



MECHANICAL COMMITTEE MINUTES

September 9, 2009

10:00 a.m.

MEMBERS PRESENT: Chairman Dan Rial
Vice Chairman Edward Pine
Mr. Mark Pelletier
Mr. Curt Miller
Ms. Jean Phillips

MEMBERS ABSENT: Mr. Darrell Allen
Mr. David Steward

OTHERS PRESENT: Mr. Jim Vernon, Chief Mechanical/Plumbing Inspector
Mr. Henry Yankowski, Regional Building Official
Mr. Todd Welch, Regional Building Counsel
Mr. Russell Kauk, Senior Plans Examiner
Mr. Brett Phillips, Senior Licensing Specialist
Ms. Jan Myers, Transcriber

PROCEEDINGS:

Chairman Dan Rial called the meeting to order at 10:03 a.m.

1. CONSIDERATION OF THE AUGUST 12, 2009 MINUTES

A motion was made by Ed Pine to **APPROVE** the Minutes as written, seconded by Jean Phillips; the motion carried unanimously.

2. COMPLAINTS

- a) A complaint has been brought against Howard O'Connor, licensee for Tri-Lakes Plumbing, Inc., by Pikes Peak Regional Building Department for allegedly performing mechanical work at 2247 Pinyon Jay Drive, Colorado Springs, Colorado, without the proper license, and asking the homeowner to obtain the permit, in violation of Sections RBC201.3 and RBC105.1, 2005 Pikes Peak Regional Building Code.

Jim Vernon appeared, was sworn in, and stated we have a copy of an invoice showing that

Mr. O'Connor installed a water heater without the proper license. Howard O'Connor appeared, was sworn in, and stated he usually has an associate obtain the permits for installation of a water heater, and this one was overlooked. He stated he did install the water heater, but it was defective and needed to be replaced by a Certified Warranty Technician. Jim Vernon imposed a fine of \$250.00 regarding the violation; Mr. O'Connor was agreeable. Dan Rial asked Mr. O'Connor if he held any license at all. Mr. O'Connor stated he is a licensed plumber and has, in the past, employed a licensed Mechanical C-1 Contractor to install this type of equipment. A motion was made by Curt Miller to recommend to the Board of Review that if Mr. O'Connor gets his license within 90 days the \$250 fine will be reduced to \$125, seconded by Ed Pine; the motion carried unanimously.

- b) A complaint has been brought against Mike Cavin, licensee for Gecko's Plumbing & Heating, by Pikes Peak Regional Building Department for allegedly performing plumbing work at 508 East Ohio Avenue, Fountain, Colorado without obtaining the proper permit, in violation of Section RBC105.1, 2005 Pikes Peak Regional Building Code.

Jim Vernon appeared, was sworn in, and stated RBD has information that Gecko Plumbing performed work without obtaining a permit. He said the general contractor of this job appeared at the Building Committee meeting regarding a complaint at this address. This contractor informed the Building Committee that Gecko Plumbing did the plumbing on this house. He said Mr. Cavin obtained his permit on August 5, 2009, the same day of the Building Committee meeting. Jack Arrington appeared, was sworn in, and stated that on August 11, 2009, he did a site inspection and all drain, waste and vents had been installed in the back of the house. Stephanie Roan, property manager, appeared, was sworn in, and stated the plumbing work was done in December and January. She said a lawsuit was filed by the general contractor in July 2009, and Mr. Cavin had six months to complete the work and have the proper inspections. Jim Vernon imposed a fine equivalent to double the permit fee. A motion was made by Jean Phillips to recommend to the Board of Review that no action be taken at this time, and advised Mr. Cavin that all permits must be obtained in a timely matter, seconded by Ed Pine; the motion carried unanimously.

3. **CONSENT LICENSE REQUESTS**

Mechanical Contractor A (Commercial)

LEGACY MECHANICAL, INC. – DEAN MAZZUCA
PARKEY'S REFRIGERATION CO., INC. – TIMOTHY PARKEY (BACKUP EXAMINEE)
R & R HEATING AND AIR CONDITIONING – ERIC DUNTON (UPGRADE LICENSE)

Mechanical Contractor C-3 (Residential Repair/ Replacement

AA BEST HEATING & AIR CONDITIONING – DAVID SABO

Heating Mechanic I (Gas Pipe Fitter)

BOWIE GREGG

Heating Mechanic IV (HVAC Service Tech)

TIMOTHY ALTIZER
MAXWELL DAY
BRIAN KESSLER
SHAWN MOWERY

Jack Arrington stated all of the above-listed examinees have passed their required tests and met the requirements for their license. A motion was made by Curt Miller to recommend to the Board of Review **APPROVAL** of the above-listed Consent License Requests, seconded by Ed Pine; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

There were no License Requests to be heard individually.

4. **CONSENT CALENDAR**

There were no Consent Calendar variance requests.

