VBCOA Board Meeting
July 27, 2018
Glen Allen, Virginia

President Gregg Fields called the meeting to order at 10:10 am
Following the pledge of allegiance, there was a roll call of voting members:

**Voting members**
Gregg Fields, President
Pete Mensinger, 1st Vice President*
Jimmy Moss, Second Vice President
Matt Westheimer, Sargeant At Arms
David Beahm, Immediate Past President
John Broughton, Region II
Ron Schuett, Region III
Kyle Kratzer, Region V
Rick Farthing, Region VI
Mike Eutsey, Region VII
Christina Jackson, Region VIII
Paula Eubank, Awards and Resolutions
Mike Williams, Awards and Resolutions
Richard Moore, IRC
Jason Laws, IRC
Ron Clements, Legislative

Julie Chevalier Walton, Legislative
Michelle Coward, Membership
Paula Fristoe, Permit Technicians
Earl Weaver, Property Maintenance
Philip Pugh, Property Maintenance
Allison Cook*, Rehabilitation Code (called in)

**Ad hoc and others present**
Sandy Harrington, Executive Director
Jessica Ackerman, VML
Jeffrey Brown, DHCD
Max Halbruner, UVA/VML Intern
Greg Revels, Henrico County
Rick Witt, Chesterfield County

There was a motion by Christina Jackson, seconded by Michelle Coward to approve the minutes of the April 30, 2018 Board meeting, the motion was unanimously approved.

President Fields indicated there would be a moment of silence for Boyd "Sonny" Lam
Sandra Harrington did the roll call of voting members

**Officers Reports**
President Fields

**Additions to the Board packet/agenda**
Past President Beahm stated ICC Region VII should be Mike Eutsey, not David Beahm
Past President Beahm provided Past Presidents, Nominations, Military Families Career Creation and Virginia Code Education Conference reports
Ron Schuett provided an updated Region III report

President Fields reminded everyone to make sure their voter validation is updated so they can vote.
Fire Code - September 7, should try to attend. Jeff Brown, DHCD discuss later.
President Fields indicated he spoke at the retirement of Jim Collins and both Jim and Jamie Collins have retired.
President Fields talked about the big success of Building Safety Month and all of the activities throughout the VBCOA Regions.
President Fields indicated ICC has call out for those interested in serving on committees and advised to be sure to look at the ICC website for these opportunities. President Fields congratulated Jimmy Moss and Sandy Harrington for the mid-year and a good event, that was very well attended.

**First VP Pete Mensinger**

Pete Mensinger submitted a written report. He reminded the Board to forward things to Pete for social media purposes. Pete indicated that the HSTTP region chairs are looking for ways to expand access to the program and that the Region chairs will be expanding presence on the website.

Pete stated that in continuing with furthering President Fields leadership goals, region chairs have been challenged to reach out to someone new.

Region Chairs met recently and talked about the retired membership

Trying to get information out about 2018 ICC Conference in Richmond and also the hearings, been doing a lot of outreach, scholarships for Annual conference and ICC Conference coming soon. Reminder about elections coming at the end of the year.

Extended appreciation to membership committee, Michelle Coward doing a great job and thanked the Region chairs for their hard work.

**Region Chairs**

Region I-Terry Atwell submitted a written report not present, Pete read his report

Region II-John Broughton submitted a written report

Region III-Ron Schuett submitted a written report, provided updated report at the meeting

Region IV-not present and no report

Region V-Debra McMahon submitted a written report – Kyle Kratzer reported for region V

Region VI-Rick Farthing submitted a written report, adding emporia and Hopewell BSM had activities

Region VII-Mike Eutsey submitted a written report in addition talked about BSM in conjunction with ACE Hardware

Region VIII-Christina Jackson submitted a written report. They are going to offer 5 scholarships, lost the Vice Chair, will need to have elections in December

**Time & Place**

Second Vice President Jimmy Moss submitted a written report

**Sargeant at Arms**

Matt Westheimer updated on the Bob Fowler ride, Paula Johnson has the waivers

Mid-Year and Annual 2019 dates set

Region VIII will have a cook out catered at go karts plus for Saturday Sept 15

**Past Presidents**

David Beahn provided a report

**Nominations**

David Beahn provided a report
Old Business
VML agreement and support with the Executive Director, Pete and Gregg met with VML. Clarified happy with the person providing service, had discussions about the services, timeliness of the budget increase. Decision to evaluate this year services, cost, and will be one-year agreement (not 2); additionally, will evaluate inquiries from others that want to provide the service. Will make a decision before next year’s budget, a lot of opinions about this, want to properly vet this out. Based on cost of services provided, and make sure both VML and VBCOA are on the same page will go thru region chairs and Board as part of the budget process.

