



BROWARD COUNTY

Board of Rules & Appeals

1 N. 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

April 2, 2009

Meeting Minutes

Call to order.

A published meeting of the Board of Rules and Appeals was called to order by Chair Gary Elzweig at 7:02 p.m.

Roll Call

Gary Elzweig - Chair
Ron Burr
Gregg D'Attile
Bill Flett
Shalanda Giles Nelson
Steve Kastner
Albert Korelishn
Allan Kozich
Jay Shechter
John Sims
John R. Smith
David Tringo
Henry Zibman

The presence of a quorum was established.

Mr. Elzweig asked for a moment of silence for the passing of Mr. John Somers on March 12, 2009. Tarry Baker came to the podium and said a few words acknowledging Mr. Somers contributions over the years, noting that Mr. Somers served on the Board of Rules and Appeals from January 1983 through December 1988. He served as Chairman of the Board in 1988, and returned to the Board in January 1994 serving through November 2006. His rapid responses and dialogue will be missed.

Approval of Board of Minutes

The Chair asked for a Motion to approve the minutes. Mr. Kozich moved to approve the

February 12, 2009 board meeting minutes. This Motion was duly seconded by Mr. Korelishn.

THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.

1. Certifications

THE CHAIR ASKED FOR A MOTION TO APPROVE. MR. KOZICH MOVED TO APPROVE, AND WAS DULY SECONDED BY MR. KORELISHN.

THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.

1. A Certification Joseph Crews

Mr. Carroll – Chief Structural Code Compliance Officer addressed the Board. Mr. Carroll noted that the Building Official, Mr. Tornese, declined to prepare a packet for the Board regarding this issue. The application for certification has a space for the Building Official to sign stating that he/she has verified the applicant’s experience. Mr. Crews’ original application as an inspector was signed by Jeff Sabouri, Building Official for the City of Plantation, and who verified Mr. Crews’ experience. The application in question is for an upgrade to a Building Plan’s Examiner utilizing a new/different code section. Mr. Tornese stated he did not verify the experience as stated on the new application. Based on this, and the additional items referencing staff’s report, staff recommends denial.

THE CHAIRMAN ASKED FOR A MOTION. MR. ZIBMAN MOVED TO DENY THE CERTIFICATION OF MR. CREWS. THE MOTION WAS DULY SECONDED BY MR. SCHECHTER.

THE MOTION WAS DENIED WITH A VOTE OF 12 - 0.

Mr. Tringo abstained.

2. Amendments to 2007 Appendix F of the Plumbing Volume of the Florida Building Code, said amendment to be effective 4/3/09

- A. Recommendation of Staff
- B. If desired, motion adopting amendments to Appendix F

The Board heard from Staff members, Kevin Fennell, Chief Plumbing Code Compliance Officer, and Bill Dumbaugh, Chief Structural Code Compliance Officer.

*The Chair opened the meeting up for a Public Hearing at 7:12 p.m.
Seeing no hands, the Public Hearing was closed, and reopened for Board discussion.*

THE CHAIRMAN ASKED FOR A MOTION. MR. KOZICH MADE A MOTION TO APPROVE AND WAS DULY SECONDED BY MR. KORELISHN.

THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.

3. Revision to Board of Rules and Appeals Policy #05-05 Building Safety Inspection Program, to Address Issues to the Inspection of Buildings/Structures and Components

- A. Recommendation of Board Chair and Administrative Director
- B. If desired, motion adopting amendment to policy.

Mr. DiPietro addressed the Board. He referenced a visit from Armando Linares, the Director from Building Code Services. Mr. Linares requested that the Broward County Board of Rules and Appeals provide economic relief regarding the 40 Year Building Safety Inspection Program. The intent of the program is directed at life safety issues and to avoid structural failures and electrical hazards. However, items of a more minor nature have come into play – which we propose may be addressed at a later date. Mr. Elzweig added that some engineers, in an effort to protect their own liability, are identifying every possible deficiency: what is critical, what represents imminent failure, what is cosmetic, what is maintenance related and what is incidental. Let's determine what represents imminent failure of a critical component. Mr. Elzweig requested that we allow more flexibility as board policy. Staff member Bill Dumbaugh, Chief Structural also addressed the Board, and Mr. DiPietro advised that the Board attorney has approved as to legal form.

