



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONSTRUCTION CODES COORDINATING BOARD**

**MINUTES OF JANUARY 27, 2010
941 North Capitol Street, NE
9th Floor Conference Room
Washington, DC 20002**

Members Present

Mr. Alex Berley, Vice Chair (via telephone)
Mr. Marc Fetterman
Mr. Ethan Landis
Mr. Robert Hershey
Mr. Herbert Taylor
Mr. Robbie Sabbakhan
Mr. Don Masoero
Ms. Jill Stern
Mr. David Hollinger
Mr. Curtis Clay
Mr. Gerald Keys, Chairperson (*ex officio*)
Shana Kemp, DCRA Administrative Support (sub)

Members Absent

Mr. Greg Colevas

Public Guests

Shaun Pharr
Eric Mayl
David Wilmot
David Naples - DCRA

Roll Call: 10:15am

Chair determined that a quorum was present and the meeting began.

Started reviewing minutes. Shana Kemp took the minutes for the meeting. At 10:17am, Mr. Berley announced that he was stepping away from the phone for a few minutes.

Approval of December 16, 2009 Minutes:

Minutes were reviewed from 10:10am until 10:17am. Marc Fetterman noted that Alex Berley's last name was spelled incorrectly in several places in the minutes from the last meeting. Mr. Berley was listening in via speaker phone.

Keys motion that the minutes be accepted into record. Ethan Landis seconded.

Motion carried.

At 10:18am Keys announced that they would take a look at the agenda.

Approval of January 27, 2010 Agenda:

Motion: Mrs. Stern that public comments be held until the end of the meeting instead of at the beginning. Says that she feels it disrupts the flow of the meeting. Keys announced that there was a motion to move public comments to the end. Keys inquires if moving public comment

should be for next (February) meeting. Stern made a motion. Robbie Sabbakhan seconded the motion.

Discussion:

Mr. Masoero made comment that time management would need to be taken into consideration so as to not forget to allow public input and that the agenda would have to be carefully considered. Keys said that he would keep that in mind and said that he would like some reminders, but he thought it would be fine. Says that he would take into account the number of members of the public who were present to speak.

Motion pass “ayes” have it.

Asked whether there were any additional comments regarding the agenda.

Motion: Keys, to accept the agenda. Masoero seconded motion carried.

Public Commentary:

At 10:22am, Keys announced that the floor was now open for public comment.

There was some discussion about whether the public comment motion was in effect for this meeting and Keys clarified that it would stay the same for this meeting.

Shaun Pharr from the AOBA opened with discussion about the motion to move public comments to the end of the meeting. Says that he thought there should be careful consideration about maybe being flexible when moving public comment to the end of meetings and that maybe there are times when public comment should be allowed earlier. Says that at a previous meeting, he had some input, but it wasn't the appropriate time, so he wasn't able to speak. Says that the CCCB is fairly powerful in that what they decide goes to the Council and they cannot rewrite what the CCCB has decided. They can only drop a section. He would have liked to have made some input in deliberations when this was discussed.

Keys asked whether anyone else had comments.

Masoero announced the new DCRA deputy building official, Dave Naples. Introduced him to the board formally. Fetterman asked whether Eric Woods was still with us. Masoero affirmed.

At 10:27am, Keys closed public comment section.

Report: CCCB notice of Proposed Rulemaking 2009-224:

Moved to item 5 on the agenda discussing the Proposed Rulemaking report. Keys says that he doesn't see the board getting involved in any billboard dealings. CCCB is not diminished by Mayors' Emergency Rulemaking, concurrent authority for DCMR 12.

Report: Council B18-452 – Safe Plumbing Act:

Keys moved to the safe plumbing act report and that the act is regarding lead content in pipes and fixtures. Gave details about PSCA Council Committee hearing Masoero testimony and Keys question answer with Chairwoman Bowser to discuss the act. Keys gave details about how each fixture has a different lead content and that he would work with Bowser and her staff to

create a TAG submittal. Says that some federal regs are going into effect, so the board may not have to do much once that occurs but offer support in the enforcement of that code.

