



BROWARD COUNTY

BOARD OF RULES AND APPEALS

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BOARD OF RULES AND APPEALS MEETING
Thursday, April 20, 2006

MINUTES

CALL TO ORDER

At 7:04 the Chair, called to order a published meeting of the Board of Rules and Appeals.

ROLL CALL

Present

S. Giles, Chair
P. London, Vice Chair
A. Korelishn
A. Kozich
D. Lavrich

J. Smith
J. Somers
M. Synalovski
D. Raines
D. Rice

G. Waldrep
D. Zimmer

The presence of a quorum was announced.

Chair, Ms Giles welcome newest member of the Board of Rules and Appeals, Mr. David Raines.

APPROVAL OF MINUTES –

Mr. Kozich MOVED the motion to approve the February 9, 2006 Board meeting minutes. Mr. Synalovski seconded and the MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA

1. Certifications

Broward County

Tamela D. Smith, Structural Plans Examiner
Lavern J. Beyer, Jr., Plumbing Inspector
William Sessner, Structural Plans Examiner

Coral Springs

Lawrence Yagodzinski, Structural Inspector

Davie

William Hitchcock, Structural Plans Examiner
Donald R. Peterman, Plumbing Plans Examiner

Deerfield Beach

David Spence, Structural Plans

Ft. Lauderdale

Roland J. Leibold, Plumbing Inspector Plans Examiner

Lauderhill

James M. Collins, Plumbing Plans Examiner, Inspector
Richard R. Gigler, Plumbing Plans Examiner, Inspector
Jimmie Heath, Electrical Plans Examiner, Inspector
Anthony J. Belmont, Electrical Plans Examiner, Inspector
Robert Gonzalez, Mechanical Plans Examiner, Inspector
Martin Whitelocke, Mechanical Inspector

Margate

Phillip Mastro Simone, Chief Plumbing Inspector, Plans Examiner, Inspector
Robert L. Trautman, Structural Plans Examiner
James M. Collins, Plumbing Plans Examiner, Inspector
Richard Gigler, Plumbing Plans Examiner, Inspector

Oakland Park

Frank Nemes, Structural Plans Examiner

Parkland

Mark Anthony Sadolf, Mechanical Inspector

Pembroke Park

Edward J. Babik, Building Official

Sunrise

William Gale, Structural Inspector
Kevin Fitzpatrick, Structural Inspector
Chip Gwaltney, Structural Plans Examiner
Fred H. Weeks, Structural Plans Examiner
Michael Bessell

Weston

Richard R. Gigler, Plumbing Plans Examiner

Mr. Kozich MOVED the motion to approve the Certifications, Mr. Synalovski seconded and the MOTION PASSED UNANIMOUSLY.

1a. Chip Gwaltney, staff recommendation to approve certification as a Structural Inspector (City of Sunrise). Mr. Bill Dumbaugh, Structural Chief Code Compliance, presented the item to the members of the Board, and confirmed that Mr. Gwaltney had complied with the Continuing Education hours.

Mr. Korelishn MOVED the motion to approve, Mr. Kozich seconded and the MOTION PASSED UNANIMOUSLY.

1b. Application of Thomas Morin to be certified as Structural Inspector.

Ms. Giles explained the position of the staff was to deny certification until there is a response from the State Attorney's office. Mr. DiPietro, Administrative Director also reported his communication with the State Attorney's office indicating that the item should be postponed to a future meeting upon receiving information from their determination in the case. The staff recommendation is also supported by the Board Attorney's Mr. Bob Ziegler. Mr. Morin, who was present at the meeting, requested to speak, he was sworn in and he expressed to the member of the Board that he used to be an inspector for the Town of Davie. After his retirement he applied to work at Lauderdale Lakes when his certification was withheld. Ms. Giles explained to him that the Board of Rules and Appeals has no jurisdiction on his case, and that the State Attorney's office will give him the opportunity to discuss the particularities of his case. At this time this Board will vote on the withholding of his certification until further information is received from the State's Attorney's Office. The Board Attorney's representative, Russell White, was requested to clarify the situation about Mr. Morin, he stated that due to a lack of information provided at the time his recommendation was to withhold the certification until more information is received on the case.

