

BROWARD COUNTY

Board of Rules & Appeals

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BOARD OF RULES AND APPEALS

June 12, 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 7:02 P.M.

Roll Call

John R. Smith – Chairman
Gregg D’Attile
John Famularo
Alberto Fernandez
Shalalnda Giles Nelson
Steve Kastner
Albert Korelishn
Allan Kozich
Daniel Lavrich
David Rice
Jay Shechter
John Sims
Hank Zibman

The presence of a quorum was established.

Approval of Minutes

The Chairman asked for a Motion. Mr. Lavrich MOVED to approve the January 10, 2007 Board meeting minutes. This motion was duly seconded by Mr. Zibman. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 - 0.**

CONSENT AGENDA

1. Certifications.

Mr. Andrews, Acting Director requested that certifications be approved, including the addition of Larry Pasco, Fire Inspector for the town of Davie, John San Angelo, Fire Inspector for the city of Fort Lauderdale and Roland J. Leibold, Plumbing Plans Examiner for the city of Fort Lauderdale be

approved by the Board.

A Motion was made by the Chairman and seconded by Mr. Korelishn. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 - 0.**

2. Proposed changes to the Broward County Local Amendments
a. 106.10.3.5 relating to Expired Permits – Proposed by Ad Hoc Committee

Public hearing was opened by the Chairman.

Rusty Carroll, Chief Structural Code Compliance Officer addressed the Board.

A couple of years ago the Board staff and Chairman at that time were approached by two cities , Fort Lauderdale and Coral Springs, they asked for assistance or some type of modification to assist them with expired permits. The primary issue with an expired permit, once the permit expires, you have to bring the expired permit up to the current code, including new regulations. The chair at that time appointed an ad-hoc committee to study this issue. The ad-hoc committee met multiple times with testimony of contractors, public and staff from the cities, and the ad-hoc drafted a proposed language to modify section 106.10.3.5. in the Administrative Code.

Upon completion of work, the administrative director in connection with chairman and legal council decided that we could ask the State of Florida, the Florida Building Commission, whether the Broward County Board of Rules and Appeals had the authority to modify that section. It was decided that the matter of vehicle of request that opinion was what they call a declaratory statement request, if you look at page # 5 that's the request sent to the State of Florida. The staff and the legal council, Jim Richman representative of the Florida Building Commission, recommended three words to be deleted. This three word deletion does not affect the goal of the ad hoc committee set out to achieve. If you go to page 11 that is the final version of the proposed amendment in code language, underlined is what's been added, struck through is what's been deleted, and the actual section as appears in our administrative code. The declaratory conclusion was that yes, the board has the authority to amend that section, however when looking at that page pay special attention to page 7, you'll see the declaratory statement is representing Florida statute 553.73(4)(a) which is a quote of the Florida Statute about amending the code.. Further on page 12, you'll see a legal opinion by Mr. Ziegler, our attorney, who is represented today by Mr. Russell. His opinion is that the board does not have the authority to amend that section and does not recommend amending that section. Mr. Ziegler is very adamant that the Board does not have the authority and does not recommend most predominantly based on the Charter Section 9.02(2), not 553.73(4) (a), as the State said previously under the declaratory statement. The final attachment in the package is a letter from a former chairman, Mr. London, who is here tonight, in support of the adoption of the proposed change.

Paul Kasnick, homeowner from city of Coral Springs addressed the board. Stated that he has a contract to be sold, a mortgage commitment, inspections, everything ready to close. Explained that he had made a commitment to move and found that he had an open permit on a screen enclosure. He thought that going to the city will take care of it. After meeting with one of the building department representatives and the builder, he was told that his only option was to tear down the screen or replace

it. He is unable to sell his home until this permit is closed. Mr. Kasnick questioned the rationale of this decision, as the screen enclosure had endured Hurricane Wilma. However, according to the building code he would have to tear down his screen enclosure. He wished to inform the Board that he is also realtor and could see “an avalanche of problems as a result of this.” Express that he was trying to gain some kind of understanding, why a builder can have so many permits open. He noted that something is wrong here, and he is present tonight because he is seeking an explanation. He’d like to sell his home.

Tom Shubert, City of Coral Springs, Building Official addressed the Board: Mr. Shubert believes that virtually everyone who reviews this topic agrees the way the code is written is impractical. Mr. Schubert went on to say that he believes that’s the reason why throughout the county and throughout the State that expired permits are processed differently. He notes that there are Building Officials who ignore the topic completely and re-issue permits utilizing the old code, and asked that the Board look at it, and agree with the Florida Building Commission, as to the fact that virtually every person that looks at it agrees that is not practical. Mr. Schubert believes that we change the code we can all enforce it in a practical manner and in a more uniform fashion than is presently being done.

Bob Hannon, Phil London and Cos Tornese, Jim Trimble and Curtis Craig all spoke in support of the adoption.

Mr. Lavrich remarked that he didn’t think Mr. Ziegler was telling them that they cannot do it. He said Mr. Ziegler is specifically dealing with the wording that was used. I think we used the wrong wording, there’s another way to do it, a more direct way, which does not have to give that discretionary power to the Building Official. Mr. Lavrich went on to say that he didn’t know what Mr. Ziegler’s thoughts were on any other modifications, but he doesn’t state any of those items in his letter.

There being no further discussion, the Chairman recommended that the motion be tabled until an Ad Hoc Committee be convened, to include Board attorney Robert Ziegler, along with Director, Jim DiPietro, and will be heard at the next official meeting of the Board of Rules and Appeals.

