



## Tupelo License Commission Minutes

**Date:** 3/22/2022 **Time:** 6:01 pm **Call to Order:** Tony Carroll **Meeting Adjourned:** 7:15 pm

### In Attendance

#### LICENSE COMMISSION MEMBERS:

Randy Hanlon      Terri Williams      Jay Scruggs      Tony Carroll      Richard Rhudy  
Matt Wiley

#### CITY OF TUPELO STAFF:

Tanner Newman      Patrick Reagan      Johnny Timmons      Al Jones      Ben Logan  
Stephen Reed

#### OTHERS PRESENT:

Norman Spangler III (via Zoom)      Michael (HF Rep, via Zoom)  
Rob Harness      Britt Curbow

### Approval of Minutes

Tupelo License Commission Board member Tony Carroll motioned to approve the minutes of the Tupelo License Commission meeting held on November 15, 2021. The vote was unanimous in favor.

### Introductions/Election of Chairman

Patrick Reagan, the new Chief Building Inspector, and Terri Williams, the new Architect Representative and new Tupelo License Commission Board Member, were introduced and Ms. Williams was welcomed into the Committee by Tanner Newman, Director of Development Services. Jenny Savely, the new City Planner, was introduced to the Board Members by Mr. Newman. Jay Scruggs nominated Richard Rhudy as the new Elect Vice Chairman of the Tupelo License Commission Board. Terri Williams seconded the nomination and all present voted in favor.

### New Business

#### 1. Administrative Decision Appeal – Cooper Tire #7 Mixer

**Does the Commission allow the IBC rating or does Cooper Tire have to follow the UL rating?**

- a. Randy Hanlon & Tony Carroll recused themselves since they have involvement with Cooper Tire.
- b. Norman Spangler III, who is working with HF, a third party company, stated the following:

“We have a project that is involved in the dual rating on the breaker. The feed from the transformer to the breaker is 720 volts roughly. Since the breaker has a dual rating of 1000 IBC and a rating of 600 UL, per code, are we allowed to use the IBC rating as well or do we have to follow the UL rating?”

- c. Tanner Newman directed the question to Patrick Reagan.
  - i. Patrick Reagan stated the 600 volt UL is too small for the application.
- d. Ben Logan, City Attorney, asked Mr. Spangler the following questions:
  - i. How long has the machine (Mixer #7) been installed?
    1. Mr. Spangler stated the machine has been installed for maybe 3 months and is just in the testing phase.
  - ii. Where any permits applied for?
    1. Mr. Spangler stated no permits were applied for.
  - iii. What changes would need to be made on the IEC standards vs the NEC standards.
    1. Mr. Spangler stated that is basically what they are asking us. The machine was put together at HF, out of Germany. For them it's IEC, for us it's UL. The machine works in Mexico but in the US there are complications.
- e. Tanner Newman asked if anyone from Tupelo Water & Light would like to speak on the topic or make a recommendation to the commission.
  - i. Tupelo Water & Light did not have any statements for this question.
- f. Tanner asked the Commission if they had any questions and to approve or deny the request.
  - i. Jay Scruggs asked Mr. Spangler “Liability wise, do they not have an electrical engineer that can sign off on this on your behalf?”
    1. Mr. Spangler stated that he is an electrical engineer but that's where the disconnect is between HF and Cooper, the IBC or UL rating.
- g. Michael, Manager from HF, stated the machine can handle 1000 volts. He said there are no concerns to use 690 incoming volts. Unfortunately, the UL rating stops at 600 volts. He also stated the code the City of Tupelo currently uses, is from 2013. He said in the 2018 version, the rating stops at 1000 volts.
  - i. Mr. Newman and Mr. Reagan both stated the City of Tupelo operates on NEC 2011.
- h. Mr. Reagan waived on the decision to use the IBC rating.
- i. Mr. Newman asked for a motion on the decision to allow Cooper Tire to use the IBC rating vs the UL rating.
  - i. Richard Rhudy motioned not to approve based on UL and IEC ratings.
    1. Jay Scruggs seconded that motion and all were in favor.
- j. Mr. Newman stated Cooper Tire will have to follow the NEC Code, which is the UL rating, for the breaker.
  - i. Mr. Spangler requested the decision be emailed to him, which Mr. Newman agreed to.

## 2. Request for Electrical Code Update

- a. Rob Harness, representing Kenneth Estes and Homebuilders & Remodelers Association of Northeast MS, made a request for an electrical update.
- b. Rob Harness, Residential Contractor in Tupelo, MS, said the Homeowners Association of Northeast MS, about 130 member strong, are looking for alternative building products to offset some of the cost. During their board meeting, they discussed trying to get the electrical code changed. They are asking for the option to use 14 gage wire instead of 12 gage wire. The City of Tupelo is the only municipality within 100 mile radius that requires 12 gage wire.

