

**Minutes of the North Carolina Building Council
December 13, 2005
Raleigh, North Carolina**

All members of the North Carolina Building Code Council were present with the exception of Lon Culbertson, Brad Lail, and Tom Turner.

The following are summary minutes. The official minutes of this meeting are recorded on CD. Anyone desiring verbatim CDs or excerpts from these CDs should contact the Engineering Division of the North Carolina Department of Insurance for information and reproduction costs. The next scheduled NC Building Code Council meeting will be held on March 13th and 14th, 2006 in Wrightsville Beach, NC at the Shell Island Resort.

Part A - Administrative Items

Item A - 1 Executive Order: Executive Order: Inquire upon conflicts of interest or appearance of conflicts of interest that exist within the Council.

There were no conflicts of interests within the Council.

Item A - 2 Approval of minutes of the September 13, 2005 and October 13, 2005 NC Building Code Council Meetings.

The September 13, 2005 minutes were approved. The October 13, 2005 minutes have been revised as follows:

It was noted in the Open Session that Tom Avery made a motion to reconsider the Building Code, Section 903.2.7 at the December 12-13, 2005 meeting. However, it was actually Tom Turner who made the motion.

Item A - 3 Requests by Ray McGee, Wake County, and Robert Harvell, City of Monroe, to review plans and specifications of buildings using requirements listed in Chapter Five of the NC Administration and Enforcement Code.

Mack Nixon made a motion to approve the requests. Terry Greene seconded the motion. The motion carried.

Item A - 4 Letter from North Carolina Qualification Board concerning retaining walls located on residential sites.

The Residential and Structural committees will meet and make recommendations to the Council regarding this item.

Item A - 5 Emergency rule adoption and Regional Construction order.

Barry Gupton explained to the Council the procedures regarding this item. The emergency rule is effective for 60 days which allows time to adopt a temporary

rule and begin the permanent rule process. The temporary rule is effective for 270 days.

Item A - 6 Request by Dan Tingen, chair of NC Building Code Council, to distribute a list of possible candidates for the North Carolina Rehabilitation Code Advisory Committee consisting of representatives from five jurisdictions and one NC Department of Insurance staff member.

A list of proposed members of the NC Rehabilitation Code Advisory Committee was read to the Council. The list is as follows:

Ted Patrick – Greensboro
Bucky Frye – Winston-Salem/Forsyth County
Druied Roberson – Mecklenburg County
Hans Schult – New Hanover County
Jim Lane – Raleigh
Suzanne Taylor – NC Department of Insurance

Item A - 7 The Council withheld the 2006 Building Code, Section 903.2.7 from submission to the Rules Review Commission for final approval. The Council may reconsider the sprinkler issue for apartments of 16 or fewer units.

Initially, John Hitch made a motion to rescind the action that was taken at the September Building Code Council meeting. Hitch's motion was seconded.

Alan Perdue expressed his desire to vote against the motion. Mr. Perdue explained to the Council that the risk of death by fire in apartment complexes greatly increases due to the lack of proper precautions and that the state of North Carolina has a high death rate in regards to residential fires. Mr. Perdue also stressed that financial repercussions of installing sprinklers should not deter those that construct apartment complexes; the safety of the residents far outweighs the extra costs of the sprinklers. Mr. Perdue also feels that the Council has not sufficiently researched the costs and benefits of sprinklers in apartment complexes and that spending more money on hiring new firefighters and purchasing new firefighting equipment will not saves lives.

Dan Tingen also told the Council that he had received many letters from fire marshal associations across the state encouraging the Council to make the decision to put safety first, not costliness of installing sprinklers.

The motion failed. The rule that was adopted in September will stand: all Group R, including, apartment complexes with 16 or fewer units will be required to be sprinklered.

Item A - 8 The Rules Review Commission remanded the 2006 Building Code, Section 1704.1 back to the Council. The Council may either retain the 2002 Building code, Section 1704.1 or resubmit any change through the rules process.

Barry Gupton explained to the Council that they had three options regarding this item: begin the rule process again, rescind the item, or make a new motion. Al Bass made a motion to rescind the item. Butch Simmons seconded the motion. The motion carried.

