

BROWARD COUNTY BOARD OF RULES & APPEALS' SPECIAL MEETING
AND PUBLIC HEARING
MINUTES
JANUARY 3, 2002

CALL TO ORDER

A special published meeting of the Board of Rules and Appeals was called to order by Vice-Chairman Robert Madge (in Chairman Zibman's absence) at 2:00 p.m. on Thursday, January 3, 2002. Mr. Madge stated that the purpose of the meeting and Public Hearing is to consider, approve and adopt the local amendments (Broward County) to the State of Florida Fire Prevention Code and to establish an effective date.

ROLL CALL

Present

R. Madge,
Vice-Chairman
J. Crockett
W. Flett
D. Lavrich
C. Meyer
D. Rice
G. Rogers
M. Synalovski (for the purposes of voting, arrived at 2:06 p.m.)
R. Smith
G. Snyder
J. Somers
G. Waldrep

Excused

H. Zibman,
Chairman
W. Thrasher

Absent

None

A G E N D A

1. Approval and adoption of local Amendments to the Florida *Fire Prevention Code*

Mr. James DiPietro, Administrative Director, stated that after conversation with the Board's attorney, he would like to say that this meeting has been properly and legally advertised, there is a local need for these changes being considered, that the amendments are more stringent than the state's fire prevention code, that there is no discrimination as to materials, products or construction techniques of demonstrated capabilities and the the recommended effective date be January 4, 2002.

Mr. Madge opened the Public Hearing for comments regarding the local amendments of said Florida Fire Prevention Code. No comments were made on the part of anyone on the Board or from the public.

Mr. Flett MOVED, and the motion was duly seconded, to approve and adopt the local (Broward County) amendments to the Florida Fire Prevention Code, to become effective immediately, to wit, January 4, 2002.

MOTION PASSED.
Negative votes: none

Vice-Chairman Madge closed tahe Public Hearing.

GENERAL DISCUSSION

No general discussion was held.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 2:05 p.m.

Recording Secretary

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BROWARD COUNTY BOARD OF RULES & APPEALS' SPECIAL MEETING
AND PUBLIC HEARING
MINUTES
MARCH 1, 2002

CALL TO ORDER

A special published meeting of the Board of Rules and Appeals was called to order by Chairman Henry Zibman at 2:00 p.m. on Friday, March 1, 2002. Mr. Zibman stated that the purpose of the meeting and Public Hearing is to consider, approve and adopt the local amendments (Broward County) to the State of Florida Building Code *and to establish an effective date.*

ROLL CALL

Present

H. Zibman,
Chairman
R. Madge,
Vice-Chairman
W. Flett
D. Lavrich
C. Meyer
D. Rice
M. Synalovski
G. Snyder
W. Thrasher
S. Feller
A. Korelishn
T. Bray
A. Fernandez (for the purposes of the votes, Mr. Fernandez arrived at 2:10 p.m.)

Excused

G. Rogers
J. Somers
J. Crockett
R. Smith

Absent

None

The secretary swore in those persons desiring to speak concerning agenda items.

PUBLIC HEARING

Local Amendments, Changes, and Additions to the State of Florida Building Code:

1. Approval and Adoption of **Appendix F: Plumbing Code, Construction Building Codes for Turf and Landscape Irrigation Systems**

Mr. Feller MOVED, and the motion was duly seconded to approve the adoption of **Appendix F** of the Florida Plumbing Code for Broward County to be effective **immediately, to wit, March 1, 2002.**

MOTION CARRIED.

Negative votes: none

2. Approval and Adoption of **Appendix D: Building Code, Guidelines for Rehabilitation of Historic Buildings**

Mr. Feller MOVED, and the motion was duly seconded to approve the adoption of **Appendix D** of the Florida Building Code for Broward County to be effective **immediately, to wit, March 1, 2002.**

MOTION CARRIED.

Negative votes: none

3. Approval and Adoption of High Velocity Hurricane Zone Uniform Roofing Permit Application Form

Mr. Flett MOVED, and the motion was duly seconded to approve the adoption of **the High Velocity Hurricane Zone Uniform Roofing Permit Application Form** for use in Broward County to be effective **immediately, to wit, March 1, 2002.**

MOTION CARRIED.

Negative votes: none

4. Approval and Adoption of List of Qualifying Products Which may Utilize Method 2 - Simplified Roofing Tile Calculation Table (as Recommended by Mr. Gary Walker, P.E.)

Mr. Flett MOVED, and the motion was duly seconded to approve the adoption of **the List of Qualifying Products Which may Utilize Method 2 - Simplified Roofing Tile Calculation Table** for use in Broward County to be effective **immediately, to wit, March 1, 2002.**

Negative votes: none

MOTION CARRIED.

5. Approval and Adoption of Product Approval Submittal Forms for the Following Items: Exterior Doors, Skylights, Windows, Shutters, and Garage Doors

Mr. Synalovski MOVED, and the motion was duly seconded to approve the adoption of **Product Approval Submittal Forms for the Following Items: Exterior Doors, Skylights, Windows, Shutters, and Garage Doors** for use in Broward County to be effective **immediately, to wit, March 1, 2002.**

MOTION CARRIED.
Negative votes: none

6. Approval and Adoption of Mandatory Form for Special Inspectors

Mr. Feller MOVED, and the motion was duly seconded to approve the adoption of **Mandatory Form for Special Inspectors** for use in Broward County to be effective **immediately, to wit, March 1, 2002.**

MOTION CARRIED.
Negative votes: none

7. Approval and Adoption of Chapter 1 – Administration – Amended in its entirety

Messrs. Vacarella, Mills and Carson indicated their desire to speak on this item by a raise of hand when the item was announced.

Mr. Vincente Vacarella, attorney spoke on behalf of **agc** as its general counsel regarding the local Broward County Administrative Chapter Amendment to the Florida Building Code. It is his contention that this is not an amendment, but a substitution. Mr. Vacarella's statements included, but were not limited to, defeating uniformity, the fact that the Board is authorized to make amendments under state statute, permit by affidavit, that some issues are in a state of flux, and also inconsistency with state law.

Chairman Zibman stated that the Board is directed to oversee the building officials in their task of enforcing the building code, even if the Board were to agree with some of Mr. Vacarella's statements, we cannot entertain discussion at this time. If the issue becomes a statute, it would be brought up again at that time; however, it is now premature. It is not something that can be discussed now.

Mr. Len Mills with the South Florida Chapter of **agc** (its executive vice-president) asked if they get an interpretation from Attorney Ziegler not being able to have an affidavit form for plan review. It was stated that after the meeting, Mr. Ziegler would speak with Mr. Vacarella. There is state legislation pending with one bill on the floor of the House which is due out very soon.

Mr. Walter Carson representing the Home Builders of South Florida, stated that his association and the state association worked very hard to get the code into effect. They are of the opinion that local changes could be made, not a rewrite. These associations are of the opinion that this is not an amendment and also challenge other things regarding the

adoption of what has been incorporated in the local Administrative Chapter 1. The association also questions the method of procedure followed.

It was stated that the original start up of the Florida Building Code Commission were people appointed by former Governor Lawton Chiles. The question was how are we going to put forth a state building code and that there would have to be trade-offs. One thing very important many communities, especially the County of Broward, did not want to lose is home rule. The hiring of local inspectors, the on-going duties of local inspectors and the local municipalities agreed on the definite retention of home rule. We all have been going through the process the best we can.