Asked whether there was any discussion on the report. No comments. Says that Bowser was very accepting of the fact that the CCCB would write the plumbing code.

Old business, 2010 Board Schedule:

Mr. Berley stated that he had a conflicting meeting on the 3rd Wednesday (morning) of every month. Jill Stern says that she would be open to moving some of the meetings to Thursdays or Wednesday afternoon. Curtis Clay says the 3rd Wednesday afternoon is bad for him. Keys says Thurs the 25th, they could meet in February. Berley says that date would work fine for him. Masoero wanted clarification about whether this was a one-time thing for February or a new shift. 10am February 18th was tentatively agreed upon. Fetterman says that he thought the board would need to meet more than once a month once they start writing code in order to move along expeditiously. Masoero pointed out that the March meeting would need some extra consideration because that's when DCRA would be moving to the waterfront. Keys says that he would let them all know. Says that on the 19th, the current bldg would close at a half day and then on Monday, the new bldg would open. Robert Hershey says that he thought the meeting should be held in the old building, earlier in the month before the move because it would be too chaotic in the new building to try to have a meeting.

Hershey wanted to know which room the February meeting would be held in. Keys says that it is TBD and he would let them all know ASAP. Hershey says that he would appreciate information about room number for the Feb meeting by email later today if possible.

Masoero says that he would like to lock the meeting day in each month for the year because he has other meetings that he attends and he would like some structure rather than bouncing around each month.

Landis asked whether there was a motion to move the meeting to the 3rd Thursday of each month. Keys asked whether each person was fine with moving the meeting to the 3rd Thursday of each month from March forward. There were no objections.

Keys says that he would not make a motion, he would just change it and then send out the new schedule.

New Business Bylaws Changes:

10:43am, discussed changes to bylaws, including TAGS. Fetterman says he would like some understanding of line "f" in the bylaws. Keys says that as the chair, he could assign whomever he decides to one of the TAGs and that person becomes the chair of that TAG. Stern says that she was a bit confused by the language as well and says that she thought it was cumbersome to have to find a new chair if the current chair was unavailable. Says that it doesn't have to be so formal when deciding how to designate someone when the current chair is not available. Says that the chair should be given the power to designate an acting chair when he or she is not going to be present. Says she was not clear about what a "chair by proxy" is. Keys says that he agrees that it might help if he can assign a temporary chair when an acting TAG chair is out. Says that he would be willing to entertain the idea of rewriting the language of the bylaws to allow him to assign a temporary chair.

Stern says that she feels the chair of the TAG should be allowed to make this decision. Masoero says that he agrees. Keys says that he has the authority to assign the chair of the TAGs so he

thinks that it would be most appropriate for him, as the board chair, to be able to do that according to current bylaws the CCCB Chair assigns TAG chairpersons. Says he does not have a problem rewriting the bylaws after a discussion. Stern says that she thinks that a vice chair for each TAG would help eliminate the problem. Says that Keys having to make the call is time-consuming. Fetterman suggested going on without amendments and moving on to other work. Masoero says that he was confused and he wanted clarification about the current bylaws as they relate to the TAG chair and temporary replacements when they cannot be present. Keys read the section of the bylaws that deals with this. Masoero says that he thought they should just leave it alone. Fetterman says that he was more concerned with getting started having the special subcommittee meetings.

Fetterman suggests seeing whether it's going to work before worrying about the problem that does not exist yet. Keys says that the vice chair issue is closed because there was a motion that was not carried previously.

Keys says that there is a problem with the description of the TAG voting member. Keys says that the members were not apposed. Fetterman says that he would be in favor of adding the word voting to describe Board approved TAG members.

Motion: Fetterman made a motion to add the word "voting" to the second paragraph of article 4(d) in the bylaws.

Masoero seconded the motion.

Discussion:

Hollinger says that he feels that they may be being redundant if they add the word "voting". Keys says that he just wanted to be clear about the wording.

Motion passes: The ayes have it.