THE CHAIRMAN ASKED FOR A MOTION. MR. KASTER MADE A MOTION TO APPROVE, AND WAS DULY SECONDED BY MR. KORELISHN.

THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.

4. Revision to Board of Rules and Appeals Policy #05-05, Building Safety Inspection Program, to Address Issues Related to Unoccupied Buildings.

- A. Request of Oakland Park Building Official and Recommendation of Administrative Director
- B. If desired, motion adopting amendment to policy

Rusty Carroll introduced this item and stated that the Building Official has requested a revision to the policy to allow a building or structure to be secured and vacated with the Building Official's permission in lieu of the 40 Year Building Safety Inspection Program.

THE CHAIRMAN ASKED FOR A MOTION. MR. KOZICH MADE A MOTION TO DENY, AND WAS DULY SECONDED BY MR. KASTNER.

THE MOTION WAS DENIED WITH A VOTE OF 13 – 0.

5. Fiscal Year 2010 Budget (October 1, 2009) – September 30, 2010

- A. Recommendation of Administrative Director
- B. If desired, motion approving core budget and reductions

Mr. DiPietro addressed the Board regarding municipal fees, noting how much they have dropped.

The County has provided in its “Core” Budget some \$1,978,000, and this is the first time in 9 years that we recommend we take less money than the County is willing to give us. We recommend taking more than \$87,000 from the Core budget as a major downturn in revenue has resulted in the worst recession since the great depression. Mr. DiPietro specifically noted that municipal fees had decreased from \$1,596,990 in Fiscal Year 2007 to \$976,550 in 2008, \$620,440 or 38% less. In Fiscal Years 2006 and 2007 total revenues exceeded total expenditures.

In approximately 1 ½ years, as of September 30, 2010, our total uncommitted reserves are projected to be \$422,284, an amount insufficient to fully fund the 2011 fiscal year of October 1, 2009 through September 30, 2010. The approximate \$87,000 in cuts includes the elimination of the Board Technician position, reducing our full time staff from twelve positions to eleven, reduced funding for education and other adjustments that are shown in detail in the agenda packet.

The topic of eliminating the Board Technician position was exhaustively discussed. The issue of severance pay was introduced and it was decided that this would be discussed further on the next item on the agenda.

Mr. DiPietro went on to discuss the possibility of asking for a fee increase. We need to put in a plan discussing what kind of fee increase we would like to see, resolving some issues, and requesting implementation dates.

Mr. Elzweig agreed that every line item should be approved considering the proposed budget cuts and that fee increase requests should be forwarded to the County Commission as soon as is practical. Mr. Elzweig suggested that a subcommittee be formed to review the fee structure, as it is unchanged since 1987.

THE CHAIR ASKED FOR A MOTION. A MOTION TO APPROVE THE BUDGET WITH THE RECOMMENDED CUTS AS PROPOSED WAS MADE BY MR. KOZICH AND DULY SECONDED BY MR. KORELISHN.

THE MOTION PASSED WITH A VOTE OF 10 – 3.

DISSENTING VOTES:

Mr. Kastner

Mr. Smith

Mr. Zibman

6. Abolishment of Board Technician Classification and of Employment of Incumbent, Reduction of Broward County Board of Rules and Appeals Permanent Workforce from 12 to 11 Employees, effective date April 3, 2009, Severance Provisions

- A. Recommendation of Administrative Director
- B. If desired, motion abolishing position

Mr. DiPietro introduced this item and discussion continued as to whether to retain the position. Mr. DiPietro gave financial reasons for the recommended position elimination and stated the three remaining clerical be in higher classifications that include more complicated tasks. In response to Board Member questions Mr. DiPietro indicated that recent poor performance evaluations are a matter of the written record. The payment of thirteen weeks severance pay, which totals \$10,808.77 (\$20.7861 per hour X 520 hours), would need an authorizing vote of the Board of Rules and Appeals.