8. Approval and Adoption of **Sec. 424**, (FBC) - Swimming Pools and Bathing Places-**Sec. 424.2.17.1.9**

Mr. Tarry Baker of staff briefly addressed this issue regarding the hard wired (or plug-in type) door and window alarms that lead from the home providing direct access to the pool shall be equipped with an exit alarm which complies with UL 2017. As of this date, there are none manufactured that meet said standard (UL 2017). Said exit alarm also must have a minimum sound pressure rating of 85DBA at 10 feet and be either hard wired or plug-in type. This requirement was introduced in November, 2001. Sec. 424 of the FBC went into effect on January 1, 2002, however the requirement under the Code for compliance with UL 2017, has not been accomplished due to the brief interval of time for manufacturers of these alarm systems to provide Signal Appliances that are code compliant. Once these are on the market, they will apply. A local amendment to above stated Sec. 424 which reads "(As of March 1, 2002, the hard-wired and/or plug-in type alarm systems do not comply with UL 2017. Until such time as the hard-wired and/or plug-in type alarm systems are brought into compliance with UL 2017, any alarm system product that does comply with UL 2017 may be installed)."

Mr. Bray MOVED, and the motion was duly seconded to approve the adoption of **Sec. 424.2.17.1.9 (Swimming Pools & Bathing Places)** for Broward County to be effective **immediately, to wit, March 1, 2002.**

ROLL CALL VOTE:

Affirmative votes: Messrs.: Flett, Lavrich, Meyer, Rice, Synalovski, Snyder, Thrasher, Bray, Feller, Korelishn, Fernandez, Zibman and Madge

Negative votes: none

MOTION CARRIED.

Items 9, 10 and 11 were announced by Chairman Zibman. There were no show of hands from the public to be heard on any of these three agenda items. Board member Meyer also reiterated the items being on the floor, but no one responded regarding being heard on these next three items.

9. Approval and Adoption of **Sec. 1512.4.2.4** (FBC) – Roofing Amendments

10. Approval and Adoption of **Chapter 4** Amendments **Secs. 412 (Florida Building Code) - High Rise Buildings Secs. 412.1 - Scope, 412.5 Smoke Control and 412.11 Modifications Permitted**

11. Approval and Adoption of Amendments - Ventilation Sec. 403.6, (Florida Mechanical Code) Pertaining to Smoke Control Requirements and Testing Criteria for Smoke Control Systems

Mr. Korelishn MOVED, and the motion was duly seconded to approve the adoption of **Items 9, 10 and 11 of this agenda, which are Sec. 1512.4.2.4 (FBC), Chapter 4 -- Secs. 412 (Florida Building Code) - (High Rise Buildings), Secs. 412.1. - (Scope), 412.5 (Smoke Control) Sec. 412.11 (Modifications Permitted) and Sec. 403.6, (Florida Mechanical Code)** for Broward County to be effective **immediately, to wit, March 1, 2002.**

ROLL CALL VOTE:

Affirmative votes: Messrs.: Flett, Lavrich, Meyer, Rice, Synalovski, Snyder, Thrasher, Bray, Feller, Korelishn, Fernandez, Zibman and Madge

Negative votes: none

MOTION CARRIED.

Closing of Public Hearing

A G E N D A

12. FORMAL INTERPRETATIONS

- a. Sec. 1512.4.3.1 - Roofing
- b. Roofing Application Standard (RAS) - 150/Fire Classification
- c. Sec. 1512.4.3.2 - Roofing
- d. Roofing Application Standard (RAS) - 111/Metal Overlap
- e. Sec. 1522.3.2 - Group R-3 - Detached Single Family Dwelling
- f. RAS 150 - Fiberglass Anchor Sheet
- g. Fire Rating for Tile Roof Assemblies
- h. Plumbing 6.010, 6.011, 6.013 - As it Relates to Florida Administrative Code 64-E

Mr. Flett MOVED, and the motion was duly seconded to approve the adoption of **Item 12 (a-h), Formal Interpretations** of the Florida Building Code, as stated above, for Broward County to be effective **immediately, to wit, March 1, 2002.**

ROLL CALL VOTE:

Affirmative votes: Messrs.: Flett, Lavrich, Meyer, Rice, Synalovski, Snyder, Thrasher, Bray, Feller, Korelishn, Fernandez, Zibman

and Madge
Negative votes: none
MOTION CARRIED.

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GENERAL DISCUSSION

No general discussion was held.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 2:40 p.m.

Board Chairman

Recording Secretary

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BROWARD COUNTY BOARD OF RULES & APPEALS' MEETING
THURSDAY, MARCH 14, 2002
MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by Chairman Henry Zibman at 7:00 p.m. on Thursday, March 14, 2002.

ROLL CALL

Present

H. Zibman,
Chairman
R. Madge,
Vice-Chairman
J. Crockett
W. Flett
D. Lavrich
C. Meyer
D. Rice
G. Rogers
G. Snyder
W. Thrasher
T. Bray
A. Korelishn
D. Zimmer (for the purposes of the votes, Mr. Zimmer arrived at 7:05 p.m.)

Excused

R. Smith
J. Somers
M. Synalovski

Absent

None

The presence of a quorum was announced.

APPROVAL OF MINUTES – January 3, 2002

Mr. Flett MOVED, and the motion was duly seconded, to approve the minutes of January 3, 2002 as written.

MOTION CARRIED.
Negative votes: none

CONSENT AGENDA

All Items on Consent Agenda, to be Approved by One Motion, Unless Pulled from Consent Agenda and Placed on Regular Agenda by any Board Member:

1. **CERTIFICATIONS**

Caridad Echenarria-Blunehard, Fire Inspector, Plantation
John Kelley, Fire Inspector, Davie
Alan Merritt, Fire Inspector, Plantation
Harry Colton, Building Inspector, Fort Lauderdale
Peder Pedersen, Plumbing Plans Examiner, Davie
Charles Foltz, Building Inspector, Coral Springs
William Wallace, Building Inspector, Plantation
Jimmy Sugg, Chief Electrical Inspector, Pembroke Pines

Mr. Korelishn MOVED, and the motion was duly seconded, to approve the item(s) (certifications) on the Consent Agenda.

MOTION CARRIED.
Negative votes: none

A G E N D A

2. **APPEALS**

Appeal # 02-01, Leonard T. Accardi, Project Location: 2900 Banyan Street, #203 Fort Lauderdale, Florida, Secs. 3103.8(b)(2) & 3105.3(a)

Mr. Harry Carroll of staff (in Mr. Willis' absence) introduced this appeal and stated that at its meeting of January 23, 2002, the Board's General Contractors/Architects Committee voted (7 to 0) to recommend to the Board, denial of this appeal. Mr. Carroll stated that he consulted with our Board Attorney on this matter and he was told that one unit owner can file an appeal against another unit owner.

Mr. Willis' report on this appeal stated that firstly, the rail itself is not required. Since the step is much less than 24 inches, the entire railing could be removed with no violation of the South Florida Building Code. Secondly, this is not a means of egress. If it were a means of egress, then every apartment would have such an opening. This is not the case in this appeal. The removal of a portion of this guardrail would fall under the responsibility of the condominium association to approve or reject same and is a civil matter.

Mr. Willis' report also stated that while there is the opinion that there is potential danger in the height of the step at this point, there is no regulation in either the South Florida Building Code or the Florida Building Code (effective 3/1/02), which would make this particular situation illegal.

