

**BUILDING CODES COUNCIL
MINUTES
SC Fire Academy
Denny Auditorium
Columbia, South Carolina
10:30 a.m., Wednesday, February 23, 2011**

Chairman Hodge called the regularly scheduled meeting of the Building Codes Council to order at 10:30 a.m. Council members present included: Frank Hodge, Chairman, Greg Parsons, Vice Chairman, Thomas Brock, Henry Drury, Frank Hill, Lee Jedziniak, Van McAlister, Greg Parsons, John Reich, Lloyd Schumann, Richard Sandler, Gable Stubbs and John White.

Staff members participating in the meeting included: Gary Wiggins, Administrator; Sandra Dickert, Administrative Assistant; Charles Ido, OIE; Jennie Meade, Program Coordinator; and Sheridan Spoon, Assistant General Counsel.

Guests attending the meeting included: Roger Lowe, Van Willis, Steve Deer, Donald Brown, Brian Pietras, Mark Nix, Joan Walker, Buddy Skinner, Don Houck, John Wasson, Jr., Michelle Hawkins, David Nichols, Ward Braswell, John England, Rick Hallman, Tom Scholtens, Daniel Lemieux, Theodore Reed, K. Patrick Brown, Buddy Akins, Melissa Hopkins, Rich Palmer, Bob Klein, Michael Smith, Frank Mitchell, Michael J. Young, Ann Roberson, Casey Brunson, Robert Yarnall, Jessimine Vincent, Thomas Bendle, Charlie Ido, Chris Lee, Johan Butcher, Paul Coats, Bruce Boulineau, Donny Phipps, Billy Sawyer, Joe Funderburk, Ralph Jenkins, Angelo Paeilio.

Mr. Hodge announced that public 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 Section 30-4-80 of the South Carolina Freedom of Information Act.

Approval of Agenda

MOTION

Mr. Parsons made a motion the Council approve the agenda as submitted. Mr. White seconded the motion which carried unanimously.

Election of Officers

Chairman

NOMINATION

Mr. Schumann nominated Mr. Hodge as chairman. Mr. Hill seconded the nomination. There being no other nominations for chairman Mr. Hodge was elected by acclamation.

Vice Chairman

NOMINATION

Mr. Hill nominated Mr. Parsons as vice chairman. Mr. Schumann seconded the nominations. There being no other nominations for vice chairman Mr. Parsons was elected by acclamation.

Approval of Minutes

Thursday, November 18, 2010 Meeting and the Monday, December 6, 2010
Teleconference Meeting

Mr. Reich noted the following corrections to the November 18, 2010 meeting minutes:

November 18, 2010 meeting minutes

On page one change Wednesday, November 17, 2010 to Wednesday, November 18, 2010. On page three, second paragraph under Fire Sprinkler Code Provision, the sentence should read Mr. Wiggins stated Council cannot make a recommendation or decision on this issue.

December 6, 2010 Teleconference Meeting

Mr. Reich asked that a reference be made in the minutes to gas fueling purging as the reason for the emergency regulation.

November 18, 2010 Meeting Minutes

MOTION

Mr. Parsons made a motion the Council approve the minutes of the November 18, 2010 meeting as amended. Mr. Hill seconded the motion which carried unanimously.

December 6, 2010 Teleconference Meeting

MOTION

Mr. Parsons made a motion the Council approve the minutes of the teleconference meeting as amended. Mr. Schumann seconded the motion which carried unanimously.

At this time Mr. Hodge introduced Mr. Adolf Zubia who has been named State Fire Marshal.

Approval/Disapproval of Absent Members

MOTION

Mr. Schumann made a motion the Council approve Mr. Cullum's absence from the meeting. Mr. Brock seconded the motion which carried unanimously.

Chairman's Remarks

Mr. Hodge stated the Council is beginning a new year. He further stated he was glad to see so many individuals attending the meeting and taking interest in the building codes.

Administrator's Remarks for Information

Reminder to file the Statement of Economic Interests

Mr. Wiggins reminded the Council members to file the Statement of Economic Interest forms with the State Ethics Commission no later than April 15, 2011. He noted the forms must now be filed electronically and that the SC Ethics Commission would fine individuals who have not filed by that date.

Code Implementation Update

Mr. Wiggins stated the Council is in the process of dealing with the 2009 building codes. He further stated over the past several months staff has had to re-advertise the 2009 code modifications and prepare the codes for legislative action. He went on to say the Notice of Drafting has been filed and staff is in the process of advertising the actual amendments. He noted April 11, 2011 has been set as a hearing date should the Council receive comments regarding the amendments. He noted as of this time no comments have been filed; however, there is still some time before the comment period closes. He stated if there are no comments made the codes would go to the legislature. He went on to say there would be no time for the legislature to take action on the codes this year and that the next available date for the codes to go into effect would be July 1, 2012. He stated if the legislature does take action on the codes prior to the end of this legislative year the next available date for the codes to go into effect would be July 1, 2011.

November 2011 Meeting Date

Mr. Wiggins stated the meeting dates for 2011 have been set however the November meeting is currently scheduled for November 23, which is the day prior to Thanksgiving. He further stated a tentative date has been set for November 16, 2011, although the Council would have to meet in the Kingstree Building as the Denny Auditorium has already been reserved. The Council asked staff to research other possible meeting dates in November.

