

**STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
March 15, 2019
Chesterfield, Virginia**

Members Present

Mr. James R. Dawson, Chairman
Mr. W. Shaun Pharr, Esq., Vice-Chairman
(arrived after the approval of the final order for
Appeal No. 18-14)
Mr. Vince Butler
Ms. Christina Jackson
Mr. Joseph Kessler
Mr. Eric Mays, PE
Ms. Joanne Monday
Ms. Patricia S. O'Bannon
Mr. J. Kenneth Payne, Jr.
Mr. Richard C. Witt
Mr. Aaron Zdinak, PE (arrived after the
conclusion of public comments)

Members Absent

Mr. Daniel Crigler
Mr. Alan D. Givens
Mr. E. G. Middleton, III

| | |
|---------------------|---|
| 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 February 15, 2019 meeting in the Review Board members' agenda package were considered. Mr. Witt moved to approve the minutes as presented. The motion was seconded by Ms. Jackson and passed with Messrs. Butler and Kessler as well as Mses. Monday and O'Bannon abstaining. |
| Final Orders | <u>Appeal of Karen Lindsey</u> <u>Appeal No. 18-07:</u> After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Mays moved to approve the final order as presented. The motion was seconded by Mr. Payne and passed with Messrs. Butler and Kessler as well as Mses. Monday and O'Bannon abstaining. |

**State Building Code Technical Review Board
March 15, 2019 Minutes - Page 2**

Final Orders
(continued)

Appeal of AMcL LLC
Appeal No. 18-14:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Mays moved to approve the final order as presented. The motion was seconded by Mr. Witt and passed with Messrs. Butler and Kessler as well as Mses. Monday and O'Bannon abstaining.

Appeal of Rappahannock County High School
Appeal No. 18-16:

After review and consideration of the final order presented in the Review Board members' agenda package, Mr. Witt moved to approve the final order as presented. The motion was seconded by Mr. Mays and passed with Messrs. Pharr, Butler and Kessler as well as Mses. Monday and O'Bannon abstaining.

Public Comment

Chairman Dawson opened the meeting for public comment. Mr. Luter advised that Michael Morrissey had signed up to speak. At the conclusion of Michael Morrissey's comments, and with no one else coming forward, Chairman Dawson closed the public comment period.

New Business

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

Mr. Payne recused himself from this hearing because his employer does work for Old Dominion University (ODU) and left the meeting.

A hearing convened with Chairman Dawson serving as the presiding officer. The appeal involved citations under the 2012 Statewide Fire Prevention Code related to the property owned by ODU located at 4701 (Units A – N) and 4601 (Units AA – NN) Powhatan Avenue in the City of Norfolk.

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

Greg Wooldridge, ODU
Jared Hoernig, ODU
Billy Hux, State Fire Marshal's Office (SFMO)
Brian McGraw, State Fire Marshal

Also present was:

Catherina F. Hutchins, Esq., OAG counsel for the SFMO

**State Building Code Technical Review Board
March 15, 2019 Minutes - Page 3**

New Business
(continued)

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

After deliberations, Mr. Witt moved to refer the appeal to the Virginia Department of General Services, Division of Engineering and Buildings for a determination as to whether the smoke detectors currently installed are in compliance with the retrofit provision of the 2012 Virginia Rehabilitation Code Section 1701.2. The motion was seconded by Ms. O'Bannon. The motion passed unanimously.

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

A hearing convened with Chairman Dawson serving as the presiding officer. The appeal involved the issuance of a certificate of occupancy under the 2012 Virginia Construction Code related to the property owned by David Stokes located at 531 LaGrange Industrial Drive in Essex County.

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

Alwyn W. Davis Jr., Essex County Building Official
David Stokes, Owner of the property
Jeffrey Howeth, P. E. , on behalf of Mr. Parker

Also present was:

Chris Mackenzie, Esq., legal counsel for Essex County

Mr. Luter informed the Review Board members that Mr. Raymond M. Parker Sr. had been properly notified of the hearing; however, he was not in attendance.

