



BROWARD COUNTY

BOARD OF RULES AND APPEALS

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BOARD OF RULES AND APPEALS MEETING

Thursday, July 13, 2006

MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chairperson, Shalanda Giles at 7:00 p.m..

ROLL CALL

Present

S. Giles, Chair
P. London, Vice Chair
M. Synalovski
A. Kozich
A.Korelishn

W.Flett
D.Rice
J. Shechter
J. Smith
D. Lavrich

D. Zimmer
H. Zibman
G.Waldrep

Excused: M. Elzweig

The presence of a quorum was announced.

Chair Ms. Giles requested the approval of the Board to Mr. DiPietro's recommendation to grant Mr. Bob Andrews two days off with pay, in recognition for his 20 years anniversary with the Board of Rules and Appeals.

MOTION WAS PASSED UNANIMOSLY.

APPROVAL OF MINUTES –

June 8, 2006 Board meeting minutes were UNANIMOUSLY APPROVED BY MOTION.

CONSENT AGENDA

1. Certifications.

Mr. DiPietro addressed the Board about the case of Mr. Randy Youse (City of Lauderhill) and recommended that his certification approval should be reviewed later in the meeting after discussing Item # 4 of the Agenda packet. He also referred to some individuals whose certifications were requested after the printing of the agenda packet, and requested approval as follows:

Silvio Silveria - Structural Plans Examiner _ Hollywood

Dean Dibisceglie - Electrical Plans Examiner – Parkland

Tom Morin - Lauderdale Lakes – whose case presented previously to this Board was postponed pending a review from the State Attorney's office. Mr. Morin has been cleared from the criminal point of view by the State Attorney's office; therefore we recommend the approval of his certification.

Mr. Kozich MOVED to approved the certifications as outlined by Mr. DiPietro, duly SECONDED by Mr. Synalovski . THE MOTION PASSED UNANIMOSLY.

REGULAR AGENDA

Public in the audience were sworn in.

2. Appeal # 06-05 Project location: Custom Roofing Exterior LLC, 11717 Highland Place, Coral Springs.

Mr. Bill Dumbaugh, BRA Structural Chief Code Compliance Officer, presented the appeal to the members of the Board. It consisted of a re-roof utilizing a Polyglass sheet no seal was added for the mechanical attachments. According to RAS 120 and 119, there is a requirement for plastic roofing cement for penetration and underlayment with product approval. The Building Code requires product approval in regards to the use of plastic or compatible roof cement at nail penetrations of the tile underlayment. In the case of the Polyglass product, the product approval is silent regarding the sealing of fastener penetrations. As a consequence, the code requires that all nail penetrations be sealed must be enforced. Miami-Dade County Division of Product Approval has not assessed the Polyglass Product with regards to its ability to “self-seal” around fastener penetrations. This in no way disputes any claims made by Polyglass. Nonetheless, the code is clear regarding the issue of sealing fastener penetrations. As always, the building code must be interpreted to afford the greatest degree of safety for the community. It appears, that under the circumstances, the building official has correctly applied the building code by asking that the fastener penetrations be sealed. It seems that a revision of the product approval would be the best course of action, on the part of Polyglass, to resolve this issue once and for all. By substantiating, revising and including direct language in the product approval that the sealing of fastener penetrations is not a requirement for this product, uniform compliance will result. Discussion followed the introduction, and the City representative was invited to refer their opinion to the Board. The appellant was not present at the meeting.

Mr. Kozich MOVED to table to the next meeting with the presence of the appellant. Chair Ms. Giles agreed and called for a hand vote. THE MOTION PASSED UNANIMOSLY.

Mr. Synalovski suggested the staff to contact the appellant and recommend communicating with Product Approval in Miami-Dade and maybe resolve the problem without the need to return to the Board.

3. Appeal # 06-06 Project location: Wynmoor Community Council, Coconut Creek.

Mr. Dumbaugh presented the appeal to the members of the Board, explaining it was the case of condo buildings in Coconut Creek that have AC units on existing wood sleepers on their roofs , some of these AC units are to be replaced, the City turn them down since the FBC does not allow wood sleepers on new constructions. Mr. Dumbaugh explained that this is not the case of a new construction, this is retrofit, replacing AC units where as referred in the Existing Building Code the existing sleepers are not part of a new work, only the AC Units and its attachments. There was a lengthy discussion between the members of the Board and staff. The Existing Building Code was cited as the code to be referred in this particular case. The appellant was called to speak about the appeal, Mr. Jack Kussac, Director of Operations at Wynmoor Community in Coconut Creek , he was sworn in, and explained the case to Board. He explained that they have been working within the requirements of the FBC and closely with the City of Coconut Creek., replacement of units was not caused by hurricane damage but for the need of upgrading from 10 seer to 13 seer as regulated by law. The remount of the units became an issue, after referring it to the City it was forwarded to the Board for discussion, AC units are remounted in same sleepers, a research was made and from 144 buildings and only 20 applies to this situation that are on wood sleepers, out of the 20, 16 are concrete cold tar roofs, penetrating this roofs becomes unsafe and jeopardizes the life of the roofs.

