



Broward County

Board of Rules and Appeals

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BOARD OF RULES AND APPEALS

Thursday, March 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 (Arrived at 7:19 p.m.)
R. Madge
G. Waldrep
H. Zibman
G. Elzweig
B. Van Kirk
A. Fernandez
M. Synalovski

Excused

W. Norkunas

APPROVAL OF MINUTES –

Mr. Synalovski MOVED the motion to approve the February 10, 2005 Board meeting minutes. THE MOTION PASSED UNANIMOUSLY.

A second motion to modify the minutes from January 13, 2005 was called by Mr. Madge, and seconded by Mr. Zibman. The requested correction consisted of the Appeal # 04-16 whose correct project location address is 1950 Eisenhower Blvd. Ft Lauderdale, the address listed on the minutes corresponded to the appellant . THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA

1. Certifications

Julio Briceno	CMI Broward County
Jarbas De Sousa Jr.	BI Broward County
Luis A. Ramirez	BI Broward County
William H. Trapanese	PI Broward County

A MOTION to accept these certifications was presented by Mr. Zibman and duly seconded by Mr. Korelishn and the MOTION CARRIED UNANIMOUSLY.

REGULAR AGENDA

2. Appeals

Appeal #05-02 – Mohamed A. Kadir, 6232 Pembroke Rd Miramar, Fl 33023

Mr. Bob Andrews, Chief Mechanical Code Compliance Officer, made a presentation on the appeal, referring to the use of steam tables, its description in manufacturer’s literature and definitions from the Florida Building Code. This definition based on the ICC code Section 507.2 of the Florida Mechanical Code dictates “...when a Type I or Type II hood is required to be installed at or above all commercial food heat processing appliances.” Section 507.2.1 states “ ...a Type II hood shall be installed at or above all commercial food heating appliances that produce fumes, steam, odor or heat.” Chapter 2 of the Florida Mechanical Code gives a definition of a “Commercial Food heating Appliance”; this definition lists all appliances that produce steam. Mr. Andrews stated that the type of appliance listed in the appeal (gas hot food table) is a steam table and produces at least steam and heat, therefore based on the code regulations; this appeal should be denied or tabled to the Mechanical Committee. Representing the appellant, Mrs. Angela Kadir, explained to the Board members that they are in the process of opening a take out food service, located in a one story building, they were informed by the City of Miramar that according to the Mechanical Code a Type II hood is required for gas hot food tables and food warmers. She explained that this unit is fixed and has a water supply connected to it; is used to warm already cooked food, operating at 100 Fahrenheit degrees, only during the time the store is open, this appliance will not produce steam, odor, vapor or heat, to produce any of these the water should be heated over 212 Fahrenheit degrees. It was also mentioned that this type of appliance is used in many other restaurants in the area without hoods. The appellant questioned the uniformity of this regulation. Representing the City of Miramar, Mr. Daniel F. Gagne, Chief Mechanical Inspector, referred to steam tables and the requirements listed in the Florida Building Code. He also stated that in compliance to the Code all restaurants that use this type of appliance should be using a hood. The difference between a steam table and food warmer was discussed by the member of the Board; the outcome of the discussion was that steam table is a generic term. Lengthy discussion followed.

Mr. Elzweig MOVED, and the motion was duly seconded by Mr. Korelishn that based on the evidence presented it was recommended by the board of Rules and Appeals to table the appeal and refer it to the Mechanical Committee to determine its applicability in Broward County. A roll call followed with a vote of twelve (12) to zero (0).

MOTION CARRIED

Affirmative votes:

A. Kozich, S. Giles, W. Flett, A. Korelishn, D. Lavrich, R. Madge, G. Waldrep, H. Zibman
G. Elzweig, B. Van Kirk, A. Fernandez,
M. Synalovski

It was the recommendation of the Board Chairman to have staff contacting the State to determine the difference between the steam table from the warming table. Also it was

recommended to review the International Code Commentary and the definitions on hood Types I and II.

3. **Status reports regarding consideration of 40 Year Building Safety Inspection Program. (No legislative action)**

Mr. Kozich referred and gave an update about the 40 Year Building Safety Inspection Program. It was mentioned that there will be meetings with the individual County Commissioners during the following weeks and with the League of Cities in early April. Structural & Electrical committees have recommended setting up guidelines uniform for all Broward County. Mr. Elzweig referred about the creation of a Sub-Committee to review the contents of the guidelines from Miami Dade County and Hialeah. The magnitude of the project and the amount of time for processing these inspections was questioned and discussed by the members of the Board. Mr. DiPietro, Administrative Director, referred to staff reports on pages 22 & 23 in the agenda packet and data that has been received from the County Property Appraisers Office. Initial reports will be provided by outside engineers and that the cities will be reviewing those reports. Chairman Mr. A. Kozich stated he will report the advancement of this project at the next Board meeting.