Chairman asked for a Motion to table. A motion was made by Mr. Zibman and was seconded by Mr. Lavrich. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 - 0.**

Item 2b. 104.5.3, 104.5.3.3, 104.5.3.5, Certification of the Structural Inspector – Staff Proposed.

Chairman opened the floor to the public, there being no response; the Chairman closed the Public Hearing and asked Rusty Carroll to present Agenda Item 2b.

Rusty Carroll: Discussed a section clause where a residential or a building contractor be eligible to become an entry level inspector and has 18 months to get their CGC. Board Modified that to say that where an individual who had a CBC or CRC can be hired and inspect based on the limitations of this license. So with the deletion of the requirement that the person would have to do 18 months; staff now has a computer database to monitor these individuals and we’d like to call them “Limited” Structural Inspectors and limited residential - the card with the countywide certification, inspectors can now float around from city to city. When the chief looks at his card he won’t know the person is limited for that

particular type of inspection. So basically to assist the Building Inspector and the Chief to acknowledge that he is limited in his duties and to separate them on our database.

A Motion was made by Mr. Kozich to pass the Certification of the Structural Inspector – staff proposed and seconded by Mrs. Giles Nelson. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.**

3. Fiscal Year 2009 Budget (October 1, 2008 – September 30, 2009)

Recommendation of Administrative Director: *Acting Director, Chief Mechanical Code Compliance Officer Robert Andrews*. Mr. Andrews explained that staff is seeking a recommendation from the Board to approve the fiscal budget for 2009.

Move to approve. A motion was made by Mr. Korelishn and seconded by Mr. Kozich. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.**

4. Staff Proposed Subsidies for Training Sessions

- a. **Masonry Construction Workshop Training Seminar**
- b. **NFPA 99 C Gas and Vacuum Standard for Med-Gas**

Discussion: The Chairman asked whether Rusty Carroll had any input on the masonry topic. Mr. Carroll reported to the Board that this is actually a class that code mandated. He noted the Board has been subsidizing this class to promote attendance.

Chairman asked for a motion to approve **Item 4a**. A motion was made by Mr. Korelishn to and seconded by Mr. Lavrich. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.**

The Chairman asked for a motion on **Item 4b**. A motion was made to approve by Mr. Korelishn and seconded by Mr. Lavrich. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.**

5. Establishment of 2007 Florida Building Code pricing (Code Effective Date is 10/01/08.

Recommendation of the Administrative Director:

Item a. Pricing Schedule, Florida Building Code and Commentaries

Item b. Code Book Policy relating to members and alternates of the Broward County Board of Rules and Appeals

Item c. Pricing Schedule, Network Version of 2007 FBC and authorization to purchase from Sole Source Vendor

Bob Andrews informed the Board that at the beginning of this week the FBC had a telephone conversation and they have changed the implementation date for 2007 Florida Building Code from October 1st to December 31st; they did that for 2 reasons: 1) to coincide with the adoption of the energy code, and, 2) the fire code.

The Chairman asked for a motion to approve **Item 5a**. Mr. Kozich moved and was seconded by Mr. Lavrich. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.**

The Chairman asked for a motion. Mr. Kozich moved to approve **Item 5b** and was seconded by Mrs. Giles Nelson. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.**

Discussion on Item 5c:

Mr. Andrews noted that we are basically receiving the same discount, roughly about 35% that we get on the codebooks. We just need authorization to approve the price that we sell it for. To date we have 4 cities that show an interest in the network version. We are not looking for authorization to go out and buy them, just the ability to do so when necessary. The International Code Council is a Sole Source vendor.

THE CHAIRMAN ASKED FOR A MOTION ON ITEM 5c. MR. KOZICH MOVED TO APPROVE AND WAS SECONDED BY MR. KORELISN. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.

6. Purchase of Books for Seminar – Minimum Design Loads for Buildings and other Structures, ASCE/EI 7-05, Published by the American Society of Civil Engineers

Discussion:

The Chairman asked for a motion. Mr. Kozich moved to approve and was seconded by Mr. Lavrich. **THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.**

7. Establishment of October 1, 2008 as a special meeting of the Broward County Board of Rules and Appeals to consider amendments to Chapter One of the Florida Building Code to correspond with the effective date of the 2007 Florida Building Code.

Chairman made a Motion to table in light of effective date change. Mr. Korelishn seconded the motion be TABLED. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 13 – 0.

8. Director's Report

9. General Discussion

Mr. Korelishn asked Kevin Fennell of staff, if mechanical contractors under the scope of their license can install medical gas lines.

Mr. Fennell stated that Florida Statute 489 gives the sole right of medical gas installations to a plumbing contractor that has taken a required 32 hour approved course.

Under mechanical contractor's scope of work, he may install oxygen lines, air-piping, vacuum line piping, and nitrous oxide piping. Under Plumbing contractor's scope of work, he may install oxygen

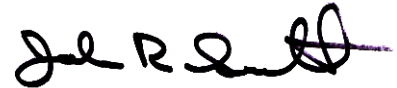
lines, air-piping, vacuum line piping and nitrous oxide piping in all related medical gas systems.

Medical gas certification requirements state that a plumbing contractor shall install medical gas lines after taking a 32 hour approved course.

Medical gas lines are gas lines that are used for life support or health related purposes.

10. Adjournment

The Chairman asked for a MOTION. Mr. Lavrich moved and proposed a MOTION to adjourn. The MOTION was seconded by Mr. Korelishn. **THE MOTION PASSED UNANIMOUSLY 13 – 0 AND THE MEETING ADJOURNED AT 8:04 P.M.**



Board Chair