

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
May 17, 2019
Glen Allen, Virginia

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. Daniel Crigler
Mr. Alan D. Givens
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Mr. E. G. Middleton, III
Ms. Joanne Monday
Ms. Patricia S. O'Bannon
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE

Members Absent

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 Chairman Dawson.

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 March 15, 2019 meeting in the Review Board members’ agenda package were considered. Mr. Witt moved to approve the minutes with the removal of the word “the” in the second line of the third paragraph on page nine of the agenda package. The motion was seconded by Ms. Monday and passed with Messrs. Crigler and Middleton abstaining.

Final Orders

Appeal of Greg Wooldridge (ODU)
Appeal No. 18-17:

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 an editorial change replacing the word “*detectors*” with the word “*alarms*” to align with Section 102.7 (Inspections for USBC requirements) in lines three and four of the last paragraph of the first page of the final order (shown on page 17 of the agenda package) and adding the words “*who is the*” in the last sentence in the last paragraph of page two of the final order (shown on page 19 of the

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Final Orders
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agenda package). The motion was seconded by Ms. Jackson and passed with Messrs. Crigler and Middleton abstaining.

Mr. Payne recused himself and did not participate in the hearing for ODU (Appeal No. 18-17

Appeal of Raymond M. Parker Sr.
Appeal No. 18-20:

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 editorial corrections in the spelling of the word "statute" in the first sentence of the first paragraph and the removal of the word "an" in the last sentence of the last paragraph of page three of the final order (shown on page 27 of the agenda package). The motion was seconded by Ms. O'Bannon and passed with Messrs. Crigler and Middleton abstaining.

Appeal of Karen Hobbs
Appeal No. 18-21:

After review and consideration of the continuance order presented in the Review Board members' agenda package, Ms. Monday moved to approve the final order as presented. The motion was seconded by Mr. Witt and passed with Messrs. Crigler and Middleton abstaining.

Reconsideration of Appeal of AMcL, LLC
Appeal No. 18-14:

After review and consideration of the reconsideration order presented in the Review Board members' agenda package, Ms. Jackson moved to approve the final order with the removal of the words "*since the County rescinded the cited violation and application of the code, AMcL, LLC does not have a right to appeal*" to be replaced with the words "*because it lacked merit*" (shown on page 33 of the agenda package). The motion was seconded by Mr. Kessler and passed with Messrs. Crigler and Middleton as well as Ms. O'Bannon abstaining.

Appeal of AMcL, LLC.
Appeal No. 18-14
(Action Requests)

The Board was made aware of the action requests filed by AMcL, LLC. No action was taken by the Board.

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Public Comment

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

New Business

Appeal of Karen Hobbs; Appeal No. 18-21:

A hearing convened with Chairman Dawson serving as the presiding officer. The appeal involved citations under the 2012 Virginia Maintenance Code related to the property owned by Karen Hobbs located at 11812 Breton Court, Unit #2, in the County of Fairfax.

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

Karen Hobbs, Owner
Catherine Lunsford, Fairfax County Investigator
C. P. Fitzhugh, Fairfax County Property Maintenance Appeals Coordinator
Jessica McLemore, Animal Control Officer, Fairfax County Police Department

Also present were:

Douglas Crockett, Esq., legal counsel for Karen Hobbs
Marc Gori, Esq., legal counsel for Fairfax County

After testimony concluded, Chairman Dawson 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 Karen Hobbs; Appeal No. 18-21:

After deliberations, Mr. Mays moved that in accordance with the 2012 Virginia Maintenance Code Section 104.1 (Scope of Enforcement) the County made a reasonable effort to obtain consent to enter the property from the owner and did in fact gain that consent. The motion was seconded by Mr. Witt. The motion passed unanimously.

After further deliberation Mr. Pharr, as a member who voted in the affirmative, moved for reconsideration of Mr. Mays' earlier motion for the purposes of addressing whether Ms. Hobbs was under duress or

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New Business
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was coerced, into allowing the inspection. Mr. Mays seconded the motion.

