



BROWARD COUNTY

Board of Rules & Appeals

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BOARD OF RULES AND APPEALS

OCTOBER 8, 2015

MEETING MINUTES

Call to order:

Chair Ron Burr called a published meeting of the Broward County Board of Rules and Appeals to order at 7:00 p.m.

Roll Call

Gary Elzweig
John Famularo
Bill Flett
Shalanda Giles Nelson
Dan Lavrich
Jeff Lucas
Dave Rice
Dave Tringo
Ken Wynn
Abbas Zackria
Ron Burr - Chair

After the roll call, the presence of a Quorum was announced by Chair Ron Burr.

Approval of Minutes

Mr. Wynn made a motion to approve the July 9, 2015 meeting minutes. The motion was seconded, and the minutes were approved as submitted.

CONSENT AGENDA

1. Certifications – Staff Recommended

MR. FLETT MADE A MOTION TO APPROVE, AND MRS. GILES NELSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

REGULAR AGENDA

2. Appeal #15-06 – 300 Oregon Street, Hollywood, FL 33019

Rolando Soto – Chief Mechanical Code Compliance Officer provided the staff report and noted the summary of the appeal was that the appellant claims the replaced cooling tower (CT) at Mainsail condominiums is in violation of Florida Building Code Mechanical (FBC M) sections 501.1 and 502.1

Mr. Soto recommended that based upon the evidence presented, it is the staff recommendation that the Board of Rules and Appeals support the City of Hollywood's position and denies by vote Appeal #15-06 relating to Permit M-12-100114, City of Hollywood, Florida, Mainsail Condominium Cooling Tower replacement.

Mr. Soto gave the following reasons: All references are to the 2007 Edition of the Florida Building Code, The replacement on the same location of a previously permitted and approved mechanical equipment, including cooling towers, is acceptable since it did not made the building less safe than it was before, as stated in the Florida Building Code, Existing Building (FBC EB). 601.2. The FBC EB, and the FBC M, allow the replacement in the same location "*in such a manner so as to preserve the original approval or listing*". The FBC M sections 501.1 and 501.2 apply to the ventilation in new installations, not to CT. New CT are addressed by FBC M 908.3, and cited excerpt of applicable code sections:

As stated in 2007 FBC, Chapter 1, and Broward County Administrative Provisions:

FBC Chapter 1. SECTION 101.2 Scope. Exceptions B: Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with Chapter 34 of this Code.

FBC Chapter 34 - Existing Structures. FBC 3401.1 Scope. Alteration, repair, addition, relocation and change of occupancy of existing structures and buildings shall comply with the provisions of the **FBC EB**.

FBC EB Chapter 6 - Alterations - Level 1. FBC EB 601.1 Scope. Level 1 alterations as described in Section 403 shall comply with the requirements of this chapter.

FBC EB 601.2 Conformance. An existing building or portion thereof shall not be altered such that the building becomes less safe or energy efficient than its existing condition.

FBC EB 609 MECHANICAL 609.1 General. Existing mechanical systems undergoing alteration shall comply with Section 301.11 of the *Florida Building Code, Mechanical*.

FBC M Chapter 3 - General Regulations 301.11 Repair. Defective material or parts shall be replaced or repaired in such a manner so as to preserve the original approval or listing.

After hearing testimony from the appellant, Julien Croteau, and Steve Bassett, P.E., who discussed structural deterioration in parking garages. Mr. Bassett referred to the 2007 mechanical code and continued that a cooling tower discharge is much worse than dryer exhaust. Mr. Mario Bellavance noted that if you respect the Florida Building Code, we are asking you to support us, and stand up for safety and prevention.

Michael Bass – attorney for the Mainsail Condominium Association added that with regards to the health risk, the community is very proactive on this. They have an automated computerized system that makes sure that chemicals treating the water are overseen pursuant to a contract on a monthly basis to make sure that the water that is in this tower is clean and bacteria free. There is also a contract in place to make sure that this tower is cleaned whenever necessary, to make sure it is bacteria free and not a health risk to anyone. As pointed out, this building has been in place for over forty (40) years. There have been no reported injuries or illnesses regarding the prior cooling tower or the existing cooling tower. We submit there is a created basis for this appeal, which does not have a legitimate basis. The Association believes that there is a motivation on Mr. Croteau's part. There has been an effort to remove the tower because it is located in Mr. Croteau's parking space which has been allocated to him. He has been asking for the tower to be moved from his parking space in the garage to another parking space in the garage so that he can be unencumbered by its location. On behalf of the Condominium Association we ask that you deny the appeal.

Phil Sauer – Building Official City of Hollywood provided the City Response. Mr. Sauer said that the work in question involves the permit to replace an existing cooling tower at 300 Oregon Street, a condominium built in 1967. He further noted that the cooling tower is located in an open air parking garage on the first floor, and had been replaced once already in 1980. Mr. Sauer referred to attached copies of the Hollywood Florida Building Code 1969 Edition and the South Florida Building Code 1981 Edition for reference.

Mr. Sauer continued that the code section that would best address this installation if it were a brand new system or a relocated system, would be Section 908, specifically Section 908.3 which discusses the location of the cooling tower to prevent the discharge vapor plumes from entering occupied space. Mr. Sauer stated that coincidentally the final inspection was denied for the vapor plume was causing a safety hazard in the form of a slip hazard on the parking garage floor. Mr. Sauer respectfully asked the Board to deny the appeal.

