



Municipal Building  
Council Chambers  
200 S. Fourth St., 2<sup>nd</sup> Floor  
DeKalb, IL 60115

## **AGENDA**

Building Code Board of Appeals  
February 15, 2018  
9:00 a.m.

A. Roll Call

B. Approval of Agenda – Additions / Deletions

C. Public Participation

D. Approval of Minutes – Additions / Deletions

1. November 3, 2016
2. November 10, 2016 (8:00 AM)
3. November 10, 2016 (5:00 PM)
4. February 1, 2017
5. March 6, 2017

E. Old Business

F. New Business

1. Discussion of possible amendments to City codes as follows:
  - a. Work Exempt from Permit
  - b. Temporary Certificates of Occupancy
  - c. Accessibility Codes
  - d. Past Practice and General Discussion
    - i. Fees
    - ii. Landlord approval
    - iii. Residency requirement for owners doing work

G. Announcements

H. Adjournment



Municipal Building  
Council Chambers  
200 S. Fourth St., 2<sup>nd</sup> Floor  
DeKalb, IL 60115

### ***Building Code Board of Appeals Discussion Items***

Presently adopted codes and amendments:

- 1) Work exempt from a permit. Previous code cycle amendments had deleted code sections related to work exempt from a permit, thus requiring all work to have a permit. A 2'x3' shed would have required a permit to be placed on site, as would replacing just a small portion of drywall. Codes in effect at that time had similar language exempting work from a permit as the presently adopted codes do. At present, the work exempt from a permit portion of these codes was untouched during the last code cycle adoption (ref. 105.2 IBC, R105.2 IRC, 106.2 IMC, 106.2 IFGC). Was the intention to leave these exemptions untouched to keep the code as unmodified as possible, or to delete these exemptions as had been the case in previous versions of the code? Some of the exemptions, such as not requiring permits for fences below 7', would be in conflict to our UDO which more clearly spells out fencing requirements (Chapter, 23, section 7.06).
- 2) If work exempt from a permit will remain unmodified per item 1 above, the IRC sets a threshold of single story, detached accessory structure under 200 sq. ft. being exempt while the IBC sets this threshold at 120 sq. ft. Should both of these thresholds be dropped to 120 sq. ft. for ease of enforcement?
- 3) Temporary Certificate of Occupancy as amended (2015 IBC 111.3) generally states that a TCO can be granted for 45 days, and that any occupancy past the 45 day TCO can be liable of a penalty of \$250 - \$500 per day. It allows for the CBO to extend the 45 day 'grace period' depending on weather or market conditions upon agreement with a written request from the permit holder. The amendment lastly concludes with penalties enumerated for occupancy prior to having a full CO or TCO in hand (\$250 - \$500 per day).

Chapter 23 (UDO) of the City of DeKalb's ordinances, specifically section 14.02.02, also describes conditions for temporary certificates of occupancy, but generally states requirements for the owner to post some form of surety (either corporate surety bond, letter of credit, or cash deposit) but makes no other provisions for duration of the TCO or penalties.

Lastly, a memo was previously issued on April 25, 2006 stating no TCO's would be issued except for incomplete sitework because of something beyond the contractor's control such as weather, in contradiction of the presently adopted amendment and ordinance.

If we still wish to issue TCO's for all work where occupancy is interrupted, revoked, or not established, should we include also language from the UDO in our amendments as vice versa?

- 4) Current codes listed on the City of DeKalb website, and previously published lists of adopted codes include only the 1997 Illinois Accessibility Code. The Department of Justice also released the 2010 ADA Standards for Accessible Design on September 15, 2010. As a municipality in the State of Illinois within the United States of America, the City of DeKalb is required to enforce provisions of this code. It is my intention to clean this up and publish this as an adopted code on the City website and all plan reviews going forward. Where conflicts arise between the 1997 Illinois Accessibility Code and the 2010 Federal Standard, the more stringent of the two must be followed.

Past practice and general discussion:

- 1) All fees presently included in Chapter 24 of the City Code of Ordinances should be moved from the Amendments to the Fee Schedule under the Finance Department for ease in annual adjustments.
- 2) Should we require landlords/building owners to approve of tenant remodel work to the space and provide the same to us when applying for permits?
- 3) Should we have an affidavit for "owner/occupants" to sign when applying for permits as such? Should there be a minimum time for them to reside at the property to qualify as an owner/occupant? To what extent should owner/occupants be able to perform their own work (ie. Water services, sewers, etc.)