If these 16 roofs were forced to be re-roofed it would cost the community \$200,000 per building. He explained this is a senior citizens community already affected by insurance increases and hurricane season. The City of Coconut Creek was called to speak, Mr. Julio Briceno, Mechanical Chief for Coconut creek referred to the Board his point of view, he mentioned he had discussed this case with Mr. Andrews Mechanical Chief Code Compliance Officer, in search of uniformity along the County he referred the inspections were denied when referred to Mechanical Code Section 301.13 and also Section 15.22 about Wind resistance. Mr. Briceno referred to SFBC 1999 to 1994 where it was required to have elevation for roof top mechanical equipment, for work repair or fix of roofs. This has been required for over 20 years. He expressed concern about units being blown away by previous hurricanes. These buildings were built between 1978 and 1982, no problems ever happened with hurricanes. The city required at the time of inspection compliance to meet the requirements of 301.13, providing engineer details stating that the units would support the wind resistance to approve the job. The City never requested to remove the wood sleepers. Mr. Briceno referred to the ASHRAE 15 safety Standards for refrigeration systems, Section 8.1 reads Foundations and Supports for condensing units should be of non combustible construction , and capable of supporting loads imposed by those units. Here we found the problem about non combustible material when referring to wood sleepers. The members of the Board discussed if the Section 301.13 Wind resistance cited by Briceno really applied to the case being presented, since this case is clearly a repair, not a new construction or re-roofing what the Section 301.13 referred to.

Discussion and analysis followed, **Mr. Kozich MOVED a MOTION:**

Part 1 : to anchor the units down to the wood sleeper and present calculations on it , not the wood sleepers to the concrete deck or wood trusses,

Part 2: to permit the use of existing wood sleepers on the decks and allow the condense units to be attached on top of them. Mr. Korelishn SECONDED.

Discussion on interpreting the MOTION followed and Mr. Kozich rephrased the motion for clarification .

Based on the evidence presented and after considering the recommendations of the staff Mr. Kozich recommended to approved Appeals 06-06 relating to Wymoor Community. Motion was seconded and a ROLL CALL FOLLOWED. The MOTION PASSED twelve to one (12-1)

**Affirmative: Giles, London, Synalovski, Kozich,
Shechter, Flett, Korelishn, Zibman,
Rice, Lavrich, Simmer, Waldrep**
Negative: J. Smith

4. Conceptual review of questions relating to Part-Time Chiefs. Request of Administrative Director, Jim DiPietro.

Mr. DiPietro presented the item. He requested that the Board, by motion reaffirm the right of the City (or the County) to hire part-time or full-time Chiefs, at its own discretion, regardless as to whether the Chiefs are supervising full or part-time inspectors or serving as a Chief in a second city. It was questioned by a member of the Board how many Building Departments at once this Chief would be

allowed to supervise, Mr. DiPietro replied that it would be limited to two(2) only, in the case they would be proposed to handle more than two jurisdictions would be brought back to the Board for consideration.

Mr. Zibman MOVED and proposed a MOTION to accept Mr. DiPietros's proposal, Mr. Korelishn duly SECONDED. Discussion followed. It was remarked the lack of qualified staff in the Building Departments and the need to cope with the hurricane crisis is justification for allowing the Chiefs to act in two cities at one time. Mr. Cos Tornese (CSA employee, BO for Weston) addressed the Board, he stated that is the case that Chiefs have worked more than one city in the past. Chair Giles expressed her support with the proposal since the Code is silent on it, and also help out the hurricane crisis in favor of the public, She also believes there are differences between the county system and the private providers. After review the Chair requested a roll call on the previously stated MOTION.

THE MOTION PASSED eleven to two. (11 to 2)

**Affirmative : S. Giles, P. London, A. Kozich,
J. Shechter, W. Flett, A. Korelishn,
D. Rice, D. Lavrich, D. Zimmer, G.
H. Zibman, G. Waldrep
Negative: J. Smith, M. Synamovski**

After this vote it was requested that to the Board to approve by MOTION the certification for Mr. Randy Youse, Chief Structural, City of Lauderhill.

Mr. Flett MOVED to approve this certification, duly SECONDED by Mr. Korelishn , the MOTION WAS PASSED UNANIMOSLY.

5. Conceptual proposal for County-wide certification of private municipal support personnel. Requested by Board member Gary Elzweig.

In the absence of Mr. Elzweig, Mr. Chris Cotler from Capri Engineering, former Building Official for Sunrise and Hallandale presented the Item to the members of the Board. He referred to the previously discussed case of crisis the County is facing in reference to the lack of inspection personnel and the overflow of work partly caused by the effects of last year hurricane season. Mr. Cotler's request consisted of a County-wide certification for private providers as a way to assist the cities .He mentioned that he believes that there is an inconsistency in policy because Broward County has certified working inspectors working on other cities. Mr. Cotler presented his request to the Board to create a committee that would review this County wide certification for private providers. Chair Ms. Giles expressed her disagreement with the request, remarking that the time taken to extend certifications is quite fast. At the request of the Board, Mr. DiPietro explained that a certification is required for every city to avoid inspectors to be using their authority outside the limits of the city they work for.

Mr. Kozich MOVED A MOTION to request the Chair to appoint a committee to study and review the county-wide certification for the private and public sector. Mr. LAVRICH SECONDED THE MOTION and a roll call followed. THE MOTION PASSED UNANIMOSLY (13 to 0)

Affirmative : S. Giles, D. London, A. Kozich,
J. Shechter, W. Flett, A. Korelishn,
H. Zibman, D. Rice, D. Lavrich,
H. Zimmer, G. Waldrep
J. Smith, M. Synalovski

Negative: None

With no further discussion the meeting was adjourned at 8:59 p.m.