VARIANCE REQUESTS

5. 6750 North Union Blvd, John Nelson, Architect, requests a variance to Section 403.1, 2003 International Plumbing Code, to reduce, by one, the number of plumbing fixtures required.

A motion was made by Curt Miller to **TABLE** this variance request until the end of the meeting, seconded by Ed Pine; the motion carried unanimously.

This item was heard out of order after Item 8a.

6. 2287 Havenridge Drive, Permit H00360 - Devon Aragon, All Systems Electric, requests a variance to Section 405.3.1, 2003 International Plumbing Code, to allow a 16” clearance at the front of a water closet where a minimum of 21” is required.

Devon Aragon appeared and stated the sink is a pedestal sink, which gives more room at the knee area. Jim Vernon stated it is not a life safety issue. A motion was made by Curt Miller to

recommend to the Board of Review **APPROVAL** of the variance request because it is not a life safety issue, and is the fourth bathroom in this house, seconded by Mark Pelletier; the motion carried unanimously.

7. Christopher K. Rogers, Rogers Plumbing, requests a variance to Section RBC201.6.1, 2005 Pikes Peak Regional Building Code, to waive the testing requirement for a Mechanical C-1 License.

A motion was made by Ed Pine to **TABLE** this variance request until the end of the meeting, seconded by Mark Pelletier; the motion carried unanimously.

8. 212 North 23rd Street, Permit H03714 – Gerald Banks, 4A Pro Contractor, requests a variance to Section 503.5.3, 2003 International Fuel Gas Code, to allow an unlined chimney to serve as a gas vent where a chimney lined with an approved material is required

Jim Vernon stated that Mr. Banks was called out of town and left information with him on the variance. He stated Mr. Banks is installing a furnace at this address and the brick and mortar chimney will not accept a chimney liner; however, Mr. Banks has inspected the chimney, finds it in good repair, and provided a letter indicating the same. A motion was made by Curt Miller to recommend to the Board of Review **APPROVAL** of the variance request based on the letter in our file from Mr. Banks that the chimney is in good condition, seconded by Ed Pine; the motion carried unanimously.

- 8a. 3241 Viero Drive, Permit G63540 – Ucok Hendri, homeowner, requests a variance to Section 405.3.1, 2003 International Plumbing Code, to allow a 9½” clearance at the side of the water closet where a minimum of 15” is required.

Ucok Hendri appeared and stated there is a 9½” clearance on only one side of the water closet and there are three other bathrooms in the house. A motion was made by Curt Miller to recommend to the Board of Review **APPROVAL** of the variance request because this is not the primary bathroom in the home, seconded by Ed Pine; the motion carried unanimously.

The following item was heard out of order.

5. 6750 North Union Blvd, John Nelson, Architect, requests a variance to Section 403.1, 2003 International Plumbing Code, to reduce, by one, the number of plumbing fixtures required.

Russ Kauk asked to consider this variance without Mr. Nelson’s presence since he has been working on this issue with Mr. Nelson. Mr. Kauk stated that because of the remodel, they would be one water closet short of the new requirement, and an additional restroom is located in the nursery. He said staff believes this will not be a problem and recommends approval of the variance request. A motion was made by Curt Miller to recommend to the Board of Review

APPROVAL of the variance request with the recommendation of staff, seconded by Ed Pine; the motion carried unanimously.

9. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

10. **NEW BUSINESS**

- a) Code change language for contractor licensing requirements with regard to financial stability and ethics.

Jim Vernon stated there has been a request to the Board of Review to include financial stability and ethics in the licensing process. Mr. Vernon stated that this process would be very ambiguous, i.e., who would set the standard as to what is financially stable or ethical. He said this would take many staff hours to research and enforce. Jean Phillips stated that if there is a problem with a contractor, it could be brought to the Mechanical Committee for resolution. Jim Vernon stated RBD has the responsibility to enforce the Code, and we do not wish to become involved in civil matters. A motion was made by Curt Miller to recommend to the Board of Review **DENIAL** of the Code change, seconded by Ed Pine; the motion carried unanimously. A motion was made by Jean Phillips to recommend to the Board of Review that RBD follow the lead of the State in this matter, and should they initiate such a requirement we could reconsider it at that time, seconded by Ed Pine; the motion carried unanimously.

- b) 2009 Code.

Jim Vernon stated he will be presenting the 2009 Codes to the Mechanical Committee starting next month. He said he plans to present one Code at a time to make the process as easy as possible and allow RBD to begin working on amendments to the Codes in the Pikes Peak Regional Building Code.

- c) Tabled Item.

A motion was made by Ed Pine to **POSTPONE** the tabled item until the October 14, 2009, Mechanical Committee meeting, seconded by Mark Pelletier; the motion carried unanimously.

The meeting adjourned at 11:40 a.m.