**MINUTES**  
City of DeKalb  
Building Code Board of Appeals  
November 3, 2016

The Building Code Board of Appeals held a meeting on November 3, 2016 at 9:00 A.M. at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, 60115, in Council Chambers.

Chair Don Whitmore called the meeting to order at 9:10 AM.

**A. ROLL CALL**

The following members of the Building Code Board of Appeals were present at roll call: Chairman Don Whitmore, Steve Doonan, Keith O'Higgins, Christine Scholl, and Lisa Sharp. Charles Shepard arrived at 9:20 AM. K. O'Higgins left the meeting at 10:35 AM. Member Steve Irving was absent.

Staff present were Deputy Fire Chief Jim Zarek, Planner Jason Michnick, Administrative Assistant Brenda Hart, and Administrative Assistant Natalie Nelson. Also present was Don Plass of HR Green.

**B. APPROVAL OF AGENDA – Additions / Deletions**

Chairman Whitmore requested a motion to approve the agenda. L. Sharp motioned to approve the agenda, S. Doonan seconded the motion, and all approved by voice vote.

**C. PUBLIC PARTICIPATION**

None.

**D. APPROVAL OF MINUTES – Additions / Deletions**

1. October 12, 2016 Meeting

Amendments to the minutes were requested.

- The header on page 3, should read "Building Code Board of Appeals, October 12, 2016."
- Also on page 3, the amendment to 402.2.1, the word "lighted" should read "illuminated."

Chairman Whitmore requested a motion to approve the minutes as amended. C. Scholl motioned to approve the minutes as amended, K. O'Higgins seconded the motion, and all approved by voice vote.

## **E. OLD BUSINESS**

### **1. Final Review of Municipal Code Chapter 24 Draft**

The most current draft of Chapter 24 was displayed on a large monitor so revisions could be made as members requested.

S. Doonan noted that all changes from the previous meeting were completed. Chairman Whitmore recommended minor corrections to the text. Prior to distributing the final draft, N. Nelson will review formatting, including numbering, indenting, and capitalization of titles.

Minor revisions to the whole of Chapter 24 include the following:

- All instances of “Building Department” will be revised to be “Building Division.”
- All instances of “amend as follows” will be moved to follow the title of the section or paragraph, unless the title is also being amended.
- All instances of “Add” appearing before a defined term will be deleted.
- All bracketed letters preceding paragraph titles will be confirmed as correct.

A discussion took place regarding whether the term “Chief Building Official” should or should not be followed by “or designee.” The definition of the term “Chief Building Official” includes allowing a designee to act in his/her place. City staff will consult City Attorney Dean Frieders for his advice. It was also suggested that the primary Chief Building Official should be formally designated by the City Manager or another City individual.

Amendments to the Illinois Plumbing Code (Chapter 24, Article 9) included two amendments to sections that were repealed effective April 24, 2014, according to the Illinois Administrative Code posted online (TITLE 77: PUBLIC HEALTH – CHAPTER I: DEPARTMENT OF PUBLIC HEALTH – SUBCHAPTER r: WATER AND SEWAGE – PART 890 ILLINOIS PLUMBING CODE). Consequently, the following amendments have been removed from Chapter 24:

- Section 890.1460 Fixtures Back-to-Back
- Section 890.1490 Installation of Vents for Fixture Traps

Amendments to 890 Appendix A, includes Table A, which contains multiple sub-tables. For clarity and ease of use, numbers will precede the sub-table titles.

In Article 10: Property Maintenance, revise the first sentence as follows: The provisions contained in this appendix are mandatory and specifically referenced in the adopting ordinance.

## 2. Confirmation of Public Information Meetings and City Council Recommendation Dates

The proposed timeline was reviewed, and new tentative dates were set:

- 11/9/16 – Public information meetings in Council Chambers at 8:00 AM and 5:00 PM. Chairman Whitmore and D. Plass will be present; other members are invited but not required to attend.
- 11/12/16 – Proposed Chapter 24 is made available for public review for 30 days prior to presentation to City Council and public notice is published
- 11/11/16-11/16/16 – HR Green and City staff prepare City Council agenda item
- 12/12/16 – City Council first reading

## F. NEW BUSINESS

### 1. Recommendation of Municipal Code Chapter 24 as Revised

S. Doonan motioned to recommend for approval by the City Council Municipal Code Chapter 24: Building Code as revised by the Building Code Board of Appeals, C. Shepard seconded the motion, and a roll call vote was taken. Yes votes were cast by Chairman Whitmore, S. Doonan, C. Scholl, L. Sharp, and C. Shepard. No votes: none. Absent: K. O'Higgins and S. Irving. The motion passed 5-0-0.

