MUNICIPALITY OF ANCHORAGE BOARD OF BUILDING REGULATION EXAMINERS AND APPEALS

MEETING MINUTES SUMMARY

April 17, 2014

1. CALL TO ORDER AND ROLL CALL: The meeting was called to order at 6:05 pm. by Chair Scott Bohne.

<u> </u>	Rebecca Windt Bill Taylor
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2. APPROVAL OF AGENDA: Mr. Fredeen moved to approve. Mr. Merchant seconded and the agenda was unanimously APPROVED.

3. UNFINISHED BUSINESS

a. Legal - written review

Chair Bohne explained the document before the board was just handed out and legal counsel would be Pam Wiese. The board read the review and began discussion and asking questions. Ms. Wiese explained Anchorage Municipal Code 23.10.103.4.3.E provides the building board with information that it may accept an appeal for de novo review "in its sole discretion as determined by majority vote of fifty percent plus one (50% + 1) of members not disqualified from voting under this subsection." In brief, the provision in AMC 23.10.103.4.E should be interpreted to require the 50%+1 of the appointed members who are not disqualified from voting.

Ordinary principles of statutory interpretation apply to municipal ordinances. Statutes are to be interpreted "according to reason, practicality and common sense, considering the meaning of the statute's language, its legislative history, and its purpose. Requiring a higher number of votes is consistent with the ordinance's delegation of the authority to a three-panel board because it makes it more difficult to undo those decisions based merely on a difference of opinion or alliances. The board thanked Ms. Wiese for the clarifications.

4. NEW BUSINESS

a. Reconsideration Request

Chair Bohne explained the first step of whether the board would hear the reconsideration and the second step would be to hear the de Novo if the board was to vote to hear it. The board's next step would be to hear and vote on the reconsideration. The board was given time to review the letter of reconsideration. After reviewing the request the board discussed for several minutes.

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Mr. Strait motioned the board hear the reconsideration. Mr. Fredeen seconded. Chair asked for discussion. The board asked questions regarding hearing the reconsideration and understanding of the vote. The board verbally voted. There were 9 ayes and 2 nays. Motion approved.

Mr. Fredeen motioned to hear the de Novo review as stated in 23.10.103.4.3.E for the appellant case. Mr. Strait seconded.

The board asked several questions regarding the confusion from the March 6 meeting. The chair gave a brief recapped of where the board was at with the discussion. A lengthy discussion began on whether the board should hear the merits of the case before deciding to vote.

Ms. O'Donnell called for the vote. Chair announced who was recused from voting, Mr. Fredeen, Mr. Feller, and Mr. Steele. The board needs 7 votes to re hear.

The vote was called and the reconsideration failed 6 ayes and 2 nays. Chair Bohne explained to the appellant the next step would be the appeal to the superior court 30 days from the written findings being published.

5. REPORTS

Staff explained they are still working on the admin code and the board would not see all the codes until late summer and believes they would be approved by 2015. Chair Bohne asked about the state code and asked if staff knew where it was in the process. Staff explained they would be at the state fire marshal forum on Monday and would get the information to Tana and she would send it out.

Mr. Weaver commented staff was getting a work session panel together to work on the administrative code for clarification/changes regarding the building board and asked if anyone from the board would volunteer to sit on the panel.

Chair Bohne commented he would sit on the panel. Mr. Hickel, Mr. Strait, Mr. Fredeen and Ms. O'Donnell also volunteered.

Staff noted the numbers are up right now and residential are getting done in the 4 to 5 day mark and few of the commercials are being stretched out to 40 days. One third of the new houses are coming in as exempts. The newer ordinance stating you don't need to turn in calculations and having no audit provision is causing concern. It was noted if the inspector has concerns, he will call the engineer and ask questions but we really can't tell what are concerns are without calculations.

Mr. Edwards arrived at the meeting at 7:08PM.

6. BOARD MEMBER COMMENTS

Chair Bohne thanked the recording secretary for her efforts in providing a nice dinner for the board.

7. ADJOURNMENT: Meeting adjourned at 7:08 p.m. Ms. O'Donnell moved. Mr. Steele seconded. Approved.

Scott Bohne, Chair

Date

Ron Thompson

Board of Building Regulation Examiners and Appeals

Acting Building Official

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