



Broward County

Board of Rules and Appeals

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BOARD OF RULES AND APPEALS

Thursday, February 10, 2005

MINUTES

CALL TO ORDER

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

ROLL CALL

Present

A. Kozich, Chairman
S. Giles, Vice-Chair
W. Flett
A. Korelishn
D. Lavrich
P. London
R. Madge
W. Norkunas (left the meeting at 8:26 p.m.)
D. Rice
J. Somers
G. Waldrep
H. Zibman
D. Zimmer

APPROVAL OF MINUTES –

Minutes from January 13, 2005 meeting were recommended for approval after corrections (in page # 4, Item c, De Rose Consultants, and to add Mr. London's name to the list of members present). Mr. Madge MOVED and Mr. Korelishn duly seconded the motion to approve the January 13, 2005 Board meeting minutes. **THE MOTION PASSED UNANIMOUSLY.**

INTRODUCTION OF NEW EMPLOYEE

Chairman Mr. Kozich introduced and welcomed Ms. Adele Kline, new Part-Time Board Technician One, to the members present. She was selected for the position from 85 applicants. For some ten years Adele was Assistant to an attorney, prior to that she served some eight years as an executive secretary. She is a public notary and resides in Hollywood, Florida.

CONSENT AGENDA

1. Certifications

Eric Leiter, Plumbing Plans Examiner, Cooper City
Daniel W Ferry, Plumbing Inspector, Ft. Lauderdale
Randy Youse, Structural Plans Examiner, Plantation
Jason J. Haws, Structural Inspector, Ft. Lauderdale
George E. Cappola, Electrical Inspector, Broward County
Stephen Gollan, Fire Inspector, Pembroke Pines
Robert Sterner, Fire Inspector, Dania Beach
Larry Vuncannon, Fire Inspector, Lauderhill

It was recommended by the Board Attorney's representative to implement a Roll Call for the voting on this Item. **A motion to accept these certifications was presented by Mr. Lavrich and duly seconded by Mr. Korelishn and the motion carried unanimously.**

MOTION CARRIED

Affirmative votes: A. Kozich, S. Giles,
W. Flett, A. Korelishn, D. Lavrich,
P. London, R. Madge, W. Norkunas,
D. Rice, J. Somers, G. Waldrep,
H. Zibman, D. Zimmer

Negative votes: None

REGULAR AGENDA

1. Appeals

a. Appeal #05-01 – Robert Sherman, AIA Project Location: 2000 E. Sample Rd. Lighthouse Point, Florida.

Chairman Mr. Kozich indicated that all parties involved in this appeal must be sworn in before addressing the Board. Mr. Rusty Carroll, Board Staff, in the absence of Mr. Bill Dumbaugh, who was out of town, introduced the appeal and gave the staff's recommendation. This appeal consisted of a dispute with the City of Deerfield Beach Building Department's interpretation of maximum travel distance within a Group "B" occupancy building with a single exit. The city stated that Section 1020.1 limits travel to 75 feet. The appellant position expressed that Section 1020.1 is for a non-sprinkled building and Section 1020.6 allows 100 feet of common path of travel in a sprinkled building, therefore the travel distance in a sprinkled building should be 100 feet. The board of Rules and Appeals Staff's opinion was that Section 1020.1 does not apply. The appropriate section is 1004.1.2 in the general provisions of Chapter 10. This section states a maximum of 75 feet travel and 75 feet common path utilizing a single exit and is for a non-sprinkled building. Going from the general provision to the specific provision for a Group B, Section 1020.6 increases the common path in a sprinkled building to 100 feet. Therefore in staff opinion it has also increased the travel to 100 feet. Staff recommended approval of the appeal. Mr. Carroll read a letter by request of Mr. Jim Valinoti which stated the Fire Department had no code issues.