The appellant, Mr. Leonard Accardi stated that if this were a means of egress, then everyone would have
Board of Rules and Appeals
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one; same was originally built with a fixed railing. He would like to see the railing changed back to its original form which is without the gate. The appellant is of the opinion that it is not a safe path and Mr. Carroll stated that the railing can be taken off and will then have a safe path.

Mr. John Smith, Building Official for the City of Fort Lauderdale, stated that the elevation difference of over 11 inches between the balcony and the deck is not illegal; and that the situation clearly does not violate the South Florida Building Code. He further stated that this is a 6-story, 44 unit condo. The code that this was built under stated that this is not a stairway, nor a means of egress, not under Chapter 31; it is the open side of a balcony and, in his opinion, a gate can be part of it and not be a code violation. Further discussion ensued and it was the consensus of the Board to concur with the committee's recommendation.

Mr. Rogers MOVED, and the motion was duly seconded, to deny the appeal (as recommended by the Board's General Contractors/Architects Committee).

MOTION CARRIED.
Negative votes: none
(Unanimous vote to deny)

3. FORMAL INTERPRETATIONS

a. Florida Building Code - Sec. 2413.6.1

Mr. Flett MOVED, and the motion was duly seconded, to approve the formal interpretation regarding **Sec. 2413.6.1, to become effective immediately, to wit, March 15, 2002.**

MOTION CARRIED.
Negative votes: none

b. Alternate Methods - Florida Building Code – Chapter 1 - Administration, Broward County Secs. 103.23, 103.24 & 103.25

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the formal interpretation regarding **Secs. 103.23, 103.24 & 103.25, to become effective immediately, to wit, March 15, 2002.**

MOTION CARRIED.
Negative votes: none

4. OLD BUSINESS –

There was no old business to be discussed this evening.

5. **NEW BUSINESS**

a. **Ad Hoc Committee Report Regarding Time Elements of the Appellate Process**

Since the Ad Hoc Committee will be meeting again in the near future, Mr. DiPietro stated that it is recommended that the report be deferred until after the next Ad Hoc committee meeting.

Mr. Zibman MOVED, and the motion was duly seconded, to table this item until after the next Ad Hoc Committee meeting.

MOTION CARRIED.
Negative votes: none

GENERAL DISCUSSION

No general discussion took place this evening.

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 7:25 p.m.

Board Chairman

Recording Secretary

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BROWARD COUNTY BOARD OF RULES & APPEALS= MEETING

THURSDAY, APRIL 11, 2002

MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by Chairman Henry Zibman at 7:00 p.m. on Thursday, April 11, 2002.

ROLL CALL

Present

H. Zibman,
Chairman
R. Madge,
Vice-Chairman
J. Crockett
W. Flett
D. Lavrich
D. Rice
G. Rogers
G. Snyder
M Sinalovski
W. Thrasher
T. Bray
S. Feller
A. Korelishn

Excused

R. Smith
J. Somers
C. Meyer

Absent

None

The presence of a quorum was announced.

APPROVAL OF MINUTES B Special Meeting of March 1, 2002 and regular Meeting of March 14, 2002

Mr. Feller MOVED, and the motion was duly seconded, to approve the minutes of March 1, and March 14, 2002 as written.

MOTION CARRIED.

Negative votes: none

CONSENT AGENDA

All Items on Consent Agenda, to be Approved by One Motion, Unless Pulled from Consent Agenda and Placed on Regular Agenda by any Board Member:

1. **CERTIFICATIONS**

Leonard Eisner, Building Plans Examiner, Miramar
Dwight Gerberich, Building Inspector, Broward County
Jerome Sanzone, Building Official, Building Inspector,
Building Plans Examiner, Pompano Beach
James Gandy, Chief Mechanical Inspector, Coral Springs
Anthony Gonzalez, Fire Inspector, Coral Springs
Jerald Gross, Fire Inspector, Coral Springs
Robert Lubinger, Fire Inspector, Coral Springs
Janet Washburn, Fire Inspector, Hollywood

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the item(s) on the Consent Agenda (Certifications) (each person in his/her respective disciplines).

MOTION CARRIED.
Negative votes: none

A G E N D A

2. **APPEALS**

Appeal # 02-03, Wackenhut Corrections Design Services, Inc., Project Location: 2401 NW 16 Street, Pompano Beach, Florida B Sec. 4805.58

Mr. Robert Andrews of staff introduced this appeal and stated that at its meeting of March 18, 2002, the Board=s Mechanical/Smoke Control Committee voted (8 to 10 + 1 abstention) to recommend to the Board, approval of this appeal. This involves a modular air handler in a ladies= detention center. Mr. Andrews stated that the handler has sufficient space for service maintenance and repair. The owner of this property is Broward County and said owner has accepted the situation in this case. Should replacement of the equipment be necessary, it will not be necessary to remove any walls or ceilings or any other permanent construction.

Mr. David Larson AIA, who was duly sworn in by the secretary, stated that it is his opinion that the installation meets the intent of the code because the equipment can be assembled and disassembled in place. Mr. Waldron, Chief Mechanical Inspector for the City of Pompano Beach was present for any questions posed to him, however, none arose.

Mr. Synalovski MOVED, and the motion was duly seconded, to concur with the Board=s Mechanical/Smoke Control Committee=s recommendation and approve this appeal.

MOTION CARRIED.
Negative votes: none

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3. OLD BUSINESS

a. Ad Hoc Committee Report and Recommendations Regarding Time Elements of the Appellate Process

Director DiPietro reviewed several issues (including the abovementioned one) which an Ad Hoc Committee of the Board discussed in a recent meeting. Basically the issues were questions posed at a recent Charter Review Commission meeting, which we as a Board were of the opinion were necessary to address and clarify.

On this issue of possibly making the appellate process go somewhat faster, the newest procedure will be to send all appeals (as long as they are filed 23 days prior to the next Board meeting) directly to the Board, rather than go for >review= to a technical committee first. This will hasten the appeal process somewhat. (The only appeals which must still go to a committee for review first, **due to verbiage in the state statutes**, are Fire Code appeals).

On the issue of length of terms, it was the Ad Hoc Committee=s opinion that terms should be at least three years long.

Regarding the addition of several more alternate board member categories (to coincide with those categories of voting members) would be the additions of another individual who would represent the handicapped community, another mechanical contractor, another swimming pool contractor and****

Last but not least, is the opinion that staggered terms work the best. (When the Board was reviewed by the Charter Review Commission, all three-year terms began on the same date, thereby, making all expiration of terms, the same date.) Continuity needs to be retained. Prior to this happening, terms were staggered so that every year , six members= terms would expire. It was the consensus of the Board to concur with this Ad Hoc Committee=s recommendations and clarifications.

Mr. Feller MOVED, and the motion was duly seconded, to concur with the Ad Hoc Committee=s recommendations.

MOTION CARRIED.
Negative votes: none

Chairman Zibman directed Mr. DiPietro to notify Ms. Lisa Aronson, Executive Director of the Charter

Review Commission of the Board=s opinion regarding the aforementioned issues. He will do so via letter.

