



BROWARD COUNTY

# Board of Rules & Appeals

One North University Drive, Suite 3500B, Plantation, Florida 33324

Phone (954) 765-4500 Fax: (954) 765-4504

<http://www.broward.org/codeappeals.htm>

---

## BOARD OF RULES AND APPEALS

FEBRUARY 12, 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 7:25 p.m.

### Roll Call

Gregg D'Attile

Shalanda Giles Nelson (arrived at 7:24 p.m.)

Allan Kozich

Dan Lavrich

Jeff Lucas

John Sims

Dick Smith

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. Tringo made a motion to approve the January 8, 2015 meeting minutes. The motion was seconded, and the minutes were approved as submitted.

## CONSENT AGENDA

### 1. Certifications – Staff Recommended

Michael Della Rocca	Fire Inspector – Lighthouse Point
Michael Guerasio	Building Official – Parkland
Michael Bray	Chief Electrical Inspector – Pompano Beach
Christopher Augustin	Building Official – Sunrise
Michael G. Fechter	Chief Mechanical Inspector – Sunrise
Jim Sugg	Chief Electrical Inspector – Sunrise
Anthony Bock	Structural Plans Examiner/Inspector – Countywide
George Gonyea	Structural Inspector – Countywide
Charles Loy	Plans Examiner/Inspector – Countywide
Carpelo Jeoboam	Structural Inspector – Countywide
Frank Rabinowitz	Structural Plans Examiner/Inspector – Countywide
Gerald J. Solenski	Provisional Structural Inspector – Countywide
Jim Sugg	Electrical Plans Examiner/Inspector – Countywide
Andrew Valentino	Structural Plans Examiner/Inspector – Countywide

**A MOTION WAS MADE BY MR. TRINGO TO APPROVE THE CERTIFICATIONS, AND WAS SECONDED BY MR. SMITH.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

### **REGULAR AGENDA**

#### **2. Broward County Local Amendments to the Florida Fire Prevention Code (FFPC)**

Bryan Parks, Chief Fire Code Compliance Officer addressed the Board. Mr. Parks summarized the proposed changes to the Broward Local Fire Code in response to the 5<sup>th</sup> Edition of the Florida Fire Prevention Code which took effect on December 31, 2014.

Mr. Parks directed the Board through the thirty-three (33) proposed code amendments, explaining the various definitions, deletions and changes.

Mr. Parks stated that this is a 3 year program and referred to the Broward County Fire Chiefs – they reviewed and made suggestions that went before the Fire Code Committee with a vote of 12 - 0 to accept the amendments. Mr. Parks referred to the summary page in the agenda packet, and explained the definitions portion on page three.

Mr. Parks listed the fire amendments, from Definitions, and Amendments, F-103.1 through F-121.1.4.1 paying special attention to the following amendments:

**F-103.3.5** – Fire Code Manager Qualifications as Fire Code Official - Mr. Parks noted this amendment has been made more stringent, requiring six (6) years of proven experience in the field. Currently they can take 5 classes and become a Fire Code Manager. We did not think that was appropriate, and added the 6 years of experience.

**F-103.4.3** – Certification of a Fire Plans Examiner – the fire chiefs asked that we clarify the fire fighter requirement.

**F-103.5.3.3** - We have added in a retention period which enables the fire inspectors to keep their fire inspectors certifications alive for up to a three (3) year period while they are not employed. In the instance of some of the older fire inspectors, when they retire, if they are under FRS, they cannot work, and we can bring them back into a new department. They will be required to prove their hours and they can go back to work. They do not have to re-test.

Mr. Parks added that all through the document we are putting in the new language to assure that we are in compliance with the State Statute.

**F-103.6.4** – This amendment deals with the re-certification and affidavit passed by this Board. We codified it, whether you are being certified or re-certified, you must comply with the affidavit.

**F103.7.2** – We added in the new affidavit, and we clarified verbiage familiar to the Fire Chief and the Building Official.

**F105.4.1** – We left out one code modification that I want to bring to the Board’s attention which would be F105.4.1. This is a clarification related to enforcement. Several years ago, BORA held a hearing, and the individuals were brought before the Board. The AHJ (Authority Having Jurisdiction) did not think it was a correct decision, and went on to the State Fire Marshal’s Office and requested a DEC statement. That DEC statement came down and at that time, the State Fire Marshals requested that in our next code change we put in some language – the appellant, if he/she is an AHJ, or the invested

party can have one further step and that is requesting a DEC statement from the State Fire Marshal's Office. We have accomplished that in this code revision.

**F107.1** – This is language for the Fire Chiefs related to fire watch and how to handle it. We have always had a fire watch provision in the code, however, NFPA1 now allows for individuals that are trained to handle the fire watch. You don't have to have a firefighter there, unless directed to do so by the Fire Chief.

**F108.1.1 (a)** – This is related to the Board legal opinion on tents. We have established some sizes, in our code, one hundred (100) for tents under 100 square feet do not need permitting. Two Hundred Fifty (250 square feet) and under don't need permitting for canopies. Anything over requires permitting.

**F108.8** – Regarding tents, we had a flame spread requirement for canopies. We added in tents to confirm the material used instead of plain thread requirement, particularly in the case of canopies. That comes out of the Fire Prevention Code.