Keys says they this bylaws change would have a final vote at the next meeting (20 days). Stern wanted clarification that they were only voting on adding the word "voting". Affirmed

Board's Purpose for TAGs Mission and Reporting:

Fetterman says that he believes that most of the work is fairly simple, but there needed to be a consideration for whether a matter was simply building codes or life safety. Says that he thinks someone should be looking at each chapter in the codes to ensure that they get the proper review. Keys says that his job is to check out the codes in detail. Says that he wasn't sure it was necessary to make different provisions aside from him recommending which TAGs should be reviewing which codes more closely. Fetterman says that he thinks there should be some specifics to say who should review each chapter in codes. Masoero says that he wanted to clarify that Keys already does that. Suggested that Fetterman look at the flow chart to see that Keys already makes suggestions to each TAG.

Masoero says that it is Keys' job to do this. Fetterman says that he wants to keep things simple and Keys would not be able to attend simultaneous meetings so he thinks that there needs to be a specific decision about who reviews each section of a set of codes. Masoero says Keys need not attend TAG meetings. Fetterman says DCRA promised staff and that the bylaws not specify.

Keys says that the bylaws are clear that he has the ability to give the TAGs suggestions about how to go about reviewing information. Fetterman says that he wanted to know how a subcommittee lets Keys know about changes they would like to make. Keys clarified how it works. Keys says that he does not want to dictate what the mission statement should be, and would prefer a mission statement be fairly broad, but he would like feedback from members from provided TAG guideline documentation. Says he could make a proposal for a mission statement, but will not. Masoero says that he thinks that should wait and that they should move forward. Says that they can come back to it if someone says they feel like they are lost as to what each TAG is supposed to do. Keys says he wanted to clarify that they are not creating a “mission statement” for the bylaws mission requirement, but rather deciding what the mission of each TAG is. Jill Stern says that she thought that the TAG chairs were going to be given a more specific roadmap for what they are supposed to be doing and by what deadlines. Keys says that he did not think a motion to agree upon a mission was needed at this juncture also guidelines in work flow, and other documentation provided. Says that the TAGs would define their mission each time they get a proposal. Fetterman says that he too would like to know what, for instance, Jill Stern’s TAG was supposed to be doing. Discussed how things worked in some other groups he’s been a part of. Masoero says that he understood Fetterman’s question to be, “how do we start?” (the TAG groups). Says that the TAGs have not been given a directive yet, but they would be soon. Says this is not the same as creating a mission statement.

Jill Stern says that she would like to make a change to her TAG and the time was running low. Keys said that he agreed and he would wrap the discussion about TAG mission.

At 11:36am, moved on to the “reporting” section of item 8b of the agenda. Informed the group that he has 10 sets of books for various codes. Says that Cliff Majersik would give a presentation Friday, Jan. 29th at 9:30am.

Errata Considerations:

At 11:37am, **Motion:** moved on to item 8c on the agenda, “Errata considerations”. Masoero motion to table the discussion on the considerations until the next meeting (February).

Mr. Hershey seconded

Motion carried.

2010 District of Columbia Construction Code:

At 11:38am, Fetterman says that he thought District law required them to review those laws. Keys pointed out that the spreadsheet with all of the new codes was just a guideline. Fetterman says that if they adopt all of those model codes without change, and then go away, then that becomes legislation. Keys says that what he writes as a proposal does not necessarily turn into legislation. Fetterman says that they should not adopt a model code without full consideration. Suggests that if a model code needs to be adopted, then it should be adopted after it is amended, if necessary. Stern says that Fetterman was assuming that the District would adopt every code that is submitted. Fetterman says that he was told to adopt the model code as-is in the proposal. Stern pointed out that his TAG would then be allowed to discuss whether they agreed with the code. Keys says the model code proposed will not come through the TAG with as-is language from proposal.

Masoero pointed out that the public has to be allowed a chance to make comment, so the model code is not a done deal. Curtis Clay stated that the TAG is allowed to modify proposals, to clarify discussion with Fetterman.