K. O'Higgins expressed his support for the recommendation prior to his departure.

## G. ANNOUNCEMENTS

**The next Building Board of Appeals meeting will be called upon request.**

## H. ADJOURNMENT

Chairman Whitmore asked for a motion to adjourn. C. Scholl motioned to adjourn, L. Sharp seconded the motion, and all approved by voice vote. Adjourned at 10:58 AM.

---

Natalie Nelson, Administrative Assistant

Minutes approved by the Building Board of Appeals on     [date of approval]    .

**MINUTES**  
City of DeKalb  
Building Code Board of Appeals  
November 10, 2016

The Building Code Board of Appeals held a public information meeting on November 10, 2016 at 8:00AM at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, 60115, in Council Chambers.

Chair Don Whitmore called the meeting to order at 8:05AM.

**A. ROLL CALL**

Members of Building Code Board of Appeals present at roll call were Chairman Don Whitmore, Keith O'Higgins, and Christine Scholl. Members absent were Steve Doonan, Steve Irving, Lisa Sharp, and Charles Shepard. **No quorum was present.**

Also present were City of DeKalb Deputy Fire Chief James Zarek and Rob Wierzba of HR Green. Administrative Assistant Natalie Nelson arrived at 8:30AM.

**B. APPROVAL OF AGENDA – Additions / Deletions**

No action taken.

**C. PUBLIC PARTICIPATION**

None.

**D. APPROVAL OF MINUTES – Additions / Deletions**

No action taken.

**E. OLD BUSINESS**

None.

**F. NEW BUSINESS**

1. Municipal Code Chapter 24 as Revised – No action taken.

**G. ANNOUNCEMENTS**

None.

**H. ADJOURNMENT**

The meeting was adjourned at 9:00AM.

Respectfully submitted,

Natalie Nelson, Administrative Assistant

Minutes approved by the Building Board of Appeals on [date of approval].

DRAFT

**MINUTES**  
City of DeKalb  
Building Code Board of Appeals  
November 10, 2016

The Building Code Board of Appeals held a public information meeting on November 10, 2016 at 5:00PM at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, 60115, in Council Chambers.

Chair Don Whitmore called the meeting to order at 5:00PM.

**A. ROLL CALL**

Members of Building Code Board of Appeals present at roll call were Chairman Don Whitmore and Christine Scholl. Members absent were Steve Doonan, Steve Irving, Keith O'Higgins, Lisa Sharp, and Charles Shepard. **No quorum was present.**

Also present was City of DeKalb Deputy Fire Chief James Zarek. Community Development Director Jo Ellen Charlton arrived at 5:30PM.

**B. APPROVAL OF AGENDA – Additions / Deletions**

No action taken.

**C. PUBLIC PARTICIPATION**

None.

**D. APPROVAL OF MINUTES – Additions / Deletions**

No action taken.

**E. OLD BUSINESS**

None.

**F. NEW BUSINESS**

1. Municipal Code Chapter 24 as Revised – No action taken.

**G. ANNOUNCEMENTS**

None.

**H. ADJOURNMENT**

The meeting was adjourned at 6:00PM.

Respectfully submitted,

Jo Ellen Charlton, Community Development

Director

Minutes approved by the Building Board of Appeals on [date of approval].

DRAFT

**MINUTES  
CITY OF DEKALB  
BUILDING CODE BOARD OF APPEALS  
FEBRUARY 1, 2017**

The Building Code Board of Appeals held a meeting on February 1, 2017 at 9:00 A.M. at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, 60115, in Council Chambers.

Chair Don Whitmore called the meeting to order at 9:04 AM.

**A. ROLL CALL**

The following members of the Building Code Board of Appeals were present at roll call: Chairman Don Whitmore, Steve Doonan, Christine Scholl, Lisa Sharp, Steve Irving, Keith O'Higgins, and Charles Shepard. No members were absent.

