

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING  
July 20, 2012

GLEN ALLEN, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman  
Mr. R. Schaefer Oglesby, Vice-Chairman  
Mr. Matthew Arnold  
Mr. J. Daniel Crigler  
Mr. James R. Dawson  
Mr. John H. Epperson  
Mr. Joseph A. Kessler, III  
Mr. James N. Lowe  
Mr. Eric Mays  
Ms. Patricia S. O'Bannon

Members Absent

Mr. W. Keith Brower, Jr.  
Mr. John A. Knepper, Jr.  
Ms. Joanne D. Monday

Call to Order

The meeting of the State Building Code Technical Review (Review Board) was called to order by the Chairman at approx 10:00 a.m.

Roll Call

The attendance was established by Mr. Vernon W. Hodge, Sr. and constituted a quorum. Mr. Steven Jack, Assistant Attorney General in the Office of the Attorney General, was present serving as the Board's legal counsel.

Approval of Minutes

Mr. Oglesby moved to approve the minutes of the March 16 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Lowe and passed unanimously. Messrs. Dawson and Epperson and Ms. O'Bannon abstained from the vote.

Final Orders

Appeal of Charles E. Bird; Appeal No. 11-16:

After consideration, Mr. Oglesby moved to approve the final order presented in the Review Board members' agenda package. The motion was seconded by Mr. Lowe and passed unanimously. Messrs. Dawson and Epperson and Ms. O'Bannon abstained from the vote.

New Business

Appeal of Lee Roy Trent (Firewater Transport, LLC); Appeal No. 12-2:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned the parking of tanker trucks adjacent to the Mr. Trent's shop and house, located at 1329 Scenic Drive, in Patrick County, and whether to overturn a citation issued under the Virginia Statewide Fire Prevention Code (SFPC) by the State Fire Marshal's Office for parking the tanker trucks in violation of the SFPC.

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

Lee Roy Trent  
Kenneth L. Kent, for the State Fire Marshal's Office  
Ed Altizer, State Fire Marshal

Also present were:

Dan Summerlin, Esq., counsel for Lee Roy Trent  
Cathie F. Hutchins, Esq., counsel for the State Fire Marshal's Office

Messrs. Arnold and Kessler arrived at approximately 10:10 a.m.

The following exhibit was submitted by Lee Roy Trent, without objection, to supplement the information in the Review Board members' agenda package:

Appellant Exhibit A – Photographs of parked tanker trucks

The State Fire Marshal's Office submitted a larger copy of a map of the area which was already in the record.

Mr. Trent also offered the following exhibit, which was ruled by the Chairman to be excluded due to not being relevant:

Appellant Exhibit B – Statements by neighbors

New Business

Appeal of Lee Roy Trent (Firewater Transport, LLC); Appeal No. 12-2 (continued):

After testimony concluded, the Chairman 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 Lee Roy Trent (Firewater Transport, LLC); Appeal No. 12-2:

After deliberation, Mr. Epperson moved to overturn the decision of the State Fire Marshal's Office due to the inapplicability of the code provision cited. The motion was seconded by Mr. Crigler and a vote was taken. The motion passed with Messrs. Dawson and Mays and Ms. O'Bannon voting in opposition.

Mr. Dawson left the meeting due to a prior commitment.

Secretary's Report

Mr. Hodge informed the Review Board members of a reorganization with the Department, which may change staffing responsibilities for the Review Board. Mr. Emory Rodgers, the Deputy Director of the Division of Building and Fire Regulation, would address that issue with the Board.

Two code change proposals from the Review Board, considered at a prior meeting, were revisited after staff made minor changes at the direction of the Review Board members.

After discussion, Mr. Mays moved to approve the code change proposal for means of egress in Group R-2 buildings without sprinkler systems. The motion was seconded by Mr. Arnold and passed unanimously.

After further discussion, Mr. Mays moved to approve the code change proposal for defective materials. The motion was seconded by Mr. Epperson and passed unanimously.

Secretary's Report  
(continued)

Mr. Rodgers informed the Review Board members of the current status of the development of the 2012 building and fire regulations and thanked the Board members for their consideration of proposals based on interpretations and appeal cases.

Mr. Rodgers also assure Board members that the reorganization of the Division of Building and Fire Regulation would not affect Review Board operations and staffing and was necessary to bring the Division in line with staffing and manager to employee ratios within the rest of the Department. More information would be forthcoming as the reorganization is implemented.

Adjournment

There being no further business, the meeting was adjourned by motion of Ms. O'Bannon at approximately 2:00 p.m.

Approved: November 16, 2012

/s/

\_\_\_\_\_  
Chairman, State Building Code Technical Review Board

/s/

\_\_\_\_\_  
Secretary, State Building Code Technical Review Board