

**South Carolina Building Codes Council
Council Meeting
South Carolina Fire Academy, Denny Auditorium
141 Monticello Trail, Columbia, SC 29203**

Tuesday, March 22, 2022

10:30 am

Welcome and Call To Order:

Delisa Clark, Council Chairman, called the meeting to order at 10:32 a.m.

Delisa Clark, Council Chairman, announced that notice of this meeting was properly posted at the Building Codes Council Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with §30-4-80 of the South Carolina Freedom of Information Act

Approval of Agenda:

March 22, 2022

MOTION

Mr. Lowman made a motion to approve the amended Agenda for March 22, 2022, removing item 9b. Mr. Cullum seconded the motion, which carried unanimously.

Introduction of Council Members and Others

Doug Terrell, Alan Campbell, Bennett Griffin, Melissa Hopkins, Mike Lowman, Delisa Clark, Chris Cullum, Tim Hance, Michael Julazadeh, Stevenson Adams, and Patrick Bradshaw introduced themselves as Council members.

Staff members participating in the meeting included: Stacey Hewson, Advice Counsel; Molly Price, Administrator; Maggie Smith and Teresa Martin, Program Coordinators; and Nadine Garrett, Court Reporter.

Approval of Excused Absences

MOTION

Ms. Hopkins made a motion to approve *Michael Richardson, Curtis Rye, Frank Hill, and Darbis Briggman* as absent members. Mr. Hance seconded the motion, which carried unanimously. It was noted for the record that Dean Wilson was not in attendance for the meeting.

Approval Meeting Minutes from November 16, 2021 (Council Meeting) and February 3, 2022 (Modular Review Committee)

MOTION

Mr. Bradshaw made a motion to approve the November 16, 2021 and February 3, 2022 meeting minutes. Mr. Cullum seconded the motion, which carried unanimously.

Chairman's Remarks:

Chairman Clark welcomed those present and thanked them for coming.

Staff Reports

a. ***Legislative Update*** – Holly Beeson

Ms. Beeson informed the Council that the regulations for the 2021 building codes are going through the legislative process, and assuming there are no setbacks, the Regulations will time out on May 11, 2022 and the codes will become effective on January 1, 2023. Ms. Beeson then updated the Council on the following outstanding bills:

South Carolina Building Codes Council
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Bills:

H.3191. Multifamily Dwelling Safety Act

- Pre-filed December 2020. Has not been scheduled for a subcommittee.
- Adding Chapter 21 to Title 40. Would require the Agency to adopt a multifamily dwelling balcony code establishing minimum standards for balcony railings that are primarily constructed of wood and are located in multifamily dwellings, and would require the Agency to periodically conduct inspections of such balconies to ascertain compliance with said code.

H.3916. Residential Specialty Registration for Swimming Pool Installers

- Filed in the house in February of 2021. Has not been scheduled for a subcommittee.
- It amends Chapter 40, Section 59 so it could be added to 3606 when it returns to the House for concurrence on the Senate amendments.

H.4060 Building Codes Cycles

- Passed the House in 2021 and is awaiting a subcommittee in the Senate.
- Currently, the bill would permit the council to review, adopt, modify and promulgate building codes: for residential buildings, the effective date shall be no earlier than 5 years but no later than 6 years from the date of the previously adopted codes; and for commercial building codes, the effective date shall be no earlier than 2 years but no later than 3 years from the date of the previously adopted building codes.

H.3606 Residential Builders and Specialty bill

- Passed the House in 2021 and has been heard and reported out of Senate LCI favorably with amendments.
- Sits on the Senate calendar with Sen. Corbin's objection.
- Currently, the bill states the chapter does not apply to an owner of residential property who improves the property when the improvements are for the following, and they are listed. It expressly states that improvements listed in the section are exempt from building permit application requirements, and a homeowner who makes the improvements is not required to have a residential builder or residential specialty contractor license.
- The bill also adds some language concerning specialty contractors.
 - Deletes the lines that say a residential specialty contractor means an independent contractor who is not a licensed residential builder.
 - Increases the amount of work that can be done without a license from \$200 to \$500.
 - Adds that a residential specialty contractor is not authorized to construct additions to residential buildings or structures without supervision by a residential builder or other appropriately licensed person or entity.