Staff present were City Attorney Dean Frieders, Don Plass of HR Green, and Administrative Assistant Natalie Nelson. At 10:10 AM, Fire Chief Eric Hicks joined the meeting.

Also present was Ken Andersen of the DeKalb County Building and Development Association.

At 10:10 AM, Ken Anderson left the meeting.

At 10:34 AM, City of DeKalb Building Division Administrative Assistant Brenda Hart joined the meeting.

**B. APPROVAL OF THE AGENDA – Additions / Deletions**

Lisa Sharp motioned to amend the agenda to remove item D. Approval of Minutes. C. Scholl seconded the motion. The agenda as amended was approved by voice vote.

**C. PUBLIC PARTICIPATION**

Ken Andersen requested and was invited to speak as desired.

**D. APPROVAL OF MINUTES – Additions / Deletions**

None.

**E. OLD BUSINESS**

None.

## F. NEW BUSINESS

Both items **1. General Contractor Registration** and **2. Contractor Registration / Revocation** were addressed during the same discussion

City Attorney Dean Frieders introduced himself to the attendees. He stated he worked as a carpenter in the past. He thanked the Board for their diligent work on developing the new the Building Code. He reminded the Board that they voted to add Section 0.03 Registration of General Contractors to the Building Code, which requires a general contractor (GC) overseeing one or more subcontractors to register with the City and provide a \$10,000 surety bond payable to the City. He also stated that if the City requires registration, a procedure for revoking and reinstating registration must be added to the Building Code. Attorney Frieders presented draft language to add to the Building Code to require contractor registration, how to obtain due process, how denial of registration may occur, and how a contractor may request reinstatement following revocation. The draft text was attached as Exhibit 1 to the memo prepared by Community Development Director Jo Ellen Charlton to the Building Code Board of Appeals (BCBA).

D. Whitmore cited that on August 12, 2016 the BCBA discussed and voted to require GC registration and surety bonds. He added that a similar bond is required by mechanical and electrical contractors, as well as street construction contractors working in the right-of-way.

L. Sharp questioned the purpose of requiring GCs to register and whether the surety bond requirement might be burdensome for a GC who works on only smaller projects. C. Shepard voiced disagreement with requiring a GC to obtain a surety bond and asked, if a surety bond is required, the dates of the bonds be allowed to differ according to the GC's insurance year, which is simpler to obtain.

D. Plass explained that the GC surety bond requirement helps homeowners who hire contractors whose work violates the Building Code resolve the violation. For larger projects, like entire homes or commercial projects, surety bonds are always required. D. Plass provided a summary of the process of revoking a surety bond. If the City finds a contractor has performed work that violates Code, the City's Chief Building Official contacts both the contractor and the property to obtain both sides of the story. If the contractor is found to be at fault and unwilling to resolve the code violation, the City files paperwork with the bond company to revoke the bond. The bond company sends the funds to the City, which distributes them to the property owner once s/he provides cost estimates for resolving the code violation.

The BCBA discussed whether or not homeowners must register as GCs if they performed some of their own work and hire subcontractors for other types of work on the same project. Chair Whitmore recalled how the BCBA agreed to remove the City from becoming involved in conflicts between roofing contractors and homeowners. At that time, the BCBA decided that a homeowner seeking a remedy would need to contact the roofing contractor's insurance company.

The BCBA then discussed revising or removing the new GC registration requirement from the Building Code. C. Shepard supported deleting section 0.03 in its entirety. S. Doonan stated that, in his experience, is not uncommon for a municipality to require GCs to register by providing contact information, proof of insurance, and small fee, but a surety bond is not typically required. C. Shepard agreed that requiring GCs to register with the City is appropriate, so they can be contacted day or night if an emergency arises at a job site.

S. Doonan stated that GC registration could be even more critical for residential projects like kitchen remodels, which require multiple trades, than for multi-million dollar projects like 3M. D. Whitmore reported that he researched other municipalities handling of GC registration and found a variety of practices, including requiring GC registration for residential projects only, not commercial.

The BCBA turned its attention to who should be required to register as a GC. They agreed that residential property owners who self-perform work, and those who self-perform some of the work and hire contractors for some of the work on the same project, should not be required to register as GCs. They agreed that commercial property owners who hire contractors to perform work, whether or not the commercial property owner self-performs any work, should be required to register as a GC.

