

MINUTES
BUILDING CODE ADVISORY BOARD
May 16, 2012

- I. The Chairman, William Ray Higgins, called the meeting to order at 2:00 p.m. in the Vista Center 1st Floor Conference Room 1W-47, Palm Beach County Planning, Zoning & Building Department, 2300 North Jog Road, West Palm Beach, Florida.

A. **MEMBERS PRESENT:**

William Ray Higgins, Chair
Michael Fichera, Vice Chair
Bette Lowe
Jacek Tomasik
Doug Wise
Howarth Lewis

Joe Byrne
Greg Miller
Scott Worley
Andrew Mack

MEMBERS ABSENT:

Steven Kennedy
Gary Kozan
Maury Jacobson

OTHERS PRESENT:

Ashley Salvati, Recording Secretary
Michael Fox, PBC, CPT Supervisor
Richard Gathright, Deputy Building Official
Kurt Eismann, Director Contractor Cert.

Shannon Fox, Asst. County Attorney
Bob Boyer, PBC, CPT Coordinator
Kathy Cleary, Cleary Insp. Services

- B. A motion was made to approve the minutes of the March 21, 2012 meeting. The motion was seconded and carried unanimously.

II. **ADDITIONS & DELETIONS – NONE**

III. **COMMITTEE REPORTS**

A. **Code Interpretation – Bob Boyer**

- Mr. Boyer reported that the Florida Building Commission Energy Technical Advisory Committee (TAC) is currently working on clarifying the intent of the Code with respect to window change-outs. The confusion stems from the following sections of the Florida Energy Conservation Code and Florida State Statutes:

- FECC 402.3.6 states all replacement fenestrations “shall meet the applicable requirements...in Table 402.1.1.”
- FSS 553.906 states that thermal efficiency standards “shall apply to...the installation or replacement of building systems and components with new products for which thermal efficiency standards are set by the Florida Energy Efficiency Code for Building Construction.”
- FSS 553.903 contains thermal efficiency standards specific to Renovations, and states “these standards apply only to those portions of the structure which are actually renovated.”
- FSS 553.902 defines a Renovated Building as being one where the estimated cost of alterations “exceeds 30% of the assessed value of the structure.”

Therefore, the debate hinges on whether all window replacements are required to meet the thermal efficiency standards, or only those window replacements involved with a renovation, where the cost of construction exceeds 30% of the value of the structure. Mr. Boyer reports some jurisdictions are enforcing it one way and some are enforcing it the other, and that industry was looking for guidance at this stage. He also informed the Board that there was a

TAC meeting on Monday discussing the thirty-percent rule and that there is a public hearing scheduled to discuss it again on June 11. He stated that in unincorporated Palm Beach County if the value of the work exceeds the thirty-percent threshold then the new standards are being enforced, however, if the value does not exceed thirty-percent then the County is not enforcing them, pending the outcome of the Commission action in June.

- Much discussion followed among the Board members.
- Mr. Wise stated the City of West Palm Beach was currently following the County's interpretation of only enforcing the new standards when the work exceeded the 30% value threshold.
- Mr. Tomasik stated that the Town of Wellington has recently issued several window replacement permits, and that none of those jobs exceeded thirty percent of the assessed value of the home. He indicated that Wellington would also be following the County's interpretation.
- Mr. Fichera stated that he had come to the same conclusion and that the City of Boca Raton was also enforcing the Code as interpreted by the County and West Palm Beach.
- Mr. Mack stated that the City of Delray also concurred with the interpretation of the County, and that Delray would be following suite pending further determination from the Florida Building Commission.

B. Code Amendments – NONE

C. Product Evaluation – Michael Fox

- Mr. Fox stated that the County's thirty day grace period on enforcing all product approvals to be updated to the 2010 Code was being extended to June 15, 2012. This extension is due to several products that are expected to receive final approval at the FBC Product Oversight Committee meeting scheduled for June 11, 2012.
- Chairman Higgins asked what products were involved.
- Mr. Fox stated there were several, but that one of the largest was United Steel Products (USP) who has almost their whole inventory of structural connectors pending final approval at the June POC meeting.

D. Regulatory Climate Oversight Committee – Doug Wise

- Mr. Wise reported that the RCOC was continuing to promote acceptance of the Universal Permit Application among all the County's municipalities. He said one of the main concerns of some of the smaller communities was that they were going to lose revenue or some level of control. He said the Committee was looking into ways to dispel those concerns, and that one idea was to get some of the communities in favor of it to put their endorsement in writing.
- Chairman Higgins stated that the reputation of the County and the city of West Palm Beach is improving because of better management.
- Mr. Wise stated that the last time they checked, there were still ten jurisdictions that were not accepting the Universal Application. He also stated that a similar kind of challenge may arise when the Countywide Contractor Enrollment program is instituted.
- Chairman Higgins asked which municipalities were accepting the Universal Application.
- Mr. Tomasik noted that the list of participating communities was posted on the County BCAB website.
- Mr. Tomasik stated that the Universal Permit Application was a great first step, but that in his opinion the Countywide Registration for Contractors was going to be of even greater assistance by eliminating the redundant paperwork caused when contractors have to register their license in multiple jurisdictions. Centralizing the registration process would ultimately save everyone time and money.
- Mr. Wise stated some of the difficulties that West Palm Beach experiences in trying to manage the contractor registration program.