4. **NEW BUSINESS**

- a. **Above the Ground Tanks Storing Combustible Liquids B Sec. F-21.2.1.2 (local amendment to the State Fire Code**
Authorization for Tank Replacement for South Florida Water Management District
5400 N. US Highway 27, Broward County, Florida

Mr. Jim Valinoti of staff introduced this issue and stated that at its meeting of March 20, 2002, the Board=s Fire Code Committee unanimously (13-0) voted to recommend to the Board, approval of this item. Mr. Valinoti stated that the past procedure was to have any issue that involved an above the ground storage tank of 10,000 gallons or more of combustible liquids, be approved by the Board=s Fire Code Committee. In view of the new codes, both the State Building and the State Fire Prevention Code, (one can refer to the local amendments to the fire code - Sec. F-21.2.1.2) it was the committee=s opinion that the approval >go one step further= and obtain the approval of the Board. There are no issues or problems, the item is just here for the Board=s final approval.

Mr. Lavrich MOVED and the motion was duly seconded, to concur with the Board=s Fire Code Committee=s recommendation and approve the tanks located at the abovementioned site.

MOTION CARRIED
Negative votes: none

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4. **Presentation of >02/=03 FY Budget**

Director DiPietro presented the Board with the abovementioned Budget for the Fiscal Year indicated and explained that there is little room for discretionary spending. We are given a >core budget= with which we must work (this year \$1,477,000 + \$46,528 [moving expense supplement] for a total core of \$1,523,548). Many items >line items= (expenditures) are set amounts(i.e. Personal Services--salaries, insurances, workers comp., etc) by the Budget Office. The Director handed out two pages which were inadvertently left out of the packet which showed the details of moving expenses (approximately \$3,500. Per employee). We have no firm dated as to the relocation of the Board=s offices, and so far, we are told that we will be going to One University Plaza (northwest corner of University Drive and Broward Boulevard, Plantation).

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the >02/=03 Fiscal Year Budget for the Board, as presented.

MOTION CARRIED.
Negative votes: none

5. Director=s Report -- Quantity of Florida Building Code Books to be Sold

Mr. DiPietro, the director, stated that we have had quite a number of sales of the new codes. We are in the process of waiting for new shipments. However, in his opinion, it would not be that wise to >stock pile= thousands of books in our office spaces. The cost to us to purchase a set will now be \$97.00 and we will continue to sell same at \$99.35. With the Board=s permission and agreement, we will be limiting sales to bookstores, individuals, and/or organizations to 10 sets per month. The bookstores can negotiate, just as we have, the price and sales of the state codebooks directly with the publisher SBCCI (Southern Building Code Congress International). There will be no limitations, stated Mr. DiPietro, to Governmental Agencies. The Board was in agreement with this policy.

GENERAL DISCUSSION

Mr. Snyder asked if the building we would be moving to is handicapped accessible. There were questions regarding conference rooms for meetings in the new locations and if (by Mr. Crockett) there might be a room >befitting= for nightly Board meetings. Several Board members queried about Mr. Richard Smith and it was requested that the secretary please take care of sending him a card, on behalf of the Board members, for his successful and speedy recovery from recent surgery.

Note: Mr. Smith--you are sorely being missed!!

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 7:27 p.m.

(The next regularly scheduled Board Meeting will be May 9, 2002)

Board Chairman

Recording Secretary

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BROWARD COUNTY BOARD OF RULES & APPEALS' MEETING
THURSDAY, MAY 9, 2002
MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by Chairman Henry Zibman at 7:00 p.m. on Thursday, May 9, 2002.

ROLL CALL

Present

H. Zibman,
Chairman
R. Madge,
Vice-Chairman
J. Crockett
W. Flett
D. Lavrich
C. Meyer
D. Rice
G. Rogers
G. Snyder
J. Somers
M Sinalovski
W. Thrasher
A. Korelishn

Excused

R. Smith

Absent

None

The presence of a quorum was announced.

APPROVAL OF MINUTES – Regular Meeting of April 11, 2002

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the minutes of April 11, 2002 as written.

MOTION CARRIED.
Negative votes: none

CONSENT AGENDA

1. CERTIFICATIONS

Ted Massing, Building Plans Examiner, Pembroke Pines
Norman Bruhn, Building Plans Examiner, Dania Beach
Wyatt Haygood, Building Inspector, Coral Springs
Charles Schweckert, Building Inspector, Plantation
Michael Bernardo, Fire Inspector, Dania Beach
Wayne Ware, Fire Inspector, Lauderhill
Lew Thompson, Fire Inspector, Plantation

Mr. Rogers MOVED, and the motion was duly seconded to approve the item on the Consent Agenda (Certifications).

MOTION CARRIED.
Negative votes: none

AGENDA

2. APPEALS- None

3. FORMAL INTERPRETATIONS

- a. FBC Sec. 424.2.17.1.11 - Barrier Requirement, approved and submitted by the Board's Swimming Pool Committee
- b. FBC Sec. 424.2.17-(.1.1, .1.2, .1.6, .1.8, .1.9, .1.12, .1.13), 424.2.2-Barrier Requirement, approved and submitted by the Board's Swimming Pool Committee
- c. FBC Sec. 2122.2.1 - Reinforced Unit Masonry,

Mr. Flett MOVED, and the motion was duly seconded to approve the Formal Interpretations (Item 3 a, b, and c) pertaining to **Secs. 424 and 2122** of the FBC to become effective immediately, to wit, **May 10, 2002**, for distribution.

MOTION CARRIED.
Negative votes: none

d. FBC first edition and any Subsequent requirements - High Wind Velocity Zones - Retrofit of Windows and Doors -

Extensive discussion took place regarding the retrofitting of windows. Discussion included, but was not limited to, window, shutter and door retrofitting. The fact that if impact glass is not used for windows, same must

be protected. The costs to homeowners was also discussed.

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Mr. Carroll stated that the Board's Structural Committee discussed the issues of this Formal Interpretation. Mr. Elzweig, Chairman of that committee, had instructed that the draft be faxed to the committee members and that each members' input be sent back to Mr. Carroll. Ms. Barbara Schubert, of the committee, suggested that this be applicable to single family residences only and not include commercial buildings, but the committee elected not to take any action. Mr. Elzweig recommended to add the word maximum after 30 feet, at the committee level.

Ms. Robin Preciotto, a homeowner and citizen of Broward County spoke saying that after replacing many of the windows on her home, she is now faced with having to get new shutters. It is a hardship for her. Once a person retrofits windows must they retrofit the shutter? Now an individual needs to hire an engineer. Or replace the old ones (shutters). It is impact glass or shutters.

It was stated that it depends on whether or not one interprets the window replacement is minor or major. It was asked, what percentage of single family homeowners in Broward County own shutters and what percentage do not. The whole issue of shutters is controversial, one can only protect people to a point against themselves. A house constructed prior to 1994 some - has to have shutters installed when same originally did not need them. Buildings built under a particular Code need to meet certain requirements.

Some of the verbiage to #4, of the draft Formal Interpretation, was changed by the members of the Board to address retrofit of windows only, and, in addition, item #'s 5 and 6 of the draft Formal Interpretation, were deleted. Paragraph #5, that related to windows or doors stated that they are required to be protected by an external protective device that meets the impact test requirements of those same sections; and another paragraph which addressed existing shutters; were deleted by the Board, from the formal interpretation draft.

It was the consensus of the Board, that those issues should be discussed at the state level, at a state structural committee meeting.

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the Formal Interpretation, as amended, as per **Exhibit #1, which attached to and made a part of these internal minutes**, (Item 3-d on the Agenda) (F I#-01-14-16) pertaining to **Tables 1606.2(b) and 1606.2(d)** of the FBC to become effective immediately, to wit, **May 10, 2002**, for distribution.

