

**STATE BUILDING CODE TECHNICAL REVIEW BOARD  
MEETING MINUTES  
August 19, 2022  
Virginia Housing Center  
4224 Cox Road Glen Allen, Virginia 23260**

Members Present

Mr. James R. Dawson, Chairman  
Mr. Vince Butler  
Mr. Daniel Crigler  
Mr. David V. Hutchins  
Ms. Christina Jackson  
Mr. Joseph Kessler (arrived at the end of roll call)  
Mr. R. Jonah Margarella  
Mr. Eric Mays, PE  
Ms. Joanne Monday  
Mr. W. Shaun Pharr, Esq., Vice-Chairman  
Mr. Aaron Zdinak, PE

Members Absent

Mr. Alan D. Givens  
Ms. Elizabeth White

Call to Order                      The meeting of the State Building Code Technical Review Board (“Review Board”) was called to order at approximately 10:00 a.m. by Secretary Travis Luter.

Roll Call                              The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General’s Office, arrived at approximately 10:20 a.m.

Approval of Minutes              The draft minutes of the July 15, 2022 meeting in the Review Board members’ agenda package were considered. Ms. Monday moved to approve the minutes with the suggested editorial change to remove the word “is” and replace it with the word “in” on lines 82 and 85 as well as add a comma (,) after the word “No” in line 85. The motion was seconded by Mr. Pharr and passed with Ms. Jackson abstaining.

Interpretation                      Approval of Interpretation 02/2022:  
  
After review and consideration of Interpretation 02/2022 in the Review Board members’ agenda package, Mr. Mays moved to approve Interpretation 02/2022 with the editorial change to remove the word “is” and replace with the word “in”; therefore the question reads as follows:  
*Does the local Fire Official have the authority to require operational permits prescribed by Sections 107 and 108 of the SFPC references in table 107.2?*

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The motion was seconded by Mr. Zdinak and passed with Ms. Jackson abstaining.

**Public Comment**

Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had signed up to speak. With no one coming forward, Chair Dawson closed the public comment period.

**New Business**

TLF McClung LLC: Appeal No. 22-06:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the structure on the property located at 17 East 7<sup>th</sup> Street, in the City of Salem.

The following persons were sworn in and given an opportunity to present testimony:

Christopher Dadak, legal counsel for the City of Salem

*Note: TLF McClung LLC owner, Lew McClung and TLF McClung, legal counsel, Scott Gardner were properly noticed. In an email dated August 17, 2022 Scott Gardner informed Review Board staff that he would not be traveling to Richmond for oral arguments.*

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: TLF McClung LLC: Appeal No. 22-06:

After deliberations, Mr. Crigler moved that the appeal was not properly before the Board because the decision being appealed cited the City of Salem local ordinance and not the building code; therefore, the Review Board lacked jurisdiction to hear the appeal. The motion was seconded by Mr. Mays and passed unanimously.

Request for Interpretation of Greg Revels (Henrico County):  
Interpretation Request No. 04-22:

An interpretation request from Greg Revels of Henrico County was considered concerning NFPA 70 National Electrical Code/2017 (NEC), on Article 336 related to whether the use of TC-ER (JP) cable meets the intent of the code when installed as the inverter output circuit for a solar photovoltaic system in one-and two-family dwelling units.

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With consent of the Chair, Mr. Revels offered a revised question for his request which read:

*“Is the use of TC-ER (JP) cable safe and meets the intent of the code when installed as the inverter output circuit for a solar photovoltaic system in one-and two-family dwelling units?”*

Mr. Mays moved to accept the revised question as written, *“Is the use of TC-ER (JP) cable safe and meets the intent of the code when installed as the inverter output circuit for a solar photovoltaic system in one-and two-family dwelling units?”*; Mr. Mays further moved that the answer is *“Yes”*. The motion was seconded by Ms. Monday.

After further deliberation Mr. Pharr offered an amendment to Mr. Mays’ motion to further revise the question to read *“Does the use of TC-ER (JP) cable meet the intent of the code when installed as the inverter output circuit for a solar photovoltaic system in one-and two-family dwelling units?”*; Mr. Mays accepted the amendment to his motion, Ms. Monday reaffirmed her second to include the amendment. Mr. Mays’ portion of the motion that the answer be *“Yes”* remained as originally moved. The amended motion and answer of *“Yes”* passed unanimously.

Secretary’s Report

Mr. Luter distributed a draft copy of Review Board Policies #27, #28, and #29, which were prepared by staff at the request of the Review Board.

After review and consideration of Review Board Policy #27, Mr. Mays moved to approve Review Board Policy #27 as written. The motion was seconded by Ms. Jackson and passed unanimously.

After review and consideration of Review Board Policy #28, Mr. Mays moved to approve Review Board Policy #28 as written. The motion was seconded by Mr. Crigler and passed unanimously.

After review and consideration of Review Board Policy #29, Mr. Kessler moved to approve Review Board Policy #29 as written. The motion was seconded by Mr. Pharr and passed unanimously.

Mr. Luter informed the Board of the current caseload for the upcoming meeting scheduled for September 16, 2022.


Attorney Bell had no legal updates to provide to the Board.

Adjournment

There being no further business, the meeting was adjourned by proper motion at approximately 12:15 p.m.

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Approved: September 16, 2022

  
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Vice-Chair, State Building Code Technical Review Board

  
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Secretary, State Building Code Technical Review Board