



# Board of Rules and Appeals

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[www.broward.org/codeappeals.htm](http://www.broward.org/codeappeals.htm)

## BOARD OF RULES AND APPEALS Thursday, September 8, 2005

### MINUTES

#### CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chairman, Allan A. Kozich, P.E. at 7:00 p.m.

#### ROLL CALL

##### Present

A. Kozich  
W. Flett  
S. Giles  
A. Korelishn  
D. Lavrich  
P. London  
D. Rice  
J. Smith  
J. Somers  
M. Synalovski  
H. Zibman  
D. Zimmer

##### Excused

None

The presence of a quorum was announced.

#### APPROVAL OF MINUTES

Mr. Lavrich **MOVED**, and proposed a motion to approve the August 11, 2005 Board meeting minutes. This motion was duly seconded by Mr. Korelishn. **THE MOTION PASSED UNANIMOUSLY.**

#### Special Recognition

The Board Chairman, Allan A. Kozich, P.E. (the Chair), informed the Board of former Board member, Mr. Bill Norkunas' appointment to the Florida Building Commission. The Chair explained that due to that appointment, Mr. Norkunas could no longer reside on the Board. The Chair invited Mr. Norkunas to the dais where he received his plaque for his years of service, and expertise.

### CONSENT AGENDA

#### 1. Certifications

##### Broward County

Dennis Pustizzi, Chief Plumbing Inspector

##### Coral Springs

Michael Ung, Fire Inspector  
Olga Del Campillo, Fire Inspector

##### Dania Beach

Michele R. Polan, Fire Inspector

##### Davie

Robert S. Mogavero, Fire Inspector

##### Fort Lauderdale

Alexander Mancas, Structural Inspector

##### Hollywood

Virgil Fernandez, Fire Code Official

##### Pembroke Pines

Arturo San, Fire Inspector

##### Pompano Beach

Michael E. Bray, Electrical Plans Examiner

Mr. Zibman MOVED, and proposed a MOTION to accept the certification of those listed above on the Consent Agenda. This motion was duly seconded by Mr. Korelishn; the MOTION CARRIED UNANIMOUSLY.

### REGULAR AGENDA

**2. Adoption of Broward County Administrative Chapter 1, effective October 1, 2005**

The Chair informed the Board that the item in question was the approval of section 109.14 "Building Safety Inspection Program" as part of the Broward County Administrative Chapter 1. The Chair explained to the Board that he and the Administrative Director, James DiPietro, attended a meeting with the Board of Directors of the Broward County League of Cities on September 1, 2005, where they endorsed the proposed 40 Year-old Building Safety Inspection Program, with the only modification of adding architects to those who could perform said inspection. The Chair explained several of the specifics such as the adoption of electrical portions of the stated program by the Board's Electrical Committee, and the Committee's plan to review the criteria for the said inspection. There was lengthy discussion on this item.

The Chair opened the floor to the Public Hearing and speakers were sworn in at this time. Mr. Danny Ezzeddine, AIA, City of Plantation and current president of the AIA, approached the podium to speak. Mr. Ezzeddine informed the Board that the AIA does support the inspection program in question, however, he questioned the fact that on other pages besides page 13 of the pertaining agenda packet does not show the change stated by the Chair that was to include architects as those who could perform the building safety inspections. The Chair explained that the Board is strictly voting on the approval of section 109.14 to the Administrative Chapter. The Chair directed staff to inform Mr. Ezzeddine, of future meetings on this subject.

Mr. DiPietro requested the Chair include the effective date for section 109.14, that being January 1, 2006 as part of the language to be inserted into Chapter 1.

Mr. Korelishn MOVED, and proposed a MOTION to adopt the 40 Year and Older Building Safety Inspection Program guidelines effective January 1, 2006. This motion was duly seconded by Mr. Lavrich; the MOTION CARRIED UNANIMOUSLY.

MOTION CARRIED (Twelve (12) to zero (0))

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn,  
D. Lavrich, P. London, D. Rice, J. Smith,  
J. Somers, M. Synalovksi, H. Zibman, and  
D. Zimmer

Negative votes:

None

Mr. DiPietro informed the Board that Mr. Hitchcock did not attend the Board's Education Committee meeting on August 31, 2005 in regards to his proposed code change to Broward County Administrative Chapter, section 104.1.3.2 Certification of Building Official, because Mr. Hitchcock did not receive the Agenda package. The reason behind Mr. Hitchcock not receiving the package was due to a discrepancy in the address for the City of Davie. The package sent to 6591 SW 45 Street was not delivered by the post office, although correct we are now using the Orange Drive Davie address instead.