MOTION CARRIED.
Negative votes: none

Mr. Meyer MOVED, and the motion was duly seconded, not to include paragraphs 5 and 6 of the draft Formal Interpretation in the final approval.

MOTION CARRIED.
Negative votes: none

e. FBC, Broward County Administrative Chapter Sec. 104.3–Other Approvals

Mr. Flett MOVED, and the motion was duly seconded to approve the Formal Interpretation (Item 3-e) as presented with an additional sentence at the end, and pertaining to **Sec. 104.3** of the FBC, to become effective immediately, to wit, **May 10, 2002**, for distribution.

MOTION CARRIED.
Negative votes: none

4. OLD BUSINESS -- Charter Review Update

Director DiPietro reported that the Charter Review Board meeting will be Thursday and it will be the final pass. The County Commission will have its turn with its proposal. There is a ‘political battle’ over who gets appointments and term limitations may come up. We should have no position, the discussion is that the limit be three consecutive 3-year terms.

5. NEW BUSINESS – There was no new business to be discussed this evening.

GENERAL DISCUSSION

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 8:05 p.m.

Board Chairman

Recording Secretary

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BROWARD COUNTY BOARD OF RULES & APPEALS' MEETING
THURSDAY, JULY 11, 2002
MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by Chairman Henry Zibman at 7:00 p.m. on Thursday, July 11, 2002.

ROLL CALL

Present

H. Zibman,
Chairman
R. Madge,
Vice-Chairman
J. Crockett
W. Flett
D. Lavrich
C. Meyer
D. Rice
G. Snyder
R. Smith
J. Somers
W. Thrasher
A. Fernandez
D. Zimmer

Excused

G. Rogers
M. Synalovski

Absent

None

The presence of a quorum was announced.

APPROVAL OF MINUTES – Regular Meeting of May 9, 2002

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the minutes, as amended, of May 9, 2002.

MOTION CARRIED.
Negative votes: none

CONSENT AGENDA

1. CERTIFICATIONS

William Gale, Building Plans Examiner, Broward County
Randal Clutter, Chief Building Inspector, Cooper City
Forrest Love, Electrical Inspector, Parkland
Mohamad Boltagi, Building Plans Examiner, Broward County
Michael Rosenberg, Electrical Plans Examiner, Miramar
John Morrell, Building Inspector, Margate
Edward Weidlich, Chief Electrical Inspector, Hollywood
Jean Brosseau, Chief Mechanical Inspector, Pembroke Pines
Albert Bostwick Jr., Assistant Building Official, Miramar
C. Wayne Braswell, Building Inspector, Broward County
Kenneth Reardon, Building Plans Examiner, Fort Lauderdale
David Gains, Fire Inspector, Pembroke Pines
Mark Whelpley, Fire Inspector, North Lauderdale

Mr. Somers MOVED, and the motion was duly seconded, to concur with the recommendation to approve the item on the Consent Agenda (Certifications), as presented.

**MOTION CARRIED.
Negative votes: none**

AGENDA

1. APPEALS- None

2. FORMAL INTERPRETATIONS

a. Sec. 3401.8.3.2 (SFBC)- Shutter Requirement and Retrofit of Windows and Doors, Requested by the City of Hollywood, Mr. G. O'Hare, Interim Building Official

There was extensive discussion regarding the subject matter of verbiage for a Formal Interpretation regarding retrofitting of windows, doors and protection for same. Many board member opinions were voiced. Mr. Lavrich

stated that this subject matter will be ‘up for discussion’ in the near future (August) at the state’s meeting of its Structural Technical Advisory Committee, of which Mr. Lavrich is a member (as well as Mr. Carroll of our staff). Many issues were discussed which included but were not limited to, whether or not replacement of a window should be according to the code now in effect, whether or not shutters installed (in the case of window replacement) need to be in accordance with the code now in effect OR in accordance with the code in effect at the time of original installation. Also discussed was if the replaced window(s) were not originally shuttered are shutters now required. Many facets of this topic have to be considered. While the code-making bodies want to provide the best protection for the citizens, they still would like to make it so without causing the average citizen a financial hardship. Mr. Greg O’Hare, Chief Structural Inspector for the City of Hollywood stated that the city is looking for guidance as to how to interpret and enforce these situations.

Mr. Crockett MOVED, and the motion was duly seconded, to continue this item to the next Board Meeting

MOTION CARRIED.
Negative votes: none.

- b. RAS-111-FBC-Priming of Metals
- c. Sec. 1521.5 -FBC - Renailing Inspection

Mr. Flett MOVED, and the motion was duly seconded, to approve the above-referenced Formal Interpretation (re: **RAS-111 and Sec. 1521.5 FBC**), to become **effective immediately, to wit, July 12, 2002.**

MOTION CARRIED.
Negative votes: none

4. NEW BUSINESS – None

- a. **Requested Ratification of the Director’s Selection of An Additional Structural Code Compliance Officer; terms and conditions of Appointment**

Director DiPietro requested that the Board ratify his selection of Mr. William Dumbaugh to fill the new (added) position of Chief Structural Code Compliance Officer (terms and conditions stated in director’s letter to Mr. Dumbaugh dated June 19, 2002). Said letter is marked “Exhibit #1”, attached to and made a part of **these internal minutes.**

Mr. Meyer MOVED, and the motion was duly seconded, to approve the hiring of Mr. William Dumbaugh as a Chief Structural Code Compliance Officer for the Board of Rules and Appeals.

ROLL CALL VOTE:
Affirmative votes: Messrs.: Crockett, Flett, Lavrich, Meyer, Madge, Rice Smith, Snyder, Somers, Thrasher, Zibman, Fernandez and Zimmer
Negative votes: none
MOTION CARRIED.

GENERAL DISCUSSION

Mr. Lavrich stated, that for clarifications purposes and some guidance from the Board, he would like to get some consensus of how the Board feels about the ‘retro fit of window’ issue to ‘take with him’ up to the state’s structural technical committee meeting. Additional discussion ensued regarding this issue and that of the issue of shutters. Many opinions were voiced. Do we require window replacement to meet new code and to we require the meeting of the new code to apply to shutters? Prior to 1994, shutters were not required. If individuals put in new windows they could install shutters is they so desired. Now if one replaces a window or two and have to bring them up to the current code, do they have to install shutters that also meet the current code on the windows replaced? Mr. Smith was of the opinion that when replacing windows, same should be replaced under the code that window was originally installed. Mr. Zimmer commented that if the opening remains the same, one would not have to meet the new code. He also stated that he does not look upon window replacement as a major structural item. Mr. Rice was of the opinion that windows replaced need to meet current code requirements, but shutters can remain as they are. Mr. Somers stated that if one is not ‘resizing’ the opening where window is being replaced then they ‘should go with’ the existing code of the time of the building of the structure. If the openings are being resized, they same should meet current code. Mr. Thrasher agreed with Mr. Somers and stated that if shutters were not required when originally built, shutters should not be required after window replacement.

Mr. Snyder stated that years ago there was not labeling on storm panels (inspection sticker) to say that old shutters ‘meet the requirements’. Also we cannot **force** people to put shutters up – in the case of replacing a window, same should be up to current code, if it didn’t have a shutter on it prior to the replacement of the window, then a shutter should not be required. Mr. Crockett stated that he agreed with Messrs. Flett and Meyer. It was stated that this effects many, it goes from an issue of enforcement to an issue of cost to homeowners and the general public.