Part B - Part B – New Petitions for Rulemaking

The following Petitions for Rulemaking have been received since the last Council meeting. The Council will vote either to deny or grant these Petitions. The Council will give no further consideration to Petitions that are denied. Petitions that are granted may proceed through the Rulemaking process. The Council may send any Petition to the appropriate committee. The hearing will take place on or after March 13, 2006.

Item B - 1 Request by Al Bass, NC Building Code Council member, to use proposed language to allow installation of non-complying sprinkler heads in one-and-two family dwellings.

Al Bass made a motion to grant this petition and to send it to the Plumbing Code Ad Hoc Committee for review. Barry Maness seconded the motion. The motion carried.

Item B - 2 Request by NC Building Code Council for permanent rule amendment to the 2005 NC Electrical Code, Articles 10.10 Approval, Article 100 Equipment definition.

10.10 Approval. The Authority Having Jurisdiction shall base his approval or disapproval of industrial equipment or industrial machinery by one of the following methods:

(1) Evaluation by a Registered Design Professional registered or licensed in the State of North Carolina. Said Registered Design Professional shall submit a report detailing compliance with applicable national standards (such as ANSI, NEMA, NFPA 79, UL) and the NC Electrical Code.

(2) Listing or Labeling by a Third Party Testing Agency approved pursuant to GS 66-25. Said Third Party Testing Agency shall submit a report detailing compliance with applicable national standards (such as ANSI, NEMA, NFPA 79, UL) and the NC Electrical Code.

(3) Evaluation by a qualified and certified Electrical Code Enforcement Official. Said Code Enforcement Official shall submit a report detailing compliance with applicable national standards (such as ANSI, NEMA, NFPA 79, UL) and the NC Electrical Code.

Article 100

Equipment. A general term including material, fittings, devices, appliances, luminaires (fixtures), apparatus, industrial equipment, industrial machinery, and the like used as a part of, or in connection with, an electrical installation.

This code change is proposed for life-safety of employees and other building occupants.

The Effective Date for the Emergency Rule is October 26, 2005.
The Effective Date for the Temporary Rule is December 26, 2005 (????).
The Effective Date for this Permanent Rule is August 1, 2006 (????).

Item B – 3 Discussion of Section 1704.1 of the 2002 Building Code.

Tom Avery made a motion to resubmit Section 1704.1 as approved during the September 13, 2005 Building Code Council meeting through the Rules Review process. Bob Ruffner seconded the motion.

Dan Murray made the following substitute motion:

I, Dan Murray, make a substitute motion that Section 1704.1 of the 2002 Building Code be retained and that there be no further effort to change Section 1704.1 until a task force convened under the auspices of the NC Building Code Council has addressed the application of Special Inspections in North Carolina. The goals of this task force should include the development of code language that clarifies the application of Special Inspections, and the preparation of statewide guidelines for implementation of Special Inspection (for use by local municipalities, school systems, owners, and industry).

Al Bass seconded the above substitute motion.

The Council voted to consider the substitute motion submitted by Mr. Murray. The substitute motion passed. The first motion submitted by Mr. Avery failed by default.

Dan Tingen will appoint an ad hoc committee of 10-12 members to prepare guidelines for implementation of Special Inspections. Butch Simmons agreed to serve as chairman of the committee.

Part C – Notice of Rulemaking Proceedings and Public Hearing

The attached Petitions for Rulemaking have been granted by the Council. Notice of Rulemaking proceedings has been made. The Public Hearing was held December 12, 2005 and the Final Adoption meeting took place on December 13, 2005. No further action is required by the Council at this time.

Item C – 1 Request by NC Building Code Council for temporary rule amendment to the 2005 NC Electrical Code, Articles 10.10 Approval, Article 100 Equipment definition.

10.10 Approval. The Authority Having Jurisdiction shall approve industrial equipment or industrial machinery by one of the following methods chosen by the owner or owner's agent:

- (1) Approval by a Licensed Professional Engineer registered in the State of North Carolina.
- (2) Listing or Labeling by a Third Party Testing Agency approved by the NC Building Code Council.
- (3) Approval by the local Code Enforcement Official.

Article 100

Equipment. A general term including material, fittings, devices, appliances, luminaires (fixtures), apparatus, industrial equipment, industrial machinery, and the like used as a part of, or in connection with, an electrical installation.

