

**LEGAL AND LEGISLATIVE COMMITTEE**  
**November 4, 2008**  
**3:10 P.M.**

Councilman Benson, Chairman, called the meeting of the Legal and Legislative Committee to order with Councilmen Rico, Berz, Page, Shockley and Robinson present. City Attorney Randall Nelson and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dennis Malone, Chief Rowe, Daisy Madison, Fire Marshall Haney, Dan Johnson, Lee Norris, Steve Leach, Jerry Stewart, Richard Beeland, John VanWinkle, and Jim Templeton. Dickie Hutsell and Mayor Littlefield joined the meeting later.

**PROPOSED CODE AMENDMENTS**

Chairman Benson stated that there was only one item on the Agenda—Proposed Code Amendments. He noted that Mr. VanWinkle was also present, explaining to him that we did not have much time today. Mr. VanWinkle indicated that he thought Attorney Phil Noblett was supposed to be present today. Attorney Nelson explained to Mr. VanWinkle that the issue he was interested in was supposed to be discussed in a Safety Committee meeting. Mr. VanWinkle left at this time.

Chairman Benson noted that we had Mike Price with us today and asked Mr. Price to tell the committee his problem in professionally working with our codes.

**Mr. Price** stated that he had found when trying to get a subdivision passed through Planning that he was hitting a stumbling block because of the adoption of the 2005 Fire Code; that part of the Fire Code was not congruent with subdivision regulations. He went on to explain that subdivisions with 100 lots had in the past been approved by Planning with a single entrance; now they were being required to put in a second entrance according to the City Fire Code—that any more than 30 homes must have two entrances. He stated that if this were the standard that he could cite ten and probably 100 subdivisions that could no longer be developed in the City. He proceeded to name all of them—most of them well known. He stated that this was brought to his attention that essentially we were taking the subdivision regulations and replacing them with the Fire Code requirements. He stated that he had talked to the Homebuilders Association, and they all felt we should have a committee to research this issue with all involved and also the Fire Department to amend their Code and decide how we want to develop here. He also noted that the Fire Code is an International Code—one global code; that the developers were not about causing anything unsafe but wanted conditions that are congruent; that as he saw it, this document should not have been passed because it put engineers and developers at a very distinct disadvantage.

Councilman Page asked for clarification—that some years ago we did pass this International Fire Code, and it came highly recommended; that there was not discussion of any problems—that this was all new to him.

Mr. Price stated that it passed, but it was not brought to anyone's attention; that it was just something they stumbled upon; that planners encouraged building narrow roads; that he was trying to present these situations; that developers were going to narrower roads but wanted to give emergency vehicles access.

Chairman Benson stated that he did not conceptualize these intricacies and questioned if the Code was working and how we needed to make it more practical.

Councilman Page stated that Gary Hilbert who works with Codes should be hearing this. Adm. Leach stated that he would represent Gary.

**Teresa Groves**, Executive Director of the Homebuilders' Association, spoke next and stated that she was not aware of this or would have said something when it passed in 2005; that it does affect the industry and affordable housing; that the Homebuilders would like to have input on this.

Councilwoman Berz stated that she would like to have a better idea of what engendered this without serious consideration being given. She wanted to know why this came about.

Fire Marshall Haney explained that in 2005 one of the things that was adopted was **Section D** of the Fire Code, which deals with Fire Department access to a site; that developers want narrow streets and on-street parking and no second entrance; that if they have to go into an area with 100 homes and set up fire equipment, they need another entrance they can go out of; if there is no second entrance and the road is blocked and narrow, it would delay them in their fire fighting efforts—that this was their concern and why this Code was developed; that it is a Living and Breathing Document and speaks to the equipment that the Fire Department uses now—that the equipment is wider and longer and requires a bigger turning radius; that on-street parking impedes this and it will be further impeded if they did away with the second entrance provision that is in place and addresses this; that the fire equipment will not get smaller, and we need to think about this in advance; that his concern was that they would not be able to get in and that was why this Code was in place; that they had asked for this addendum to be able to get to all areas in the City.

Councilman Rico stated that we did need to get together and discuss this.

Mr. Price stated that he had taken a turning radius and had showed how the fire equipment could make every turn, and was then told that he would not be approved; that he believed there was good middle ground for the Fire Department and Developers; that they also needed something that was not so vague. He reiterated that he had shown how fire trucks could make the turn and was then told he would not be approved.

Councilwoman Berz stated that she understood that the issue was two entrances and questioned if the width of the roads was also an issue?

Mr. Price reiterated that he wanted subdivision regulations and the Fire Code to be congruent and to develop a set of standards so that builders and developers would know exactly what they have to do and there would be no guesswork—that they wanted it black and white.

Chairman Benson asked Chief Rowe if he would be willing to put a committee together with the Homebuilders and the Fire Department to look at the whole Fire Code? He added that we do not want to endanger lives.

Chief Rowe stated that he would love to see something like this.

Councilman Shockley pointed out that the Planning Commission is responsible for subdivision regulations, and he thought they should be a part of this as well.

Chairman Benson mentioned the Executive Director of the Homebuilders being involved.

Mr. Price stated that someone from Public Works should be involved and suggested Dallas Rucker and also the Traffic Engineer.

Chairman Benson indicated that he would like for George Spencer to be on the committee.

Ms. Groves indicated that a developer should also be included.

Chairman Benson stated that we needed a cross-section.

Attorney Nelson noted that we had recently went from Class 3 to Class 2 and wanted to know if changing the Code would have any impact on this? Chief Rowe assured him that we would safeguard our ratings. Attorney Nelson stated because of our higher ratings, fire insurance costs had gone down for residents.

Mr. Price stated that if we were able to meet these requirements right now, we should be able to keep the rating.

Chairman Benson stated that we would operate under the present Code until this committee meets. He indicated that we would have someone from the Homebuilders' Association, the Fire Dept., someone from the Council, maybe the Traffic Engineer, someone from Planning and Public Works and that these individuals would be notified as to a meeting time. He asked who on the Council would like to serve?

Councilman Page stated that he thought Chairman Benson would be excellent. Chairman Benson suggested Councilwoman Berz, who is a win-win person. She indicated that she would rather it be Chairman Benson. It was then noted that Councilwoman Gaines is Chairman of the Safety Committee. Chairman Benson stated that either he or Councilwoman Gaines would serve.

Chairman Benson also noted that Julian Bell had called him, mentioning the limitations on his ability to build. He had not realized that Mr. Bell was present until the end of the meeting, and he asked him if he wished to say anything.

**Mr. Bell** stated that we just needed to look at this; that most subdivisions were about 6-8 acres.

Mayor Littlefield welcomed Mr. Bell and noted that Mr. Bell had helped draft our Stormwater Ordinance.

Chairman Benson assured George Spencer that he would be put on the committee.

The meeting adjourned at 3:30 P.M.