

**VBCOA Board Meeting
October 16, 2020
Electronic Meeting**

President James Moss called the meeting to order at 9:00 a.m.

John Broughton led the pledge of allegiance.

A roll call of voting members present was conducted by Executive Director Sandra Harrington

Roll call

James Moss, President
Matt Westheimer, 1st Vice President
Mike Eutsey, 2nd Vice President
John Broughton, Sergeant at arms
Pete Mensinger, Immediate Past President
Terry Atwell, Region I
Morgan Yates, Region II
David Beahm, Region III
Bob Orr, Region IV
Kyle Kratzer, Region V
Jason Laws, Region VI
Richard Gordon, Region VII
Richard Burkard, Region VIII
Mike Williams, Awards and Resolutions
Christina Jackson, Education
Dan Willham, IBC
Richard Moore, IRC
Ron Clements, Legislative
Michelle Coward, Membership
Richard Grace, PMG
Earl Weaver, PM Committee
Sandy Harrington, Exec Director

Ad hoc Ex Officio and others

Lisa Berger, ICC
Jeff Brown, DHCD
Gregory Cade, NFPA
Cindy Davis, ICC
Sean Farrell, Admin, DRC
Sarah Foote, DHCD
Patrick Hughes, A&R
Sandi Morris, DHCD
Julie Walton, Legislative
Rick Witt, Fire Code, TRB, VPMIA

President Moss asked for a motion to approve the agenda as submitted, Pete Mensinger, seconded Morgan Yates. The motion was unanimously approved.

President Moss asked if everyone read over the minutes and if there were any alterations or discussion. There was a motion to approve the minutes of the July 27, 2020 Board of Directors Pete Mensinger motion, seconded by John Broughton as submitted. The motion was unanimously approved.

Presidents Report

President Moss indicated the Committees have been very busy in Code changes and getting ready for DHCD meeting on the 19th. Wanted to commend all the Committees for continuing the work during this time.

Region Chairs

First Vice President Matt Westheimer indicated that the Region Chairs have submitted their reports and invited the Region Chairs to speak on their reports if they wanted. Kyle Kratzer provided a verbal report for Region 5. Had the first meeting since January in September. Held Elections, everyone returning in the same positions as last year, held training on accessibility and will probably continue to hold meetings virtually going forward. For the holidays they are going to try to raise money using GoFundMe for Food Pantries.

Region Chairs

Region 1-Terry Atwell submitted a written report.

Region 2-Morgan Yates submitted a written report

Region 3-David Beahm submitted a written report

Region 4-Bob Orr submitted a written report

Region 5-Kyle Kratzer stated that Region 5 had their first meeting since January 20 in September, everyone is coming back in their positions last year, Had accessibility training. Will be continuing meetings virtually going forward. Going to try to raise money for Food pantries using go fund me for the holidays.

Region 6-Jason Laws submitted a written report

Region 7-Richard Gordon submitted a written report

Region 8- no report submitted

Time & Place

Mike Eutsey and John Broughton submitted a written report

Past Presidents

Immediate Past President Pete Mensinger submitted a written report

Nominations

Immediate Past President Pete Mensinger indicated an advertisement for officers' positions will be going out soon and interviews will be conducted in person or virtually.

Association Business

1. Gregory Cade-NFPA Regional Director

Gregory Cade provided an updated way to access the NFPA Code and Standards called *NFPA link*

(see attachment B included as part of the Board packet). Can be found online <https://www.nfpa.org/link?icid=W155>

2. Annual Conference discussion

President Moss led a discussion about moving forward with the in-person conference, which was originally scheduled for September and moved to December in Williamsburg. Due to the continuing impact of the public health crisis because of COVID 19, including restrictions on travel and restrictions related to in person gatherings. President Moss also indicated that other than scholarship individuals there had only been 18 additional conference registrations.

Morgan Yates made a motion staying consistent with ICC our parent association, and due to COVID 19 concerns, and due to concerns for travel restrictions, propose 2020 conference be cancelled and continue with current officers until the Fall 2021 Annual Conference and School. Seconded by Matt Westheimer.

Pete Mensinger asked about the possibility of having a virtual conference. There was discussion about virtual conference options. President Moss suggested offering training opportunities to the VBCOA virtually in the coming months to fill the training void.

President Moss indicated that the Williamsburg Lodge was willing to allow for a reschedule until Fall 2022 and the Williamsburg lodge would consider it a re-booking not a cancellation.

Sean Farrell-Asked if the motion was to eliminate the conference which is usually held at the annual meeting? And what needs to happen to address by-law requirements about having an annual membership meeting. President Moss indicated to extend the Officers terms, in accordance with Article VII Section 6, there would need to be a board vote.

John Broughton discussed various by-law references.

