

**MECHANICAL, PLUMBING, ELECTRICAL, AND SWIMMING POOL
BOARD OF APPEALS
MINUTES**

September 13, 2005

Public notice having been posted, a public hearing of the MPE Board was held at 4:00 p.m., Tuesday, September 13, 2005, in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

MPE BOARD MEMBERS PRESENT: Anthony McColum, Chairman
William McRae
Jay Wyatt
Pat Watkins
James Wheeler
Ronnie Carlson
Melissa Sparks

STAFF PRESENT: David Sartor
Van Watson
Thaddeus Iwuji
Glen Bailey
Alice Adams

GUESTS: Ray Howe
Frank Perez
Capt. Lee
Chris Southward

1. The meeting was called to order by David Sartor, Building Official.
2. The first item to come before the meeting was the election of a new Chairman and Vice-Chairman. David Sartor explained to the Board that this was the first meeting since the appointment of some new Board members. The term for the previous Chairman and Vice-Chairman expired, so election of a new Chairman and Vice-Chairman would be in order. Jay Wyatt made a motion to nominate Anthony McColum as Chairman. The motion was seconded by Ronnie Carlson, and unanimously passed. David Sartor turned the meeting over to the new Chairman, Anthony McColum. The next item to be considered was election of a new Vice-Chairman. Ronnie Carlson made a motion to nominate Jay Wyatt as Vice-Chairman. The motion was seconded by William McRae, and unanimously passed.
3. The next item to come before the Board was the approval of the May 10, 2005 minutes. A motion was made by William McRae, and seconded by Jay Wyatt, to approve the minutes as written. Said motion unanimously passed.
4. The next matter to come before the Board was consideration, with possible action, regarding the request of Donald G. Ballard, representative for Fairmont United Methodist Church, to use a Type II Hood, in lieu of a Type I Hood, at their facility located at 3025 Southwest Dr.,

Abilene, Texas. Ray Howe, representative for Fairmont United Methodist Church, addressed the Board members, explaining their church had burned last Christmas and they were moving to a new location. He said they never use the kitchen area to cook food, only to warm pre-cooked food and for that reason would like permission to use a Type II Hood in their kitchen. Van Watson, Assistant Building Official, said that plans are being reviewed for the remodel of an existing building to be utilized for the church. He said there is a fellowship area in the building and adjacent to that is a kitchen which contains a range and a double oven. He went on to state that Staff is not opposed to the request to use a Type II Hood, in lieu of a Type I Hood. Mr. Wheeler made a motion to accept the request to use a Type II Hood instead of a Type I Hood at this location. Said motion was seconded by Bill McRae, and unanimously passed.

5. The next item to come before the Board was consideration, with possible action, regarding the amendment of the City of Abilene Swimming Pool Ordinance, Subsection (e) (Article XV, Safety) 15.3, as to the required fencing height and opaqueness. David Sartor addressed the Board members advising them that this item was brought to the Board at the request of the Director of Planning and Development Services. He advised them that several months ago, the Planning and Zoning Commission voted to eliminate fencing requirements from the Zoning Ordinances, leaving the Building Code to control such fencing for single family resident pools. He went on to say that for some reason there was a misunderstanding of what the Building Code requirements for fencing were, and when the item went before the Planning and Zoning Commission and later presented to the City Council, it was stated to Council that the Building Code required all the same safety features, but allowed for more flexibility in the type of fencing, particularly these fences would no longer be required to be opaque, when, in fact, the Code requires a 6' opaque fence. Prior to the presentation to the Planning and Zoning Commission, a survey was done in ten cities comparable to Abilene, which indicated Abilene was the only city out of the ten surveyed that required a 6' solid fence around a residential swimming pool. (A copy of the survey is attached.) The majority of the cities require a 4' fence with the opening spacing of framework spaced to be such that the passage of a 4" diameter sphere will not go through. Mr. Sartor then called the Board's attention to Staff's proposed amendment of Chapter 29.5, Swimming Pools and Spas, Article III, Design and Construction Standards, Residential Inground Pools, Section 29.5-21 (attached hereto), wherein the City of Abilene's residential pool fencing requirements would be more in line with the comparable cities surveyed.

Frank Perez, representative of Southwest Pools and Spas, said that this change would help the pool builders because, in some instances, people have expressed a desire to have a pool, but when they learned of the requirement of a 6' opaque fence, they would change their minds due to the fence blocking the back view of their property. After a short discussion among the Board members, Ronnie Carlson made a motion to amend the City of Abilene Swimming Pool Ordinance as set out by Staff. Said motion was seconded by Jay Wyatt and unanimously passed.

