

ACSE-24 Freeboard Task Force
August 9th, 2022
10:00 A.M.
8181 Independence Blvd
Baton Rouge, Louisiana 70806
Meeting Minutes

The Chair welcomed all present and **called the meeting to order at 10:09 a.m.**

The Pledge of Allegiance was recited.

The Chair, Ms. Jackie Dadakis, requested a roll call of the members which reflected the following:

Members Present: Dr Carol Friedland, Mr. Rick Foster, Mr. Matt Johns, Ms. Shirley Laska, Mr. Randy Noel, Ms. Cindy O’Neal, Ms. Julie Cherry-arrived 10:39 a.m.; Mr. Bobby Byrd, Ms. Tresa Byrd, Ms. Jackie Dadakis, Mr. Stephen Laughlin, Scott Masterson

Members Absent:

Excused absence:

12 members present and 0 member absent constitute a Quorum.

OLD BUSINESS:

1.. Continued review and discussion of ASCE-24 Freeboard topics to develop 3 proposed amendments to the LSUCCC for consideration.

Ms. Dadakis requested the task force review the condensed summary of the previous meeting via the minutes of the July 12th, 2022, meeting.

Matt Johns made a motion to approve to minutes of the summary of the July 12th, 2022. Mr. Bobby Byrd seconded the motion. There were no objections and **the motion passed.**

Ms. Dadakis asked the first group to come to the table for their presentation. Ben Pilot FEMA, Michael Honeycutt Dept. Branch Manager, Gary O’Neal, FEMA Contractor spoke to the task force. The group presented a map of the municipalities and parish that have adopted a freeboard policy within their area. The areas that have a freeboard policy as far as a percentage is around 50 to 60%

Task Force member, Scott Masterson, spoke that many parishes include individual municipalities that have ordinances within their parishes. Mr. Randy Noel, task force member, also stated that he had check building permits for new residential construction and that 75% of residential construction going on throughout the state in every area is being done with freeboard.

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Mr. Michael Honeycutt stated that it was difficult to place some information on the FEMA website, so they are working with LSU and DOTD to host this document information on their public sites. He wanted to express his appreciation to both Dr. Friedland and Ms. Cindy O'Neal for helping with this process.

Ms. Dadakis laid out the options for the task force to take under consideration:

A handout was provided to the task force member to detail the 3 proposed options including a #4 possible option to be discussed and worded by the task force. Comments and discussion:

Concerns with this option was that some FEMA funds may not be available for those jurisdictions if they were to apply for some grants funds from FEMA. A majority of homes being built now are being built with freeboard so this would affect the older structures other than those that are grandfather in.

Mr. Matt Jones, task force member, spoke of concerns that he had received concerning option #1. One of the concerns is with the Flood Plain Mangers and whether this option would take away their authority to do their jobs. There may need to be a clause added to take this concern away and allow the Flood Plain Mangers to do their jobs within their jurisdictions. Mr. Rick Foster questioned if the verbiage could be related to the stringency of the codes because they would have to be consulted.

Mr. Masterson noted that the task force members needed to be very careful of what we recommend because it carries weight with the code council. He noted that there are other factors that come into play when the term "grandfathering" comes into play especially when there are new additions and renovations. Being from a CRS jurisdiction, he spoke on his belief that freeboard should be handled on the local level. This could easily be solved by FEMA by adding one foot to the maps.

Mr. O'Neal spoke on FEMA programs such as the BRIC (Building Resilient Infrastructure and Communities) Program and how Louisiana has submitted 50 applications but has only received 7 approvals vs the FMA Program where Louisiana received \$60 Million awarded to those applications. Mr. Joiner also stated that he understood that since the state was under the 2015 code and has not moved to the updated code yet, it was causing issues with some jurisdictions receiving special FEMA grants.

Ms. Carol Friedland noted that one foot of freeboard is actually the minimum standards. This would not put the state at a higher standard but on par with standards with the rest of the country. Ms. Friedland voiced her concerns with each of the proposals presented. She especially spoke on her concerns with option #2 limiting the ability of the Flood Plain Managers to adopt ordinances in their local jurisdictions from general freeboard ordinances, since it states new construction only. She proposed to adopt the standard language of ASCE-24 as the third option for the code council to take under consideration.