2018 ICC Conference
Pete Mensinger provided a report, he also stated they have raised in excess of $150,000 for sponsors. Motorcycle ride thru Paula Johnson – ride routes, sponsor of the Ron Burton Golf tournament. Opening event committee, request from US Army to present colors, colonial militia discussions going on with them in progress and guest singer for national anthem.

Gregg encouraging people to go, stating Virginia will not see this type of thing in a long time, 2018 committee has done incredible work, going to be proud to be a Virginian.

New Business
USBC Jeff Brown DHCD September 4 as date for publication
Statewide fire prevention code – 60 days comment period, a lot of comments that have come in and petitions – still 30 days left to put in comments on the Fire Code.
Sept 7th will be final consideration of the comments, expect a large turnout and a lot of public comment period looking at effective date of October 16

Sean Farrell added comment period kicks off on August 6, if you cannot make it to the September 7th meeting, put it into the comments, we need to send out the website for members to put in comments

Rick Witt stated he cannot emphasis how important it is to have people show up at the hearing because of the large presence of opposing views. He suggested a letter be developed to provide to building officials across the state, emphasizing the adoption of the fire code.

David asked for clarification on what the options. Sean Farrell clarified the Codes and Standards Committee and the Fire Services Board representative Chief Keith Johnson are in conflict. Sean will be working on rebutting the technical provisions suggested. Rick Witt reminded this is not a public hearing, the Chairman will allow for “comment” and could ask for someone in the audience to provide a clarification, typically if it gets thru the CSC committee, very rarely will the Board change positions. Sean Farrell stated the Fire Services Board wanted to put in petitions, asked if you are going to send in petitions put in the technical issue you feel is not correct.

ICC Board
Rick Witt made a motion for letters to be sent supporting Bill Bryant for President, Greg Wheeler for VP, Cindy Davis for Secretary that they be elected – seconded by David. – passed unanimously
Rick Witt made a second motion, suggesting any other ICC candidate who asks, support their candidacy to the nominations committee, David Beahn seconded. VBCOA official position would be based on what nominations committee puts forward – after nominations committee comes out with their slate, further discussion can come if necessary. Rick Witt’s motion that any candidates requesting VBCOA support shall receive support to the nominations committee, motion carried unanimously.

Agritourism
Stakeholder group being convened, in 2000 this was a big deal, farm winery, board of housing, study committee – Jimmy and Gregg have attended meetings on this, want to examine public safety issues related to existing buildings-farm use buildings. Rick Witt stated the TRB has an interpretation on farm buildings coming up. Also, a jurisdiction has created a building code in their ordinance.

Jeff Brown, DHCD stated not clear where this is leading, primarily focusing on assembly use (over 50). President Fields stated the goal is to wait on the report and provide a VBCOA position on it at that time. Lots of discussion about this issue from localities and the definition of a farm. President Fields stated DHCD did a nice matrix on what they were requesting and comparison to what is already existing, going to wait and then decide what VBCOA position is. Gregg also talked about vertical farms (growing up on the side of the building).

Residential work group –
Consensus Virginia Beach doesn’t have to change to R1 if renting to a family-not a change of use. Arlington - is there a way to allow renting part of the house without it being considered a multiple occupancy dwelling (building a separation), consensus was it’s in the code, going to work on an exception. Allison Cook indicated this would include provisions regarding the utility requirements.

Ron Clements is going to get something out to folks to look at as part of the code development cycle.

**Code Change Training**
Make sure you get your folks in for the code change training
Mike Eutsey going to take the DHCD module and deliver it at the region level
Sandi Morris will help get thru DPOR to get the CEU’s

**Governors Housing Conference – motion to bronze level sponsorship**
There was a motion by David Beahn, seconded by Pete Mensinger to be a Bronze level sponsor for the governors housing conference ($1,000), motion passed unanimously

**Committees and Other Reports**

**Ad hoc Administrative**
President Fields reported he and Pete have discussed and will be appointing someone
Ad hoc High School Technical Training Program
Kyle Kratzer submitted a written report

Ad hoc Fire Code
Rick Witt submitted a written report

Ad hoc Military families career creation
David Beahm submitted a report

Awards and Resolutions
Paula Eubank submitted a written report
Mike Williams also stated to Region chairs, if they know they will be issuing scholarships, to please advise the Awards and Resolutions so they are aware and not giving someone a scholarship who gets a region scholarship. For ICC there will be scholarships for hotel plus registration for the business, education and for code hearings.