**F-110.3.4** – Added language that mandates roof vents be set at a higher temperature than the sprinkler head because we have roof vents that were opening up which delayed the activation of the sprinkler system.

**F-120.9.1** – This is a new section dealing with Free Floating ski lanterns. The 2015 code is adopting this language, prohibiting the lanterns. Therefore, we are putting it in our codes at this time.

Mr. Parks concluded his presentation, and the Chair asked for questions and comments from the Board. Mr. Kozich had a question regarding the definition of a door, which Mr. Parks clarified as illustrated in the code.

Mr. Parks fielded questions from the Board members. Mr. Smith questioned whether all disciplines can return to work after they retire without being re-certified. Mr. Dumbaugh – Chief Structural addressed that question and explained that if they come back to work in the same cycle they retired in, they do not have to be re-certified.

The Director, Mr. DiPietro made the observation that Mr. Parks added something to the summary and wanted to be clear that the code reflects that – it is already in the code text. Mr. Parks added that the State Fire Marshals had given their tentative approval; the chief informed Mr. Parks that afternoon that they had no problems.

The Chair requested that Mr. Parks go over the forms. Mr. Parks complied adding that we modified the forms that we use in our office, including the certification forms.

The Chair opened the public hearing at 7:41 p.m.

Director, Mr. DiPietro commented that we are going to file these amendments electronically tomorrow morning (February 13, 2015).

As there were no other speakers, the Public Hearing was closed.

The Chair informed the Board members that there had to be two separate motions: one to approve the local amendments, and one to approve the forms and the supporting documentation.

**A MOTION WAS MADE BY MR. LAVRICH TO APPROVE THE AMENDMENTS. THE MOTION WAS SECONDED BY MR. SMITH.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**A MOTION WAS MADE BY MR. KOZICH TO APPROVE THE FORMS AND SUPPORTING DOCUMENTATION. THE MOTION WAS SECONDED BY MR. SMITH.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**3. Proposed Amendment to Agreement for Legal Services, Effective for 2015 and 2016.**

Director, Mr. DiPietro introduced the item and informed the Board that the firm of Rogers, Morris and Ziegler has been with the Board of Rules and Appeals since its inception in 1971. Mr. DiPietro continued that in 1995 the first formal contract was drawn up, and we have had written contracts since that time. Mr. DiPietro briefly described the proposal as a two (2) year agreement for 2015 through 2016. As summarized in the report, the rate increases for 2015 are roughly 2 ½ % to a high of 4.35% for the first year, and less than 2% to 4% for the second year. Mr. DiPietro referred to page 4 of the agenda item, where the rates have been illustrated for the various categories, office and litigation time, and board meetings, including the paralegal rates. Mr. DiPietro continued that he added a history of the rates from the year 2000 forward for the Board to review. The firm provides us with excellent service, in particular what we hire them for, which is legal advice, and I think the rate increase requested is moderate. Mr. DiPietro concluded his report and inquired if the Board had any questions or comments. Board member, Dan Lavrich remarked that he agreed with the Director that the firm of Rogers, Morris and Ziegler has done an excellent job and expressed his appreciation for their services.

**A MOTION WAS MADE BY MR. LAVRICH TO APPROVE THE PROPOSAL. THE MOTION WAS SECONDED BY MR. KOZICH.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**4. Director's Report**

Mr. DiPietro informed the Board that the ICC (International Code Council) is making an attempt to add a new codebook to the next cycle. Mr. DiPietro continued that he wanted the Board to be aware of this development, as it may return as an agenda item at a future meeting. They (ICC) want to add another codebook and call it the "Florida Amendments" and have all the basic 9 books, such as an ICC Base Code, and then for Florida, the amendments would be in a separate book. Our inspectors would have to look at 2 or 3 books together to do their jobs, and they are making a serious push for this new book. We are working on the administrative level, which is why I say it may come back to the Board, and as I get more information, I will brief the Board accordingly. Mr. DiPietro reminded the Board that fourteen (14) years ago we had a \$38 dollar codebook for Broward County. The set of codebooks now lists for \$465 and \$372 for ICC members.

**5. General Board Discussion**

Longtime Board member, Richard Smith, tendered his resignation from the Board of Rules and Appeals, effective March 6, 2015. Mr. Smith said he has been affiliated with the Board for at least twenty years. Mr. Smith requested that the Board appoint someone to replace him as chair on the Plumbing Committee, as well as any other committees he serves on as a member.

Mr. Smith conveyed to the Board that it has been a pleasure to work with staff, as well as serving with them, and “my associate members who I have been with for so long”. Mr. Smith reiterated that it has been an honor and a privilege to work with everyone.

Mr. Smith advised the Board that he would be tendering a letter of resignation to the Broward League of Cities with a date of March 6, 2015. The Board accepted Mr. Smith’s resignation, and expressed their sincere thanks for his many years of service.

Having no further business to go before the Board, the meeting adjourned at 7:46 p.m.

A handwritten signature in black ink, appearing to read "Ron Burr". The signature is fluid and cursive, with a large initial "R" and "B".

---

Ron Burr – Chair