Several board members then were of the opinion that the existing code (at the time of construction) should apply on an older home. If it was an old window and the window needs replacement, replace the window and still allow the old shutter.

Other board members queried, if you change windows out and they don’t have shutters, should one have to install shutters (mandated by code) – opinion on that was if it is an older home, the window only has to meet the code at the time the house was built and a shutter should not be required. Mr. Fernandez opined that the replacement window should meet the original requirements; and not be required to install shutter on the new window.

Mr. Lavrich stated that the present day windows are far superior than those of twenty years ago. They are more wind- and water resistant and have stronger frames.

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 8:10 p.m.

Board Chairman
Henry Zibman, P.E.

Recording Secretary
Geraldine Laino

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BROWARD COUNTY BOARD OF RULES & APPEALS' MEETING
THURSDAY, SEPTEMBER 12, 2002
MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by Chairman Henry Zibman at 7:00 p.m. on Thursday, September 12, 2002

ROLL CALL

Present

Excused

Absent

H. Zibman,
Chairman
R. Madge,
Vice-Chairman
J. Crockett
W. Flett
D. Lavrich
C. Meyer
D. Rice
G. Rogers
G. Snyder
M. Synalovski
W. Thrasher

J. Somers

None

The presence of a quorum was announced.

APPROVAL OF MINUTES – Regular Meeting of July 11, 2002

C O N S E N T A G E N D A

1. CERTIFICATIONS

Joseph Demaro, Plumbing Plans Examiner, Sunrise
Robert Stewart, Plumbing Inspector, Parkland
George Kropp, Electrical Inspector, Broward County
Eric Bonny, Electrical Inspector, Broward County
James Johnston, Chief Building Inspector, Hallandale
Pedro Correa, Building Inspector, Broward County
Roger Johnson, Mechanical Plans Examiner, Davie

Donald Hamilton, Fire Inspector, Coral Springs
Todd Neal, Fire Inspector, Dania Beach
James Galloway, Fire Inspector, Pompano Beach

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the above-named individuals for certification as indicated in his/her respective disciplines.

MOTION CARRIED
Negative votes: none

AGENDA

2. APPEALS:

a. Appeal #02-08, Steven Feller, P.E., Project Location: 533 N.E. Third Avenue, Fort Lauderdale, Florida – Secs. 403.3 – FMC

It was stated that Mr. Charles Meyer filed a form 8B, Conflict of Interest, on this appeal, and recused himself from the meeting at this time.

Mr. Robert Andrews of staff introduced this appeal and explained that same had come before the Board's Mechanical/Smoke Control Committee on July 15, 2002 for review. At that time, after lengthy discussion, it was the consensus of the committee that there was not enough information submitted for it to make a proper recommendation to the Board for disposition of the appeal. Since that time, additional information has been submitted and has been added to the appeal packet. The City of Fort Lauderdale has not supplied the appellant with a written explanation nor with the applicable code sections on why this appeal was being denied by the city. Mr. Andrew's understanding, from the appellant, is that the appeal was being denied because of lack of outdoor ventilation for the apartment units.

Sec. 402 of the Florida Mechanical Code, which is natural ventilation, provides the minimum requirements of window sizes and window openings. According to the calculations submitted by the appellant, it appears that the project meets the requirements of ASHRAE 62 and the FMC for natural ventilation. In addition, Sec. 403 of the FMC requires outdoor ventilation, however, Sec. 403.5 of the code allows the use of ASHRAE 62 (Ventilation for Acceptable Indoor Air Quality) as an alternate. For private dwellings, single and multiple that ..'ventilation is normally satisfied by infiltration and natural ventilation' as stated in ASHRAE 62. Said standard also defines 'natural ventilation' as 'the movement of outdoor air into a space through intentionally provided openings, such as windows and doors, or through non-powered ventilators or by infiltration'.

Mr. John Smith, Building Official for the City of Fort Lauderdale, spoke on behalf of the city and on behalf of the City's Chief Mechanical Inspector, Mr. George Stavrou, who was ill this evening. Mr. Smith stated that the city is concerned about air conditioning, either you are going to have air-conditioning, or natural ventilation. The city is concerned about poor indoor air quality if windows are not

opened, as long as there is also air-conditioning. There is no dispute that the intent of Sec. 402 of the FMC is met. Mr. Smith stated that until such time as the state addresses this situation as a possible 'glitch' change. If you are using something that is not required, one still has to comply with what the code requires. Confusion is also present because there is an International Residential Code and

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an International Commercial Code. It was stated that the new code does not require windows on two sides. Mr. Richard Smith stated that almost every building we do here is air conditioned. Mr. Smith does not believe that they have the correct ventilation. He is concerned about the indoor air.

Mr. Jason Smith of OCI, Associates, engineers, spoke on behalf of the appellant and stated that it is the appellant's contention that, through proper calculations and analysis of the openable area to the outdoors versus the floor area requirements for each residential unit; all spaces meet the requirements of Sec. 402 of the FMC and therefore, meet the intent of the ventilation requirements of same. Additional discussion ensued, which included but was not limited to, going in and out of the apartment door, the open corridor, opening and closing of windows, etc. Mr. Richard Smith commented that this is a difficult situation and possibly could produce poor air quality

Mr. Richard Smith MOVED, and the motion was duly seconded, that given what he has heard and seen here tonight the engineer is within his rights to use this (what he is using), in accordance with his calculations; and approve the appeal.

MOTION CARRIED.
Negative vote: Mr. Crockett
Abstaining: Mr. Meyer

It was queried as to whether or not we still have the ability to effect code changes and Mr. DiPietro explained that there is a procedure where amendments can be submitted twice a year, (six months apart).

- b. Appeal #02-11 John A. & Katalin Hanner, Project Location: 19841 SW 14 Court, Pembroke Pines, Florida - Sec. 202.1(b)

It was stated that the appellant had withdrawn their appeal in writing.

3. Joint Broward and Miami-Dade Board of Rules & Appeals' Comment to Florida Building Commission Regarding Retrofit of Windows and Shutters,

The report of Mr. Dan Lavrich, Board Liaison to the Florida Building Commission was given to the Board which included, but was not limited to, what the code requires now, minor and/or major structural modifications, problems with interpretations regarding the retrofitting of the above-mentioned. This subject matter was discussed at the State Technical Advisory Committee (Structural) Meeting last month. What was said was that if less than 25% of the openings are being replaced, of aggregate area of all of the openings of the building, then same do not have to meet the impact requirements. (If more than 25%, they would have to meet the impact requirements). The state has taken the stand that in the non-high

velocity zones replacements under 25% do not have to meeting impact requirements. In the high-velocity zone areas it was discussed and opinions on that, were that no windows should be replaced without meeting the impact resistant requirements. Dade's position on this is that any replacements, despite the per cent age, need to meet all requirements, impact resistance, wind-loading, etc. Mr. Lavrich and Mr. DiPietro went to Dade County to try to resolve this issue and they spoke regarding same. They were able to come to an agreement with the individuals from Dade, that they would accept to go in the same direction that the rest of the state

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is going. Therefore, if one replaces up to 25%, in any 12-month period, one does not have to meet the impact requirements. More than 25% in a 12 month period, you must meet the impact requirements. Since this was acceptable to both Dade and Broward, a comment was file (jointly) to the state's Structural TAC and in Mr. Lavrich's opinion is a reasonable consensus. This applies to retrofitting only; not new construction. Anything new has to meet the current requirements. In this instance, on a new window, being added, one must also shutter that one new window. This is another issue altogether and we will address same in the future.

