



BROWARD COUNTY
BOARD OF RULES AND APPEALS

955 S. FEDERAL HIGHWAY, SUITE 401, FORT LAUDERDALE FLORIDA, 33316
PHONE: (954) 765-4500 FAX: (954) 765-4504
www.broward.org/codeappeals

BOARD OF RULES AND APPEALS MEETING
Thursday, September 14, 2006

M I N U T E S

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Vice-Chairperson, Mr. Phil London, in the absence of Chair Ms. Shalanda Giles, at 7:00 p.m.

ROLL CALL

Present

P. London, Vice Chair
S. Kastner
A. Kozich
A. Korelishn
W. Flett

D. Rice
J. Shechter
J. Smith
M. Elzweig
J. Sommers

H. Zibman
S. Feller
B. Van Kirk

Excused: S. Giles, Chair, M. Synalovski

The presence of a quorum was announced.

APPROVAL OF MINUTES –

July 13, 2006 Board meeting minutes were UNANIMOUSLY APPROVED BY MOTION.

CONSENT AGENDA

1. a Certifications. Mr. DiPietro referred to some individuals that were routinely approved by the staff and added last minute after the distribution of the agenda packet. He also introduced the special situations that would require Board consideration and action as detailed in Items 1.b, 1.c and 1.d for the review of the Board members.

Approved unanimously by motion.

REGULAR AGENDA

1. b Certification review : Luis Caplan, City of Plantation.

Mr. DiPietro, Administrative Director presented the item and the contents of the evidence for the Board's review.

Mr. Caplan certification was unanimously approved by motion.

1.c Certification request for Fred Wilson Squires as Structural Inspector. Item was presented to the members of the Board by Mr. Rusty Carroll, Structural Chief Code Compliance Officer.

Item was approved unanimously.

1.d Certification of Joseph D. Schram as Plans Examiner for Cooper City. Item was presented and recommended for approval by Mr. Tarry Baker, Chief Electrical Code Compliance Officer. The request consisted of the approval of an individual with an out of State license.

Item was approved unanimously.

2. **Appeal # 06-05** Project location: Custom Roofing Exterior LLC, 11717 Highland Place, Coral Springs. Public to speak about this item was sworn in.

Rusty Carroll presented the Item and refreshed the memory of the Board members about this Appeal which was previously presented back in June's meeting. He referred to the product approval. In a previous meeting it was recommended to the Appellant to request the manufacturer apply for a modification to Miami-Dade County product approval department. To the date no information about the product approval has been received at the BRA office, or the representative Attorney.

The appellant Charles Doherty, representative from Custom Roofing & Exterior, addressed the Board members briefing about the case presented in the City of Coral Springs. Mr. Stephen Plant, Esquire addressed the Board also and ask the Board to give approval to the appeal as a practical measure to avoid the tear down and re-built of this roof which would cost over \$30,000. It was mentioned that the NOA is silent about this product; the manufacturer has given a 10 year warranty to the home owner. It was suggested by Mr. Elzweig to receive a third party independent product approval. This could be a solution to receive the approval from the city.

Representing the City of Coral Springs, Mr. Bob Hannon, Chief Structural Inspector, referred to the Board members, he stated that when there is a discrepancy between product approval and manufacturer's recommendation, the product approval prevails and that also the FBC prevails too.

Mr. Elzweig moved to deny the appeal based in the evidence and recommendation of the staff and recommended that the appellant to seek a third party product approval for the product. Motion was duly seconded. THE MOTION WAS WITHDRAWN.

There was further discussion on the possibilities for the appellant to get product approval through a third party inspection to avoid the tear down of the roof by denying the appeal.

A new MOTION was presented to allow the appellant to table the appeal for a future meeting allowing him the time to seek a solution for the situation.

THE MOTION PASSED UNANIMOUSLY. Unanimously

3.1 Proposed amendment to BC Administrative Provisions Chapter 1 Section 104.17.1.3, 104.17.2 and 104.17.3. This item related to not to increase number of contact hours to 32 until the 2 year period beginning January 1, 2008 as compared to January 1, 2006 required for inspectors' license renewals. Mr. DiPietro presented the item and recommended its approval as a way of coping with the crisis left behind after last hurricane season.

Mr. Kozich moved and proposed to approve the amendment. THE MOTION WAS PASSED UNANIMOUSLY.