Mr. Pharr's subsequent motion was that in accordance with the 2012 Virginia Maintenance Code Section 104.1 (Scope of Enforcement) the County made a reasonable effort to obtain consent to enter the property from the owner and did in fact gain that consent conditionally which was not offered as a result of coercion or duress. The motion did not receive a second and was withdrawn by Mr. Pharr in favor of the original motion. The original motion stands.

After further deliberations, Mr. Mays moved uphold the Property Maintenance Official and local appeals board that violations of sections 305.1 and 308.1 of the 2012 Virginia Maintenance Code exist; to overturn the Property Maintenance Official and local board of appeals that a violation of section 702.1 exists; and to confirm that the violation of section 202 of the 2012 Virginia Maintenance Code is not properly before the Board because the violation was previously abated on November 15, 2018. Ms. Jackson seconded the motion. After further deliberation Mr. Mays amended his motion to address each item in a separate motion. In Mr. Mays amended motion Mr. Mays moved that in relation to the structure being unfit for human occupancy, since that has been abated the issue is not properly before the Board. Mr. Crigler seconded the amended motion and the motion passed with Messrs. Butler, Payne, and Pharr voting in opposition.

After further deliberation Mr. Mays moved to uphold the Property Maintenance Official and local appeals board that a violation of sections 305.1 of the 2012 Virginia Maintenance Code exists. Mr. Butler seconded the motion and motion passed with Mr. Crigler voting in opposition.

After further deliberation Mr. Mays moved to uphold the Property Maintenance Official and local appeals board that a violation of section 308.1 of the 2012 Virginia Maintenance Code exists. Ms. O'Bannon seconded the motion and motion passed with Messrs. Crigler, Payne, Pharr, Butler, Witt as well as Ms. Monday voting in opposition.

After further deliberation Mr. Mays moved to overturn the Property Maintenance Official and local appeals board that a violation of section 702.1 of the 2012 Virginia Maintenance Code exists because based on the County's testimony the egress violation had been resolved on November 15, 2018. Ms. Jackson seconded the motion and motion passed with Messrs. O'Bannon and Jackson voting in opposition.

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New Business
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Appeal of Eagle Properties and Investments, LLC: Appeal No. 18-15:

Eagle Properties and Investments, LLC filed a Notice of Dismissal of Appeal on May 9, 2019. The Board was made aware of the notice. No action was taken.

Appeal of Eagle Properties and Investments, LLC: Appeal No. 18-19:
Eagle Properties and Investments, LLC filed a Notice of Dismissal of Appeal on May 9, 2019. The Board was made aware of the notice. No action was taken.

Interpretation Request

An interpretation request from Jeff Brown, Director of the State Building Codes Office was considered concerning the 2015 Virginia Uniform Statewide Building Code (USBC), on Section 102.3 Exemptions concerning whether or not utility companies are regulated pertaining to solar farms.

After deliberations, Mr. Witt moved to approve the interpretation with the editorial change adding a note after each question that reads "*No exempt equipment, wiring, or support structure may create an unsafe condition prohibited by the USBC*". The motion was seconded by Mr. Mays. The motion passed with Mr. Givens voting in opposition.

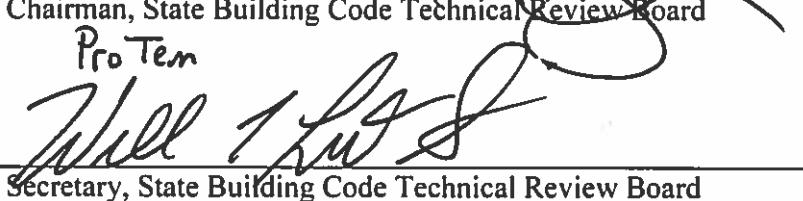
Secretary's Report

No report provided.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 6:00 p.m.

Approved: July 19, 2019


Eric M. McClellan
Chairman, State Building Code Technical Review Board
Pro Tem

Will H. Givens
Secretary, State Building Code Technical Review Board