Roberts stated if a structure is built below minimum code standards, it may not withstand time. He advised by abiding by the codes, it will provide for a structure that lasts longer and retains value.

Taylor asked on Slide 16, what codes do the five states that don't use the IFC Code use and what codes do the two states that don't use the IRC Codes use.

Mr. Roberts advised for the IFC, they would use the NFPA1 by the National Fire Protection Association and as for the IRC, the states may have a home grown code or use the requirements of the IBC with amendments.

Taylor asked on Slide 19, why is the OUBCC three years behind the ICC.

Mr. Roberts stated the OUBCC came into existence in 2009 and reviewed the 2009 codes when they were available. He stated the codes just became effective November 2011.

Taylor asked if these are people in the trade and industry fields, doesn't it seem strange it took them two years to fully vet the 2009 codes.

Mr. Roberts stated it took one year to complete the IRC and the following year, they completed the commercial codes. He stated the 2015 codes will be conducted the same way.

Taylor asked on Slide 28, there are eight codes not adopted by the OUBCC, why didn't they adopt them.

Mr. Roberts advised some are not construction codes, although there is some debate regarding the *Energy Conservation Code*. He stated he didn't have all the reasons regarding why they weren't adopted.

Taylor asked if there were some municipalities that have adopted the *International Property Maintenance Code*.

Mr. Roberts stated he believed so.

Taylor asked how much time Mr. Roberts spends in Oklahoma.

Mr. Roberts stated there are six chapters in Oklahoma and he probably comes to four or five of their meetings per year and normally goes to three to five OUBCC meetings per year.

Taylor stated they identified some inaccuracies at the beginning of the meeting. He asked what other inaccuracies would be found.

Mr. Roberts apologized for the misunderstanding, but was specifically speaking about Oklahoma earlier and what was adopted here. He advised there are two other codes in the United States.

D. ADJOURNMENT

MOTION was made by **Councilwoman Bowers** seconded by **Councilman Taylor** to adjourn.

AYE: Taylor, Staples, Bowers, Adams
NAY: None

The meeting was adjourned at 6:48 p.m.

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MAYOR

ATTEST:

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CITY CLERK

(Attachment: *"International Code Council – Mustang Oklahoma's Building Code Workshop"* MS PowerPoint)