Rick Farthing stated for their region they will cover registration

Nominations for awards for the Annual meeting will be out soon, Paula Eubank stated she would like to nominate Jim and Jamie Collins.

Education
Mike Eutsey submitted a written report. Code update training he will contact Sandi Morris about the DPOR credit, region chairs to discuss if they would charge

Energy Conservation
Ellen Eggerton was not present, submitted a written report

International Building Code
Jeffrie Morrow not present, submitted a written report

International Residential Code –
Jason Laws and Richard Moore submitted a written report.

Legislative
Ron Clements submitted a written report.

Membership
Michelle Coward submitted a written report-President Fields read from her report.

Permit Technicians
Debra McMahon and Paula Fristoe submitted written report.

Plumbing/Mechanical Code
Richard Grace is not present
Property Maintenance
Phillip Pugh and Earl Weaver submitted a written report. Also stated trying to coordinate next meeting with Gypsum wall ties and Simpson Strong Ties.

Greg Revels provided a letter written to John Ainslie, Chairman Virginia Board of Housing and Community Development (addition to Board packet), he stated this was a consensus among the stakeholders, letter of agreement letter related to Part III of the VMC (IPMC) – letter will go to the Codes and Standards committee, if approved will carry forward as a report to the Board of Housing.

Ron Clements mentioned workgroup has been created to look at evictions, he will forward their names to the workgroup.

Earl if you have anything you want PM folks to know please send them training topics

Public Information
Tom Coghill not present. Past President Beahm, President Fields thanked him for his work on the PIO, ICC Chapter of the Year which will be presented in Richmond during the ICC conference.

Rehabilitation Code Committee
Alison Cook submitted a written report. She reported she is still looking for a region representative from Regions 1, 2, and 4. Additionally looking for input for code change cycle.

David Beahm said he will be most likely be putting forward a by-laws change to the committee to the rename this committed to the Existing Building Code Committee.

VCEC
David submitted a report

Web Master
Not present, Jada Black submitted a written report

BCAAC
Not present, Eric Rice-Johnston submitted a written report

Director of Regulatory Compliance
Sean Farrell referred to earlier discussions about the Code changes

DPOR
Mike Redifer not present, submitted a report

TRB
Rick Witt submitted a written report
ICC Region 7
Jimmy Moss submitted a written report.

Rick Witt added there will be mock hearings for people who have been to code hearings or want to submit changes.

ICC
Not present Bryan Soukup submitted a July report. President Fields reported the Jacob Karson is our new ICC representative. President Fields read highlights from the report.

President Fields also mentioned the Container Guideline Development Committee Intermodal Shipping repurposed as buildings and building components for public comment. Email your public comment to containerguidelinecomments@iccsafe.org (go to iccsafe.org codes)

DHCD
Jeff Brown indicated the new Virginia Code Books will be out soon, at some point will also be online. Stakeholder group on Smoke Detectors and Rental Housing met, grants localities to regulate, DHCD to create a statewide form (not mandatory) but guideline for localities to use

Governors Housing conference Nov 15 – 16 in Crystal City, scholarships to be presented at the VBCOA conference in September.

Fall schedule for Building Code Academy is out

State Fire Marshal
Brian McGraw was not present and did not submit a report

VPMIA
Rick Witt submitted a written report

WICED
Christina Jackson reported they met in June, have some free ICC training
WICED is also going to be giving out ICC scholarships, reach out to Michelle Coward to join if you are not a member of WICED. Scholarships will be small, cover registration and 1 night hotel

VFPA
Not present

VAESA
President Fields adjourned the meeting at 3:15 pm
Additions to the July Board packet
Board of Directors Meeting
Glen Allen, Virginia
July 27, 2018
Submitted by David Beahm

Past Presidents Council

The Council has not met, but we have had a brief email conversation about future proposed By-Laws changes that the Region Chairs Committee have discussed and asked for feedback. Nothing is proposed as of yet and may not be prior to the Annual Conference.

