

**FIRE BOARD OF APPEALS  
MEETING  
AUGUST 21, 2008  
PRESCOTT, ARIZONA**

MINUTES OF THE **FIRE BOARD OF APPEALS** WAS HELD ON **AUGUST 21, 2008** in the **CITY COUNCIL CHAMBERS** located at **PRESCOTT CITY HALL 201 S. CORTEZ**, Prescott, Arizona.

COMMITTEE MEMBERS PRESENT: George Taylor, Harvey Emery, Chairman Jim Burch, Judy Haley

COMMITTEE MEMBERS ABSENT: Dan Fraijo

1. Call to Order

Chairman Burch called the meeting to order at 6:02 PM. Chairman Burch turned the introductions over to the Fire Marshal. Fire Marshal Ted Galde introduced Jeremy Reynolds, Water Production Specialist for the City of Prescott; as well as the Fire Board of Appeals members to the public.

2. Approval of the minutes of the June 5, 2008 meeting.

The minutes of the June 5, 2008 meeting were approved unanimously.

3. Discussion and possible action to recommend to City Council the:

- Adoption of the 2006 International Fire Code (IFC), with local amendments

Fire Marshal Galde gave a synopsis of what is being proposed in the new code and how it differs from the current code. Mr. Galde displayed the proposed changes on the overhead for the public to view and spoke about each of them.

Public Comment:

Ms. Sandy Griffis, Yavapai County Contractor's Association, had a question about Section 903.3.5 Water supplies. She asked Fire Marshal Galde if the solutions, glycerin and propylene glycol, are readily available and on the market today; as well as economically affordable. Fire Marshal Galde responded that the solutions are currently being used by the industry today. The National Fire Protection Association (NFPA) currently requires that only glycerin and propylene glycol can be used in sprinkler systems. Ethylene glycol is not permitted and it is illegal to use in sprinkler systems.

39.12 Board member Haley had a question about section 903.6 Existing Buildings, Exception 4. Ms. Haley asked, "Wouldn't it depend on whether that

third floor, using the Fire Marshal's example of the old Christian Corner building on the corner of Gurley and Montezuma, had had recent remodeling, reintroduction of new electric or whether it is still old; because a fire can start without anybody being up there if it is old with old electrical wiring systems."

Fire Marshal Galde stated that she was right. Ms. Haley asked if the whole building had been refurbished. Galde responded that they had done nothing but gut the upstairs. There is nothing there but the trusses holding up the roof. There is some electrical there. I'm not saying there couldn't be a fire there because there is some energized electricity. However, when looking at the bigger picture, my requiring someone to fully sprinkle a large building or a portion of the building they are not going to use is possibly excessive.

Knights of Pythis building where the old Stewart Shoes used to be, they have gutted that whole three story building next to the old bank building on Cortez and remodeled and sprinklered the whole thing. They want to do the whole building and lease it out. We are requiring them to do everything that is required in the whole building on all three floors. Stating this the way we have, it gives us an opportunity to say you will sprinkle the whole building.

Board member Taylor asked if there was still access to the upper part of the Balentine building? 41.29 There used to be an outside stairwell that went up to the upper floors and we had a fire problem there many, many years ago.

Fire Marshal Galde responded that there are a couple of apartments in there that went in some time ago. At the time, heat detectors were required. All those units in there have heat detectors. The stairwell, there is a separation there between the main building and that building. There is a fire escape out to the alley out the back apartments, they are up above tenants down below. It would be really nice if we could get a huge grant and just say everybody on Whiskey Row and Gurley and down North Cortez, you've all got to sprinkle the buildings and the City will help out by putting underground fire mains to the buildings and you've gotta do the rest. That may happen someday, but probably not in this climate.

Board member Taylor asked, "What measure does the Fire Marshal have to maintain compliance with the decision you're making?"

Fire Marshal Galde responded that we have the code, the law that is enacted on a certain date. We try very hard and we do a very good job of keeping track of what's going on in the town. Every once in a while, we find out that something is going on and no one knows what is going on. That may be what you're talking about. It's not easy, but it's easier than in a real big city, to track some of these things. But anybody that builds or does a tenant improvement like the upstairs of that downtown building; they would have to come in and get a demo permit, building permits, sprinkler system, fire alarm system permits. They're going to happen someday.

Board member Taylor states, "I'm thinking more in the sense of storage of flammables. As Judy was talking about, the nature of electrical system, it sounds like it is pretty raw and old and the concern for that big wide open space with no wall board on the walls or anything that would flash off pretty fast, I would think . Is there a requirement to have an audible alarm system for anything that might happen up there that transmits to the lower floors?"

Fire Marshal Galde responds that there is and it was required some time ago that they put in an alarm system, no matter what. That whole upstairs has heat detectors, an alarm system that sets an alarm off to downstairs that should go to a central station; the same way that the fire sprinkler and alarm system does currently downstairs. All those things go to a central station and then they come directly to the fire department and we get there as fast as we can. Again, it's not perfect. But there again we are trying to balance some common sense, and certainly the economy is no help. Although I don't look at the dollar cost of things as much as I do the life safety issues of the citizens.

Board member Taylor states, "that's understandable. I'm looking at, in my mind anyway, the litigation between if you had a fire loss there or an incident there versus the fellow that is spending a fortune to do his building and somehow or other he got into litigation with other occupants adjacent to him; because you are balancing this about one building versus the another. How does that kick back on the City as not following through applying that law to each and every business."