After hearing testimony from the above parties, Chair, Mr. Burr emphasized that this is a building code issue, not a health issue. After discussion among Board members, the following motion was made:

A MOTION WAS MADE BY MR. ZACKRIA TO DENY THE APPEAL, AND WAS SECONDED BY MRS. GILES NELSON. THE MOTION PASSED UNANIMOUSLY WITH A VOTE of 11 – 0.

3. The Board of Rules and Appeals will consider amending chapter one Administrative Provisions to the 5th Edition (2014) of the FBC (Chapter One) Code Section 105.3.2.5.1 by providing an exception to read as follows:

Exception: On written request from owner or the contractor, the Building Official may reinstate the permit one time. The job shall be completed under the jurisdiction of the code that the original permit was approved under. The reinstated permit shall be subject to the life safety requirements as determined by the Fire Code Official.

A MOTION WAS MADE BY MR. TRINGO TO APPROVE, AND WAS SECONDED BY MR. ZACKRIA. THE MOTION PASSED UNANIMOUSLY WITH A VOTE of 11 – 0.

The Board of Rules and Appeals will also consider amending Chapter One Administrative Provisions to the 5th Edition (2014) of the Florida Building Code (Chapter One), - by adding to the Existing language in sub- section 105.3.2.5.1 the following:

If the Building Official fails to provide written notification, and the permit expires, the permit holder or the property owner may request a one-time 30 day extension of the permit so they have the opportunity to revalidate it.

A MOTION WAS MADE BY MR. ZACKRIA TO APPROVE, AND WAS SECONDED BY MRS. GILES NELSON. THE MOTION PASSED UNANIMOUSLY WITH A VOTE of 11 – 0.

4. The Board of Rules and Appeals will Consider Amending Chapter One Administrative Provisions to the 5th Edition (2014) of the FBC (Chapter One) by adding new sub-section 104.18.1.4 concerning the Pro-rating of continuing Education Contact Hours

MR. TRINGO MADE A MOTION TO APPROVE, AND MR. ZACKRIA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

5. Florida Building Code 5th Edition (2014) Formal Interpretation (#13) entitled Mechanical Equipment Wind Load Voluntary Design Pressure Chart

MR. LUCAS MADE A MOTION TO APPROVE, AND MR. ZACKRIA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

6. 2016 Board Meeting Calendar

MR. LAVRICH MADE A MOTION TO APPROVE, AND MR. WYNN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

7. Board of Rules & Appeals Policy concerning Member and Staff Attendance at Broward League of Cities General Membership Meetings and Meal Related Expense

THE MEETING WAS OPENED TO PUBLIC COMMENT, HAVING NONE, THE PUBLIC HEARING WAS CLOSED.

MR. LAVRICH MADE A MOTION TO APPROVE, AND MR. LUCAS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

8. Consideration of pay adjustments for staff, subject to merit reviews, effective October 11, 2015

Mr. DiPietro, Administer Director addressed the Board noted that this is above the \$10,000 that the County provides us for this purpose and for that reason I wanted to put it on the agenda and discuss with the Board members. The second point is also important, all raises are merit reviews, and if you approve this you would see the maximum amounts that would be authorized. We have one Code Compliance Officer who is at the top of the pay plan, and under the County system that individual might receive a 2 ½ % cash bonus. Under our system, we do something different, we have a 2%, not 2 ½%. The 2% longevity bonus, and that individual would not be eligible for that for another year, when he has 15 years of service. I would like to recommend that we follow what he County is doing for similarly situated employees. Those are the two main reasons why I ask you to approve this report.

MR. LAVRICH MADE A MOTION TO APPROVE, AND MR. RICE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

9. Consideration of Performance Appraisal Cash Equivalent Bonus for the Administrative Director, effective October 11, 2015

The Chair pointed out that he did Mr. DiPietro's performance appraisal on December 28th, and there is a recommendation there of a performance appraisal cash bonus of \$3,543.12.

MR. LAVRICH MADE A MOTION TO APPROVE, AND MR. RICE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

10. December Holiday Work Schedule

Mr. DiPietro addressed the Board and informed them that this was traditional on our part, but it is at the Board's discretion. We reduce the number of staff people in the office over the holidays if you approve. This is strictly a Board of Rules and Appeals program. The prior director started this, and I have continued the program. There is a requirement that the Code Compliance Officers and the Director be available by phone.

MR. LAVRICH MADE A MOTION TO APPROVE, AND MRS. GILES NELSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

11. Committee Report

Board member, Dave Rice addressed the Board and noted that we adopted the National Electric Code (NEC) 2011. Edition, which is obsolete and has been superseded by the NEC 2014. The Fire Code has some similar issues, back when Tarry Baker was involved, we did get the latest code adopted by a glitch amendment. But this is a chronic problem that we will have with the NEC as we move forward. I believe every member on the Committee wants to see the latest National code adopted, and I think Broward County can take a leadership role in pursuing this. What we would like to do at the next Board meeting is present a change to the Florida Building Code so that we can adopt the latest National Electrical Code. We are one cycle behind now, in another year we will be two cycles behind. I need the best tools available to do my job as an engineer, and that is the codebooks.

The second issue we are working on is the Bi-Directional Amplifiers that is used for first responder's communication. This was an issued a few months ago where the system did not completely go down, but it was impaired, particularly in the Hallandale area. If those systems go haywire, then it brings down the whole County. We have a special committee working on that, the County is involved. We have another meeting coming up next month, and we will keep you up to date on the issue.

Adjournment

Having no further business to go before the Board, the meeting adjourned at 7:57 p.m.

A handwritten signature in black ink, appearing to read "Ron Burr", written in a cursive style.

Ron Burr – Chair