This code change is proposed for life-safety of employees and other building occupants.

The Effective Date for this Emergency Rule is October 26, 2005.

Part D – Final Adoption

The following Petitions for Rulemaking have been granted by the Council. Notice of Rulemaking proceedings and Public Hearing has been made. The Public Hearings were held September 12, 2005 and December 12, 2005. The Final Adoption took place on December 13, 2005. The Council will give no further consideration to Petitions that are disapproved. Petitions that are approved will proceed through the Rulemaking process.

Item D – 1 2006 NC Administrative Code and Policies, Chapter 1.

Butch Simmons made a motion to adopt this item. The motion was seconded. The motion carried.

Item D – 2 2005 NC Electrical Code, Articles 10.7 Service Utilities and 10.8 Temporary Power.

Al Bass made a motion to adopt this item. Barry Maness seconded the motion. The motion carried.

Item D – 3 Request by NC Building Code Council for temporary rule amendment to the 2005 NC Electrical Code, Articles 10.10 Approval, Article 100 Equipment definition. (See information provided with Item C – 1.)

10.10 Approval. The Authority Having Jurisdiction shall approve industrial equipment or industrial machinery by one of the following methods chosen by the owner or owner's agent:

- (1) Approval by a Registered Design Professional registered or licensed in the State of North Carolina.
- (2) Listing or Labeling by a Third Party Testing Agency approved pursuant to GS 66-25.
- (3) Approval by the local Code Enforcement Official.

Article 100

Equipment. A general term including material, fittings, devices, appliances, luminaires (fixtures), apparatus, industrial equipment, industrial machinery, and the like used as a part of, or in connection with, an electrical installation.

This code change is proposed for life-safety of employees and other building occupants.

The Effective Date for this Emergency Rule is October 26, 2005.

Al Bass made a motion to adopt this item. The motion was seconded. The motion carried.

Part E - Reports

Building Code Council Standing Committee Reports

Committee	Chairman	Comments
Gen. Construction	Butch Simmons	No comments were made regarding this committee.
Plumbing	Al Bass	Regarding the 9/13/05 Item B-2 - the committee recommends proceeding with the rules process.
Structural	Tom Avery	Regarding the 9/13/05 Items B-4 and B-5 - the committee recommends no further action.
Electrical	Lon Culbertson	Mr. Culbertson was not available for comment. Tim Reynolds was appointed chair of this committee.

Ad Hoc Committee reports and Meeting Dates

Committee	Chairman	Comments
Residential	David Smith	Mr. Smith stated that the committee has completed its work on the code changes and will begin on modifying the commentary at its next meeting on January 19, 2006.

Staff Reports

Wanda Edwards gave an update to the Council regarding the progress in NCDOI. Ms. Edwards stated that the plans review section has been overwhelmed. To relieve some of the burden, letters were sent to all the jurisdictions that have been given permission to review their own plans to seek an increase on the square footage of buildings that are currently being reviewed by NCDOI. Also, NCDOI is receiving applicants to fill two vacant positions within the plan review section. Chairman Dan Tingen, along with the rest of the Council, offered Ms. Edwards assistance in finding other solutions to help reduce the volume of plan reviews within NCDOI.

Other Reports

Jeff Kanner, NCDOI staff, addressed the Council regarding the NC Accessibility Code and its recent certification by USDOJ. Mr. Kanner also stated that the code is now in compliance with ADA Title Three. North Carolina is now one of seven states to be nationally certified. A copy of the letter of certification was given to Chairman Tingen; Laurel Wright, NCDOI staff, has the original letter.

Part F - Appeals

Item F-1 Rose Hill Conference Center, Nash County.

This appeal was postponed. A meeting between NCDOI and the Rose Hill Conference Center has been scheduled for December 16, 2005 at 10:00AM. Wanda Edwards extending an invitation to the meeting to Al Bass and any other member of the Council. Diane Miller, Assistant AG for the Council, advised Ms. Edwards to contact the Rose Hill Conference Center in regards to their feelings about having Council members present at the meeting.

Sincerely,

Barry Gupton, PE
Secretary, NC Building Code Council