Keys says that the flow chart was emailed to everyone on January 14th. Fetterman asked whether subcommittees can start holding meetings.

Keys, yes, but the meetings are to be open to the public and will be recorded. Masoero suggested that the TAGs let DCRA know when they are meeting so that they can be published specifically to the website. Keys states meeting dates and times will be posted on the web site. Fetterman says that he was told that DCRA would be taking the minutes for TAG meetings, but he wasn't sure how DCRA could accommodate that. Says they can answer that question at the next meeting. Jill Stern says that she too would like to know and she wonders whether a recording would be sufficient.

At 11:53am Jill Stern says that she wanted to let the group know who is in her TAG: Paul Waters, Cindy Verbeek, Dave Masters, Bruce Faust, Don Masoero, Nicola Whiteman. Says Nicola Whitman was substituted for Steve Shapiro.

TAG Candidate Nominations for Voting Members:

Stern: motion to appoint Masoero and Whiteman to the group.

Masoero seconded the motion, then asked Landis to second.

Motion passes, the aye's have it.

Mr. Hershey says he was adding Gerald Curran and Keith Nelson as voting members to his group. Nelson is an architect. This is the energy TAG.

Hershey: motion to accept Gerald Curran and Keith Nelson as voting members of the Energy TAG. Members include Harrison Shelton, Michael Weincek, Patrick Murray and Paul LeReche.

Landis seconded the motion.

Motion passes, the aye's have it.

Mr. Taylor: motion to add 2 voting members to the fire and life safety TAG. Silroy Brown and Robert Love, VP of development and construction for Horning Brothers.

Hershey seconded the motion.

Motion passes, the aye's have it.

Mr. Sabbakhan wanted to know whether Keys wanted to assign the Accessibility TAG to Mr. Curtis Clay.

Keys appoints Mr. Curtis Clay to chair that TAG.

Mr. Sabbakhan says that Mr. Clay would have to make some selections for the group.

Sabbakhan: motion to add two architects to the Building Code group, John Wallenmeyer with SKI Associates and Keith Paul Nelson. Says that would bring his group total to 5, 6 with the plan reviewer. Says that Dave Wilmot expressed an interest in serving on his group if the board approves.

Fetterman seconded the motion.

Discussion:

Masoero pointed out that the TAG does not have an engineer yet and he thinks that they do need at least one. Fetterman pointed out that Mr. Sabbakhan has more room to add new members. Mr. Berley says that he could offer some suggestions for people.

Keys asked whether there was any further discussion.

Motion carries.

Mr. Taylor made a motion to nominate Dave Hollinger and Fetterman as non-voting members to the fire and life safety TAG. Fetterman, Keys, a motion doesn't have to be made for non-voting members.

At 12:07pm Jill Stern inquired whether there would still be a quorum if she left. Keys, yes, so she left.

Via phone, Mr. Berley says that he received an application for a TAG member. Says he didn't have the information in front of him, so he wanted Keys to go over some of her background so that the board could vote on it. Keys went over it.

Berley: motion to add Kelly Clawson as a geotechnical representative to the Structural tag.

Hershey seconded the motion.

Motion passes, the ayes have it.

Mr. Hollinger wanted to know if an application was required from a CCCB member to be considered as a voting member on a TAG. Keys, yes.

Recommended Jason Wright, Mark Benedetti and Marc Fetterman to his original five. Hershey seconded the motion and Masoero recommended that they not approve anyone not licensed in the District referring to Mr. Mark Benedetti being recommended as a voting member to Hollinger's TAG. Fetterman says that there are other people who are not licensed in the District who are on other committees. Masoero says that he would withdraw his comments. Hollinger says that he would withdraw Mr. Wright from consideration.

Unanimous consent for new motion

Hollinger: motion to add Benedetti and Fetterman to the committee.

Hershey 2nd

Motion passes, ayes have it.

At 12:14pm, Keys asked whether anyone was interested an upcoming NASEO green training in DC, would email information. Hershey already registered.

Adjournment:

Keys: Motion to adjourn

Hershey 2nd

Adjourn at 12:14pm.