Mike Williams asked for clarification – was the motion including not having the annual conference this year; extending the terms of the current officers which would require a Board vote; and then the cancelling the annual meeting. Mike Eutsey suggested keeping the dates and having a virtual meeting. President Moss stated a vote or amended motion was required.

Sean Farrell stated he agreed with Mike Eutsey about cancelling the in person meeting but that we need to ensure compliance with the by-laws about an annual meeting requirement and the issue with the election of officers and he felt they should be split motions.

A roll call vote was conducted. The motion did not meet the required 2/3 majority of the Board votes.

President Moss asked if there were another motion. Morgan Yates provided a new motion, due to COVID propose the VBCOA Annual Conference in person conference in Williamsburg be cancelled. The motion was seconded by Matt Westheimer. Unanimously passed.

Morgan Yates proposed that in accordance with Article VII Section 6 the officers and committee chairs, (not the region chairs because they have their own elections) continue in their current roles

until the Fall 2021 Annual meeting, seconded by Christina Jackson. Unanimously passed.

Mike Williams made a motion that the Board do the research regarding the plan for virtual training offerings in conjunction with our partners and announce the information regarding their intentions at the Annual membership meeting in December. Matt Westheimer seconded. Unanimously approved

President Moss led a discussion with the Board regarding Sponsors for the website and the newsletter. David Beahm suggested not overlooking potential revenue opportunities. President Moss wants to look at other associations are doing to see what Sponsorships should look like. David Beahm suggested we use the language of partnership not sponsorships like VPMIA.

Committees and Other Reports

Awards and Resolutions

Patrick Hughes and Mike Williams submitted a written report. President Moss said to ensure that the Awards we have in place there is some sort of Presentation at the Virtual Annual Meeting. President Moss clarified this was related to the Region of the Year Award not presented in March.

Education

Christina Jackson provided not written report. Mike Eutsey reported they conducted a virtual NRS class and working on a virtual 8-hour class for the home inspectors. John Broughton stated that he has committed to helping with the NRS training and there should be something in November.

Energy Conservation

No one present and no report submitted.

International Building Code

Dan Willham submitted a written report

International Residential Code

Richard Moore submitted a report

Legislation

Ron Clements fortunate with the special session. Ron said he sees the biggest potential issue for 2021 Session at this point to be related to giving localities authority to locally amend the Building code especially related to Energy and Resiliency.

Membership

Michelle Coward submitted a written report

Permit Technicians

Paula Fristoe submitted a report as an addition to the Board packet

Plumbing/Mechanical Code

Richard Grace submitted a written report, pointed out that the date on the report for Monday was incorrect and the correct date is October 19 (not 18).

Property Maintenance

Earl Weaver submitted a written report

Public Information

Tom Coghill submitted a written report

Existing Building Code Committee

No one present, no report

Ad Hoc Administrative

No report

Ad hoc High School Technical Training Program

Kyle Kratzer said it is difficult right now. President Moss asked if it was a good time to reach out to existing schools to keep them engaged.

Pete Mensinger mentioned there is funding thru the ICC Foundation and he is willing to work with Kyle on the grant application process.

Ad hoc Fire Code

Rick Witt reported that the many stakeholders finally completed and have come to consensus on a lot, thanked everyone for their work on it. Sean Farrell wanted to thank the stakeholders for putting together items for consensus, it was a monumental effort to get thru the Statewide Fire Prevention Code and working with the Fire Services Board. President Moss stated hopefully we are closing the divide between the groups.

Cindy Davis stated that 1,085 sections reviewed and only 8 or 10 that are non-consensus, kudos to everyone who worked on this.

Ad hoc Military Families Career

David Beahm submitted a written report.

Ad hoc VCEC

David Beahm and Gregg Fields submitted a written report. David Beahm said the VCEC working to navigate contracts during this time of COVID. Planning the VCEC to be held at the Founders Inn November 1-3, 2021. If anyone has suggestions for training to let him know. Looking to get a pre-event flyer out so individuals can start planning their resources and hoping will be able to proceed with an in-person meeting.

Web Master

Brian Jessee submitted a written report

BCAAC

Matt Westheimer stated nothing to report

Director or Regulatory Compliance

Sean Farrell submitted a report. Sean asked if anyone was planning on making public comments.

Sean said he thought it would be helpful for the Board to hear about the consensus building process and it would be important to set the tone from the onset of the meeting. Rick Witt said that he may be speaking, as well as President Moss.

Sean Farrell said that BCAAC has submitted a proposal (added as an addition to the Board packet). 13VAC5-21-51. Sean stated that the VBCAO Administrative Committee is opposed to this and Rick Witt has submitted a public comment opposing. The Administrative Committee specific opposition is related to section D. The Administrative Committee feeling was that VBCOA would want to comment on changes to hours, if indeed proposed in the future. DHCD suggesting some modifications to the proposal.