6. The next item to come before the Board was the request of Frank Perez, representative of Southwest Pools and Spas, to use an alternate method of construction regarding the fencing around the pool at 7810 Saddle Creek Road, Abilene, Texas, until the City Council has had a chance to act on Item 5 above. Mr. Sartor went on to state that under the current requirements, once a swimming pool permit is issued, the pool cannot be filled with water until the fencing requirements have been met. After a pool is plastered, it needs to be filled with water as soon as possible. There is currently a fence around the pool that would meet the fencing requirements of the proposed amendment to the Swimming Pool Ordinance. Mr. Perez is making a request that he be allowed to continue with the construction of this pool under the provisions of the proposed amendment to the fencing requirements while this issue goes to Council, and, if Council does not approved this proposed amendment, a 6' opaque fence will be constructed around the pool. Bryan Lee, the owner of the property at 7810 Saddle Creek Road, then addressed the Board, stating that when he had the fence constructed, he was under the impression this was the fencing requirement he had to meet, and in fact, this fence is just a little under 5' and the construction is such that it would be very hard for anyone to climb over. He went on to state that both gates are self-latching. Mr. Perez then addressed the Board and stated that he had been at the City Council Meeting wherein they had eliminated the fencing requirements from the Zoning Ordinances and the Council members were told that the fences around pools at single family residences could now be the 4' fences, with spacing less than 4" apart.

After a short discussion, James Wheeler made a motion to approve this request to allow Southwest Pools to proceed with construction of the pool utilizing the fence that has been built at the residence, with the understanding if Council does not approve the amendment to the Swimming Pool Ordinance, as set out in Item 5 above, a 6' opaque will be constructed around the pool. Said motion was seconded by Jay Wyatt, and passed, with Ronnie Carlson abstaining because of his involvement in the construction of the pool.

7. The next matter to come before the Board was consideration, with possible action, regarding a request from the City Council to review Section 504.6.1 of the *2003 International Plumbing Code*, for possible amendment to allow a water heater temperature and pressure relief valve to discharge to the floor when the water heater is installed in a residential garage. David Sartor addressed the Board, stating that after this Board had approved the *2003 International Plumbing Code*, it was sent on to the City Council for approval. He said that during the public hearing, one of the Council members raised a question about the plumbing code regarding the requirement that a temperature and pressure relief valve has to be discharged outside, when the water heater is installed in a garage. The Council approved the Code, with the request that this item go back before the proper Board for reconsideration of a possible Code change. Mr. Sartor explained that the purpose of the temperature and pressure relief valve is if the water heater builds up too much pressure or a temperature too high, the valve will open automatically until the temperature or pressure is reduced down to a safe level. He explained that several years ago, the Code allowed for the relief valve to drain into a pan, but there was no way the pan could catch the water and drain it out of the building because the pressure was coming out too fast and hard and would over-flow the pan, which

could cause personal injury and property damage. Because of this, the Code was changed to require the temperature and pressure relief valve piped to the exterior of the building or to a properly installed floor drain, hub drain or waste receptor, thereby discharging the water outside to a safe location. When a new water heater is installed at a location that used to have the relief valve draining into a pan, it must now be piped to the outside. The question that came up at the Council Meeting is why the relief valve could not just be allowed to discharge to the garage floor. The Plumbing Inspectors did a survey of comparable cities to find out their rules regarding the discharge of the temperature and pressure valve, and the majority of the cities surveyed have the same requirement as Abilene or have a more restrictive requirement where they don't even allow the relief valve to discharge to an indirect receptor. (A copy of the survey is attached.) Mr. Sartor went on to state the reason for this requirement is a safety issue. Chris Southward, a City Council member, addressed the Board, stating that approximately a year ago his water heater went out and when he got the bill it he was charged an additional fee of approximately \$100 because the T&P discharge line had to be piped to the exterior of the house and he feels this should be an individual citizen's choice whether or not to have the T&P discharge line discharge into the garage, rather than to the outside. He said he realized that by discharging the line to the exterior might save someone down the road, but he said he personally was willing to take that risk. After discussion, Pat Watkins made a motion to make no amendments to this section of the Code and leave it like it is. The motion was seconded by Ronnie Carlson, and unanimously passed.

8. Upon motion made and seconded, the meeting adjourned.

Anthony McColum, Chairman

Alice Adams, Acting Secretary