Recognition of New Member – Henry P. Drury

Mr. Hodge recognized Mr. Henry Drury as a new Council member.

Mr. Drury gave a brief professional background.

Office of Investigations and Enforcement (OIE)

Mr. Charles Ido, of the Office of Investigations and Enforcement (OIE), stated over the past several years OIE has received 108 complaints related to the building codes and has closed 94 of those cases. He noted OIE currently has 14 open cases relating to building codes. He stated of the 14 cases, five are pending legal action and nine are active cases, although three of the nine cases are pending closure. He further stated three of the active cases have been received since January 1, 2011. He stated a hearing had been scheduled for this meeting; however, the hearing has been continued to another meeting.

Mr. Ido stated OIE continues its proactive work in investigations. He further stated the investigators made a presentation during a BOASC meeting during 201 and conducted workshops with local building code officers.

Office of General Counsel (OGC)

Mr. Spoon stated the Office of General Counsel (OGC) currently has nine cases. He noted of the nine cases, five are active cases, two cases are pending formal documents, one case is pending a hearing, and two cases are pending final orders. He noted OGC has closed four cases since January 2010.

Office of Information Services (OIS)

No report was given during this meeting.

Old Business

IGCC Study Committee

Mr. Wiggins stated the green code was presented during the previous Council meeting and was being considered for inclusion in the code (Section 6-9-60). He further stated Council asked staff to submit a list of names for an IGCC Study Committee.

Mr. Vaughn Wicker of the International Code Council stated he is concerned with the composition of the proposed committee. He stated it seems rather narrow in the scope of interested parties. He went on to say Leslie Bomar of the Association of General Contractors suggested a general contractor, Greg Hughes, be included on the committee. He suggested another architect who has a background in the green concept and been active with the USGBC and recommended Keith Sanders. He also suggested another building official be included on the committee. He noted no individual on the committee has a background in water conservation or a background in the installation of rain water systems or gray water systems. He also recommended an individual be included with a land use background. He also feels it would be good to include a commercial developer and recommended Louis Tisdell.

Mr. Reich suggested a representative from fire safety who is possibly also a building official be included on the committee.

Mr. Wiggins stated staff asked for volunteers to serve on the committee. He further stated if several other classifications are added to the committee staff may have to draft individuals to serve on the committee if the individuals do not volunteer to serve on the committee. He noted staff maintains a huge mailing list and the committee was formed from advertisement for the committee.

Mr. Watson asked that Mike Smith, Richland County Building Official, be added to the committee.

Mr. Hodge asked that staff gather the names and resumes of the individuals recommended during this meeting and that the entire list be approved during the next meeting.

Discussion ensued regarding the time frame of the committee and the composition, to include criteria for each, representative of the committee. It was suggested that a letter be distributed to those individuals who have volunteered to sit on the committee notifying they have been appointed to the committee.

New Business

Registration Reinstatement – Daniel Lemieux

Mr. Wiggins gave the following facts regarding this matter.

Mr. Daniel Lemieux appeared before the Council in October 2010 at which time the Council revoked his license. At that time there were no conditions attached to the revocation. Mr. Lemieux had been grandfathered in and since that time Mr. Lemieux has passed the certified building code official's (CBO) exam. He is now requesting reinstatement of his license.

Mr. Lemieux was represented by Mr. Thomas A. Bendle, Jr., Esq.

Mr. Lemieux and Van Willis were sworn to give testimony.

Mr. Bendle gave a brief background which led to the hearing during which Mr. Lemieux's license was revoked. Mr. Bendle presented the members with training policies which have now been set.

The revocation of his license was effective on or about January 31, 2011.

Mr. Lemieux testified he has passed the CBO exam, that he has not been representing himself as the building Official for the Town of Port Royal since he has received the Council Order, that the Town of Port Royal has another building inspector. Mr. Byrl McCartney is the certified building inspector for commercial and residential buildings.

Mr. Willis offered testimony on Mr. Lemieux's behalf.

The Town of Port Royal has adopted the policies as set forth by the SC Contractors' Licensing Board as a procedure as past of the Standard Operating Procedure.

It was noted testimony that some of the policies are located in the administrative section of the Building Code.

Mr. Lemieux testified he has submitted an application and licensure fee as reinstatement of his CBO license. He presented the Council a copy of the application and documentation that he passed the CBO exam.

Executive Session

MOTION

Mr. Parsons made a motion the Council enter executive session to seek legal advice on this matter. Mr. Stubbs seconded the motion which carried unanimously.

Public Session

MOTION

Mr. Stubbs made a motion the Council return to public session. Mr. Sendler seconded the motion which carried unanimously.

MOTION

Mr. Stubbs made a motion the Council deny the applicant reinstatement at this time. Mr. Sendler seconded the motion which carried with a majority vote. Mr. Brock and Mr. McAlister voted nay.

Public Comments

No public comments were made during this meeting.

Date of Next Meeting

The next meeting of the SC Building Codes Council has been set for Wednesday, May 25, 2011.

Adjournment

MOTION

There being no further business to be discussed at this time, Mr. Stubbs made a motion the meeting be adjourned. Mr. Parsons seconded the motion which carried unanimously.

The February 23, 2011 meeting of the SC Building Codes Council adjourned at 12:34 p.m.