Fire Marshal Galde replied that what's interesting is there is a business to the north of the Balentine building. It's a single story business. I'm not sure whether the owner of the Balentine building owns that building or not. Talk about litigation. With Whiskey row the way it is, I have been up in those attics, there are holes in those "fire walls" that Harvey's seen and I've seen, if it goes it's going to down a whole block.

Chairman Burch stated that is strip mall fire all over again.

Fire Marshal Galde states that ideally, sprinkle attics and everything; to give us half a chance.

Board member Taylor asks, "Are we subjecting ourselves to possible lawsuits or litigation for not applying the codes appropriately across the board to everybody?"

Fire Marshal Galde responded, I think this is where the Fire Chief has to come to bear on some of these questions, as well as myself. There are not things that you want to have happen, there not things you want to have to live with certainly, but there are two sides to that whole thing. We're trying to juggle.

Fire Marshal Galde stated, I appreciate your concern all of you, and If you want to recommend a certain different direction, all I would say is that we have to make it fast; were hoping to take this to council next month. That's when the Chief wants to take it, the end of the month; the study session is on the 23<sup>rd</sup>; but I don't want that to be undue pressure either.

Fire Marshal Galde introduced the new sprinkler matrix, the current occupancy classification and the proposed occupant classification.

**BOARD MEMBER JULY HALEY MOVED TO APPROVE THE 2006 INTERNATIONAL FIRE CODE, WITH LOCAL AMENDMENTS AS WRITTEN RECOMMENDING THE FIRE DEPARTMENT PRESENT IT TO THE COUNCIL FOR THEIR APPROVAL; SECONDED BY FIRE BOARD MEMBER HARVEY EMERY. PASSED UNANIMOUSLY.**

- Adoption of the City of Prescott Explosives/Blasting Standard, a supplement to the 2006 IFC

Fire Marshal Galde gave a synopsis of what is being proposed in the new code and how it differs from the current code. Mr. Galde displayed the proposed changes on the overhead for the public to view and spoke about each of them.

In Section 3310.1.4.5 Certificate of Fitness Cards, Dan Fraijo made the comment in the our last meeting that he felt as though the documentation issued by only the ATF, Bureau of Alcohol Tobacco, Fire Arms, and Explosives, was the only documentation in there other than the test; that it might be too restrictive. So that is why I've added the et cetera here which means that it could be other documentations. Everything in the blasting code, I'm stating this is approved by the Fire Marshal or his or her designee. The reason is because I have certain designated people in Fire Prevention that I want to have and feel confident that they can deal with blasting issues. I only have one although I do have other fire code officials, so I don't want to use the term fire code official in the blasting documents/standards, I want to say Fire Marshal and or his or her designee and currently that would be Kristi Gagnon who is an inspector who's had a certain level of training and who could get more, but I need to have somebody besides myself to do that approving of blasting permits because it's a dangerous job.

Public Comments:

Ms. Griffis stated that she remembered several months ago the continued forward momentum to process the changes to the fire code amendments; the amendments came to a halt. I hope that this evening you are as proud of these reworked amendments as I am. It was truly an honor and a joy to work with the fire marshal in revamping and understanding some of these codes and it was a thorough education. We support every one of these changes by a zillion percent.

I learned lots and this man is a great teacher. We have a code that we think adapts itself very well to the citizens of Prescott. Thank you for your time and letting us put a little cog in the wheel to stop this, but it will move forward and I hope that you approve all of this.

Board member Emery stated, I think it's a good thing that we don't have to just depend on the fire department to come up with these codes and then have to pick them apart every time we go over these things. It is good to have someone, like in your case, to sit in and work with the department helping to make these things come out the way it did and I appreciate your help.

Fire Marshal Galde asked that the board consider approval of the International Fire Code 2006 edition and the blasting standards which is part of that to be sent with the board's approval and chairman's signature to city council. The secretary Jaimie Gillo will be preparing that document and we would need the signature on the last board meeting minutes and a letter of recommendation that both the fees, the wildland code, the International Fire Code, blasting standards all be sent with, hopefully your approval, to City Council to adopt these as law.

Chairman Burch asked if there were any objections from the board members of the code amendments as written. No objections were heard.

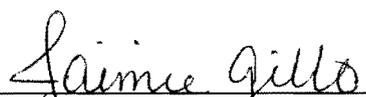
**BOARD MEMBER JUDY HALEY MOVED TO APPROVE THE CITY OF PRESCOTT EXPLOSIVES/BLASTING BLASTING STANDARD, A SUPPLEMENT TO THE 2006 INTERNATIONAL FIRE CODE, AS WRITTEN RECOMMENDING THE FIRE DEPARTMENT PRESENT IT TO THE COUNCIL FOR THEIR APPROVAL; SECONDED BY FIRE BOARD MEMBER HARVEY EMERY. PASSED UNANIMOUSLY.**

3. Adjournment:

Chairman Burch moved to adjourn the Fire Board of Appeals meeting.

There being no further business to be discussed, the Fire Board of Appeals meeting of August 21, 2008 adjourned at 7:03 PM.

  
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JIM BURCH, Chairman

  
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JAIMIE GILLO, Secretary