Nominations Committee

The Committee has not met as of yet but will be meeting during the Annual Conference. An announcement will be sent out in August for the following positions; President, First Vice President, Second Vice President and Sergeant at Arms. The Officer interviews will be held directly after the BOD meeting.

Military Families Career Creation – Ad-Hoc

ICC will be holding an event for all chapters that have interest in this program at the Richmond 2018 ICC Conference in the Convention Center on Monday, October 22nd from 1:00 to 2:00 pm in Room B17.

Virginia Code Education Conference (VCEC)

At the present time we are not meeting due to the focus being on the Richmond 2018 ICC Conference. We will begin meeting again soon to determine how we will be proceeding for our next education event.
Mr. John Ainslie, Chairman
Virginia Board of Housing and Community Development
600 East Main Street, Suite 300
Richmond, VA 23219

RE: Action to Update the USBC by adoption of 2015 edition of the USBC

July 19, 2018

Dear Chairman Ainslie and Members of the Board of Housing and Community Development,

On May 23, 2018, pursuant to Code of Virginia, Sec. 2.2-4007.06, the Apartment and Office Building Association of Metropolitan Washington and the Virginia Apartment Management Association (AOBA/VAMA) requested an opportunity for AOBA/VAMA and any other interested party to submit oral and written comments on changes contained in final regulations for the Uniform Statewide Building Code (USBC) published in the Virginia Register on April 30, 2018 (Volume: 34 Issue: 18). One or more changes had been made to a proposed regulation which had substantial impact on AOBA/VAMA members and other building owners throughout the Commonwealth. Specifically, AOBA/VAMA felt the following sections, as currently drafted, could expose responsible building owners to unreasonable risk of prosecution:

Part III  Maintenance (International Property Maintenance Code)

- 13VAC5-63-470. Chapter 1 Administration; Section 103 Application of Code;
  Sec. D. 103.2.2 Responsibility; and

- 13VAC5-63-485. Section 105 Violations

Since the filing of the AOBA/VAMA petition, multiple discussions have occurred among key stakeholders, specifically: myself, on behalf of AOBA/VAMA; Greg Revels, Henrico County Building Official and Co-Proponent of the code changes cited above; Sean Farrell, on behalf of VBCOA; and Chip Dicks, FutureLaw, LLC, on behalf of the Northern Virginia Apartment Association. I am pleased to advise the Board that those discussions have resulted in consensus substitute language, provided and briefly explained below, which the participants respectfully submit for the Board’s consideration.
First, the participating stakeholders ultimately determined that, in regard to 13VAC5-63-470. Chapter 1 Administration; Section 103 Application of Code; Sec. D. 103.2.2 Responsibility, no revisions are necessary to the text which was published in the Virginia Register on April 30, 2018. This section consolidates, in one place, owner responsibilities which have previously appeared in multiple sections of the VPMC, and there is no objection to final adoption of it in its current form.

Second, in regard to 13VAC5-63-485. Section 105 Violations, the participating stakeholders agreed that Section 105.6 should be revised by deleting the last sentence of the section and adding a new subsection 105.6.1, so that it reads as follows:

**105.6 Further action when violation not corrected.** If the responsible party has not complied with the notice of violation, the code official may request the legal counsel of the locality to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require the removal or termination of the use of the building or structure involved. In cases where the locality or legal counsel so authorizes, the code official may issue or obtain a summons or warrant. Compliance with a notice of violation notwithstanding, the code official may request legal proceedings be instituted for prosecution when a person, firm or corporation is served with three or more notices of violation for the same property.

**105.6.1 Further action for corrected violations:** Compliance with a notice of violation notwithstanding, the code official may request legal proceedings be instituted for prosecution when a responsible party is served with three or more separate notices of violation for the same property within any five consecutive years. Legal proceedings shall not be instituted under this section for violation notices issued pursuant to the initial inspection of the property. Legal proceedings for violations that have been abated in residential rental dwelling units within a multifamily apartment development may only be instituted for such violations that affect safe, decent or sanitary living conditions.

Exception: Legal proceedings shall not be instituted for violations that have been abated on owner-occupied single family dwellings.

No other revisions to Section 105 are being recommended. The participating stakeholders believe that these clarifying revisions will meaningfully reduce the potential for an inappropriate request to institute legal proceedings against a responsible party, and we urge their adoption by the Board.

Sincerely,

W. Shaun Pharr

W. Shaun Pharr, Esq.
Senior Policy Advisor