



Board of Rules and Appeals

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Thursday, June 9, 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
- G. Elzweig
- S. Giles (arrived at 7:12 p.m.)
- S. Kastner
- A. Korelishn
- D. Lavrich
- P. London
- B. Madge
- B. Norkunas
- D. Rice
- J. Somers (left the meeting at 9:10 before voting of Item # 8)
- H. Zibman

Excused

None

APPROVAL OF MINUTES –

Mr. Madge **MOVED** the motion to approve the March 14, 2005 Board meeting minutes Mr. Lavrich seconded it. **THE MOTION PASSED UNANIMOUSLY.**

CONSENT AGENDA

1. Certifications

Approval of the individuals temporarily certified since the last Board Meeting, as follows:

- | | |
|----------------------|--------------------|
| 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; the MOTION CARRIED UNANIMOUSLY.

REGULAR AGENDA

2. Appeals

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

Chairman Mr. Kozich requested staff member Mr. Bob Andrews Chief Mechanical Code Compliance Officer, to recap the item. Mr. Andrews presented the status of this appeal which had been tabled by the Board at the March'05 meeting to the Mechanical Technical Committee. The appeal referred to section 507.2.1 of the FMC that states that a Type II Hood is required for all commercial food heat processing appliances that produce heat, fumes, odor or steam. Since this is the case of a hot food table that heats water in pans to keep the food warm, not producing any steam or affecting the overall environment in the "take out" restaurant it was the recommendation of the Mechanical Committee to approve the appeal.

Based on the recommendations of the Mechanical Committee Mr. Elzweig MOVED and proposed a MOTION to approve the appeal, duly seconded by Mr. Korelishn.

MOTION CARRIED UNANIMOUSLY

Affirmative votes:

A. Kozich, G. Elzweig, S. Giles, S. Kastner;
A. Korelishn, D. Lavrich, P. London,
B. Madge, B. Norkunas, D. Rice, J. Somers
H. Zibman

Negative votes: None

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

Mr. Kozich referred and presented an update about the 40 Year Building Safety Inspection Program to the Board members. Mr. Kozich also reported he had been attending meetings of the Structural and Structural Sub-Committee that has taken the responsibility of developing basic guidelines for this inspection program in its structural nature, based on the Miami Dade County program, the Electrical Committee will be addressing the same issue during their next meeting. Along with Mr. DiPietro he had a meeting with the League of Cities where this program was reviewed. Mr. Kozich made reference to a similar case presented in the early 80's when fire sprinkler systems were made mandatory in all high rise buildings, the issue was opposed numerous times but with the intervention of the Board it was finally approved. The Board was informed that the Chairman met with six of the nine Broward County Commissioners, with very positive outcomes. The League of Cities, County Commissioners, BOMA and other agencies will be kept informed of the progress about this issue. Mr. Korelishn asked if the Hialeah guidelines had been reviewed by the Committees, and the Chairman requested Mr. DiPietro to include a copy them for the future meetings.

4. Fiscal Year '06 Budget (October 1, 2005 – September 30, 2006).

Item was introduced to the Board by Mr. DiPietro, Administrative Director; he referred to the reports attached in the agenda packet, the Core Budget, which is a standardized budget format with amounts proposed by the County. In reference to our projected spending from our reserves in FY '06 is \$533,436, at the end of the new fiscal year, on September 30, 2006 our reserves will be approximately 1.4 million dollars. Mr. DiPietro made special reference about our Municipal Fee rate has remained unchanged for nineteen (19) years at thirty-five cents per one thousand dollar of cost of construction (\$0.35 per \$1,000). Compared to the Miami-Dade rate of sixty cents per thousand dollar cost of construction (\$0.60 per \$1000).Miami-Dade County has determined that for new construction and additions the value of the work shall be calculated sixty-five dollars (\$65.00) per square foot, except for Building Code Occupancy Groups S and F (Storage and Industrial) which has the value of work established at forty-five dollars (\$45.00). This compares to Broward County where for both new residential construction and commercial construction, the total construction cost is calculated at forty dollars (\$40.00) per square foot. There was discussion about projected reduction of reserves. The cost of moving the Board offices was questioned. Mr. DiPietro responded that the county will not charge for the relocation, but some expenses will occur for secretarial furniture that cannot be relocated.

Mr. Lavrich MOVED, and the motion was duly seconded by Mr. Zibman to approve the Fiscal Year '06 Budget. A roll call followed with a vote of twelve (12) to zero (0).