Mr. Rick Foster noted that substantial damage is the same as substantial improvement according to the code. Mr. Bobby Byrd also noted he preferred wording taking under square footage due to dollar values being able to be manipulated when verbiage used is dollar value. Square footage is a set number of a structure. After a discussion and explanation, Mr. Masterson stated they use the tax assessor's office to find the real assessed value of a home in addressing substantial damage or substantial improvement.

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After the lengthy discussion Ms. Dadakis read the options that had been discussed:

Option 1: Stay with what exists currently.

Option 2: One foot of freeboard on new construction and jurisdictions has the right to go above that on new construction. It would remove the freeboard requirement on substantial improvement.

Option 3: same as 2 but changes it to two feet of freeboard.

Option 4: Adopts ASCE-24 as worded, including substantial damage and would allow municipalities to go above with one foot for residential and two feet of commercial.

Mr. Rick Foster noted that certain language has to be included in order to get CRS points. Ms. Cindy noted that separating the wording for local ordinances would only confuse things for the locals.

Mr. Lee Dragna, Mayor of Morgan City, requested to speak to the Task Force. Mr. Dragna spoke about his area and the issues he sees with the requirements of increasing the freeboard requirements and the cost to the homeowner, especially in the new housing market.

Ms. Darla Duet, Flood Plain Manager Lafourche Parish Government, stated that their Parish President is not in favor of the changes and adopting the ASCE-24. He would rather handle things on the local level. Giving the local building official the ability to implement a foot of freeboard can come in conflict with the job of the local Flood Plain Manager. She pointed out that there has been no discussion on variances that are allowed. That possess a problem when FEMA comes in to do a review and the citizens could lose their flood insurance due to the building official not enforcing the flood plan ordinances and rules. The residents are the ones, in the parish, are the ones who suffer.

Ms. Kathleen Lunn from New Orleans City Planning Commission Member, Realtor and works with the Flood Shed Initiative, spoke next to the task force members. She recommended that the wet and dry flood proofing provisions should be looked at. Mr. Rick Foster noted that the IEBC covers Historic Buildings and does have wording to cover those located in a flood hazard area.

Ms. Dadakis repeated the proposals again to the task force. The task force members clarified and discussed the wording of each of the proposals further. Mr. Rick Foster then repeated the three options: Option 1: leave as amended – leave it with the local jurisdictions; Option 2 as it is written in the code now; Option 3: would be as written except in ASCE-24 where it says BFE +1 it would be BFE +2 None of the options allow for grandfathering. Mr. Matt Johns asked to have the grandfather issue added back into one of the options.

Ms. Dadakis asked the task force members to now vote on the proposed language. Mr. Mark Joiner then read each task force members name for each motion to accept the language for the three options recommended by the task force.

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A vote was taken to accept the language recommended by the task force for Option 1 – to leave as amended in the code; therefore, leaving it in the hands of the local jurisdiction. A roll call vote was taken with all task force members voting yes, with no nays. Recommendation of Option 1 was accepted.

A vote was taken to accept the language recommendation by the task force for Option 2 – Adopt ASCE-24 as written. A roll call vote was taken with 11 yes, one nay. Recommendation of Option 2 was accepted.

A vote was taken to accept the language recommended by the task force as Option 3 – Adopt ASCE-24 as written except for changing to BFE +2 where it says BFE +1 and taking out substantial damage. A roll call vote was taken with 9 yes, 3 nays. Recommendation of Option 3 was accepted.

A tally count was taken, by paper vote, on the order in which each task force member felt strongest to least supported of the three options:

Option #1 received 5 votes as #1, 1 vote #2, 6 votes #3

Option #2 received 7 votes as #1, 5 votes as #2, 0 votes #3

Option #3 received 6 votes as #1, 0 votes as #2, 6 votes #3

Mr. Mark Roberts asked the task force how the options recommended by the task force would affect the IRC. With Option 3 would the recommendation by the task force remove the IRC provisions. The understanding of the recommendation of the task force was to change where it stated BFE +1 it would change to BFE +2. IRC - R322.2.1

Ms. Dadakis asked if there was any other business to discuss. With no other items on the agenda or discussion, a motion was made to adjourn by Mr. Randy Noel. Mr. Scott Masterson seconded the motion. The meeting was adjourned at 12:25 PM.

END OF MINUTES