South Carolina Building Codes Council
Council Meeting
South Carolina Fire Academy, Denny Auditorium
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- Lists the specialties requiring exams. Distinguishes between licenses and registrations.
- Specifies that a residential specialty contractor cannot work outside the scope of his license or registration and cannot employ, hire, or contract with others to perform work on his behalf.
- States builders are not prohibited from obtaining a specialty license or registration but also are not required to obtain one.

S.604 Public School Construction (companion H.3751)

- Was filed in February of 2021, but has not been scheduled for a subcommittee.
- Would limit the Department of Education's role in construction, improvement and renovation of public school buildings to plan and specification review, and would provide that plans and specifications are only required to comply with state and local building codes, not any additional standards and specifications from the Department of Education.

S.934 Architect's Seat on the Council

- Passed the Senate, as amended, in February and awaits a subcommittee hearing in the House.
- Amended to add that each member of the Council must be a resident of the state.
- Limits the seat to an architect licensed in SC from a list of qualified candidates submitted to the Governor by the SC Chapter of the American Institute of Architects.

S.460. State Fire Marshal

- Passed the Senate and was sent to the House on March 15th.
- Consolidates the authority of the State Fire Marshal in one location

b. Administrator's Report – Molly Price

Ms. Price provided financial reports and licensure statistics to the Council, citing 65 newly issued registrations as of March 15, 2022, with a total of 1,133 total active registrants. Ms. Price reminded Council members that the Statements of Economic Interest must be filed before the end of March 2022.

Ms. Price informed the Council that the 2021 code modifications have been sent to ICC to begin the drafting of the South Carolina code books, and they have also been sent to PSI so that they can begin to update the relevant exams administered on the Agency's behalf. She also reminded the Council that the regulatory review will begin at the May 26, 2022 Council meeting.

c. Office of Investigations and Enforcement Report – Molly Price

Ms. Price explained that there have been 11 new complaints filed since January 1, 2022. There are currently 6 active investigations and 6 cases have been closed this year.

**South Carolina Building Codes Council
Council Meeting
South Carolina Fire Academy, Denny Auditorium
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Tuesday, March 22, 2022

10:30 am

d. Investigative Review Committee (IRC) Report – Molly Price
The IRC met on February 1, 2022, and recommended 6 cases for dismissal.

MOTION:

Ms. Hopkins made a motion to approve the IRC report. Mr. Bradshaw seconded the motion, which carried unanimously.

e. Office of Disciplinary Counsel (ODC) Report – Erin Baldwin
Ms. Baldwin reported that there are currently 5 pending cases in her department and she hopes to present one or two at the May Council meeting.

Disciplinary Hearing

Case No: 2019-6

The Building Codes Council held a disciplinary hearing regarding Brian Blackwell. Mr. Blackwell appeared before the Building Code Council with Attorney Joanie Winters from the Winters Law Firm. All persons testifying were sworn in by the court reporter. Disciplinary hearings are recorded by a certified court reporter in the event that a verbatim transcript is necessary.

MOTION:

Mr. Lowman made a motion to go into executive session for legal advice. Mr. Cullum seconded the motion, which carried unanimously.

MOTION:

Mr. Bradshaw made a motion to come out of executive session. Ms. Hopkins seconded the motion, which carried unanimously.

It was noted for the record that no votes were taken during executive session.

MOTION:

Mr. Lowman made a motion to dismiss the case due to the burden of proof not being met. Mr. Bradshaw seconded the motion, which carried unanimously.

New Business

- a. Greenville County Local Modification Request: Adoption of Appendix AF – Radon Control Methods in the 2021 SC Residential Code.

