

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
November 20, 2020
Virtual Meeting

<https://vadhcd.adobeconnect.com/lbbca/>

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. J. Kenneth Payne, Jr., AIA
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. Vince Butler
Mr. Daniel Crigler
Mr. Alan D. Givens

Call to Order

The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Secretary Travis Luter.

Roll Call

The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General’s Office, was also present.

Approval of Minutes

The draft minutes of the September 18, 2020 meeting in the Review Board members’ agenda package were considered. Mr. Payne moved to approve the minutes as presented. The motion was seconded by Ms. Monday and passed unanimously.

Final Orders

Appeal of Timothy Dolan; Appeal No. 20-01:

After review and consideration of the final order presented in the Review Board members’ agenda package, Mr. Witt moved to approve the final order with the suggested editorial change to add “r” to the word “though”, creating the word “through”, in line 53 on page 15 of the agenda package. The motion was seconded by Mr. Payne and passed unanimously.

Public Comment

Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had contacted him to speak. With no one requesting to speak, requesting to be acknowledged to speak by use the raised hand feature of the Adobe Connect meeting platform, or requesting to speak in the chat box section of the Adobe Connect meeting platform, Chair Dawson closed the public comment period.

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New Business

Sidney Harris; Appeal No. 20-02:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to buildings located at 5615 Hope Park Road in Fairfax County.

The following persons were sworn in and given an opportunity to present testimony:

Sidney Harris, Owner
Angela Harris, Witness for Appellant
Margaret Delean, Fairfax County Division Supervisor
Gary Wallace, Fairfax County Code Investigator
Richard Grace, Fairfax County Code Specialist III

Also present was:

Sara Silverman, legal counsel for Fairfax County

During opening statements and testimony, Sidney Harris indicated that his witness, Angela Harris, was unable to access the virtual meeting. The hearing was paused while Review Board staff assisted Ms. Harris. With the assistance of staff, Ms. Harris was able to access the virtual meeting via telephone call. Once successfully in attendance, Ms. Harris indicated that she was unable to hear Mr. Harris as he attempted to question her; however, Ms. Harris was able to hear other communications from the Board Chair, legal counsel, and staff. Again, Review Board staff attempted to assist Ms. Harris with her technical difficulty; however, staff was unable to resolve Ms. Harris' issue.

Fairfax County legal counsel, Sara Silverman, also experienced technical difficulty with her computer microphone, as attendees could not hear her when she attempted to speak. Ms. Silverman resolved her issue by moving to a different computer; however, the issue resurfaced a few moments later.

Due to the technical issues experienced by the parties, Mr. Witt moved to table the hearing until the January 2021 meeting. The motion was seconded by Ms. Jackson and passed unanimously.

Note: Mr. Witt suggested that staff work with the parties, prior to the January 2021 meeting, to assist them with their technical difficulties.

New Review Board Policy

The Review Board directed the Secretary to draft new Board policies

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to address participant and witness notification for hearings as well as the requirements for hearing participants to attend mandatory training prior to the meeting in which their case is scheduled.

The Chair granted the authority to the Secretary to establish the needed requirements and guidelines for the parties of the January 2021 meeting.

Interpretation Request

Interpretation Request of Paula Johnson (City of Fredericksburg);
Interpretation Request No. 06-20:

An interpretation request from Paula Johnson of the City of Fredericksburg was considered concerning the 2015 Virginia Maintenance Code (VMC), on Sections 104.5.2 and 606.1 related to whether a modification, to allow elevators, escalators, or similar conveyances to be placed in service and maintained in service/tested without the witnessing inspection by a DHCD certified elevator inspector, meets the spirit and intent of the USBC?

After deliberations, Mr. Witt moved to amend the applicable code for the Request for Interpretation be 2015 Virginia Construction Code Sections 106.2 and 113.7 and 2015 Virginia Maintenance Code Section 104.5 and editorial changes to question #1 so that it reads as follows:

***QUESTION #1:** Is the elevator inspector, approved by VCC Sections 106.2 or 113.7, and VMC Section 104.5 required to witness either virtually, in-person, or by other approved means the acceptance or periodic tests of elevators, escalators, or similar conveyances?*

Mr. Witt further moved that the answer to question #1 be yes. The motion was seconded by Mr. Mays and passed unanimously.

Mr. Witt then moved that question #2 remain as written and that the answer to question #2 be no. The motion was seconded by Mr. Mays and passed unanimously.

Secretary's Report

Mr. Luter presented the Board with the proposed 2021 Review Board meeting calendar, which was reviewed, considered, and approved by the Board.

Mr. Luter informed the Board of the current caseload for the upcoming meeting scheduled for January 22, 2021.

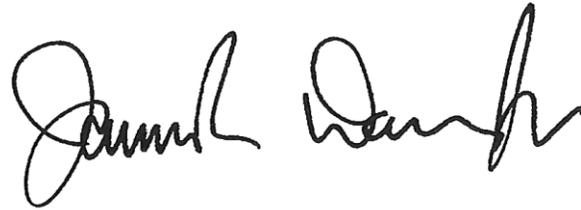
Attorney Bell provided legal updates to the Board.

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Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 12:30 p.m.

Approved: January 22, 2021



Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board