

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
October 12, 2018
Henrico, Virginia**

Members Present

Mr. James R. Dawson, Chairman (Recused himself from the meeting after Roll Call)
Mr. W. Shaun Pharr, Esq., Vice-Chairman
Mr. Vince Butler
Mr. Alan D. Givens
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Ms. Patricia S. O'Bannon
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt

Members Absent

Mr. Daniel Crigler
Ms. Joanne Monday
Mr. E. G. Middleton, III
Mr. Aaron Zdinak, PE

Call to Order The meeting of the State Building Code Technical Review Board ("Review Board") was called to order at approximately 9:00 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 August 17, 2018 meeting in the Review Board members' agenda package were considered. Mr. Witt moved to approve the minutes with the editorial change in spelling of the word "do" in the first paragraph of page nine, the possessive change to the word "City's" in the fourth paragraph from the bottom of page 11, and the exchange of "locality" for local board in the third paragraph from the bottom of page 11 of the agenda package. The motion was seconded by Mr. Payne and passed unanimously with Ms. Jackson abstaining.

Final Orders Appeal of KEBCO Enterprises, Inc. (Kenneth Bullock)
Appeal No. 18-03:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Mays moved to approve the final order with the editorial change presented by Mr. Payne to remove "*Vernon Hodge, Acting*" and replace it with "*W. Travis Luter, Sr.*" in the statement of further review. Ms. O'Bannon seconded the motion and it passed unanimously with Ms. Jackson abstaining.

Appeal of Joshua and Makiba Gaines
Appeal No. 18-05:

After consideration of the final order presented in the Review Board members' agenda package, Mr. Mays moved to approve the final order with the editorial changes presented by Mr. Payne to remove "appeal" and replace it with "appealed the" in the second paragraph of page 23, add an "s" to the word "agree" in the last sentence under item B of page 27, remove "ed" from the word "re-inspected" in the first sentence of item C of page 27, remove the word "by" in the second sentence of page 29, and remove "Vernon Hodge, Acting" and replace it with "W. Travis Luter, Sr." in the statement of further review. Ms. O'Bannon seconded the motion and it passed unanimously with Ms. Jackson abstaining.

Public Comment

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

New Business

Appeal of Dr. Eric W. Bond (Augusta County Public Schools); Appeal No. 18-04

A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under the Statewide Fire Prevention Code related to Cassell and Rivershead Elementary Schools owned by Augusta County located at 1301 Rockfish Road and 239 Don Hanger Circle respectively in Augusta County.

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

Kenneth L. Kent
Brian McGraw
Douglas Shifflett Jr.
Eric W. Bond

Also present was:

Rodney Yound, Esq., legal counsel for the Augusta County Public Schools

After testimony concluded, Vice-Chairman Pharr 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: Dr. Eric W. Bond (Augusta County Public Schools); Appeal No. 18-04

After deliberations, Mr. Witt moved to separate the three violations into three separate motions. The motion was seconded by Mr. Mays and passed unanimously.

Mr. Witt moved to overturn the decision of the State Fire Marshal that a violation of section 1030.2.1 of the Statewide Fire Prevention Code (SFPC) exists. The motion was seconded by Mr. Butler and passed unanimously.

Mr. Witt moved to continue the two remaining cited violations for each of the elementary schools pertaining to violations to SFPC Sections 401.2 and 404.2.3.1 related to the evaluation and lockdown plans allowing the parties to get together and cooperatively come up with approved evacuation and lockdown plans. The motion was seconded by Ms. O'Bannon and passed unanimously.

During deliberation Mr. Mays made substitute motion to uphold the State Fire Marshal's violation notices related to the two remaining cited violations for each of the elementary schools pertaining to violations to SFPC Sections 401.2 and 404.2.3.1 related to the evaluation and lockdown plans with an extension of the compliance deadline to January 15, 2019. The motion was seconded by Ms. Jackson. After further discussion Mr. Mays withdrew his substitute motion.

Appeal Jack D. Singleton; Appeal No. 18-09:

A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under Part III of the Virginia Uniform Statewide Building Code (the 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:

Charles Vannatter
Jack Singleton

Also present was:

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

After testimony concluded, Vice-Chairman Pharr 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 Jack D. Singleton; Appeal No. 18-09:

After deliberation Mr. Mays moved that the appeal was timely. The motion was seconded by Ms. O'Bannon and passed unanimously.

Mr. Mays moved to uphold the decision of the Town Building Official and local appeals board that the cited violations of the VMC Section 105, Unsafe Structures or Structures Unfit for human Occupancy, exist and that the placarding of the structure was proper with the determination that the placard was improper. Mr. Mays further moved that a proper placard be issued with the new date, in full compliance with Section 105 of the VMC, and with the corrections needed. The motion was seconded by Ms. O'Bannon and passed unanimously.

Mr. Mays moved to uphold the decision of the Town Building Official and local appeals board that violations of VMC Section 105 exist and that securing of the structure was, and is, required. The motion was seconded by Mr. Butler and passed unanimously.

Mr. Mays moved to uphold the decision of the Town Building Official and local appeals board on items one through five (1-5) and 10 of the March 26, 2018 notice of violation with the correction to item one (1) to only reference unsafe structure and to reference the new date of the placard. Mr. Mays further moved that the notice of violation be re-issued with for these items with the indicated corrections.

Mr. Mays moved to overturn the decision of the Town Building Official and local appeals board on items six through nine (6-9) and 11-57 of the March 26, 2018 notice of violation. The motion was seconded by Mr. Witt and passed unanimously.

Mr. Mays moved to overturn the decision of the Town Building Official and local appeals board that violations of VMC Section 105 exist and that demolition of the structure was required. The motion was seconded by Mr. Payne and passed unanimously.

Appeal Anthony Grant Jr.; Appeal No. 18-10:

Continuance requests from the City of Suffolk on September 11, 2018 and Alexander Bell, attorney for Anthony Grant Jr. on September 25, 2018 were presented to Vice-Chairman Pharr. Each continuance request was made and denied by the opposing parties at the time of the requests. Vice-Chairman Pharr denied the requests and proceeded with the hearing.

A hearing convened with Vice-Chairman Pharr serving as the presiding officer. The appeal involved citations under Part I of the Virginia Uniform Statewide Building Code (the Virginia Construction Code) related to the home owned by Anthony and Ashley Grant Jr. located at 4281 Cole Avenue in the City of Suffolk.

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

Stanley Skinner
Anthony Grant

Also present was:

Kalli Jackson, Esq., legal counsel for the City of Suffolk

After testimony concluded, Vice-Chairman Pharr 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 Anthony Grant Jr.; Appeal No. 18-10:

After deliberation Mr. Payne moved that the appeal was untimely. The motion was seconded by Mr. Witt. After further deliberation Mr. Witt withdrew his second. The appeal was continued to November 16, 2018.

State Building Code Technical Review Board
October 12, 2018 Minutes - Page 6

Secretary's Report

Mr. Luter informed the Review Board that he had completed the Draft Policy Manuals, based on the historical minutes of the Review Board, and that copies were located on a table near the exit of the room. He asked that each Board member pick up a copy on the way out and review it prior to the November 16, 2018 meeting..

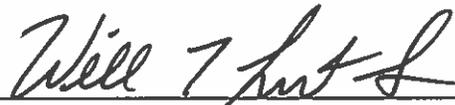
Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 6:35 p.m.

Approved: November 16, 2018



Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board