Mr. Bill Dumbaugh, Structural Code Compliance Officer informed the Board that the Education Committee unanimously denied Mr. Hitchcock's proposed change to section 104.1.3.2, to change the requirements for the classification for Building Official and Assistant Building Official.

Mr. Hitchcock addressed the board and apologized that he could not make the committee meeting and informed the Board of the purpose for his proposed code change and that in his opinion his proposed code change is almost parallel to Florida requirement for a Code Administrator. The Board and Mr. Hitchcock entered into discussion on this section and discussed the interpretation of this section. Mr. Hitchcock introduced Mr. Mark Cudney, Development Services Director of the City of Davie. Mr. Cudney stated that he concurred with Mr. Hitchcock's views on this proposal.

Mr. Chris Fardelman, employee of the Town of Davie, Chairman of the Central Examining Board for Engineering Construction Trade for the last 20 years. Mr. Fardelman explained that he was in favor with Mr. Hitchcock's proposed code change and would understand if some changes were made to the proposed code change should it be adopted. Mr. Fardelman expressed his opinion of required experience for Building Official or Assistant Building Officials, to the Board.

**Mr. Flett MOVED, and proposed a MOTION to send this item back to the Education Committee to allow Mr. Hitchcock the opportunity to defend his proposed code change. This motion was duly seconded by Mr. Somers; the MOTION CARRIED UNANIMOUSLY.**

**MOTION CARRIED (Twelve (12) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn,  
D. Lavrich, P. London, D. Rice, J. Smith,  
J. Somers, M. Synalovksi, H. Zibman, and  
D. Zimmer

Negative votes:

None

Mr. DiPietro referred to three glitch changes on pages 42-44. After review of the glitch changes the Chair opened the public hearing. There was no one to come before the Board for the public hearing and it was closed at this time.

Mr. Zimmer requested that letters or roman numerals be used in the place of bullets throughout chapter 1. Mr. DiPietro responded to Mr. Zimmer that the change could be processed for section 104.1.3.6 on page 1.5 of the Administrative code only, because to make said types of changes throughout the Administrative Chapter, the Board would have to review the entire document, therefore he requested that only section 104.1.3.6 would be changed at this time. Mr. Zimmer included his approval.

**Mr. Zimmer MOVED, and proposed a MOTION to change section 104.1.3.6 to include subsections rather than bullets. This motion was duly seconded by Mr. Korelishn; the MOTION CARRIED UNANIMOUSLY.**

**MOTION CARRIED (Twelve (12) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn,  
D. Lavrich, P. London, D. Rice, J. Smith,  
J. Somers, M. Synalovksi, H. Zibman, and  
D. Zimmer

Negative votes:

None

**3. Discussion- Concerning Slabs for Accessibility in Right-of-Way Areas**

Mr. John Smith, Representative of the Disabled Community requested himself from this item, with permission from the Chair. Mr. Norkunas informed the Board that he was in attendance representing 1 of 272,000 of people with disabilities of Broward county and a lengthy discussion ensued as to the rising cost of improving the 5, 200 bus stops of Broward County.

Mr. Spencer Stoleson, Mass Transit Division, Service Development appeared before the Board on behalf of this same item. Mr. Stoleson briefly discussed the reasoning used when bringing this item before the Board in search for suggestions or a ruling from the Board that may expedite the permit process so that it meets the Florida Building Code and also meets whatever requirements that may be placed on the pad by whomever has jurisdiction in the right of way. Lengthy discussion ensued on this subject.

**Mr. Synalovski MOVED, and proposed a MOTION to send this item to the GC/Architect Committee. This motion was duly seconded by Mr. Zimmer; the MOTION CARRIED UNANIMOUSLY.**

**MOTION CARRIED (Eleven (11) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn,  
D. Lavrich, P. London, D. Rice, J. Somers, M.  
Synalovksi, H. Zibman, and D. Zimmer

Negative votes:

None

**4. Florida Building Code 2004- Adoption of Formal Interpretations, effective October 1, 2005**  
Structural Code Compliance Officer, Rusty Carroll reviewed and recommended the following Formal Interpretations:

- FBC Section 1512.4.3.1 or FRC Section R4402.1.4.3.1
- FBC Section 1521.5 or FRC Section R4402.10.5
- FBC Section 1522.3.2 or FRC Section R4402.11.3.2
- FBC Section 2121.1.6 or FRC Section R4407.4.1.6
- FBC Section 2121.2.4 or FRC Section R4407.4.2.4
- FRC Section R4402.11.2
- Reinforced Unit Masonry
- RAS 120/Hip and Ridge Tile
- Retrofit of Windows and Doors- Recommendation of Staff to be sent to the Structural Committee for further review.

