

BROWARD COUNTY

# Board of Rules & Appeals

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## BOARD OF RULES AND APPEALS

July 10, 2008

### Meeting Minutes

#### Call to order.

A published meeting of the Board of Rules and Appeals was called to order by Chair John R. Smith at 7:05 P.M.

#### Roll Call

**John R. Smith – Chairman**  
**Gregg D’Attile**  
**Gary Elzweig**  
**John Famularo**  
**Shalanda Giles Nelson**  
**Albert Korelishn**  
**Allan Kozich**  
**John Sims**  
**Jay Shechter**  
**Richard Smith**  
**Manny Synalovski**  
**Henry Zibman**  
**Don Zimmer**

Presence of a quorum was established.

#### Approval of Minutes

The Chairman asked for a Motion. Mr. Kozich moved to approve the June 12, 2008 Board meeting minutes. This Motion was duly seconded by Mr. Korelishn. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.**

### CONSENT AGENDA

#### 1. Certifications.

Administrative Director, Mr. DiPietro requested that staff approved Certifications listed in the agenda packet, plus Mr. Jose Daniel Ozuna, Chief Structural Inspector from the City of West Park, and Mr. David W. Cake, Chief Electrical Inspector for the City of Deerfield, be

authorized by the Board.

The Chairman asked for a Motion. Mr. Kozich moved to approve, and was seconded by Mr. Shechter.

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.**

**2. Administrative Guidelines for the Processing of an Expired Permit,  
Policy No. 08-01  
Staff Recommended**

The Item was introduced by Rusty Carroll, Chief Structural Code Compliance Officer. Mr. Carroll informed the Board of the Ad Hoc Committee's findings, and noted that this committee was convened for the sole purpose of looking at issues related to expired permits.

It was noted that the Staff drafted two (2) proposals placed on the Ad Hoc Committee Agenda. Mr. Carroll discussed the intent being a pilot program for two (2) years and suggested that the program results come back before the BCBRA in a year and a half from now for review. Both proposals were approved by the Ad Hoc Committee, one of which was amended.

The Chairman opened the discussion to the Public. The Board listened to comments and suggestions that were made by Mr. Mark Dorset – Screen Company owner, Robert Hannon – City of Coral Springs, and Tom Schubert – Building Official for the City of Coral Springs. Mr. Curtis Craig, Building Official for the City of Fort Lauderdale, and John Heller, Chief Structural Inspector for the City of Fort Lauderdale also contributed to the discussion. The Board also listened to input from Tarry Baker, Chief Electrical Code Compliance Officer from the staff.

The text of the Administrative Guidelines for the Processing of an Expired Permit reads as follows:

**ADMINISTRATIVE GUIDELINES FOR THE PROCESSING OF AN EXPIRED PERMIT**

Expired permits which have received all required mandatory inspections up to but excluding the final inspections may receive the final inspections utilizing the code in effect at the date of the original permit application. If when the job is inspected, it is found to not be in compliance, the permit holder shall have 60 calendar days to correct the deficiencies. Permits using this policy shall not be extended past 60 days and shall be subject to life safety requirements as determined by the Fire Code Official.

Each Building Official shall submit a monthly report to the Broward County Board of Rules and Appeals stating the number of permits that have been processed using this policy.

A Motion to approve Proposed Board of Rules and Appeals Policy #08-01 was made by Mr. Zibman and seconded by Mrs. Giles Nelson.

**THE MOTION PASSES 10 – 3.**

Descending votes were as follows:

Mr. Kozich,  
Mr. Shechter,  
and Mr. Zimmer.

3. **Amendment to Section 106.10 of the Administrative Provisions of the Florida Building Code, Permit Limitation**

Staff Recommended – Public Hearing

Staff member, Rusty Carroll made several observations, one being that this proposed code change puts a dual responsibility on a permit by having notification sent to both the permit holder and the property owner prior to the expiration date of the permit. This should deter expired permits in the future. Mr. Carroll commented that a proposal was recommended by our legal counsel, Mr. Ziegler, and was written up by the staff.

From the public, Mr. Jack Morel, Building Official for the City of Margate contributed to the discussion along with Tom Schubert, Building Official for the City of Coral Springs.

Mr. Elzweig suggested that one sentence of the proposal be deleted as redundant and proposed a Motion that Section 106.10.3.5.1 read, “the Building Official shall provide written notification to both the permit holder and the property owner 30 days prior to the expiration date of the permit. The notice shall include the projected expiration date and the steps necessary to continue the permit in an active status.” (Editor’s note, effective July 10, 2008)

106.10.3.6.1 “A primary permit shall not be deemed expired while the secondary permit is considered active, effective immediately.” (Editor’s note, effective July 10, 2008)

A Motion to approve was made by Mr. Elzweig and seconded by Mr. Synalovski.  
**THE MOTION PASSES WITH A VOTE OF 8 – 5.**

Descending votes were as follows:

Mrs. Giles Nelson,  
Mr. Kozich,  
Mr. Shechter,  
Mr. Zibman,  
And Mr. Zimmer.

4. **Restricted Use of CPVC Pipe in Plenums – Formal Interpretations**

Recommended by the Mechanical Committee

This item was introduced by Robert Andrews, Chief Mechanical Code Compliance Officer.

