



BROWARD COUNTY

# Board of Rules & Appeals

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## **BOARD OF RULES AND APPEALS**

**February 12, 2009**

### **Meeting Minutes**

#### **Call to order.**

A published meeting of the Board of Rules and Appeals was called to order by Vice Chair Steve Kastner at 7:00 P.M.

#### **Roll Call**

**Steve Kastner – Vice-chair**  
**Ron Burr**  
**Gregg D’Attile**  
**Al Fernandez**  
**Albert Korelishn**  
**Allan Kozich**  
**Dave Rice**  
**Jay Shechter**  
**John R. Smith**  
**Manny Synalovski**  
**David Tringo**  
**Gary Waldrep**

**The presence of a quorum was established.**

#### **Approval of Workshop Minutes**

**The Vice-Chair, Mr. Kastner asked for a Motion. Mr. Kozich moved to approve the Workshop Minutes of January 8, 2009. The Motion was duly seconded by Mr. Korelishn.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 12 – 0.**

#### **Approval of Board of Minutes**

**The Vice-Chair, Mr. Kastner asked for a Motion. Mr. Kozich moved to approve the October 2, 2008 board meeting minutes. This Motion was duly seconded by Mrs. Giles Nelson.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 12 – 0.**

**CONSENT AGENDA**

**1. Certifications.**

**The Vice-Chair, Mr. Kastner asked for a Motion. Mr. Shechter moved to approve and was seconded by Mr. Korelishn.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 12 – 0.**

**2. Adoption of Revised Broward County administrative provisions to the FBC (Chapter One), to coincide with the effective date of the 2007 FBC on March 1, 2009**

- a) Staff Report
- b) Public hearing
- c) Board action

The Director addressed the Board regarding procedural issues. Mr. DiPietro went on to inform the Board that we have received comments from three cities and one individual. Per the board attorney's advice, Mr. DiPietro read into the record the following:

Chapter One - all amendments related to plan review, permitting, inspections, certificates of occupancy are more stringent than state code revisions to comply with section 553, of the Florida Statutes.

Staff requested the following be added to Agenda Item #2, page 3: (Glitch changes). On bottom of page 127 and the top of page 128, advised the word "he" be changed to he/she. Fourth line down, the word "work" is missing. The text has been modified to reflect the two typos.

Rusty Carroll, Chief Structural Code Compliance Officer briefed the Board on Agenda Item 4, which were the written comments received:

- a) Comment from Adam Attah City of Plantation - Page 110:  
Mr. Attah's request is to add in staff's opinion special cases back into the certification process. The Board has ruled previously that staff shall not submit special cases to the Board for consideration.
- b) Comment by Dennis Pustizzi, City of Oakland Park. - P114:  
Mr. Pustizzi's request is to add a requirement that all permits to be signed by the owner of the property. Staff considers this a legal issue and has no recommendation.
- c) Comment by Jack Morrell City of Margate - Page 116:  
Mr. Morrell is recommending a reduction in the timeline specified in Section 106.10.3.7 from 180 days to 60 days.
- d) Comments received by Tony Thomas - Page 120:  
Mr. Thomas request is similar to the request submitted by Mr. Atta, whereas he is requesting

special cases be added to the certification process. The Board has ruled previously that staff shall not submit special cases to the Board for consideration.

***At that time, 7:20 p.m., the hearing was opened to the public and all parties wishing to speak were sworn in.***

The following members of the public addressed the Board:

- 1) **Adam Attah**, Chief Building Inspector, City of Plantation  
Mr. Attah's background is an Architect who became a Building Inspector. The main issue Mr. Attah wants to address is that it is becoming very hard to meet certification requirements. Point being that someone with CBC (Certified Building Contractor) credentials and many years of experience who wants to become a Building Inspector. The requirements have gone from 2 years to 3 years. Mr. Attah is appealing to the Board to consider that there are many professionals out there, but are not recognized as having the proper requirements. Requirements have become too stringent. He feels that they are making it too difficult for qualified, experienced people. He would like the Board to make fewer demands, making it easier for the professionals to get in, and give more weight to experience.
- 2) **Tony Thomas**, Building Inspector, City of Plantation.  
Mr. Thomas has been in the construction business his entire career, 32 years. He gave the Board his background. Mr. Thomas went on to say that our requirements state that all experience must be as a general contractor; this does not take into account his other building experience. This means that none of his experience counts towards any kind of certification in Broward County. He had to retire his building contractor's license in order to become a building inspector, which he was happy to do, however, he has to get a general contractor's license, which would take 10 years.
- 3) **Charlie Raiken**, Deputy Chief Fire Marshall Broward Sheriff's Office, representing the Fire Chief's Association of Broward County. Mr. Raiken addressed the Board on the Fire Code Amendments. Chief Raiken recognized the work done by Bryan Parks and Rusty Carroll. He noted his intention to keep the high level of safety in Florida as number one, and informed the Board that we have the strictest fire code in the state. It would make sense to start making sure there are not redundancies in the Florida Building Code and the Fire Code, and went on to list several such as the approval of C.O.'s.
- 4) **Tarry Baker**, Chief Electrical Code Compliance Officer addressed the board. Mr. Baker discussed electrical wiring apparatus and equipment on page five of the FFPC, removing "as referenced FFPC referenced to FFPC thru the Fl 633 as referenced above. Stated that the Board removed fire prevention provisions, the record would reflect. The other 101.4.6 we inadvertently omitted. Adopted by the fire provisions of this code.
- 5) **Mike Pella** with Chem Consulting Engineers addressed the Board. Mr. Pella discussed paragraph 106.6.6, and questioned the benefit of a 1/4 inch scale. Mr. Pella agreed that we are all trying to live "green", and proposed that the verbiage be reconsidered and leave the scale in a fashion that will convey information in a legible manner at the discretion of the designers, with

the understanding the ¼ inch should not be used on the broad stroke.

***The Public hearing was closed at 7:48 P.M. At that time the meeting was opened for Board discussion.***

Mr. Kozich would like to keep our code as it is, and have issues regarding higher education done at a committee level, and maybe allow a year for a Masters degree or a Ph.d.

The Board asked to hear from former Chairman, John R. Smith on the issue. Mr. Smith said it was a good rule and should stay.

Mr. Carroll addressed the Board again, to reply to Board member, Mr. Synalovski's comments and privileges and limitations of a CGC and CBC and discussed some options. Mr. Kozich concurred on the scale issue, but suggested it needs to be reworked. Mr. DiPietro addressed the board to go to page 33, to look at the amendment in question. Bill Dumbaugh addressed the Board, and more discussion took place with regards to scale. Mr. Synalovski suggested that we wordsmith the page at this time which he proceeded to do and then made the following Motion:

**Mr. Synalovski MOVED that on the 10<sup>th</sup> line from the bottom of page 33, Section 106.6.1, we terminate the sentence with the word "work", character and location of the proposed word, "work", and delete everything thereafter. The MOTION was seconded by Mr. Kozich, based upon the exceptions that were made today, including the Fire Code Amendments.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 12 – 0.**

**3. Adoption of 2007 Appendix F of the Plumbing Volume of the 2007 Florida Building Code, Effective March 1, 2009**

Recommendation of Administrative Director

- a) Staff Report
- b) Public hearing
- c) Board action

Chief Plumbing Code Compliance Officer, Mr. Kevin Fennell addressed the board and said that the industry itself wanted to be regulated and wrote these regulations. They took it before the Broward County Commissioners and at the state level. The Florida Building Commission saw fit to make it an Appendix. Section 101.2.1 of the Florida Building Code allows the adoption of an appendix to become part of the text. Broward County had already passed an ordinance of the same verbiage and you the Board of Rules and Appeals went ahead and adopted this appendix as part of the technical part of the code Subsequently, the amendments were completed. We are going to bring those amendments back to next regular scheduled meeting.