The BCBA discussed whether proof insurance is sufficient or if the current surety bond requirement is necessary for GCs, electrical contractors, and mechanical contractors. They agreed that all contractors performing work on property they do not own should be required to obtain insurance. S. Irving recommended the City require proof of general liability insurance, auto insurance, and workman's compensation insurance, allowing sole-proprietor/non-employee GCs to exempt themselves on their workman's compensation insurance.

The BCBA decided that surety bonds are not necessary for most jobs smaller projects, and they did not think the City has ever revoked a bond for an electrical or mechanical contractor. They agreed to continue requiring surety bonds from contractors working on larger projects that require temporary or permanent occupancy approval and contractors working in the right-of-way. D. Plass stated that he has had some experience with revoking a contractor's bond, but it is a relatively rare occurrence and requires significant paperwork.

The BCBA discussed the definition of a General Contractor. Ken Anderson read from USLegal.com the definition of "general contractor."

"A general contractor is the contractor with main responsibility for the construction, improvement, or renovation project under contract, and is the party signing the prime construction contract for the project. The general contractor is the person or entity who hires all of the subcontractors and suppliers for a project. It is an individual, partnership, corporation, or other business entity that is capable of

performing construction work as a contractor with overall responsibility for the satisfactory completion of a project using its own forces to perform or supervise part of the work.” (from <https://definitions.uslegal.com/g/general-contractor/>).

Mr. Anderson reiterated that a GC must be able to perform some work and supervise at least one subcontractor; he emphasized that a Construction Manager (CM) who does not perform any work is not the same as a GC.

The discussion returned to surety bonds. S. Doonan proposed a scenario in which a contractor does not finish a job and leaves a code violation, for which the homeowner is cited. If no surety bond is required by the City, the City would not be involved in the financial aspects of resolving the problem. The BCBA agreed that the City should not be involved in disputes between property owners and contractors.

The BCBA agreed to recommend the following revisions to Article 0, section 0.03:

- Delete in its entirety a) Certification of Registration
- Delete in its entirety b) Bond
- Add text stating that GCs and CMs are required to:
  - Register with the City by providing contact information and paying an initial registration fee of \$50, renewable annually at \$25
  - Provide proof of general liability, auto, and worker’s compensation insurance, the latter of which a General Manager and a Construction Manager may be exempted.

The BCBA agreed that since the City would no longer be administering electrical and mechanical tests or issuing those licenses, it would be appropriate to reduce the current initial \$250 registration fee to be the same as that assessed for GCs and CMs. Additionally, if no licenses are issued, no license revocation can occur. Consequently, the Exhibit 1 of the staff memo is no longer necessary. It was noted that if the City’s building inspector finds code violations during an inspection, the Certificate of Occupancy can be withheld until resolved. In this type of situation, a contractor can appeal to BCBA to resolve a disagreement. If the City’s building inspector finds a code violation in a smaller project that does not require a Certificate of Occupancy, the property owner may request the contractor to fix the violation or may seek assistance from the contractor’s insurance company. The City would not be involved in this type of situation.

The BCBA discussed electrical and mechanical contractor license/registration requirements. The definition of a mechanical contractor was determined to include anyone who performs work on HVAC systems, forced air, steam, pumps, and refrigerants for air conditioners. Currently, mechanical contractor registration with the City requires a \$250 initial registration fee, which is renewable annually at \$50, a passing score on the City-administered test, proof of experience and/or training certificate, and a \$10,000 surety bond. D. Plass confirmed that one member of a firm may take the test and provide proof of experience, and other contractors within the firm may perform the same work. Electrical contractors are currently subject to the same requirements, with a different City-administered test. D. Plass stated that he is aware of other municipalities that have

discontinued tradesman testing. The BCBA agreed that the registration fee should be reduced if tests are no longer required.

C. Shepard voiced approval for removing all barriers possible for contractors to perform work in DeKalb, so as to make the City of DeKalb as attractive as Sycamore to build in.

The BCBA agreed to recommend the following revisions to Article 0 regarding the requirements for electrical and mechanical contractors:

- Remove the requirement for a \$10,000 surety bond
- Remove the requirement to take a test administered by the City
- Add text stating that electrical and mechanical contractors are required to:
  - Register with the City by providing contact information and paying an initial registration fee of \$50, renewable annually at \$25
  - Provide proof of general liability, auto, and worker's compensation insurance.