**Mr. Flett MOVED, and proposed a MOTION to approve the recommended Formal Interpretations stated above. This motion was duly seconded by Ms. Giles; the MOTION CARRIED UNANIMOUSLY.**

**MOTION CARRIED (Twelve (12) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn,  
D. Lavrich, P. London, D. Rice, J. Smith,  
J. Somers, M. Synamovksi, H. Zibman, and  
D. Zimmer

Negative votes:

None

**5. Adopting of Board of Rules and Appeals policy # 05-05, entitled, Vehicle Driver Requirements**

Mr. DiPietro informed the Board that the new Broward County rule does not allow take home vehicles for employees who reside outside of Broward County. Mr. DiPietro stated there are currently four (4) Board employees who are using county vehicles who live within Broward County and three (3) employees who live outside of Broward County and will be assigned vehicles under the operational control of the Broward County Board of Rules and Appeals. Mr. DiPietro recommended the adoption of this regulation to ensure that the rules applying to both sets of employees are as identical as possible, will help us obtain insurance through Broward County's Risk Management Division, and that by obtaining insurance through Broward County our liabilities will remain essentially unchanged. The three (3) current employees who have cars to be assigned to the Operational Control of the Broward County Board of Rules and Appeals are Bob Andrews, Mark Scala and Jim Valinoti, all of whom live in Palm Beach County.

**Mr. Zibman MOVED, and proposed a MOTION to approve the recommended policy providing vehicle driver requirements for employees residing outside of Broward County. This motion was duly seconded by Ms. Giles; the MOTION CARRIED UNANIMOUSLY.**

**MOTION CARRIED (Twelve (12) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn,  
D. Lavrich, P. London, D. Rice, J. Smith,  
J. Somers, M. Synalovksi, H. Zibman, and  
D. Zimmer

Negative votes:

None

**6. Pay Adjustment and Contract Renewal for Administrative Director**

The Chair stated that he found Mr. DiPietro's work during the past year extremely satisfactory, and reminded the Board that this could be referenced on pages 98 and 99 of the agenda. The Chair recommended the Board approve a pay increase of 4%, from \$107,765.00 to \$112,076.00, effective October 1, 2005, plus a one-time \$2,200.00 performance bonus.

**Mr. Zibman MOVED, and proposed a MOTION to approve a pay increase of 4% for James DiPietro, from \$107,765.00 to \$112,076.00 effective October 1, 2005, plus a one-time \$2,200.00 performance bonus, as suggested by the Chair. This motion was duly seconded by Mr. Korelishn; the MOTION CARRIED UNANIMOUSLY.**

**MOTION CARRIED (Twelve (12) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn,  
D. Lavrich, P. London, D. Rice, J. Smith,  
J. Somers, M. Synalovksi, H. Zibman, and  
D. Zimmer

Negative votes:

None

The Chair informed the Board that Mr. DiPietro's contract had come up for renewal and it was his recommendation that Mr. DiPietro's contract be renewed.

**Mr. Lavrich MOVED, and proposed a MOTION to approve the 2006 contract of employment for Mr. DiPietro, as Administrative Director. This motion was duly seconded by Mr. Korelishn; the MOTION CARRIED UNANIMOUSLY.**

**MOTION CARRIED (Twelve (12) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn,  
D. Lavrich, P. London, D. Rice, J. Smith,  
J. Somers, M. Synalovksi, H. Zibman, and  
D. Zimmer

Negative votes: None

7. **Extended bereavement leave, one time approval**

Mr. DiPietro explained to the Board that currently there was no written policy on bereavement leave for Board of Rules and Appeals employees beyond that of Broward County policy. Mr. DiPietro explained that he made the decision to extend the bereavement leave of Board employee Tarry L. Baker, by an extra five (5) days, in lieu of the death of his daughter Carrie Ann Baker, and asked that the Board ratify his decision.

**Mr. Somers MOVED, and proposed a MOTION to approve the one time extended bereavement leave for Tarry L. Baker. This motion was duly seconded by Ms. Giles; the MOTION CARRIED UNANIMOUSLY.**

**MOTION CARRIED (Twelve (12) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn,  
D. Lavrich, P. London, D. Rice, J. Smith,  
J. Somers, M. Synalovksi, H. Zibman, and  
D. Zimmer

Negative votes:

None

8. **Director's Report**

No discussion.

9. **General Discussion**

No discussion.

10. **Adjournment**

The meeting was adjourned at 8:25 p.m. The next scheduled Board meeting would be October 20, 2005.