***At that time, the Vice-Chair opened the meeting up for Public Hearing. Seeing no hands, the Public Hearing was closed at 8:11 p.m.***

**Mr. Kozich made a Motion to approve and was seconded by Mr. D'Attile.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 12 – 0.**

**4. Certification and Special Building Inspector Forms, Effective March 1, 2009**

- Recommendation of Administrative Director
- a) 2007 Special Building Inspector Form
  - b) 2007 Certification forms

Mr. Kastner asked that a separate form for Fire Inspectors be created and Mr. DiPietro stated that the staff would return a copy for review at a future Board meeting.

**Mr. Kozich made a Motion to approve and was seconded by Mr. Synalovski.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 12 – 0.**

**5. Proposed 2007 Formal Interpretations**

And are recommended by staff as follows:

- 2007 FI#1 602.2.1 Materials Exposed within Plenums
- 2007 FI#2 Retrofit of Windows, Doors, Garage Doors, Shutters & Skylights FBC 2004 Existing Building Alteration Level
- 2007 FI#3 2004 FBC Section 2121.1.5 or 2004 FRC Section R4407.4.1.6
- 2007 FI#4 2004 FBC Section 2121.2.4 or 2004 FRC Section R4407.4.2.4
- 2007 FI#5 2004 Reinforced Unit Masonry
- 2007 FI#6 Group R-3 Detached Single Family Dwelling/2004 FBC Section 1522.3.2 or 2004 FRC Section R4402.11.3.2
- 2007 FI#7 2004 FBC Section 1522.2 or 2004 FRC – Section
- 2007 FI#8 Protection of Piping in Concealed Spaces
- 2007 FI#9 Identification of Mechanical Equipment
- 2007 FI#10 Attachments of Ductwork to Air Handling Equipment
- 2007 FI#11 Insulation Requirements for Primary Condensate Drains
- 2007 FI#12 Use of Louvered Doors for Returning Air to Air Handlers
- 2007 FI#13 2004 FBC Section 1512.4.3.1 or 2004 FRC Section R4402.1.4.3.1
- 2007 FI#14 Replacement of damaged glass & glazing for balcony railings & safeguard systems
- 2007 FI#15 Slabs in Right of Ways
- 2007 FI#16 Replacement of damaged glass & glazing & curtain wall systems
- 2007 FI#17 Definition of Valley
- 2007 FI#18 Secondary Water Barrier/Self Adhesive Strips applied over roof sheathing joints
- 2007 FI#19 2004 FBC Broward County Ch 1 Section 104.23, alternative materials & methods
- 2007 FI#20 Retrofits required pursuant to FS 553.844

Mr. DiPietro noted that the 20 Formal Interpretations listed were conceptually approved at the Board Workshop meeting of January 8, 2009.

Mr. Kozich made a MOTION to approve the twenty Formal Interpretations, and was seconded by Mr. Korelishn.

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 12 – 0.**

**6. Establishment of 2007 Florida Building Code Commentary Pricing**

Recommendation of Administrative Director

- a) Pricing schedule of 2007 FBC Building Volume Commentary and authorization to purchase from Sole Source Vendor

Mr. DiPietro apprised the Board that based upon the enclosed legal opinion the Board of Rules and Appeals has the authority to authorize this purchase.

Mr. Kozich made a **MOTION** to adopt the pricing as determined in the proposal, and was seconded by Mr. Korelishn.

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 12 – 0.**

**Director's Report**

The Director brought the Board up to date on the status of the building's Certificate of Occupancy, and discussed staff's intention to sell code books from the loading dock of Government Center West, 1 N. University Drive beginning Monday, February 16, 2009 for four hours per day.

**General Discussion**

**No report.**

**Adjournment**

**There being no further business to go before the Board; Mr. Kozich moved to adjourn, and was seconded by Mr. Korelishn. The meeting adjourned at 8:23 P.M.**



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Board Vice-chair