#### MOTION

C. Shepard motioned that general contractors, construction managers, mechanical contractors, and electrical contractors be subject to the same requirements to perform work in the City, including removing the testing requirement, removing the surety bond requirement, and reducing the registration fees to \$50 the first year, renewable annually at \$25. S. Doonan seconded the motion.

#### VOTE

A roll call vote was taken. Yes votes were cast by L. Sharp, C. Scholl, Chair Whitmore, S. Irving, K. O'Higgins, C. Shepard, and S. Doonan, Christine Scholl. No no votes were cast. The motion passed 7-0-0.

**At 10:20 AM, the meeting adjourned temporarily** at to allow Attorney Frieders to draft revised language for continued consideration of contractor registration requirements.

**At 10:34 Meeting reconvened.**

Attorney Frieders distributed the newly drafted language which read as follows:

*Add to Article 0:*

***0.01 Registration of Construction Managers and General, Electrical and Mechanical Contractors:***

- a) *Contractor Registration Required: General Contractors, Electrical Contractors and Mechanical Contractors (as defined below) shall be required to register with the City of DeKalb pursuant to the requirements of this Section 0.01. Registration shall be required for any individual, firm or corporation engaged in the businesses described below; a single registration shall suffice for any*

*employee of a registered company. Registration shall not indicate any endorsement of quality or ability of a registered contractor by the City.*

1) *General Contractor / Construction Manager: Any person, firm or corporation that performs any building repair, installation, construction or work that requires a building permit, and any Construction manager who holds a prime contract and subcontracts for construction of any building repair, installation, construction or work that requires a building permit. Notwithstanding the foregoing, general contractor registration shall not be required for an owner, self-performing work that requires a building permit on his or her own single-family, owner-occupied structure. General contractor registration is also not required for any person who is registered as a Mechanical or Electrical Contractor, provided that such party is solely performing mechanical or electrical contractor work.*

2) *Electrical Contractor: Any person, firm or corporation that performs any manner of electrical wiring, repair, installation or work that requires a building permit, other than an owner, lawfully self-performing work on his or her own a single-family, owner-occupied structure.*

3) *Mechanical Contractor: Any person, firm or corporation that performs any manner of heating, ventilation, air-conditioning or mechanical system repair, installation or work that requires a building permit, other than an owner, lawfully self-performing work on his or her own a single-family, owner-occupied structure.*

b) *Registration Requirements: Registration shall require compliance with the following standards:*

1) *Registration shall be in form and content acceptable to the Community Development Director and shall have contact information for the contractor and key personnel employed thereby who will be performing work within the City of DeKalb. Registration shall require the payment of a \$50.00 initial application fee and shall be effective on a calendar year basis. Renewal of an existing registration shall require payment of a \$25.00 annual renewal fee and completion of a renewal application in form and content acceptable to the Community Development Director. Renewals shall be performed during or within sixty days of the end of the then-current term of registration; the failure to renew registration within such period shall terminate registration and shall require a new registration.*

2) *Applicants shall be required to provide proof of minimum insurance coverage for the full period of registration, indicating that the applicant has: a) commercial general liability insurance coverage with minimum policy limits of \$100,000 per person/\$300,000 per occurrence; b)*

*automobile insurance with minimum policy limits in excess of then-current state requirements; and, c) workers compensation insurance with minimum policy limits in excess of then-current state requirements; all from insurers licensed to transact business in the State of Illinois. Sole-proprietorships may demonstrate compliance with workers compensation insurance with exemption of the owner where permitted by law.*

*Delete Sections 0.01, 0.02, 0.03, 0.08, 0.09.*

*Amend Sections 0.04, 0.05, 0.06 and 0.07 to include the following:*

*Contractors who are State-licensed under this Section shall provide the City with a copy of their State-issued license, and shall provide the City with contact information in form and content acceptable to the Community Development Director.*

*All numbering will be updated to conform to the rest of Chapter 24.*

City of DeKalb Building Division Administrative Assistant Brenda Hart voiced concern about removing the testing requirement from mechanical and electrical contractors. She also voiced concern for those contractors who have already paid \$250 and have scheduled a test or provided proof of a passed test elsewhere. C. Scholl agreed, stating she had similar concerns about these issues as well.