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

**State Building Code Technical Review Board
March 15, 2019 Minutes - Page 4**

New Business
(continued)

distributed to the parties and would contain a statement of further right of appeal.

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

After deliberations, Mr. Witt moved to dismiss the appeal as not properly before the Board and it was not properly before the local appeals board because Mr. Parker is not an aggrieved party. The motion was seconded by Mr. Butler. The motion passed with Messrs. Zdinak, Payne, and Pharr voting in opposition.

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 Fairfax County.

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 was:

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. Witt moved to continue the case with the condition that Fairfax County be allowed to perform an inspection of

State Building Code Technical Review Board
March 15, 2019 Minutes - Page 5

New Business
(continued)

the property. The motion was seconded by Ms. O'Bannon. Mr. Witt later withdrew his motion.

After further deliberation Ms. Monday moved to continue the case to the May 17, 2019 meeting. The motion was seconded by Mr. Pharr and passed unanimously.

The Review Board directed the secretary to seek and accept final submittals from both parties of the appeal pursuant to the following submittal schedule:

- Appellant final submittal deadline to be April 12, 2019
- Appellee final submittal deadline to be April 26, 2019

The Review Board further directed the secretary to add the final submittals from each party to the record of the appeal presented in the March 15, 2019 agenda package; thus creating the record of the appeal for the May 17, 2019 meeting.

Interpretation Request

An interpretation request from Powhatan County Building Department was considered concerning the 2015 Virginia Uniform Statewide Building Code (USBC), on Section 102.3 Exemptions #1 and #2 concerning whether or not utility companies are regulated pertaining to solar farms. The Review Board decided not to directly answer the request for interpretation from Powhatan County at this time.

The State Building Codes Office Director, Jeff Brown, informed the Review Board that his office had received multiple inquires related to solar farms similar to that of Powhatan County and that he had conducted extensive research on the topic, some of which he shared with the Review Board.

After discussion, the Review Board directed staff to further research the topic and develop a formal opinion. The Review Board also directed staff to bring their research and formal opinion, along with a better formulated request for interpretation to address the issue of solar farms, back to the Review Board at a subsequent meeting.

After further discussion, Mr. Witt moved to direct staff to draft an interpretation recommendation, to the better formulated a request for interpretation staff was directed to draft, specifying that electric companies regulated by the SCC are exempt from the USBC for solar farm projects on owned or leased land where the electric company has exclusive control of construction and operation of the solar farm. The motion was seconded by Mr. Mays and passed unanimously.

State Building Code Technical Review Board
March 15, 2019 Minutes - Page 6

Request for
Reconsideration

A petition for reconsideration for Appeal No. 18-14 was distributed to the board members. Ms. O'Bannon recused herself from the hearing and exited the meeting.

After discussion, Mr. Witt moved to uphold the original decision of the Board, as outlined in the approved final order, and deny the request for consideration. The motion was seconded by Ms. Jackson and passed with Ms. Monday abstaining from the vote.

Secretary's Report

Mr. Luter provided an update on Mr. Crigler.

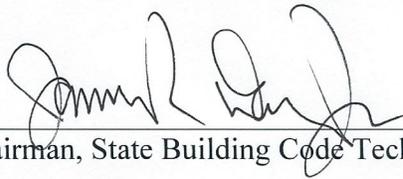
Mr. Luter discussed a new date for the Retreat. Review Board directed the secretary to find another date and email the members for consensus.

Mr. Luter provided the Review Board members with a basic overview of the two cases coming before them in the May meeting. Mr. Luter informed the members the May meeting will be at the Virginia Housing Center.

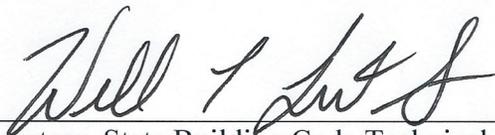
Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 3:30 p.m.

Approved: May 17, 2019



Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board