Mr. Lavrich MOVED the motion, duly seconded by Mr. Kozich to defer this item until we receive a report from the State Attorney's Office. A roll call followed with a positive result of 11 to 1 to APPROVED this MOTION

MOTION CARRIED: (Eleven (11) to One (1))

Affirmative Votes: Giles, London, Synalovski, Kozich, Korelishn, Lavrich,
Raines, Smith, Somers, Zimmer, Rice

Negative Vote: Waldrep

REGULAR AGENDA

2. **Appeal #06-04.** Ed Johnson, Project Location 6401 Rodeo Dr., Southwest Ranches, appealing sections 106.10.3.1, 106.10.3.2 , 106.10.3.7 of the Broward County Administrative Provisions of the 2001 FBC Section 104.5.1.3. Individuals present in relation with this Appeal were sworn in, at the Chair's request. Chair Ms. Giles informed that the issue had been resolved between the appellant and the City but not formally withdrawn therefore the appeal would still be presented and discussed. Mr. Bob Andrews, Mechanical Chief Code Compliance Officer, presented the item to the members of the Board. He stated the Appeal referred to a single family detached house with an addition. According to section 106.10.3 of the Broward County Administrative Provisions

of the 2001 FBC, a permit would be null and void if work is not commenced within a period of 90 days. This section also contemplates the case that if the work has commenced and work is suspended or abandoned for a period of 90 days, the permit would become null and void. Since there were no inspections for a 90 day period the County computer system automatically put a flag up to possibly void the permit, due to no documentation was presented to prove there was ongoing work. When the appellant submitted documentation to the Building Official (after the appeal was filed) that confirmed there was ongoing work, the Building Official reinstated the permit. BRA staff agreed the permit is still valid and that the appeal had been resolved. Mr. Andrews explained that the County supplies the inspectors for the City of South West Ranches. Mr. Edward Johnston, the appellant, requested to speak, he expressed his opinion in reference to this issue, his permit expired and a fee had to be paid to get it reinstated, he did not call for an inspection because he was not ready for one. He also expressed his disagreement in reference to fees the county charges in this cases, he stated there is no mention of the word inspection in the code in reference to expiration of his permit, which should not have expired in July causing him to file an appeal. He also clarified that documentation he presented with the appeal was previously submitted but was rejected by the city representatives. He requested the Board to give a Formal Interpretation that states unlike in any previous versions of the code there is no requirement for any inspection at any given time period to prevent a permit from expiring.. There was discussion about the Sections of the Code that was changed from 180 to 90 days for permits to expire in case of suspension or abandonment. Mr. Tom Sidoti, Broward County Assistant Building Official Structural, representing Mr. Julio Briceno, Interim Building Official for Broward County and Southwest Ranches, addressed the Board stating that after reviewing the evidence submitted with the appeal it was determined to re-activate the building permit resolving the appeal.

MR. KOZICH entertained a **MOTION** to agree with the resolution, since this appeal had already been resolved, Mr. Somers seconded the motion. There was a roll call and the **MOTION** was unanimously **APPROVED**.

MOTION CARRIED

Affirmative Votes:

Giles, London, Synalovski, Kozich, Korelishn, Lavrich, Raines, Smith, Somers,
Waldrep, Zimmer, Rice.

Negative: None.

3. Proposed Chapter 1 Amendments

3a. Recommendation of Education Committee to deny proposal to amend section 104.1.3.2 relating to certification of Building Official (4 to 2 vote). Mr. Bill Dumbaugh presented the item for the members; it consisted of a request from the City of Davie to modify the requirements of an inspector. Mr. Dumbaugh explained that this item was sent by the board for review to the Education Committee which resulted in a 4 to 2 vote against this modification. The members of the Board discussed the item, it was stated that the Plumbing Committee also reviewed the item during their meeting. The lowering of requirements would increase the number of inspectors hired, but would be in detriment of the quality. There was a recap on past history of this type of lowering the requirements being proposed for approval resulting in the denial of approval from this Board.

Mr. Lavrich MOVED the motion, duly seconded by Mr. Somers to DENY any changes and leave the code as written. The MOTION PASSED UNANIMOSLY by means of a hand vote.