This action takes the comment back to the state, and the state will have to act on it. The way it is written, it is stating that the windows will have to meet Chapter 16 and they would have to be protected. Whether or not 'pre '94' shutters' would be allowable, is hard to say--because back then there were no product approvals. Further discussion ensued. It was also mentioned that Messrs. Quintana & Rodriguez have left Miami-Dade and their replacements are Messrs. Herminio Gonzalez and Ted Berman. The state is still trying to make the code less stringent. Chairman Zibman thanked Messrs. Lavrich and DiPietro for their efforts.

4. NEW BUSINESS

- a. Local Building Department Reporting Form for Projects Electing to Use the Services of A Private Provider for Plan Review and/or Inspections-

Director DiPietro explained that with the soon to be passed State Law allowing owners the option of selecting private providers to perform plan review and/or inspections; there is not county-wide standard for auditing of the private services. In order to even establish an auditing procedure, we would need to collect data, so that by October, 2003 we will be in a better position to state the mandatory reinspection standards by building departments. We are asking that the mandatory governmental reporting form, in your packets tonight, be approved, so that we can begin to collect this important data.

Mr. Thrasher asked that if the School Board chooses to use private providers, must the building department personnel perform the auditing. It was answered that the School Board's own inspectors would perform their own auditing of the private providers services. Mr. Madge brought out the fact that something new is that the individual cities' fire departments will be performing the annual fire inspectors in the schools.

Mr. Rogers MOVED, and the motion was duly seconded, to approve the

Building Department Reporting Form as included in tonight's agenda packet.

MOTION PASSED.
Negative votes: none

The building department permitting and fee processes remain in place as usual.

- b. Pay Adjustment and Contract Renewal for Administrative Director, Report of Board Chairman**
1. 6.7% Pay Increase Effective 10/1/02
 2. Contract Renewal Effective 01/03/03

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Mr. Zibman introduced the summary of contract changes for Director DiPietro which were to add a \$450 per month car allowance should the Director choose to using his own private or to use a county car; to revise vacation time as follows: 17 days in 2003, 19 days in 2004; and 20 days in 2005, with a restriction of no more than 10 consecutive days at any time (currently there was no restriction on vacation use). In addition, regarding an incentive to move to Broward County, the renewed contract would provide for a \$3000. moving expense allowance.

Mr. Lavrich MOVED, and the motion was duly seconded, to approve a 6.7% pay increase of his current salary, for the Director, James DiPietro, to become effective on October 1, 2002; and to approve a 3-year contract renewal between the Administrative Director, Mr. DiPietro and the Board, effective January 3, 2003.

MOTION CARRIED.
Negative votes: none

GENERAL DISCUSSION

Mr. Snyder queried as to whether or not the Board will be taking a position on the possibility of term limitations. Mr. Zibman stated that although we were not in agreement with this, it is going to be on the November ballot and will be voted upon by the citizens of Broward County. Mr. Zibman also stated that members should keep in mind that they remain as a Board member until replaced or reappointed. Mr. Snyder is concerned that many people will not know what they are voting for--the function of the Board--the valuable knowledge of Board members and this crucial transition period from the SFBC to the state code.

Mr. Madge commended Mr. Valinoti of staff for his work on this seminar. Also discussed were the many core courses that the remainder of staff members have presented on the new building code.

Chairman Zibman mentioned the issue of several news articles pertaining to residential building project in the City of Miramar; and the fact that he formed an Ad Hoc Committee to look into some of the issues which were

raised by an engineer, hired by the Miami Herald. The status of this now is that staff has investigated some of the issues, that the two developers/builders involved have hired their own engineers to review the issues of the Herald's engineer, and when all of these reports are received and reviewed by staff** and staff submits its findings, same will go back to the Ad Hoc Committee for considerations. **Attorney Ziegler has determined that no Board member can review any of the pertinent documents and/or reports since same may create a conflict of interest if some issues come before the Board either as appeals and/or interpretations.

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 8:20 p.m.

Board Chairman

Recording Secretary

/gtl

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BROWARD COUNTY BOARD OF RULES & APPEALS' MEETING
THURSDAY, NOVEMBER 14, 2002
MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by Chairman Henry Zibman at 7:00 p.m. on Thursday, November 14, 2002.

ROLL CALL

<u>Present</u>	<u>Excused</u>	<u>Absent</u>
H. Zibman, Chairman	None	None
R. Madge, Vice-Chairman		
J. Crockett		
W. Flett		
D. Lavrich		
C. Meyer		
D. Rice		
G. Rogers		
R. Smith		
G. Snyder		
J. Somers		
M. Synalovski		
W. Thrasher		

The presence of a quorum was announced.

APPROVAL OF MINUTES – Regular Meeting of September 12, 2002

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the minutes of the September 12, 2002 Board meeting.

MOTION PASSED.
Negative votes: none

CONSENT AGENDA

1. CERTIFICATIONS

Edwin Whitehall, Fire Inspector, Broward County
Robert Bertone, Fire Inspector, Coral Springs
Laurence Kruger, Fire Inspector, Lauderdale Lakes
Darcy Jo Williamson, Fire Inspector, Broward County

Denise Clougherty, Fire Inspector, Broward County
Carmen Robnett, Fire Inspector, Fort Lauderdale
John Preston, Fire Inspector, Plantation
Jesus Gonzalez, Electrical Plans Examiner, Pembroke Pines
Stephen Welch, Jr., Building Plans Examiner, Deerfield Beach
Theodore Fowler, Assistant Building Official, Coral Springs
Abraham Olajoyeglie, Building Plans Examiner, Broward County
Gregory Kijanka, Mechanical Plans Examiner, Broward County
Lee Wansor, Building Official, Sea Ranch Lakes
Floyd Kelly, Chief Building Inspector, Sea Ranch Lakes

Mr. Rogers MOVED, and the motion was duly seconded, to approve the above-named individuals for certification as indicated in his/her respective disciplines.

MOTION CARRIED
Negative votes: none

A G E N D A

2. APPEALS:

- a. **Appeal #02-15, Design Team West, Inc. Project Location: NE Corner - Douglas & Pembroke Roads, Pembroke Pines, Florida – Sec. 103.7.1 103.23 FBC, relating to Sec. 704.3.1**

Mr. Harry Carroll of staff introduced this appeal and explained that this is a three story, Type IV Unprotected sprinklered Group S-1, Moderate Hazard project. Mr. Carroll is in support of the Building Official's (Mr. Laguna) decision and recommends denial of the appeal. In Mr. Carroll's opinion, mini storage warehouses are one of the most hazardous uses. There is no way to control the type of items stored. FBC Sec. 704.3.1 requires each space to be separated by a one-hour wall, but gives an exception for B and S Occupancies. The exception is a one-hour wall every 3000 sq. ft. which would result, in this project, approximately thirty-three 3,000 square foot compartments. The appellant is proposing, as an alternate method, to eliminate the one-hour walls; thereby eliminating the 3,000 square feet compartments. Mr. Carroll does not consider the alternate an equivalent to the required '33' one-hour walls.