B. Hart explained that the current electrical and mechanical tests are open-book test and typically administered to only one contractor in a firm. She stated that she has experienced some difficulty confirming if a tested contractor is still employed by a firm if another contractor from the firm is listed on a building permit application. She and the BCBA agreed that the tests do not prove competency, but rather the ability to find answers in manuals. B. Hart confirmed that the February 1, 2017 effective date of the updated City Building Code, which includes the re-instatement of the testing requirement for electrical and mechanical contractors, had been sufficiently publicized and contractors have received notice in advance of these matters. She reported that she has already received between four and six new contractor registrations since January 1.

The BCBA confirmed with D. Plass that State of Illinois licensed contractors, namely roofing contractors, private alarm contractors, fire sprinkler contractors, and plumbers, are still required to register with the City, but no fee is paid and no proof of insurance is required by the City.

Chair Whitmore requested a motion to approve the revisions to Article 0 as presented by Attorney Frieders.

#### MOTION

C. Shepard motioned to approve the revisions as presented. K. O'Higgins seconded the motion.

### VOTE

A roll call vote was taken. Yes votes were cast by L. Sharp, C. Scholl, Chair Whitmore, S. Irving, K. O'Higgins, C. Shepard, and S. Doonan, Christine Scholl. No no votes were cast. The motion passed 7-0-0.

### **G. ANNOUNCEMENTS**

None

### **H. ADJOURNMENT**

Seeing and hearing no further discussion, Chair Whitmore requested a motion to adjourn. K. O'Higgins motioned to adjourn, L. Sharp seconded the motion, and the motion was approved by unanimous voice vote. The meeting adjourned at 10:59 AM.

Respectfully Submitted,

Natalie Nelson, Administrative Assistant

Minutes approved by Building Code Board of Appeals on date of approval.

**MINUTES  
CITY OF DEKALB  
BUILDING CODE BOARD OF APPEALS  
MARCH 6, 2017**

The Building Code Board of Appeals held a meeting on March 6, 2017 at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, 60115, in the Executive Conference Room.

Chair Don Whitmore called the meeting to order at 10:31 AM.

**A. ROLL CALL**

The following members of the Building Code Board of Appeals were present at roll call: Chairman Don Whitmore, Christine Scholl, Steve Irving, Keith O'Higgins, and Charles Shepard. Members absent were Lisa Sharp and Steve Doonan.

Staff present were Community Development Director Jo Ellen Charlton, Fire Chief Eric Hicks, and Administrative Assistant Natalie Nelson.

**B. APPROVAL OF THE AGENDA – Additions / Deletions**

C. Scholl motioned to approve the agenda as presented, S. Irving seconded the motion, and the agenda was approved by unanimous voice vote.

**C. PUBLIC PARTICIPATION**

None.

**D. APPROVAL OF MINUTES – Additions / Deletions**

1. February 1, 2017.

C. Shepard motioned to approve the minutes as presented, K. O'Higgins seconded the motion, and the minutes were approved by unanimous voice vote.

**E. OLD BUSINESS**

None.

**F. NEW BUSINESS**

- 1. Follow-up Discussion of General, Mechanical, and Electrical Contractor Fees as Requested by City Council**

## DISCUSSION

C. Shepard asked if the number of new contractors was accurate in the City staff report included in this meeting materials. He said he thought reducing the fee for electrical and mechanical contractors and adding the new general contractor fees would not negatively affect revenue as much as stated in the meeting materials.

S. Irving asked for a list of licensed electrical and mechanical contractors to confirm the number of contractors in the meeting materials is correct. C. Shepard voiced a similar concern because the numbers seemed too high. D. Whitmore stated he printed from the City's website the lists of licensed electrical and mechanical contractors and said the numbers appear accurate.

C. Scholl asked if contractors who work on NIU property must be registered or licensed with the City. S. Irving confirmed that the City, not even the Fire Department, has jurisdiction to oversee contractors performing work on NIU property.

C. Scholl asked when new contractors register or become licensed with the City. N. Nelson responded that new contractors often register or become licensed when hired to perform work in the City. She noted that the building permit software requires a current contract to be entered, so new contractors are discovered at that time and are informed the permit cannot be approved until they comply with the registration requirements.