- i. Tony Carroll asked Mr. Harness, what would be the benefits of changing from a 12 gage wire to a 14 gage wire?
    - 1. Rob Harness said the biggest benefit is cost.
- c. Jay Scruggs made the comment that when the City of Tupelo started the requirement for 12 wire, it was because 14 gage wire was being used for a certain type of home (mobile home) and used that requirement to keep those homes out of the City of Tupelo.
- d. Terri Williams suggested researching the matter further before making a decision.
- e. Patrick Reagan said as far as the inspections go, changing wire would require them to look at things more closely. The electrical code update would 100% meet the NEC Code. Manufactured housing industries have built to the NEC Code with 14 gage wire. The city has adopted codes against manufactured houses and if challenged in court, the question would be asked “why do we not allow manufactured houses?” Our answer would be “It does not meet our electrical code.”
- f. Tony Carroll asked “If we allow this and the inspector misses something, but you’ve certified it, and the house burns because we missed some little wire, what legal condition does that leave the city in?”
  - i. Stephen Reed, Assistant City Attorney, stated “It’s hard to say what extent of liability it would put us in. Once our seal is on it, that could pose some issues.”
- g. Mr. Scruggs stated, “It’s pretty easy to see wire issues. It’s hard to believe that Tupelo is the only city that can’t make this work.”
- h. Mr. Newman stated, “The City of Tupelo operates under the NEC. At some point in the city’s history, the city chose to add this additional language to our electrical code. They’ve adopted the NEC but they’ve also added this language, in addition to the NEC as our adopted electrical code. A lot has changed since that decision was made, such as color coded wires. You now can see the difference between the two.”
- i. Mr. Newman asked Jenny Savely if she had any additional information that she could offer the Commission, about mobile homes, as far as what other codes the city currently has that limits their location in the city.
  - i. Jenny Savely stated, “Our primary thing that keeps people from citing mobile homes is that it has to adhere to ICC 20-18. I think the intent of the code was to keep the older mobile homes out that did not aesthetically work or were run down. Holding to the 20-18 standards keeps us within the newer homes that have safer protocols. That’s where we stand now. I don’t think changing this would necessarily prohibit any mobile homes. There are a lot of regulations that prevent that, if that’s our goal.”
- j. Tanner asked, “In your opinion, as the City Planner, if the Commission chose to approve this request, that’s not going to impact the City’s ability to regulate mobile homes in the city?”
  - i. Mrs. Savely stated, “I don’t believe so but I would definitely also defer to Stephen and Patrick on their thoughts on this. But from my perspective, I don’t think that’s the only limitation.”
    - 1. Stephen replied that mobile homes are only allowed on agricultural zoned areas in Tupelo.
- k. Mr. Newman asked if Johnny Timmons or any of his guys would like to comment on this issue or offer any additional information that might be informative for the Commission.
  - i. Johnny Timmons and Al Jones said they do not see any issues with it.
- l. Mr. Newman asked if there was anyone in the audience that would like to comment or offer and further information.

- i. Mark Substance said the cost is the only issue. If it's adopted in the code book, he doesn't understand why we don't use it.
  1. Tony Carroll replied that the only advantage of changing to 14 gage wire, is a few hundred dollars, when there are so much other unknowns. What are the other benefits?
    - a. Jay Scruggs asked why we don't use 10 wire then? He said it's not a safety thing. Why are we the last to get on board?
      - i. Tony Carroll said he wants to do what's right for the city and citizens, not just the contractors.
      - ii. Rob Harness said it is easier to work with a 14 gage wire and there is more liability with a 12 gage wire using a 20 amp breaker. 14 gage wire pulls easier than 12 gage wire does.
- m. Mr. Newman asked if any of the gentlemen use 14 gage wire when building outside the City of Tupelo.
  - i. Britt Curbow stated that as long as you have it on a 15 amp breaker, it is fine. The biggest thing is the breaker.
- n. Mr. Newman – The request is to allow 14 gage wire for lighting only, but 12 gage would stay intact for outlets. Tanner Asked Mr. Reagan what he would see change, in terms of inspections? How do you see it affecting the time it takes to conduct an inspection, if we switch?
  - i. Mr. Reagan said it would not be a huge change. Could possibly make some things easier, with the color code change. They will have to verify that the 14 gage wire is going with a 15 breaker and will need someone there to open/close the breaker box.
    1. Tony Carroll asked "Are breakers in the box?"
      - a. Mr. Reagan said "yes."
- o. Mr. Newman stated, "If it's the Commissions will to take a vote tonight, the next step would be, whatever you are recommending, that will have to go to the City Council for final approval. They will not take up this issue until the Commission takes a formal vote."
  - i. Terri Williams proposes to take the request under consideration and motioned to meet within a week or two.
    1. Stephen Reed wanted to table the request until the next meeting.
    2. Richard Rhudy seconded Terri Williams' motion.
      - a. All were in favor and the motion was carried.
- p. Terri Williams nominated Patrick as the person to receive emails about the Commission meetings.

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## Announcements

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Tanner Newman announced the Administration is working on, with Jenny Savely and the legal team, a comprehensive update to our Development Code and to the City Code of Ordinances.

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## Next Meeting

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4/14/2022, City Council Chambers, 2<sup>nd</sup> Floor of City Hall

6:00 PM