Mr. Andrews explained this interpretation was to allow the use of CPVC Flowguard Gold Pipe SDR-11 in a mechanical closet used as a plenum in the residential portion of an R2 Occupancy. This installation does not create the same hazard as other plenums because this is confined to one living area. Mr. Andrews further explained why the 2000 Edition of ASTM E84 is being accepted

instead of the 2001 Edition adopted in the Florida Building Code. He also explained how the modified ASTM E84 Test performed on the CPVC pipe deviated from the actual test. The CPVC was tested on .5 inch (nominal) and 2 inch (nominal) water filled pipe and .5 and .75 (nominal) empty pipe. All four modified tests showed a smoke-developed index of not more than 50 (maximum allowed by the Code).

Mr. Kozan of Ridgeway Plumbing contributed to the discussion. Mr. Kozan stated that he has performed thousands of installations, such as the one in question, all over the state. Mr. Kozan went on to say that PVC is much more combustible than CPVC. He suggested that the Board approve, but take one step further and turn it back to committee. He also made some comments regarding the differences between return air plenums and AC closets.

Mr. John Dodd of Dodd Plumbing noted the many reasons for using CPVC, among them the fact that it is a much greener product, and also taking into consideration the cost of copper. Mr. Dodd noted that it's consumer friendly. He went on to explain that not all PVC's are the same and discussed this at some length.

Board member Richard Smith contributed to the discussion along with board member Allan Kozich.

Mr. Richard Smith proposed a Motion that we approve immediately the acceptance of CPVC of any manufacturer or other products that meet the applicable standards as written by Mr. Andrews and it become effective as of July 11, 2008. Mr. Elzweig's second on the Motion held. **THE MOTION PASSED WITH A VOTE OF 12 – 0.**

*\* Mr. Korelishn recused himself from voting.*

**5. Changes to Special Building Inspector Form**  
Recommendation of the Structural Committee

Mark Scala, Chief Engineering Code Compliance Officer introduced the topic, referring to page nineteen (19) in the agenda packet. Mr. Scala discussed what came out of the Structural Committee meeting and the level of inspections regarding ACI quality assurance.

Mr. Scala discussed Levels A and B of the form. He made special reference to the fact that Level C is a much more intensive qualification or inspection procedure. Materials are verified, but you are also there on the job while the concrete is being poured and while the mortar is being mixed. He addressed possible conflict between building officials and contractors. Mr. Kozich also contributed to the discussion. Reference was made to the fact that the Board cannot make a code amendment without placing a special advertisement, stated Jim DiPietro.

Mr. Elzweig proposed a Motion to accept this form as an interim amendment effective July 11, 2008 as proposed to the format. Motion was seconded by Mr. Kozich. **MOTION PASSES UNANIMOUSLY 13 – 0.** \*Mr. Zimmer would like a Capital A, Capital B & Capital C be added to the form.

**6. Establishment of Effective Date for Code Amendment to 104.5.3**

Recommendation of Administrative Director

The fact that this was passed at last month's meeting was noted by the Director, Mr. DiPietro, who wanted clarification as to the effective date as July 1, 2008.

Mr. Smith asked for a Motion to approve and was seconded by Mr. Korelishn.  
MOTION PASSES UNANIMOUSLY 13 – 0.

7. **Resolution of the Broward County Board of Rules and Appeals Urging the Adoption of the 2008 National Electrical Code by the Florida Building Commission**

Request of the BCBRA Chair John R. Smith

Mr. DiPietro pointed out the revised agenda to the Board, and introduced Mr. Tarry Baker, Chief Electrical Code Compliance Officer to address the item. Mr. Baker made several comments about the Resolution discussing the enhanced public safety features of the 2008 NEC as compared to earlier editions.

Mr. Kozich made a Motion to approve, Mr. Zibman seconded the Motion.  
THE MOTION PASSED UNANIMOUSLY 13 – 0.

8. **Director's Report**

Mr. DiPietro reminded the Board that the date of the effective date for the Florida Building Code has been postponed to December 31, 2008. The latest plan for adopting a new Chapter One would be on January 8, 2009, and the reason being that the legal opinion has been that the Board cannot adopt or amend the code until it is in effect. The plan is that January 8, 2009 will be the final vote on the new Chapter One. It will be given to the Board in draft form prior to that date, but not for official action.

The Florida Building Commission is meeting in Naples next month for the Glitch Amendments. Under the County procedure, the board may only send five (5) people at a time. There is a possibility that we will need to send more than five (5). If the number does go over five (5) people, Mr. DiPietro said he would appreciate it if the Board members would authorize it, in the event that it become a discussion point for the County.

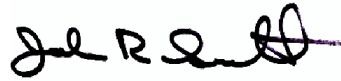
Chairman made a Motion to approve. Mr. Korelishn seconded the motion. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.

9. **General Discussion**

It was brought to the Board's attention that there will be a Joint Mechanical and Plumbing Meeting next month. The Topic will be plenums.

10. **Adjournment**

**Mr. Elzweig moved to adjourn, and was seconded by Mr. Kozich.  
There being no further business before the Board; the meeting adjourned at 8:50 p.m.**

A handwritten signature in black ink, appearing to read "Jul R. Smith", written over a horizontal line.

**Board Chairman**