- Chairman Higgins gave an example of what the Town of Palm Beach does regarding copies of licenses.
- Mr. Worley stated that as a contractor, he thought having one source to register all your information at would be of great assistance to the contracting community.
- Mr. Fichera stated that the city of Boca Raton would stand to lose some revenue; however, the fees currently received are no where near what it costs for the city to manage the program. He stated that the city manager has also expressed support for a central registration process.
- Mr. Eismann stated his support of the idea, but also stated that additional Contractors Certification staff would be needed to implement the program. He agreed to discuss the specifics with Rebecca Caldwell, and that he would report back to the Board in the next sixty days.
- Mr. Tomasik stated he needed to leave early and asked if there were any issues pending that would require a quorum.
- Ms. Salvati noted that acceptance of the Ridge Vent Failure letter was going to be coming up under Old Business. The Board agreed to discuss it at this time.
- Mr. Worley pointed out a few grammatical errors, and made a motion to approve the letter with those corrections. .
- The Board seconded it. Motioned passed.
- Mr. Wise then followed with more discussion concerning acceptance of the Universal Permit Application.

➤ **IV. OLD BUSINESS**

1. **Ridge Vent Failure – Staff – Letter (was already discussed)**

IV. NEW BUSINESS

1. **Suggested Benchmarks for determining Roof Moisture Content Limitations – Katherine Cleary, Cleary Inspection Services**

- Ms. Cleary discussed how roof moisture surveys can help determine 'roof repair' requirements and 'roof recovering' limitations. Her presentation noted the benefits of having specific moisture content requirements such as those found in the High Velocity Hurricane Zone sections of the FBC.
- Mr. Wise stated that West Palm Beach had required a moisture survey this week on a project that came in.
- Mr. Fox stated that the County is in favor of requiring the submittal of Moisture Surveys with all Recover permit applications; however, the Code in effect in PBC doesn't state specific moisture content limitations. The benefits of obtaining roof moisture surveys also came up at a recent Roofing Contractors' Association meeting, at which, the majority of the contractors in attendance were in favor of the requirement. Thus, the topic was brought before the Board for consideration of issuing a Technical Advisory that would define specific parameters for the percentage of roof moisture content allowed, as well as making a recommendation that Roof Moisture Surveys be submitted with Roof Recovering Permit Applications.

2. **Rental Properties – Kurt Eismann**

- Mr. Eismann stated that a member of the Air Conditioning industry believes that there is a problem with air-conditioning replacement work being done in multi-family, residential rental communities. After several meetings with Richard Gathright, they are convinced that this is a serious problem and the County has been asked to see what they can do to alleviate that. He further stated that the situation has to do with the business model that these companies have set up. When they have a multi family residential community out there, they are in essence having there own people do repair, replacement, or whatever kind of work that they need to have done and they are not really hiring licensed contractors to do the work. In most cases they are having competent individuals do the work, because they are doing a lot of the work and he does not think that the Building or Fire Officials have been called in much on the tragedy that

they may be creating out there. There was a meeting about a month and a half ago a gentleman who does the testing for Lincoln Technical Institute, they prepare people to take the AC or mechanical journeyman test, spoke about the last two graduating classes. He stated that one hundred percent of their graduates are hired but not one of them went to work for an AC contractor. They were all hired my management companies for rental communities. He informed the Board that they may be branching out into other jurisdictions besides just Palm Beach County if it turns out that this is something they can do and that he is waiting to hear back from legal as to reasonable suspicions. What they are looking at is a study that was done some time ago for the longevity of equipment, water heaters, air conditioning equipment, and major appliances, things that would be regulated under the licensing law to see how long these things last. Then they will mine some data out of the Unincorporated Palm Beach County Building Division records and if they find that the building was built thirty years ago and there has never been a permit issued for an AC replacement, or a water heater replacement, or any kind of electrical work that typically might need to be done with that then that means we would have people not acting in accordance with the Building Code or licensing law. So the question is, is that enough reasonable suspicion for the Director of Contractor Certification or the Construction Industry Licensing Board to subpoena their records.

- Chairman Higgins commented on issues with unlicensed contracting and lack of insurance and the need to stop it.
- Mr. Eismann stated that there was a recent case that Palm Beach County Code Enforcement was successful in getting the management company to show that they had replaced all three hundred units over the last ten years. The company hired a legitimate contractor and the county worked with them on getting their permits and they are currently in the inspection process.

VI. FUTURE BOARD MATTERS FOR JULY

1. DCA STICKER ON ALL AIR CONDITIONERS AND GENERATORS – State Agency Requirements

- Chairman Higgins will forward information to staff to present next month.

VII. BOARD MEMBER COMMENTS

1. Mr. Worley informed the Board that Gold Coast Builders Association and BSF, have merged to a mega Builders Association which called the Florida Atlantic Building Association. It is now a combined association with a north and south chapter that was just completed in March. He also informed the Board that Chris Roog has left the Association and is now working in the political arena as an adjunct to the mayor of West Palm Beach and additionally with Sherriff Ric Bradshaw.

2. Next meeting – July 18, 2012

VIII. STAFF COMMENTS – None

The meeting was adjourned at 3:55 p.m.


William Ray Higgins, Chair

Respectfully submitted,
Sherita White, Recording Secretary