



Local Board of Building Code Appeals

21 Main St

Friday, January 12, 2024, at 5:00 PM

MINUTES

AN OPEN MEETING OF THE LOCAL BOARD OF BUILDING CODE APPEALS OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON JANUARY 12, 2024, AT 5:00 PM

Regular Meeting

PRESENT Mr. James Tucker, Chairman ; Mr. Frank Foley; Mr. Fred Austin; Mr. Wayne Carson; Mr. Tolley Gwinn , Attorney; Mr. Hunter Digges, Building Official; Mr. Rob Walton, Director of Community Development.

ABSENT N/A

DETERMINATION OF THE QUORUM

Mr. Rob Walton stated the Town Council passed a resolution to reappoint all members back to the Local Board of Building Code Appeals (LBBCA) on Tuesday January 9th, 2024.

REGULAR MEETING - 5:00 PM

Mr. Walton called the meeting to order at 5:00 PM

APPROVAL OF THE MINUTES.

None

ELECTION OF OFFICERS

Chairman, Vice Chairman and Secretary

Mr. Walton opened the election of officers.

Mr. Walton asked the board if they have a nomination for the Chair of the LBBCA.

Motion inaudible - Members of the board Mr. Frank Foley; Mr. Fred Austin; Mr. Wayne Carson nominated Mr. James Tucker as Chairman of the LBBCA.

Motion inaudible - Members of the board Mr. Frank Foley; Mr. Fred Austin; Mr. Wayne Carson motioned to recommend to Mr. James Tucker as Chairman.

The vote was unanimous as follows:

Ayes: Mr. Frank Foley; Mr. Fred Austin; Mr. Wayne Carson.

Nays: N/A

Abstention: N/A

Absent: N/A

The motion to elect Mr. James Tucker as Chairman of the LBBCA passed 3-0.

NEW BUSINESS

Adoption of Bylaws

Mr. James Tucker, Chairman explained due to the Town of Warrenton proposed bylaws we are to elect a Vice Chairman and a Secretary.

Mr. Tucker stated the proposed bylaws require a full membership of five members before the bylaws can be amended and questions if less than five members of the board have the power to enact the bylaws.

Mr. Tucker discussed issues within the bylaws and made suggestions going forward.

Mr. Tucker questioned the absence of article 7.

Mr. Tucker suggested postponing the adoption of bylaws.

Mr. Tucker stated do we have a motion to postpone adopting by-laws until the above issues are resolved.

Mr. Frank Foley motioned to approve postponing the adoption of the by-laws.

Mr. Fred Austin seconds the motion.

The vote was as follows:

Ayes: Mr. Tucker; Mr. Frank Foley; Mr. Fred Austin.

Nays: Mr. Wayne Carson.

Abstention: N/A

Absent: N/A

The motion 3-1.

Secretary

Mr. Tucker suggested we nominate a secretary, and staff conducting the duty to be identified.

Mr. Tolley Gwinn Attorney stated the Secretary is to be appointed by the Town Manger due to the Virginia administrative code.

Mr. Walton stated that Hunter Digges would serve as secretary. Mr. Tucker objected saying Mr. Digges had noted the violations in question. To which Mr. Walton said that he would serve as secretary. Mr. Tucker again objected stating that Mr. Walton is Mr. Digges boss and suggested that the Town look further down for a secretary.

Mr. Gwinn stated we are planning on getting a secretary appointed.

Mr. Walton stated he will ask the Town Manager if he himself as the Director of Community Development can be appointed as secretary.

HEARING OF ACTIVE APPEALS.

45 Winchester St, Warrenton VA 20186

3 Hotel St, Warrenton VA 20186

Mr. Tucker stated the hearing of active appeals for 45 Winchester and that of 3 Hotel St have been postponed.

Mr. Hunter Digges stated this has been postponed to the 7th or 21st of February. If the dates are permissible by the board.

Mr. Tucker asked do I have a motion to postpone the appeal for 3 Hotel St. To be able to postpone beyond 30 days both the applicant and the board have to agree.

Mr. Wayne Carson motioned to postpone the appeal for 3 Hotel St. To be able to postpone beyond 30 days both the applicant and the board have to agree.

Mr. Frank Foley Seconds the motion.

The vote was as follows:

Ayes: Mr. James Tucker, Chairman, Mr. Wayne Carson. Mr. Frank Foley; Mr. Fred Austin.

Nays: N/A

Abstention: N/A

Absent: N/A

The motion 4-0

Mr. Tucker asked Mr. Digges to present the position of the Town with regard to the appeal.

Mr. Digges stated without the applicant present and due to recent events they were not given the 14 days required for this appeal, they were given 5 days.

Mr. Tucker stated to give them 14 days' notice regarding 7th or 21st of February to hear that appeal.

Mr. Digges stated yes.

UNFINISHED BUSINESS.

Mr. Tucker asked if there was any unfinished business.

Mr. Carson questioned the bylaws for the 7th or 21st of February meeting asking are we going to have a special meeting.

Mr. Tucker stated the Freedom of Information, as board, no more than two members can communicate, three members being the constitution of a meeting that has to be announced or advertised to an applicant. However, State code dictates no communication between members once an appeal has been made.

Mr. Tucker stated we can discuss bylaws and the election of the secretary.

Mr. Tucker asked Mr. Carson if he wishes to have a special meeting.

Mr. Carson stated we can discuss this as a first order of business in the next meeting. We need to get this on the books.

Mr. Tucker asked for a motion for Mr. Carson to lead in resolving the by-laws issues by communicating with the members and the town to resolve these for adoption, if possible at our proposed 7th or 21st of February meeting.

Mr. Tucker asked do we have a motion to postpone adopting by-laws until the above issues are resolved.

Mr. Frank Foley discussed and approved of postponing adopting the by-laws.

Mr. Fred Austin seconds the motion.

The vote was as follows:

Ayes:	Mr. James Tucker; Mr. Wayne Carson; Mr. Frank Foley; Mr. Fred Austin.
Nays:	N/A
Abstention:	N/A
Absent:	N/A

The motion 4-0.

UPDATES

None

BOARD MEMBERS TIME

Mr. Carson requested the board to email him with comments.

Mr. Tucker stated yes.

BUILDING OFFICIAL'S TIME

Mr. Digges states nothing to report at this time.

ADJOURNMENT

Mr. James Tucker; Chairman moved to adjourn. Mr. Frank Foley motions, seconded by Mr. Fred Austin with no further business, this meeting was adjourned at **5.21 PM**.

The vote was as follows:

Ayes: Mr. James Tucker; Mr. Wayne Carson; Mr. Frank Foley; Mr. Fred Austin.

Nays: N/A

Abstention: N/A

Absent: N/A

The motion 4-0.

I hereby certify that this is a true and exact record of actions taken by the Local Board of Building Code Appeals of the Town of Warrenton on January 12, 2024.

Gráinne Mazon-Shafer, Secretary
Local Board of Building of Code Appeals

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