THE CHAIR ASKED FOR A MOTION. A MOTION WAS MADE BY MR. KOZICH AND DULY SECONDED BY MR. KORELISHN.

THE MOTION PASSED WITH A VOTE OF 11 – 2.

DISSENTING VOTES:

Mr. Burr

Mr. Smith

7. Schedule for Eliminating Code Compliance Officer Permanent Overnight Vehicle Assignments, Proposed Policy #09-01

- A. Recommendation of Administrative Director
- B. If desired, motion approving policy

As of now, until September 2010, Broward County is in the process of eliminating all permanent Overnight Vehicle Assignments, and will complete the phase-out on September 30, 2010. If we had been subject to the County Policy two of our seven Code Compliance Officers would have already lost their take-home cars. We suggested a compromise where all code compliance officers would keep their take-home vehicles, at this time, in exchange for a commitment to phase out the permanent overnight vehicle assignments by the September 30, 2010 deadline. The County agreed to the suggestion. The attached policy would confirm this agreement as a policy of the Broward County Board of Rules and Appeals.

Mr. Elzweig asked for confirmation that the Code Compliance Staff will have a car during working hours, but cannot drive it home. Mr. DiPietro responded in the affirmative. Mr. Elzweig said, however, if we have a state of emergency Mr. DiPietro can override this policy.

There was lengthy discussion on the merits of keeping the cars versus not keeping the cars. What kind of productivity will there be if the guys can't take their cars home – Bill Flett. We need productivity. Mr. Kastner asked if we could obtain a legal opinion as to whether the Board of Rules and Appeals is required to follow the County policy; Mr. DiPietro responded in the affirmative.

THE CHAIR ASKED FOR A MOTION. MR KASTER MADE A MOTION TO TABLE THE ISSUE UNTIL THE NEXT MEETING, DULY SECONDED BY MRS. GILES NELSON.

THE MOTION PASSED TO TABLE WITH A VOTE OF 13 – 0.

8. Additional Restrictions on Out of State Business and Educational Travel through Calendar Year 2010, Proposed Policy #09-02.

- A. Recommendation of Administrative Director
- B. If desired, motion approving policy

Due to declining revenue and the severe economic recession, Mr. DiPietro proposed to suspend the Current informal policy for out-of-state travel for 2 years, with the general intent to cancel out-of-state travel. Exceptions would be serving as a Voting Member or Board of Director of a regional or National Professional Association Committee Member of a national or code making body.

THE CHAIR ASKED FOR A MOTION. MR BURR MADE A MOTION TO APPROVE, DULY SECONDED BY MR. SHECHTER.

THE MOTION PASSED TO TABLE WITH A VOTE OF 10 – 3.

DISSENTING VOTES:

Mr. Flett

Mr. D’Attile

Mr. Kastner

9. Repeal Board Policy #02-02 Private Provider Reports

- A. Recommendation of Chief Structural Code Compliance Officer
- B. If desired, motion approving policy

Mr. Dumbaugh addressed the board, noting that the use of private providers within Broward County has fallen to almost nonexistent.

THE CHAIR ASKED FOR A MOTION TO APPROVE. MR ZIBMAN MADE A MOTION TO APPROVE, DULY SECONDED BY MR. KORELISHN.

THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.

10. Fire Certification Forms

- A. Report of Chief Fire Code Compliance Officer
- B. If desired, motion approving forms

Mr. Parks, Chief Fire Code Compliance Officer addressed the board.

THE CHAIR ASKED FOR A MOTION. MR KASTERN MADE A MOTION TO APPROVE, DULY SECONDED BY MR. KORELISHN.

THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.

11. Director’s Report

Mr. Korelishn updated the Board on the Joint Dade-Broward Sub-Committee Thermal Solar and Solar Electrical related issues.

General Discussion

No report.

Adjournment

There being no further business to go before the Board; Mr. Kozich moved to adjourn, and was seconded by Mr. Shechter. The meeting adjourned at 8:34 P.M.



Board Chair

G:\RA\SHARED\2009 BR&A\Board Minutes\DRAFT.April09.Minutes.doc