Cindy Davis/Sandi Morris – Cindy indicated there are important changes in the proposal. Wanted to hash this out for this cycle and not have to wait several years to make changes.

BCAAC had recommended increase from 16 to 20 hours, there had been push back, so they removed the language and inserted language that the hours should be in there.

Sandi Morris has done some research and Virginia lags in CEU requirements. ICC requires far more CEU depending on which certifications an individual has. The current 16 hour requirement was instituted in 2008, the original thought was to bump to 20, when this didn't move forward they didn't want to end the discussion (since this is a legislative change) and possibly have to wait another 3 years. After discussions with Sean Farrell and Cindy Davis the concern is about the Department making changes without input or approval from the BCAAC/Board. Sandi Morris said she is personally committed to professional development and continuing education, especially now because they are mostly free and virtual, and it is time to move the professional forward in Virginia.

Cindy Davis said that Virginia was bumped down in their ratings with the Institute of Building and Home Safety (IBHS) and one of the findings was low requirements in CEU. This would help and could affect insurance rates in Virginia.

Cindy Davis asked if there was any discussion. Mike Williams indicated he could be on board with increasing the training requirements. Mike asked if the training from Jack Proctor Academy will continue to be virtual in the future. Cindy Davis stated they foresee a hybrid (some in person, some online); and possibly break up the modules so that everything doesn't have to be taken on the same 4-day span.

Rick Witt opposes. He said it is late in the game to bring back to the Board, the Housing Board meeting is Monday October 19, 2020 and this should go back thru the Administrative Committee. He has provided public comments. The proposed change was just a work around. He said there is an assumption that this is all that is all localities have to deal with is the Building Codes hours, but in reality many localities have individuals that hold multiple certifications and require hours for each of those certifications. Especially in smaller localities where someone needs to wear many hats. He suggested to bring it back because there is no hurry, bring it back in the next code cycle and move on from there. Feeling bothered this is coming up again, discuss at the next code cycle and have some data provided to support the proposed changes.

Matt Westheimer asked for a clarification that wouldn't things like DEQ CEU's and other trainings count towards DHCD requirements. Sandi Morris said that when folks submit their hours, they are already collecting more than the required 16 and they have to go back and ask them to trim those hours back. Matt stated that BCAAC looked hard at this and that there are many training

opportunities that would count towards the required training hours, and the additional hours are easy to come by.

David Beahm indicated he was unaware that certain training hours counted. He is still opposed as some other required training does not count towards the required hours (such as ICC required Code Change hours). Also concern about the permit technicians as technical assistants needing more hours. He said he has had to find things for the permit technicians that would be relatable and count for them as training hours. The big concern is that the future relationship with DHCD could be different than it is now.

Cindy Davis said she wanted to emphasize VBCOA is a professional group, to do anything that would take away from the professional image (referring to the IBHS) as an example is unfortunate. Also referred that Rick Witt's example of Erosion and Sediment Control requires 18 hours and the Building Officials need a lot more training but would encourage not to let this linger for another 4 years.

President Moss said he supports the change, VBCOA is a professional association and it is not hard to gain the hours. Everyone has valid concerns. David Beahm asked if VBCOA is going to bypass the Administrative Committee and that would create a precedent. Sean Farrell said simply providing some information to the Board. Sean asked if DHCD would agree to eliminate the language in Section D, Cindy Davis clarified that they would not make the proposed changes in Section D (leave it alone) and keeping the remaining changes.

Rick Witt made a motion, seconded by David Beahm. Following additional discussion, it was agreed a motion was not necessary and Sean Farrell could just take care of the changes at the Board of Housing level.

DPOR

Mike Redifer provided updated information about Virginia contractors receiving free digital licenses for secure, contactless verification.

TRB

Rick Witt provided a report. Do have an interpretative question about witnessing of elevator tests and whether the person has to be right there or if the Building Official can just accept a report. This will be decided in November and hoping to distribute the decision to Building Officials for clarification.

David Beahm indicated that it would be helpful for the new members of the TRB to understand when a decision is a decision and hoping that the longer term members can assist the new members of the TRB as to how the authority goes. Rick Witt said part of having the members on the TRB is ensure proper education. Regarding the when a decision is a decision (lack of a decision is not a decision).

ICC Region 7

David Beahm held a virtual meeting 2 months ago nothing major came out of those meetings. The next meeting is in January probably will not be an in-person meeting. Will maintain the Chair position and discussed the ICC appeals processes going forward.