3b. Recommendation of staff to approve new subsection 109.12.10 as part of special Hurricane Inspection.

Mr. DiPietro presented the item to the Board for vote; he expressed the need of this kind of ruling to help out with the heavy work load of permitting and inspecting caused by the hurricanes, for use at the option of the Building Official. The proposed request states that only a Florida Registered Architect or Professional Engineer could perform the inspection and not delegate this task to anybody else. Mr. DiPietro and the Board's Attorney also recommended that the words "as proclaimed by the governor" be added to define the emergency period.

Mr. Lavrich MOVED the motion, duly seconded by Mr. Kozich to adopt 109.12.10 with the addition of the words "as proclaimed by the governor" . The MOTION PASSED UNANIMOSLY by means of a hand vote.

4. Interpretation Concerning Slabs for Accessibility in Right-of-Way Areas, recommendation of the GC Architects Committee.

Mr. Bill Dumbaugh presented the Item to the members of the Board. He referred to this Item which had been previously presented for the Board's consideration and referred to the GC Architects Committee for further analysis, through BC there are areas where is required to install a slab in between and existing sidewalk and an existing street for accessibility for the public transportation busses for disabled people, the company that is performing this work, is having trouble determining if a permit is required or not in the different municipalities , the GC Arch Committee, passed unanimously that areas that correspond to this be 4 inches or less and 250 square foot or less installed in the public right of way , for the solely purpose of public transportation do not meet the definition of structure as prescribed in 105 and therefore do not require a building permit.

Mr. Kozich proposed a MOTION to approved the recommendation of the GC Architects Committee that stated that "A Slab *(on Grade) 4 inches or less in thickness and 250 square foot or less installed in the public right of way, for the sole purpose of accessibility topublic transportation do not meet the definition of structure as prescribed in 105 and therefore do not require a building permit". Mr. Lavrich questioned if staff would consider adding after the word "Slabs" the words "on Grade" for better description, Ms Adriana Toro representing the BC Department of Transportation participated of the discussion about adding the words "on grade". After a short debate

Mr. Kozich MOVED the motion, duly seconded by Mr. Synalovski to approve the GC Architects recommendation and to add the words "on grade". There was a ROLL CALL and the MOTION was unanimously APPROVED.

MOTION CARRIED

Affirmative Votes:

Giles, London, Synalovski, Kozich, Korelishn, Lavrich, Raines, Smith, Somers, Waldrep, Zimmer, Rice.

Negative: None.

Chair Ms. Giles, asked the public present if anybody had a comment in reference to these two Items 3a and 3b. Public hearing was closed in absence of any public comments.

5. Report and recommendation regarding the joint Broward-Miami Dade Counties Subcommittee on Structural issues. Mr. DiPietro updated the members of the Board about the latest outcome on the recommendation of the Miami-Dade Joint Glass and Glazing

Committee. Copies of the final vote by the Miami-Dade Board of Rules and Appeals were distributed and read for the review of the Board. The adoption of the Miami Dade County wording for Broward County was recommended for consistency of criteria.

Mr. Kozich MOVED the motion, duly seconded by Mr. Synalovski to adopt the wording used in Miami-Dade about the Replacement of damaged glass & glazing and curtain wall systems , the motion was seconded by Mr. Synalovski.

MOTION CARRIED Eleven (11) to one (1)

Affirmative Votes:

Giles, London, Synalovski, Kozich, Korelishn, Lavrich, Raines, Smith, Somers, Waldrep, Rice.

Negative: Zimmer

For the record Mr. Zimmer expressed his disagreement with the motions in reference to statement “as defined in” when definition is not found in FBC. Also disagrees with a reference Chapter #5 Alterations used to bring the definition of repair. Mr. Synalovski, left the room to bring Mr. Somers back for quorum. The second interpretation identical to Miami Dade County was read by Mr. DiPietro for clarification purposes.

A new MOTION was presented by Mr. Kozich duly seconded by Mr. Korelishn to approve the “Replacement of damaged glass & glazing for balcony rails and safeguard system” from Miami Dade County as a formal interpretation effective date April 21, 2006.