J. Charlton reported that Building and Code Enforcement Division Administrative Assistant Brenda Hart used the building permit software to estimate about 100 general contractors can be expected to register with the City and pay the registration fee.

C. Scholl asked whether big projects coming up would yield more subcontractor registration fees. J. Charlton reported that work performed at 3M, University Village, and the Cornerstone project, may have some new subcontractors who will be required to register and pay the registration fee.

J. Charlton reported that, after the Finance Department reviewed records of past revenue generated by contractor licensing and registration, it was recommended that the registration fee for electrical, mechanical, and general contractors and construction managers be set at \$50 for new contractors and \$50 for renewal.

C. Scholl asked if these proposed fees are similar to what is assessed by other municipalities. J. Charlton reported that a quick search of nearby communities showed a range of contractor registration fees from \$0 to \$75.

S. Irving asked how contractor registration renewals are processed. N. Nelson reported that the Building Division sends renewal registration reminder letters to

all current contractors at the same time each year, and many of them respond soon thereafter with updated registration forms and checks. She stated that preparing the letters and processing the renewals time-consuming. C. Scholl expressed doubt that the \$25 fee could cover the administrative costs of printing, mailing, and processing the renewals.

C. Shepard asked for a review of the City's general contractor definition. Chair Whitmore read aloud the definition from the last meeting's minutes, which was voted upon and approved by the members present. No further discussion took place.

C. Scholl stated that a general contractor registration is assessed annually, not for each project. She added that property owners of single-family occupied residential buildings are not considered general contractors when they hire subcontractors to perform work on their property.

S. Irving requested a review of the reasons for adding the general contractor registration requirement and eliminating electrical and mechanical contractor testing.

J. Charlton summarized the BCBA discussions contractor registrations. She explained that the new Building Code, approved by the City Council and effective February 1, 2017, added the general contractor registration fee of \$50 for the first year and a \$25 annual renewal fee, if paid on time. She added that the new Building Code retained the same electrical and mechanical contractor registration fees as in the past of \$250 for the first year, which includes a City license, and a \$50 annual renewal fee, if paid on time. She noted that for the past few years, the City did not administered electrical and mechanical testing due to staffing limitations and accepted licenses from other municipalities; however, as of February 1, 2017, the City resumed electrical and mechanical testing, and a few new contractors have taken the tests and paid the \$250 fee.

J. Charlton reported that the most recent recommendation from the BCBA to City Council, still under consideration, is to (a) eliminate the testing requirement for electrical and mechanical contractors and (b) assess the same registration fee as assessed for general contractors, which is currently \$50 for the first year and a \$25 annual renewal, if paid on time.

J. Charlton stated that at the first reading of this recommendation, the City Council asked for an analysis of the effect the fee reduction would have on the City's budget. J. Charlton reported that Building Division Administrative Assistant Brenda Hart found that, based upon the last few years' data, the revenue gained from the new general contractor fee will not equal the revenue lost from the reduced electrical and mechanical contractor fees.

J. Charlton asked the BCBA to consider recommending to City Council a \$50 initial registration fee, renewable annually at \$50, for general contractors, electrical contractors, and mechanical contractors. She explained that this fee structure helps mitigate the loss of revenue created by the reduced electrical and mechanical fees.

C. Shepard stated that Saint Charles does not assess general contractor registration fees, and building permit fees are comparable to DeKalb. S. Irving stated that Harvard assesses registration fees for all types of contractors.

#### MOTION

K. O'Higgins motioned to recommend to the City Council a \$50 initial registration fee, renewable annually at \$50, for general contractors/construction managers, electrical contractors, and mechanical contractors. C. Shepard seconded.

#### VOTE

Roll call vote was taken. Yea – C. Scholl, S. Irving, K. O'Higgins, C. Shepard, and Chair Whitmore. Nay votes were not cast. The motion passed 5-0-0

#### G. ANNOUNCEMENTS

None.

#### H. ADJOURNMENT

Seeing and hearing no further discussion, Chair Whitmore requested a motion to adjourn. C. Shepard motioned to adjourn, K. O'Higgins seconded the motion, and the motion was approved by unanimous voice vote. The meeting adjourned at 11:25 AM.

Respectfully Submitted,

Natalie Nelson, Administrative Assistant

Minutes approved by Building Code Board of Appeals on date of approval.