

Meeting Minutes

Building Board of Appeals

May 9th, 2017

The Rapid City Building Board met on May 9th, 2017. The following members were present: David Asbridge, Steve Struble, Steve Malone, Michelle Seaman, and Myron Tatum.

Staff Present: Brad Solon, Building Official, Joel Landeen, City Attorney, Carla Cushman, Assistant City Attorney, Serenna Zeisler, Building Services Secretary

Others Present: Judge Jeff Davis, Marty Graves, Pennington County Sheriff's Office, Gene Fennell, Fennell Design, Jason Carda and Cindi Chapman, Inc/Arch Co-op.

Asbridge opened the meeting at 7:30 a.m.

1. Set Agenda

Asbridge moved to set the agenda asking if there were any additional items to be added to the agenda. Struble requested to add mechanical license questions to the agenda. Asbridge requested to add it as item 4a. Asbridge made a motion to set the agenda, seconded by Tatum, motion passed 5-0.

2. Appeal By Jason Carda, Fennell Design, Inc/Arch Co-op Representing Pennington County Concerning Front Entrance Door Hardware Exception to Courthouse

Fennel stated the board had a letter dated April 14, 2017 that explains their request for a modification to the Building Code requirements that egress doors must be openable from the inside without special knowledge or effort. The property owner wishes to have all exit doors locked weekdays after 5 p.m. and during all non-business hours, requiring a key or a keycard to leave the building during these times, with only the front exit doors available for unassisted egress during weekday business hours ending at 5 p.m. In designing this particular project, they took into account the primary concern of the building code related to the exiting of the building and getting people out in the case of an emergency. Fennel stated they are proposing an enhancement to the non-secure entry of the building. Currently, there is a security station for everyone entering the building. At 5:00 pm the doors are closed and locked from any public entry other than employees, and until 5:30 officers clear people out, and after 5:30 the secure station is not manned. If after 5:30 people are in a court proceeding, they are escorted to the door by a bailiff. If it is a high profile case, a security officer is on duty at all times who helps the public exit. They want to be able to continue this same protocol instead of following the letter of Section 10 of the International Building Code that requires egress doors which require panic exit hardware or other means for an individual to exit the building without a key or passcard. They want to continue this protocol in order to prevent someone from inadvertently or intentionally allowing someone to enter the building when there are no security officers in place. For 30 years, the courthouse has had a process

in place that allows controlled exiting during non-business hours. Davis explained that he is aware of the code and the public health and safety issues it addresses. During regular hours the courthouse is staffed and secured. With the construction of the new entrance, they want to continue to operate the way they have done in the past. Solon checked the records to see if a previous exception was given concerning egress; no documentation could be found. Davis stated that they are seeking to avoid a situation where people may seek to enter the courthouse in order to do harm to others. Davis stated he doesn't feel he's speaking out of turn to say that Graves agrees with the request from the security perspective. Graves agreed.

Asbridge asked Davis if other courthouses have similar procedures. Davis replied that this does not occur very often in federal court due to the nature of their business and the presence of the United States Marshals. Davis stated that the sheriff's department could be called if court goes after hours, but often they don't know in advance if court will be going late. Davis stated their bailiffs are trained and the staff is trained to guard those doors after hours. Landeen pointed to the memo from his office that identifies what the Board should consider in reviewing this request. Hardship could be found by requiring the courts to provide security staffing after hours, perhaps having to hire additional employees and/or pay overtime pay. Landeen stated that the Fire Department does not object to the request because the building is completely sprinkled, and if a fire occurs everyone will be able to exit out the doors.

Discussion occurred about cameras throughout the courthouse and the security monitoring of the cameras. Landeen stated part of the concern from the court is that an exit door with an alarm is useless if the only people in the courthouse are on the third floor.

Discussion occurred about the precautions for a dangerous situation in the courtroom, including panic buttons which call the Sheriff's Office. Asbridge asked if anyone has attempted to enter during after hour court proceedings. Davis stated not in the last 27-30 years, but prior to that, yes.

In response to a question from Struble, Davis replied that the doors lock down at 5:00 p.m. Struble asked if somebody goes through the building to make sure nobody is still inside. Davis replied that security does a complete and thorough check of the public areas, the hallways, judge's offices and the courtrooms. Graves agreed and affirmed that he felt comfortable that no one remains in the building after the doors lock. Struble added that the Board's main concern is life safety and that nobody is trapped in the building. Discussion continued. Asbridge stated this is not only an issue of fire safety but also an issue of safety for the court and the potential of a gun or some sort of weapon being passed through and brought into the court house. Davis agreed that this is a big security issue.

Malone asked Davis to walk the Board through what would happen in the scenario of court lasting until 6:00. Davis replied that for a jury trial one bailiff stays with the jury and one bailiff escorts people out of the building to their cars. If a jury comes back after hours the bailiff is at the door to escort people into the building. Graves stated there are 50-75 cases per year which extend after hours, and they don't have unlimited resources to provide security. Graves shared that if a fire occurs the exit doors all open automatically. Discussion continued. Struble stated if a situation arose that needed a quick egress the judge will take control of the situation and along with 2-3 court staff to help the public exit the building in a controlled manner. Davis replied that is exactly correct.

Seaman asked if there was any other system like this being used in other court houses. Davis replied he has traveled to many different court houses in the country and this type of system is not uncommon.

Struble made a motion to approve the modification due to the unique security needs of the courthouse which make the strict letter of this code impractical and would result in unnecessary hardship, finding that the modification is in compliance with the intent and purpose of this code and does not lessen any health, accessibility, life and fire safety, or structural requirements. Malone seconded the motion.

Malone added there is concern about getting people out safely, but by approving the variance they are making the courthouse safer by not letting people in. Discussion continued.

Asbridge stated there is a motion on the table to approve the modification, motion passed 5-0.

3. Consideration of Ordinance Amendment to Contractor Licensing RCMC 15.04 per Carla Cushman

Cushman explained that, currently any individual who is aggrieved by a decision by Building Official, Brad Solon, can appeal it to the Board. Currently, if people ask Brad to take action against their hired contractor's license, and if Brad says no, they can appeal that decision to the Board. Cushman stated that the Mayor had visited with her about changing the ordinance to read that only the licensee can appeal a decision of the Building Official to the Board. Discussion occurred. Cushman stated that she will be bringing this ordinance amendment to the Board at its next meeting. Malone stated he understands the concept but he wants to make sure people always have a place to go to have their concerns heard. Struble stated the Board shouldn't be involved in the squabbles of people and their review should concern code violations. Discussion continued.

Discussion tabled until the next meeting.

4a. Questions on Mechanical Licensing

Struble explained his concerns that an outfit is operating without their mechanical journeyman and apprentice licenses. Solon stated he has been in touch with the City Attorneys Office on this matter. The business has been warned many times, including being notified in writing. Discussion continued. Struble asked whether the City could pull the licenses of the contractors that are hiring them. Seaman also suggested the City putting a stop work order on their jobs. Solon agreed as to the mechanical portion of the job. Solon stated he would follow up with this outfit and the general contractors that have hired them on the two different jobs they are working at in the City.

Discussion tabled

4. Approval of the August 9th, 2016 BBOA Meeting Minutes

Struble made a motion to approve the August 9th 2016 meeting minutes, seconded by Tatum, motion passed 5-0.

5. Adjourn