Mr. Kozich called the Appellant, Mr. Steven Cohen from Cohen Architecture, Architect involved in the project; he explained his building is sprinkled and that it was accepted at first by the City of

Lighthouse Fire Department and rejected by the Building Department Structural division, explaining that the problem was with the travel distance and the common path of travel, The appellant stated that the explanation would be that when one increases so does the other. Mr. Robert Sherman, agent for property owner, was also present and he informed to the Board members, that the building was built in 2004. Representing the City of Lighthouse Point, Mr. Waguih Z. Messiha, Assistant Building Official and Chief Structural Inspector was present to express his point of view about the appeal. Mr. Messiha made reference to the definitions to travel distance and common path of travel from both the Florida Building Code and the Fire Prevention Code. He mentioned this item appears several times in Chapter 10 in the Florida Building Code, and stated that when the distance increases in excess of 75 feet, two exits are required. He stated he does not agree that the travel distance increases when the common path increases. There was a lengthy discussion about this item, its safety implications, the references from the Fires Prevention Code and the Florida Building Code about the common path by members of the Board. Before a motion was presented it was expressed by Mr. Norkunas his concern about the precedent stated by overruling a Building Official's decision and the future effects this may cause. The Board's Attorney representatives replied that appeals' conclusions have to be interpreted in an individual base respective to each particular case.

Mr. Zibman MOVED, and the motion was duly seconded by Mr. Flett that based on the evidence presented it was recommended by the board of Rules and Appeals to approve the appeal. A roll call followed with a vote of thirteen (12) to one (1) in favor.

MOTION CARRIED

Affirmative votes: A. Kozich, S. Giles,
W. Flett, A. Korelishn, D. Lavrich,
P. London, R. Madge, D. Rice, J. Somers,
G. Waldrep, H. Zibman, D. Zimmer

Negative votes: W. Norkunas

2. Recommendation that Gainesville Independent Testing Service, LLC be employed to prepare High Velocity Hurricane Zone Competency Exams.

Mr. Jim DiPietro introduced the item to the Board members to request their approval for two agreements with GITS, LLC. to be in charge of developing and administering the following two certification tests.

Building Official Applicant High Velocity Hurricane Zone Competency Exam, and
Chief Structural Inspector Applicant or Structural Plans Examiner Applicant High
Velocity Hurricane Zone Competency Exam.

Modifications made to both agreements in page 44 and 52 of the first agreement and pages 49 and 57 of the second, respectively from the agenda packet were informed to the Board as detailed: Page 44 & 52, Article I, Item C should read "*Reserves the right to approve candidates to sit for the examination.*"; Page 49 & 57 paragraph "*C. QUANTITY OF WORK: It is understood and agreed that the BOARD may order the development of new examinations at any time and CONTRACTOR shall provide such examinations in a reasonable time at a mutually agreed fee*", should be added and also in the same pages the name in the last paragraph should be changed to "Board of Rules and Appeals".

After correction was cited, it was stated that each of the agreements are under the 1,000 dollars limit stated by the Broward County for 3 quotes. Mr. Jay Bowermeister, from GITS, LLC., was excused from not attending to the meeting due to being affected by illness. Different aspects of the agreements were reviewed, like passing grades, frequency in case of failure (twice in the first 6

months, and once every 6 months thereafter) and etc. Mr. Zibman inquired how often the questions would be changed for the exams; it was answered by the staff that 60 questions will be drawn from a group of 180 questions for one exam and 75 questions selected from a base of 225 for the second exam. All questions will be selected at random by GITS. The testing company will implement percentage statistics about test results. Mr. Flett questioned the need for another exam added for already certified Building Officials and Plans Examiners. The answer to this questioning expressed by Mr. Somers was the improvement and increase of experience about specific area characteristics for those that intend to work in South Florida. It was stated that from two requests presented in February's agenda one was the acceptance of the agreements and the other the other one was for the Board to accept one of the two following proposed policies: Policy Statement Option #1, stating that an applicant may take an exam twice in the first months, and once every 6 months thereafter, or the Policy Statement Option #2, that states that there will be no restrictions as to the number of times an applicant may take the exam.