ICC

ICC Government Relations report (added as an addition to the Board packet)

Cindy Davis reported that ICC had unprecedented number of appeals. Important everyone understand the with the energy provisions of the 2021 codes. Twenty Energy codes were denied by the Committee, committee action supported at public action hearings in the fall and then overturned by the online governmental consensus process. All of them were appealed by a variety of special interests.

Series of Hearings (see the ICC Reports on Code Development Documents added to the Board packet)

Appeals Board Report on Preemption-Code Changes RE107-19 and RE126-19

Appeals Board Report on Scope and Intent

Appeals Board Report on Committee Reconsideration: Code Changes RB81-91 and RB116-19

Appeals Board Report on the Impact of Online Voting (CP28)

Forwarded to the Board and approved on October 5.

Cindy Davis and Lisa Berger discussed the ICC Learn Live coming up November 9 – 13, 2020, cost is \$150 for a weekly pass or a daily pass for \$40.

On September 16, ICC held a webinar with FEMA on their new pre-mitigation program, Building Resilient Infrastructure and Communities (BRIC). We had more than 30 attendees from Virginia, including several from DHCD and VDEM. The program prioritizes building code activities and makes funding available for adoption, training, certifications, and online access to codes and standards. In recent years, FEMA is pivoting from focus on post-disaster recovery to pre-disaster mitigation, which they recognize starts with building safety and part of the long-term strategy to focus on building codes and building safety.

DHCD

Jeff Brown submitted a written report. Sandi Morris provided a verbal report with highlights from the submitted report.

Cindy Davis said there had been an issue with Town Hall and online Chapter 3 was missing when converting to new online system. To make sure there were no issues, Chapter 3 was republished in the Virginia Register and open for public comment. Wanted to make sure everyone was aware.

DHCD convening 2 work group meetings to issue a report to the General Assembly Mobile Fueling (currently not permitted, but industry has submitted legislation) study group to look at safety concerns if it were passed in Virginia and Active Shooter Barricade devices for public buildings. Will get names from President Moss to participate on behalf of VBCOA.

Sandi Morris said they will send out a new Code Book survey to see if the Building Officials wants a hard copy or the online subscription.

David Beahm wanted to thank DHCD for the training grants. Regarding the Active Shooter, John Glover from Staunton was interested in participating.

President Moss reported he has been working with Cindy Davis/DHCD pursuing a BRIC grant which would be used to create mutual aid assistance during emergencies. DHCD partnering. Cindy Davis stated looking at North Carolina Building Officials, DART team (Disaster Assessment Response Team) works thru their equivalent of DHCD and State Fire Marshall, calling them out during for inspections when needed in a disaster. DART has trained teams, mutual aid agreements, training provided State, and can do both rapid assessment as well as post inspection assistance. This allows for the ability for Building Official to aid in recovery when there is a need for permits and inspections in a short period of time to get localities up and running again. Would open a partnership with VBCOA and VDEM that does not currently exist. Critically important for pre and post disaster. Currently just focusing on training aspect. Maybe bring in a disaster institute and get interested persons certified. Phase II would be how to deploy a Virginia Code Officials DART team.

After discussion, Sean Farrell made a motion, seconded by Pete Mensinger, that VBCOA pursue submitting for the grant, unanimously approved. Can we also change Sean Farrell's Motion from: After discussion, Sean Farrell made a motion, seconded by Pete Mensinger, that VBCOA support the objective of the grant and the pursuit of the BRIC grant. The motion was unanimously approved.

VFPA

Ernie Little submitted a written report. Since the submitted report have held the Fall Conference and it went well. Appreciated the work on the Virginia State Fire Prevention Code discussed earlier in the Board meeting.

Fall Conference had 97 people- 42 in person/55 virtual attendees. VFPA delayed their Elections until the Spring 2021 Conference, planned for Virginia Beach in May 17-19, 2021 Holiday Inn.

VPMIA

Richard Grace said the Board of Director meeting was held October 2, discussions about the status of the Annual Conference. Voted not to set up the Annual Conference for April 2021 but still need to have 2 membership meetings Annually. President Clarke is in the process of working on a virtual membership meeting and have been discussing spreading it out over time. Want to be able to do something for the members.

WICED

Christina Jackson submitted a written report as an addition to the Board packet. Michelle Coward indicated WICED had a virtual ICC training last month for WICED members, had approximately 50 persons that attended regarding Marijuana and the Building Code. Next meeting November 13 want to strategize how to operate in COVID times. Discussing offering scholarships for new members. Several members attended National WICED meeting. Cindy Davis stated there is a lot of interest in other states to setting up a WICED in their states.

Additional Business

Cindy Davis said individuals will be receiving a ballot to approve moving the business corporation to Delaware. Requires the majority of the votes received to approve it and encourage to fill out the ballot and return it.

Motion to adjourn by James Moss, seconded by Pete Mensinger, meeting adjourned at 12:31 pm