Buddy Skinner, Building Official for the City of Greenville, spoke on behalf of the Greenville County request for the adoption of Appendix AF – Radon Control Methods in the 2021 South Carolina Residential Code for enforcement in Greenville County only.

Tony Longino, Building Official with Greenville County, further explained that the county only wants to adopt Sections AF101.1-AF103.12 to eliminate the testing section.

MOTION

Ms. Hopkins made a motion to approve local modification request as submitted. Mr. Lowman seconded the motion, which carried unanimously.

- b. Wind/Seismic Maps and the use of the Applied Technology Council (ATC) Website

**South Carolina Building Codes Council
Council Meeting
South Carolina Fire Academy, Denny Auditorium
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10:30 am

Ms. Price explained that in 2019, the Council made a motion to carry over the approved 2015 maps to the 2018 code cycle while allowing a building official to use, at their discretion, the ATC website in determining wind/seismic zones. She stated that staff was seeking clarification from the Council on its 2019 motion to address the following questions:

1. When the Council approved to “carry over” the 2015 maps into the 2018 code cycle, did it intend for local jurisdictions to continue to use the 2015 maps in determining wind and seismic zone boundaries throughout the State?
2. Was there any intent for the ATC website to supersede any boundaries shown on the approved 2015 maps?
3. If there is a question or dispute regarding the boundary of a wind/seismic zone, do the 2015 maps take precedence over the ATC website?
4. Are there any circumstances under which a jurisdiction can use the ATC website in lieu of the 2015 maps when there is a difference between the two in delineating a boundary?
5. If there is a question or dispute regarding the boundary of a wind/seismic zone that cannot be resolved at the local level, should the map for that area be re-submitted to the Council for further definition pursuant to S.C. Code Ann. 6-9-105(C)?

Ms. Hopkins commented that she made the original motion to use the ATC website in conjunction with the state-published maps, not in lieu of them. Shawn Brashear, president of the BOASC, spoke in support of the original intent and stated that the use of the ATC website is helpful because the original map’s line in the International Codes is approximately 10 miles wide. The ATC website provides beneficial assistance with that delineation.

Mark Nix with the Home Builders Association of South Carolina, and Jesse Burke with Burke Engineering, also spoke in support of the motion’s original intent.

MOTION

Mr. Bradshaw made a motion to uphold the original motion to adopt the 2015 maps created by Clemson and the Citadel for wind and seismic, and that the state-issued maps are the primary source for determining the boundaries. The ATC website can be used for further clarification. Ms. Hopkins seconded the motion, which carried unanimously.

Committee Reports

a. ***Modular Review Committee*** – Maggie Smith

Ms. Smith informed the Council that the Modular Review Committee met via WebEx on February 3, 2022 to review the report from the first in-plant modular audit performed on November 19, 2021 at Blue Ridge Log Cabins. She explained that the remaining in-state modular plant audits will be scheduled and take place over the course of this year with the assistance of Modular Review Committee members as needed, and staff will keep the Council updated on the progress of those audits.

Council staff received an inquiry regarding the submission of a variance request for the use of shipping containers in modular construction. Staff took this inquiry to the Committee to determine how modular variance requests should be handled and agreed to review variance requests on a case-by-case basis and bring recommendations to the Council.

**South Carolina Building Codes Council
Council Meeting
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Tuesday, March 22, 2022

10:30 am

Ms. Smith thanked the Committee members for their participation and assistance to staff.

Election of Officers

MOTION

Mr. Bradshaw made a motion to nominate Delisa Clark as Chair. Ms. Hopkins seconded the motion, which carried unanimously.

No others were nominated and the nominations were closed prior to the vote.

MOTION

Ms. Hopkins made a motion to nominate Chris Cullum as Vice-Chair. Mr. Hance seconded the motion, which carried unanimously.

No others were nominated and the nominations were closed prior to the vote.

Public Comments

None

Adjournment

MOTION

Mr. Lowman made a motion to adjourn. Mr. Adams seconded the motion, which carried unanimously.

There being nothing further the meeting adjourned at 12:39 p.m.