3.2 Proposed amendment to BC Administrative Provisions Chapter 1 Section 117.2.2.1, 117.2.2.2, 117.2.2.3 & 117.2.2.4.5. 1. Mr. Carroll, presented the item proposed by Board member Mr. Allan Kozich, P.E.

Mr. Kozich moved and proposed to approve the amendment. THE MOTION WAS PASSED UNANIMOUSLY.

3.3 Proposed amendment to BC Administrative Provisions Chapter I, Sections 106.10.3.1 and 106.10.3.6. Correction of typographical errors was explained by Mr. DiPietro.

Mr. Kozich moved and proposed to approve the amendment. THE MOTION WAS PASSED UNANIMOUSLY.

4. **Requested ratification of Administrative Director's Appointment of Charles Bryan Parks as Chief Fire Code Compliance Officer.** Mr. Parks was introduced to the Board members, Mr. DiPietro referred he was selected from 10 candidates, five of which were recommended by a screening panel consisting of Steve Kastner, Chair, Ernie Fontan, Charlene Smith and Bill Dumbaugh. Jim and Ernie then interviewed four finalists of the five who accepted the invitation for interview. Mr. Parks served in the State Fire Marshalls office as a Fire Protection Specialist from 1987 to present regulating three major industries, fire equipment, fire sprinkler and explosives. Bryan reviewed plans for fire code compliance in Broward, Miami Dade and Monroe Counties and handled criminal and investigative cases. He has a strong background on hands-on problem solving. His present supervisor of seven years, Mr. Fred Chaplin stated Mr. Parks is a hard worker who "has the biggest investigative work load in the State". In Bryan's present position, he works extensively

with Fire Code Officials and other professionals throughout Broward County representing the best interest of the State Fire Marshall's Office and is therefore well qualified to assume the duties of Chief Fire Code Compliance Officer with the Broward County Board of Rules and Appeals. Mr. Parks had passed a full reference check by Mr. DiPietro and an independent criminal background and medical review by Broward County. Additionally, Mr. DiPietro believed there are advantages and precedent for choosing a well qualified individual who is both familiar with our local issues yet is from an agency outside of Broward County. The Director stated that Mr. Parks operational style will be low key but effective.

Mr. Zibman moved to approve Mr. Parks's appointment as Chief Fire Code compliance for the BRA. THE MOTION WAS PASSED UNANIMOUSLY.

5. Discussion of Code Sections # 109.5, 1521.4.3.2 and 1521.5 related to re-roofing inspections.

Requested by the Roofing Committee. Mr. Carroll referred to the item and referred about a survey conducted to determine the timing in the different cities about permitting and inspecting. Once more this delay and overload was a result from last year's hurricane season. Mr. Elzweig suggested to modify the previously passed statement that Registered Engineers and Architects could perform roof inspections to add also "duly authorized representatives" being them "468 certified inspectors" would be allowed also to inspect, as a way of alleviating the situation. Modification to FBC Section 15.12.3.2 proposed during the roofing committee to increase Sq. footage was referred by Mr. Kozich. It was the recommendation of the Board to modify the language of section 109.5 of Chapter 1 and advertise and include proposed amendment in next month agenda.

6. Board Policy #06-04. Minimum code requirements for permanent residential stand-by

Generators. Recommended by Mechanical / Smoke Control Committee. Mr. Andrews presented the item to the members present; he proposed to put together a checklist with guidelines as detailed in page 216 of the Agenda. Safety issues related to installation were reviewed and explained. After discussion and review of the guidelines, ***Mr. Elzweig moved and proposed to approve the guidelines developed by Mr. Andrews. THE MOTION WAS PASSED UNANIMOUSLY.***

7. Establishment of pay range for Fiscal year 2007 (Oct. 1, 2006 – Sept. 30, 2007). Item was presented by Administrative Director. He recommended that the Board of Rules and Appeals increase all Board of Rules and Appeals pay grades by a range of 4% for clerical positions and 6% pay scale adjustment for Code Compliance Officers. Special cases of employees who are close to the top of the pay range were addressed.

Mr. Somers MOVED, and proposed a MOTION to approve Item. This motion was duly seconded MOTION CARRIED UNANIMOUSLY.

ROLL CALL

Affirmative Votes
P. London, Vice Chair
S. Kastner
A. Kozich
A. Korelishn
W. Flett
D.Rice
J. Smith
M. Elzweig
J. Sommers
J. Shechter
H. Zibman
S. Feller
B. Van Kirk

Negative Vote:
None

8. Director's Report

9. General Discussion

10. Adjournment