MOTION CARRIED

Affirmative votes:

A. Kozich, G. Elzweig, S. Giles, S. Kastner;
A. Korelishn, D. Lavrich, P. London,
B. Madge, B. Norkunas, D. Rice, J. Somers
H. Zibman

Negative votes: None

5. Observations on Structural Engineering Plan Review.

Mr. A. Mark Scala Chief Code Compliance Structural Engineer presented this report on Observations of Structural Engineering Plans & Calculations submittal review. He explained, to the attendance, what the outcome showed since he started this assignment in October, 2004. A lot of progress has been seen in permit submittals. With the help of training, and requirements like calculations having to accompany the drawings, plans have gotten better over time; except for notes and details that have conflicting information within the body of the plans, plans contain enough information, etc. Mr. Scala, P.E. explained that the calculation submittal has been the most conflictive area, with problems like wind load calculations, found to be unorganized and, fragmented and the use computer programs found to be hard to decipher. He also mentioned specifically that submittals do not clearly identify the required loads. These loads and materials are not correctly specified in the calculations or do not match with the plans. Mr. Scala, P.E. also showed examples of all conflicts designers have in a Power Point presentation to the Board members. Mr. Scala pointed that the Board of Rules and Appeals staff along with the Florida Structural Engineering Association are preparing education classes to present to the Board of Florida Structural Engineers Association to help with these conflicts, also classes for Building Officials and a four hours class for Design Professionals, divided into categories like Reinforced Masonry, Wind Loads, Calculation Submittals, are being developed. Guidelines are being prepared to facilitate the engineers with a check list of required contents that would help organize both the designer and the plan reviewer. There was a lengthy discussion about the conflict presented in the case that the designer who is in charge of designing the building and signing and sealing the drawings should not let other party prepare the calculations. Each party should

specify they are sealing for (in the case of an Architect and an Engineer working on the same project). Mr. Lavrich proposed that when calculation problems occur, the Board would intervene to provide clarification. Chairman Mr. Kozich thanked Mr. Scala and informed to the Board that Mr. Scala P.E. will continue with this investigation and return within the next several months with another presentation to the Board, and probably at that time some reference to this issue could be included in the Broward County Administrative Section or the Florida Building Code.

6. Presentation concerning Station Nightclub Fire, Warwick, Rhode Island.

Mr. Madge thanked the Board Chairman and members for giving him the opportunity of presenting an Investigative Report from The National Institute of Standards and Technology (N.I.T.S) dated march 10, 2005 on the Station Nightclub Fire that occurred on February 20, 2003. The report was illustrated with a 20 minutes movie, an overall timeline report on the progress of the events, site plans of the club and key findings determined after the investigations that contributed to the quick spread of the fire and the substantial loss of life. Many improvements are recommended by the N.I.T.S after this tragic event like the requirement of fire sprinklers systems disregarding the size of the building, restrictions in the use of pyrotechnics and flammable materials in the building structure, an increase in the number of required fire extinguishers, etc.

7. Discussion and Action concerning Senate Bill 422

Chairman Mr. Kozich remarked that this Item was included in the revised agenda that was emailed to all members of the Board. In reference to Senate Bill 422, this proposed legislation which includes other provisions, the requirement that Building Codes Appeals be acted upon within 10 days, it was mentioned to the Board that this was found to be unacceptable, and it was stated that the correct amount of time should be at least 25 business days. This change would affect the way the Board has been operating in the past 30 years, creating the need of two meetings a month. Mr. DiPietro, Administrative Director informed this Item has been closely monitored by the Board of Rules and Appeals and Miami-Dade County and as of today an agreement was reached in support of the 25 business days proposed. Mr. Kozich also mentioned another provision of Senate Bill 422, proposing that contractors be deemed equivalent to Architects and Engineers in making structural calculation for wind resisting elements in single family residential buildings, which is found insulting to the professionals in both fields. It was the Chairman's recommendation that there are a lot of items in this Bill that the Board should review.

8. Change to Code Compliance Officer Pay Ranges, effective April 15, 2005 (3% adjustment).

The Administrative Director addressed to the Board Members his recommendations to increase the Code Compliance Officers pay ranges by 3%. The new proposed policy effective April 15, 2005 states that the salary of the Chief Code Compliance Officers to be 3% higher than the Broward County Building Officials and the Chief Code Compliance Officer – Structural Engineer to be 7½ % higher than the salary range of the Broward County Building Official. The new pay ranges were explained and detailed as showed in the agenda packet. Mr. DiPietro made references to the salary ranges offered by Dade County both for Code Officers and Engineers and in Broward County for Building Officials and Engineers as detailed in the Agenda packet.

Mr. Lavrich MOVED and proposed a motion to approve the change in the Code Compliance pay range, the motion was duly SECONDED by Mr. Zibman. A ROLL CALL followed and the MOTION carried UNANIMOUSLY.

Affirmative votes:

A. Kozich, G. Elzweig, S. Giles, S. Kastner;

A. Korelishn, D. Lavrich, P. London,
B. Madge, B. Norkunas, D. Rice, H. Zibman

Negative votes: None

9. **Director's Report**

10. **General Discussion**

Mr. Madge mentioned to the members of the Board that more information about the Station Night Club Fire can be found at www.projo.com

11. **Adjournment**

There being no further business to come before the Board this evening, the meeting was adjourned at 9:14 p.m.