MOTION CARRIED Eleven (11) to one (1)

Affirmative Votes:

Giles, London, Synalovski, Kozich, Korelishn, Lavrich, Raines, Smith, Waldrep, Zimmer, Rice.

Negative: None.

Mr. Kozich expressed his interest in notifying the Building Officials about these glass balcony railings, since some of them are ¼ inch glass or 3/16 or close which are very dangerous systems. Mr. DiPietro suggested adding this suggestion as an item in a future meeting agenda.

There was a 5 minute recess. Quorum was established by a roll call.

- 6. Proposed Board Policy # 06-01. Generator Installation Checklist for Issuance of Permit. Recommendation of Electrical Committee.** Mr. Tarry Baker, electrical Code Compliance Officer presented the item to the board members, he referred about this recommendation being in effect in Miami Dade County as of this date(4-20-06) and distributed to all MDC Building Officials, minor corrections were mentioned, (Slab Drawing Minimum, Item B to read “All loads should be identified strike out”, and Item C to read “Provide Automatic load shedding equipment to reduce total load imposed on generator.”

A MOTION was presented by Mr. Kozich to adopt the Electrical Checklist for Issuance of Permit of permanent residential Stand-By generators as modified and discussed at this meeting, Mr. Synalovski seconded the MOTION.

Mr. O'Hare , Building Official for the city of Hollywood addressed the board with a question about , the intent the checklist has for the Building Official, as a support for the city to perform the permitting, he also questioned the distance listed in reference to operable windows and doors, 10 feet distance which should be improved. It was stated that the industry requested this checklist of minimum guidelines in order to standardize the cities requirements in reference to generators. Regulations about exhaust distance and locations should be referred specifically to Mechanical Committee. After review and discussion **Mr. Kozich reinstated the MOTION seconded by Dan Lavrich , to approve the Minimum Standards Electrical Checklist for Issuance of Permit of permanent residential Stand-By generators as modified and discussed at this meeting , additionally to include the adoption for the National Electric Code from November 2005 to 2006 edition.**
The MOTION CARRIED UNANIMOSLY

7. **Fiscal Year '07 Budget (October 1, 2006 – September 30, 2007)**

Recommendation of Administrative Director. Mr. DiPietro addressed the adoption of the \$1,905,255 as approved and recommended by the County as the Core Budget for the Fiscal Year 2006-2007. The new lobbyist position added last year has not been included by the County yet, but it's in the process. Mr. DiPietro referred to the use of reserves slowing down due to an increase caused by extra revenue this year as a consequence of the 2005 heavy hurricane season, of about \$300,000 in fiscal year 06 and \$250,000 in fiscal year 07.

Mr. Kozich proposed a MOTION to approve the adoption of Fiscal Year '07 Budget seconded by Mr. Korelishn . The MOTION was CARRIED UNNIMOUSLY

8. **Observations on Structural Engineering Plan Review**

Report of Staff Member, Mark Scala, P.E. Mr. Scala referred to his report recapping to his previous report and the number of plan reviews he performed, this one on the contrary is about the number of designers he has met , that ascends to 108 architects and engineers (38 and 70 respectively). Of these 108 only 15 were seen twice, this indicates there are a lot of designers available. Comments on roof calculations, masonry walls appeared once again, mostly housekeeping but some serious cases have appeared also. Different cases were cited by Mr. Scala and he also made emphasis on education during his report. Mr. Lavrich remarked and thanked the valuable effort Mr. Scala has put in this presentation and the one presented at the FSEA.

9. **Attendance to the ASHRAE Conference by Code Compliance Officer, Bob Andrews.** Mr. DiPietro recommended the Board approval since in this case the Conference takes place in Canada and its subject the further approval by vote of the County Commission.

Mr. Kozich MOVED A MOTION TO APPROVE the travel to Quebec City Canada for the 2006 ASHRAE Conference. THE MOTION CARRIED UNANIMOSLY.

10. **General Discussion.** Before adjourning Mr. Somers addressed that in the case of Mr. Morin, he would have liked the Attorney's office to offer more information. He also shared the news of the decease of Mr. Bob Hanson, Architect.

11. **Adjournment.** Meeting was adjourned at 9:13 pm.