After debating if one or two motions were needed for the different requests, Mr. Somers MOVED, and entertained one motion to accept GITS, LLC., as the testing company for the described exams and the adoption of Policy Statement Option #2 stating that there will be no restrictions as to the number of times an applicant would be allowed to take the exam. The motion was duly seconded by Mr. Korelishn A roll call followed with a vote of twelve (12) to one (1), in favor.

MOTION CARRIED

Affirmative votes: A. Kozich, S. Giles,
A. Korelishn, D. Lavrich,
P. London, R. Madge, W. Norkunas,
D. Rice, J. Somers, G. Waldrep,
H. Zibman, D. Zimmer

Negative votes: W. Flett

3. Conceptual review of the Building Safety Inspection Program in Section 105.14 of the Florida Building Code and Board of Rules and Appeals Policy #99-01.

Mr. Kozich who requested this item to be included in this month agenda made an introduction referring to a similar safety inspection program for building structures 40 years or older already effective in Miami-Dade County and remarked as to the importance of making this program mandatory for Broward County. Primarily this program would involve structural as well as electrical inspections for commercial and /or industrial type buildings. Mr. Somers expressed his concern about the high number of buildings that could need to be inspected. Mr. DiPietro explained that all single family residences, duplexes and minor structures in any occupancy group having an occupant load of 10 or less as determined by Table 1003.1 (FBC) Minimum Occupant Load of the Florida Building Code and having a gross area of 2,000 sq. ft. or less would be exempt. Mr. Rice stated he had performed work in the Miami-Dade County program and found out that most of the buildings inspected needed structural or electrical repairs. Mr. Flett expressed his concern about the major impact this measure would cause, the amount of people involved in this issue and the need notifying them of this project prior to any decision from this Board. Mr. Kozich recommended presenting the item before the Structural and Electrical Committees for review and then bring it back to the Board; he also mentioned the importance of this project in protecting the public safety and to prevent any injury or death originating from a 40 year or older unsafe building. He also recommended the Board staff to contact Broward County and request a list of how many buildings fall into the criteria.

Following discussions among the Board members, Mr. Kozich stated that he is referring this item to the Structural and Electrical Committees and requested staff to inform the Building Officials of said meetings for their input.

4. Proposed Declaratory Statement with the Florida Building Commission Re: 704.4.2 Townhouse party wall.

Mr. Mark Scala introduced the Item requesting the approval from the Board to file a Declaratory Statement to the Florida Building Commission. This request was the result of a review of Section 704.4.2 of the FBC during the December's 2004 Structural Committee Meeting. The concept questioned in the Declaratory Statement would be if the single wall separating townhouse units in 704.4.2 would have to be designed as an exterior wall subject to wind and water intrusion. A declaratory statement is sought for Section 704.4.2, Townhouse Fire Separation, which states that "when not more than 3 stories in height, townhouses may be separated by a single wall meeting the following requirements. Each dwelling unit sharing such a wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall." The question was asked to have an approval from the Board to file a declaratory statement without a site specific address attached. Mr. Rusty Carroll, Board staff, said he had spoken to Mr. Mo Madani who replied that it would be acceptable to use BCBRA staff address.

Mr. Lavrich MOVED, and the motion was duly seconded by Ms. Giles to approve this request. A roll call followed with a vote of twelve (12) to zero (0) to approve the appeal.

MOTION CARRIED

Affirmative votes: W. Flett, A. Kozich, A. Korelishn, D. Lavrich, P. London, S. Giles, R. Madge, D. Rice, J. Somers, G. Waldrep, H. Zibman, D. Zimmer

Negative votes: None

(Mr. Norkunas had left the meeting at time of Roll Call.)

5. Director's Report

Mr. DiPietro addressed to the Board the status of the order of the Fire Prevention Code Books, that will be available from the Board of Rules and Appeals office in a couple of weeks

6. Adjournment

There being no further business to come before the Board this evening, the meeting was adjourned at 8:38 p.m.