

**MINUTES**  
**BUILDING CODE ADVISORY BOARD**  
**September 19, 2012**

The Chairman, William Ray Higgins, called the meeting to order at 2:10 p.m. in the Vista Center 1<sup>st</sup> Floor Conference Room 1W-47, Palm Beach County Planning, Zoning & Building Department, 2300 North Jog Road, West Palm Beach, Florida.

**1.A. Roll Call**

***Members Present:***

William Ray Higgins, Chair	Bette Lowe
Michael Fichera, Vice Chair	Andrew Mack
Joe Byrne	Greg Miller
Maury Jacobson	Jacek Tomasik
Steven Kennedy	Scott Worley
Gary Kozan	

***Members Absent:***

Howarth Lewis  
Doug Wise

***Others Present:***

Vickie Day, Recording Secretary	Bob Boyer, PBC, CPT Coordinator
Sherita White, Administrative Assistant	Shannon Fox, Asst. County Attorney
Richard Gathright, Deputy Building Official	Anne Helfant, Asst. County Attorney
Michael Fox, PBC, CPT Supervisor	Michael Grimm, City of Greenacres

**1.B. Pledge of Allegiance**

**1.C. Approval of Minutes**

*The motion was made to approve the minutes of the July 18, 2012 meeting. The motion was seconded and carried unanimously.*

**2. ADDITIONS & DELETIONS – NONE**

**3. COMMITTEE REPORTS**

**3.A. Code Interpretation – NONE**

**3.B. Code Amendments – Bob Boyer**

Mr. Boyer discussed the Florida Energy Conservation Code glitch amendments. He explained how window change outs typically would not have to meet the new energy efficient standards. A new home does have to meet the new standards, but because it is calculated, there are other trade offs.

Mr. Gathright stated if you are doing change outs in an existing 30 year old house and these change outs, window and other minor work that you might be doing that effects the envelope of the building and does not exceed 30% of the assessed value of the structure it does not have to comply with the code per Florida statue. The conflict is where the language in the code contradicts with the Florida statue.

Mr. Worley asks in a major renovation where you are doing over 30% of the value then does everything in the work area have to meet the new Energy Code?

Mr. Gathright stated yes, you address the whole envelope of the building

Chairman Higgins noted it would benefit our citizens to be told the benefits of higher efficiency windows.

Mr. Gathright mentioned how only a few sales people are very knowledgeable in higher efficiency.

Mr. Kennedy asked if these Supplements to the Florida Building Code are in effect.

Mr. Boyer explained the statute 553.904 sub section 9 states that The Building Official *may* enforce them, once they are approved by the FBC. Once they are through the formal rulemaking process, they would be *required* to be enforced by all.

Mr. Kennedy asks is there any kind of date on the agenda when that might be?

Mr. Boyer stated it was not when I spoke to them last week.

Mr. Kennedy asked for clarification; everything in here is local Building Official interpretation. The items underlined are the additions

Mr. Boyer stated yes to both

Mr. Kennedy clarified that some items are just for residential buildings and not necessarily for commercial buildings. The Energy Code's definition of residential buildings means residential occupancy, not just one and two families but also condo buildings with 200 units.

Mr. Fox states two clarifications regarding the Statute. First the FBC has basically approved these changes, but they have not been to the final rule making process. What the Statute does, is it specifically states that the authority having jurisdiction *may elect* to enforce them once they have been approved by the commission and *prior to* final approval. Once they go to the final approval, then they *have to be* enforced. Secondly, as far as the renovations go – renovation has now been clearly defined as a project that has a work value exceeding 30% of the assessed value of the structure.

### 3.C. Product Evaluation – Michael Fox

#### 3.C.a. Above Ground Propane Tank Hold-Down

Mr. Fox explained the prescriptive design diagram is several years out of date. The last time it was updated was to the 2001 code. Palm Beach County's Chief Mechanical Inspector has decided we are no longer going to accept this. We are going to require site-specific tied down engineering. Currently this is on the BCAB prescriptive design site; it would be staff's recommendation that we remove it until which time we can be provided with an updated design. The Board has to vote and make that decision themselves.

Mr. Worley requests clarification on what the deficiencies are on the schedule.

Mr. Fox explains it is way out of date, code sections referenced are significantly out dated ASCE 7-98, that is two versions out. This was last updated in 2005; so we have been through the 2007 and 2010 code cycles without the design being updated. Without having an engineer on the board any more like we use to, there is really no one we have on staff to take a look at this and purview this.