4. **Resolution to maintain the validation step as part of the product approval process in the state's product approval system and that this validation process consists of a technical review**

Chairman Allan Kozich, P.E. introduced the item to the Board Members and Staff. It consisted of a proposal by State to renew the product approval process and a request from Miami-Dade and Broward County to maintain the process as is, he also made reference that this resolution would be presented to various local legislators, County Commissioners, League of Cities and the State Legislators and the Governor. The second part of the item consisted of the request for approval of the Board to notify the Building Officials to advice the staff of the Board about state approved products that may not have sufficient documentation to demonstrate compliance with the High Velocity Hurricane Zone.

Mr. Synalovski MOVED, and the motion was duly seconded by Mr. Lavrich to adopt the proposed language for the resolution. A roll call followed with a vote of twelve (12) to zero (0).

MOTION CARRIED

Affirmative votes:

A. Kozich, S. Giles, W. Flett, A. Korelishn, D. Lavrich , R. Madge, G. Waldrep, H. Zibman
G. Elzweig, B. Van Kirk, A. Fernandez,
M. Synalovski

Mr. Lavrich MOVED and proposed a MOTION to approve sending a letter (page 29 of the March Agenda packet) to notify Building Officials and Chief Structural Inspectors about this resolution. Ms. Giles seconded the MOTION. A roll call followed with a vote of twelve (12) to zero (0).

MOTION CARRIED

Affirmative votes:

A. Kozich, S. Giles, W. Flett, A. Korelishn, D. Lavrich , R. Madge, G. Waldrep, H. Zibman
G. Elzweig, B. Van Kirk, A. Fernandez,
M. Synalovski.

4. **Consideration to provide each Fire Code Official in our jurisdiction one complimentary copy of the 2004 Florida Fire Prevention Code (effective date 01/01/2005)**

Requested by Mr. Madge, Board member.

Mr. Flett MOVED and the MOTION was duly seconded by Mr. Lavrich to approve providing one complimentary copy of the 2004 Florida Fire Prevention Code (effective date 01/01/2005) to each Fire Code Official . The MOTION PASSED UNANIMOUSLY.

5. **Establishment of Board Policy regarding distribution of complimentary sets of the 2004 Florida Building Code (Effective date 07/01/2005) to the Board of Rules and Appeals members.**

Joint recommendation of Board Chairman Allan Kozich P.E. and Administrative Director Jim DiPietro. Mr. Lavrich suggested we modify the recommendation to authorize a hard copy along with a CD Rom and a PDA version of the Code.

Mr. Lavrich and the MOTION was duly seconded by Mr. Madge to provide one hard copy version , one CD Rom and one PDA version of the 2004 Florida Building Code (Effective date 07/01/2005) to the Board of Rules and Appeals members. A roll call followed with a vote of twelve (12) to zero (0).

MOTION CARRIED

Affirmative votes:

A. Kozich, S. Giles, W. Flett, A. Korelishn, D. Lavrich , R. Madge, G. Waldrep, H. Zibman
G. Elzweig, B. Van Kirk, A. Fernandez,
M. Synalovski.

6. **Director's Report**

Mr. DiPietro notified the board members about Ms. Teresa Cruz gave birth to her daughter Victoria Elizabeth Velazquez on March 2nd, 2005. Mr. Madge suggested to congratulate Mrs. Cruz-Velazquez by sending flowers to her home, the Board members accepted unanimously.

7. **General Discussion**

Chairman Mr. Kozich brought to the Board that he attended the Florida Structural Engineer's Association meeting where he discussed with Mr. Scala P.E., staff engineer, who verbally reported on the status of his 6 months review of plans. His review showed severe structural and calculations problems. Mr. Elzweig inquired as to the status of the Education Program; Mr. Lavrich responded that Mr. Scala has been actively working on a program with involvement from FSEA. Mr. Kozich stated that Mr. Scala P.E. will be asked to make a presentation about compliance issues during the next Board Meeting. It was mentioned that Mr. Scala is already working on the preparation of such educational program.

8. **Adjournment**

There being no further business to come before the Board this evening, the meeting was adjourned at 8:16 p.m.