

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
July 19, 2019
Glen Allen, Virginia**

Members Present

Mr. James R. Dawson, Chairman (Arrived during the Secretary's Report)
Mr. Daniel Crigler
Mr. Joseph Kessler
Mr. Eric Mays, PE
Ms. Joanne Monday
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. Alan D. Givens
Ms. Christina Jackson
Ms. Patricia S. O'Bannon

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.

Election of Chairman Pro Tem

Mr. Luter advised the Board that Chairman Dawson would be delayed in arriving to the meeting and that Vice-Chairman Pharr would not be attending the meeting; therefore, a Chairman Pro Tem would need to be elected.

Mr. Luter opened the floor for nominations. Mr. Crigler moved to elect Mr. Eric Mays as the Chairman Pro Tem. The motion was seconded by Ms. Monday and passed unanimously. Mr. Luter then turned the meeting over to Chairman Pro Tem Mays.

Approval of Minutes

The draft minutes of the May 17, 2019 meeting in the Review Board members' agenda package were considered. Mr. Kessler moved to approve the minutes with the correction of the word "second" to "seconded" in three locations; the addition of the note "Mr. Payne recused himself and did not participate in the hearing for Greg Wooldridge (ODU) Appeal No. 18-17 in the second paragraph of page 7; and the addition of the note "to address each item in a separate motion" in the third paragraph of page 11 of the agenda package. The motion was seconded by Mr. Witt and passed with Mr. Payne abstaining.

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Approval of Retreat
Minutes

The draft minutes of the May 20, 2019 retreat in the Review Board members' agenda package were considered. Mr. Kessler moved to approve the minutes with the addition of the word "is" in Note 4 on page 17 of the agenda package. The motion was seconded by Mr. Witt and passed unanimously.

Final Orders

Appeal of Karen Hobbs
Appeal No. 18-21:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Kessler moved to approve the final order with the editorial correction in the spelling of the word "argued" in two locations; the restructuring of the last sentence of the first paragraph on page 25 to read "*Based on the testimony of the County, the Review Board finds that violations of VMC Section 305.1 (General) exist due to the presence of animal urine and the strong smell of ammonia, commonly associated with animal urine*"; and the restructuring of the Final Order section on page 31 to read:

Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. *Whether the County made a reasonable effort to obtain consent to enter the property for an inspection.*

The decision of the local appeals board that the County made a reasonable effort to obtain consent to enter the property for inspection and did in fact gain that consent and is upheld.

B. *Whether to overturn the decision of the County and the local board that a violation of the VMC Section 305.1 (General) exists.*

The decision of County and the local appeals board that a violation of Section 305.1 exists and is upheld.

C. *Whether to overturn the decision of the County and the local board that a violation of the VMC Section 308.1 (Accumulation of rubbish and garbage) exists.*

The decision of County and the local appeals board that a violation of Section 308.1 exists and is upheld.

D. Whether to overturn the decision of the County and the local board that a violation of the VMC Section 702.1 (General) exists.

The decision of County and the local appeals board that a violation of Section 702.1 exists and is overturned.

E. Whether to overturn the decision of the County and the local board that in accordance with VMC Section 202 (Definition) the structure is unfit for human occupancy.

The Review Board concluded that this cited violation had already been rescinded prior to the Review Board hearing; therefore, no right of appeal exists.

The motion was seconded by Mr. Crigler and passed unanimously.

Interpretation

Interpretation 04-19 Jeff Brown (DHCD):
Interpretation No. 1-2019:

After review and consideration of the interpretation presented in the Review Board members' agenda package, Mr. Payne moved to approve the interpretation as presented. The motion was seconded by Mr. Witt and passed unanimously.

Mr. Witt requested SBCO distribute the interpretation to all building officials, VML, and VACO.

Public Comment

Chairman Pro Tem Mays opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Chairman Pro Tem Mays closed the public comment period.

New Business

Appeal of Freemason Street Area Association; Appeal No. 18-22:

A hearing convened with Chairman Pro Tem Mays serving as the presiding officer.

A dismissal order, signed by legal counsel for both Freemason Street Area Association and the City of Norfolk, that was provided to the Review Board Secretary via email on July 15, 2019 by Joseph V. Sherman, legal counsel for Freemason Street Area Association, was presented to the Review Board in the agenda package for consideration. Prior to consideration by the Board, the Secretary provided an overview of the case and receipt of the order. Neither of the parties to the appeal appeared before the Board at the hearing.

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New Business
(continued)

After review of the order and the update by the Secretary, Chairman Pro Tem Mays closed the hearing.

Decision: Appeal of Freemason Street Area Association; Appeal No. 18-22:

After a brief discussion, Ms. Monday moved to accept the dismissal order as written. The motion was seconded by Mr. Witt and passed unanimously.

Appeal of Jack D. Singleton; Appeal No. 19-01:

A hearing convened with Chairman Pro Tem Mays serving as the presiding officer. The appeal involved citations under the 2012 Virginia Maintenance Code related to the property owned by Jack D. Singleton located at 190 West Jefferson Street, in the Town of Wytheville.

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

Jack D. Singleton, Owner
Charles Vannatter, Town of Wytheville Building Official

Also present was:

Chris Menerick, Esq., legal counsel for the Town of Wytheville

After testimony concluded, Chairman Pro Tem Mays closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Jack D. Singleton; Appeal No. 19-01:

After deliberations, Mr. Witt moved that the appeal is a continuation of the previous appeal filed by Mr. Singleton (Appeal No. 18-09) and is not properly before the Board. Mr. Witt further moved that no new application of the code or decision had been made and the Town of Wytheville Building Official had done what was prescribed in the November 16, 2018 final order and the Board should not hear the case

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on its merits. The motion was seconded by Mr. Payne and passed unanimously.

Secretary's Report

Mr. Luter informed the Board of Mr. Middleton's resignation.

Mr. Luter conveyed his findings, from telephone discussion with each Board member, related to Mr. Givens current situation and his desire to remain on the Board. The Board members conveyed their support for Mr. Givens and their desire for him to remain on the Board.

Mr. Luter provided his findings on scheduling a date for the next Board retreat. Mr. Luter informed the Board that he had forwarded his findings to Deputy Director, Cindy Davis, and was awaiting further direction. Mr. Witt suggested September 19, 2019. October 18, 2019 was also discussed. Mr. Luter agreed to forward the suggestions to Ms. Davis.

Mr. Luter informed the Board of the case load for the upcoming meeting scheduled for September 20, 2019.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 2:00 p.m.

Approved: September 20, 2019



Vice-Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board