Mr. Tomasik explains there are two options; pull this one out and strictly require site-specific tie downs or the board comes up with the design that can be universal that can be used by the contractors to submit with their gas tanks permit.

Mr. Fox suggests the Board follow suit with the county policy to require the site specific ones. In the future, if someone comes up with a generic engineered design which would apply to all cases, at that time they can bring it to the Board and submit it for approval and then we can go back to having a prescriptive design again. A posted prescriptive design is much cheaper for the home owner.

*The motion was made to remove the technical advisory from the website. It was seconded and it carried unanimously.*

Mr. Worley asks the staff if they are comfortable contacting Florida Public Utilities to see if they have an engineer who could provide a prescriptive design diagram.

Mr. Gathright states that we will investigate that possibility.

Mr. Kennedy asks if we have a prescriptive shed, or did we already act on that?

Mr. Fox explains that the shed is good to go; we have already acted on that.

**3.C.b Spray Poly-Foam Insulation**

Mr. Fox explained there are two issues. In the handout, you have the section of the code R806.4. A roofing contractor raised this question to us awhile back and I think it was a legitimate point that he brought up. This has to do with the spray on

Poly foam, the kind that sprays on the underside of the roof deck; when those first came out there was a lot of growing pains. Over the years, we narrowed in on the ignition barrier and the flame barrier requirements and we got that ironed out. It was Chapter 3, Section 14. This section 806.4 possibly slipped through the cracks. It specifically deals with different requirements if the insulation is installed in an *air permeable* or a *non-air permeable* type of installation. Those two terms can kind of be switched with *open cell (air permeable)* and *close cell (non-air permeable)*; but not all the time. So the verbiage really needs to keep with *air permeable* and *non-air permeable*. As you are reading section 806.4, if you are using an *air impermeable* type then there are no other requirements – you just put it to the underside of the deck and comply with the ignition and the flame barrier. If it is an *air permeable*, this section of the code requires “a rigid board or some sort of sheath insulation to be applied on the top side of the deck and below the roof covering assembly”. We did research with contractors and distributors of the spray foam products; none of them recalled ever seeing a rigid board or sheath insulation. The concern is being that condensation could build up underside of the deck. This particular code issue we felt was worth bringing up to the board and will bring it up to BOAF just as a flag –you may want to make sure you are complying with it.

Mr. Byrne explains the open cell is normally used in the attic for icing; when they spray on the underside of the deck it becomes a closed cell as soon as it touches the plywood decking. The manufacturers were asked to explain and a year later still no response. We’ve conducted our own experiments and we’ve had our problems where minor roof leaks have become major because they are not discoverable. The difference between an open cell and a closed one you can tell by just touching it – one is hard and one is soft.

Mr. Fox advised the Board that PB County, to be on the safe side, is have the designers specify whether they are using *air* or *non-air permeable*, and have them take responsibility for their design.

Mr. Fox states we have also become aware there is a lawyer, that dealt a lot with the Chinese drywall class action lawsuit, which is promoting the concept of a class action lawsuit regarding the health risks that come out of the installation of spray poly foam due to some of the off gassing. It is included in your package – I did a little research -Wolf & Pravato is the attorney. Once again, just wanted the Board to be aware that this is out there and it is happening.

**3.D. Regulatory Climate Oversight Committee – Michael Fox**

In the absence of Doug Wise, Mr. Fox reviewed the final letter that was drafted to go out to all municipalities. The letter uses verbiage applauding the ones that do and encouraging the ones that don’t to get on board. 16 incorporated communities have signed on at this date. Staffs’ recommendation is for the Board to accept that letter and recommends the Chairman sign it and distribute.

*The motion was made to accept the letter as written and have the Chairman sign it and deliver the letter to the municipalities. It was seconded and it carried unanimously.*

**4. OLD BUSINESS**

**4.A. Ridge Vent Failure**

Mr. Fox confirms the letter was signed by the Chairman in the past month and has been sent out to the Florida Building Commission

**4.B. University of Florida Roof Testing - Joe Byrne**

Mr. Byrne discussed the University of Florida Roof Testing; referring to the results in the handout for the 2-ply system and the single-ply system.

- On the 2-ply system with the anchor sheet nailed to the deck and the tiling attached:  
Failure rates found: 74% tearout, 6% membrane and 91.6% adhesive.
- On single-ply system direct deck:  
Failure rates found: 7% membrane and 91% adhesive.

The results show the direct deck is the better attachment system of the tile underlayment. However, this brings about other future problems. The study shows the peel-n-stick applied to the plywood w/o an anchor sheet is a better product from a failure standpoint. They're testing the foam to find out why it fails; possibly because with the foam the A tank runs out before the B tank does. Only way to detect that is if you are doing A Static Up Lift; which is what they require in Miami/Dade and Broward Counties.

Mr. Tomasik states reviewers look at the tile application & see Florida Product Approval – they don't all require a static up lift on them. Would it be the proper action here to require the static up lifts on all them – would that help eliminate these issues?

Mr. Gathright states Palm Beach County does not require the static up lift test – we accept both Miami/Dade approvals and Florida Product Approvals. On the inspection side, we do not require one as our sections of the code do not specifically require it. We've never taken the stand that if you use the Miami/Dade then you need to follow it through entirely and have the static up lift test.

Chairman Higgins asks if we should add the word "entirely".

Mr. Gathright says it would probably take a modification of the non-high velocity hurricane zone in the codes to give you that authority because you are doing a local technical amendment. That is the position that has been taken, whether or not that could be revisited is open.

Mr. Byrne noted that if you submit a Florida Product Approval and its' testing agency is a Miami/Dade firm you are held in the same standards. But not all Florida Product Approvals are done in Miami/Dade.

Mr. Worley asks why do roof contractors resist using the direct deck peel and stick.

Mr. Byrne explains that direct deck is less expensive. The biggest drawback with it is down the road when you go to re-roof it; how do you determine that the wood decking has been re-nailed or that the wood is rotten if you can not take off the peel and stick.

## 5. NEW BUSINESS

### 5.A. Nov 21<sup>st</sup> Meeting Date – Suggested change to Nov 14<sup>th</sup> due to Thanksgiving

*The motion was made to change the next meeting date to November 14, 2012. It was seconded and it carried unanimously.*

### 5.B. Electric fence installation limitations and permit requirements

Mr. Boyer advised, for information purpose only, that he sent an email to the Building Officials Association of Florida asking which jurisdictions were permitting electric fences and under what zoning districts and with what limitations. Also put it out on the BOAF discussion group. We have had questions about allowing electric fences in unincorporated Palm Beach County and we wanted to see what other municipalities were doing

Mr. Gathright stated it was for fences for security for high value; in this particular case it is for boats. A boat yard wants to put up an electric fence that's on the interior side of a chain link fence – It is not the only perimeter barrier. It is for security to prevent people from stealing.

Mr. Gathright advises there are particular people who want to use it and Palm Beach County Zoning Department is having a hard time allowing it.

Chairman Higgins stated electric fence installations would have to have safety measures in place to protect children and others who might accidentally come in contact with the fence while it is energized.

Mr. Tomasik asks if Palm Beach County has an actual LDR section that prevents their use.

Mr. Gathright explains the language and the way it is being interpreted is that if it inflicts pain upon people it is not permissible. In going back to the comment Mr. Higgins said, this type of fence you would have the exterior fence, in this case, they are proposing an 8' high chain link that is vinyl coded just for the looks of it. The electric fence would be inside the perimeter fence where these boats are to be stored.

**6. FUTURE BOARD MATTERS FOR NOVEMBER**

- 6.A.** Rental Properties/Unlicensed Maintenance Employees - Future Follow-Up - Kurt Eismann  
Mr. Gathright stated Mr. Eismann will be at the November meeting to give the Board an update

**7. BOARD MEMBERS COMMENTS**

Mr. Kennedy suggests that the Board put the Glitch Amendments on the Energy Code on the agenda for next meeting. Give the board time to review the research, discuss possibilities of a technical advisory or a motion to encourage uniformity, then, we can provide the leadership to the community.

Mr. Mack asks if there is a timeline for updating the uniform permit application as he would like to present some changes.

Mr. Tomasik confirms to have the committee look at a second version of the application.

*The motion was made for Andrew Mack to fill the vacancy on the Regulatory Climate Oversight Committee. It was seconded and it carried unanimously.*

**8. STAFF MEMBERS COMMENTS**

Mr. Gathright advises that the building officials in the northern part of Florida are very interested in the universal application; it was accepted with positive feedback and implemented a modified version.

Mr. Boyer remarks Broward County Board of Rules and Appeals followed our lead and has adopted the stance against solar assisted AC units and issued the same advisory.

**9. ADJOURNMENT**

At 3:35pm, the Chair adjourned the meeting

  
William Ray Higgins, Chair

Respectfully submitted,

Vickie Day  
Recording Secretary