An extremely lengthy presentation of this appeal was given by Messrs. Larry Jordan Development Manager for Design Team West, Inc. (Architects) and Edwin Spahn, Fire Protection Engineer. Appellant stated that they are using a performance based system approach based on the design of a self-storage facility which in appellant's opinion, provides greater protection to people and property than what the code requires. Appellant believes that its alternate methods and materials allows for more evacuation time, in the event of a fire, than what the FBC requires. In addition, the enhanced sprinkler system will provide greater protection of property than the standard code required system.

The presentation included, but was in no way limited to, design for self-storage specifically for alternate methods (not required by code), non-bearing partitions of non-combustible materials, floor to ceiling height of 10'3", storage lockers of non-combustible materials, controlled access, video monitoring, restriction of commodities (by lease), restriction of size of commodities, fire department access panels provided on 2 sides, smoke detectors in the return air ducts and throughout the building, fire department drive-up access provided to all 4 sides of the building, 18 inch clearance design from commodities stack to sprinkler head, stack height restriction of commodities to 8 feet, performance versus prescriptive codes, and quick response fire sprinkler heads.

Mr. Robert Madge, the Board's Fire Service representative stated that he reviewed all of the data provided in the packet, that appellant has provided many items that are not required by code, the fact that storage will not go above eight feet in height, the fact that this type facility does not have many people in it at one time, the fact that there are sprinkler heads above each compartment and that the separations are of non-combustible materials tell him that an alternate method has been met. Mr. Madge also stated that there was no documentation provided to state that many, many lives have been lost in a storage facility. Mr. Madge stated that, in his opinion, maybe the walls would need to be there, if appellant's system was not in place, but with their system in place the walls don't need to be there. The code is also specific, and now building officials and fire marshals are directed by the codes (we now have new codes in place) they shall be provided with the alternative methods - they have to look at them and they have to make a decision on them based on sound engineering principles. What the appellant provided to the building official is an alternative method. Mr. Madge stated that he would like to see this worked out. Appellant has not been told what area they are deficient in. They are allowed to present an alternative method, they have done that. The building official and fire marshal need to sit down with them and tell them in what area they are deficient. They are just being told "we want the walls." Mr. Madge believes that this is new to many of us because performance-based codes are new - that is the direction in which we are going. We need to start going in that direction and working in that area as building officials and fire marshals, etc. We need to look more deeply into alternative methods and not just say, 'this is a dangerous occupancy because that's my opinion'—what is that opinion based on. NFPA says that it is not a dangerous occupancy based on the fact that we don't lose people in fires in these occupancies. Those are facts and statistics.

Mr. Lavrich stated that he did not see a proposal of alternate method of construction that is equal to or better than the code requirement of tenant separation or the requirement of one-hour wall. Mr. Lavrich stated that he cannot see how the Board can circumvent specific requirements of the Code - the code is specific you have to have a one-hour partition. It seems that one could submit an amendment (code change) through the proper channels, but what is being presented is not an equal alternate method to what the code requires. We are hearing a method which is to accomplish what the walls are meant to accomplish - what is the alternate for the walls? Codes are written via a consensus type of process. We can't just take out requirements.

Mr. Zibman stated that in his opinion, we are looking at an alternate method to what the walls would accomplish not alternate materials.

Mr. Sandy Laguna, Building Official, spoke on behalf of the City of Pembroke Pines and stated that although an enhanced fire sprinkler system, response time and additional smoke detection coverage are acceptable enhancements; they are insufficient, in his opinion as substitutes for the passive protection of compartmentation required by FBC Sec. 704.3.1. Smoke detectors and fire sprinklers are required for this building. Mr. Laguna stated that components of what the appellant has proposed as alternate method (in regard to other conditions incidental to the design) are not of any significance toward life-safety or fire resistance. For these reasons, Mr. Laguna denied approval of the alternate method proposed by appellant.

Lengthy discussion ensued. Mr. Jordan stated that they need to know in what area they are deficient – if they are deficient, the fire marshal needs to sit down with them and tell them. Mr. Rogers stated that the intent of fire walls is to isolate fires (compartmentalization).

Based upon the evidence presented, and after considering the recommendations of staff, Mr. Smith MOVED, and the motion was duly seconded, that the Board of Rules and Appeals approve Appeal #02-15, relating to the project located at the northeast corner of Douglas and Pembroke Roads, in Pembroke Pines, Florida.

ROLL CALL VOTE:

Affirmative votes: Messrs.: Flett, Meyer, Madge, Synalovski, Smith, Snyder, and Zibman

Negative votes: Messrs.: Crockett, Lavrich, Rice, Rogers, Somers, and Thrasher

MOTION CARRIED

3. NEW BUSINESS

- a. Status Report Concerning Discussions with American Institute of Architects (State Association and Broward County Chapter,

Director DiPietro stated that there is on-going discussions with the AIA, both state and local chapters and they are willing to work with the Board toward possibly working out some concerns in order to address the needs of the community and to ensure life safety. Mr. DiPietro stated that the Ad Hoc Committee established by the Board's Chairman, voted 4 to 1, to require that an engineer sign-off, under certain circumstances, on a building; not a substitute signature but as a second signature. He also stated that as a result of the vote the Board's structural code compliance staff met with members of AIA (both state and Broward chapters) and the packet tonight reflects some of the correspondence. Another meeting of the Ad Hoc committee will be held

with the addition of two more architects (Messrs. Saltz and Synalovski). The Ad Hoc committee will consider issues that will better protect the envelope of a building and something that would be agreeable to the architects as well as the professional engineers.

b. Board Discussion Concerning Options Relating to the Question of Oversight of Building Design for Building Code Compliance of Plans for Single Family Homes,

Mr. DiPietro stated that this subject matter could be tied in with the prior item, but also stands on its own. It relates to the oversight of building designs for code compliance of plans for single family homes. Mr. DiPietro stated that three options are being presented for the Board's consideration. One is the dual signatures, another is building department-level engineering oversight and another is the hiring of an independent professional engineer by the Board. This would be accomplished by random survey and by obtaining more data, the Board will be in a better position to make a decision, should this prove to be a wide-spread problem or only isolated in certain places. Monies have been set aside from last year's budget (approximately \$50,000).

Mr. DiPietro also requested, that on the "Random Survey Program Guidelines" page (item #3b-page4); the following verbiage be added as "F":

"F **Calculations:** The Board of Rules and Appeals' staff has Board authority to require copies of all relevant calculations."

Board discussion ensued regarding the options.

Mr. Crockett **MOVED**, and the motion was duly seconded, that the Board adopt Option 2.

ROLL CALL VOTE:

**Affirmative votes: Messrs.: Flett, Lavrich
Meyer, Madge, Smith, Snyder, Crockett
Rice, Rogers & Zibman**

**Negative votes: Messrs.: Synalovski, Somers,
& Thrasher**

MOTION CARRIED

Said Option 2 reads as follows:

Option 2: Random survey. Staff is estimating the cost at \$1,500 per home model. For \$50,000, we should get some 30 to 35 models evaluated by an independent engineer for High Velocity Hurricane Zone Compliance. An attached staff report shows 83 active Florida Building Code subdivisions. If we subtract 24 subdivisions in Miramar as the city's contractual engineer is reviewing all plans, we would have a balance of 59 active subdivisions in the County. The Board sample of 30 to 35 exceeds 50% of the untested model home sites in the county. The results of our independent survey should greatly help develop a strong community consensus

on this important public policy matter. Sufficient unspent monies out of last year's 01/02 Fiscal Year budget have been set aside for this purpose. We also have substantial reserves. Should the Board select Option 2, you should vote, by motion, the program guidelines for the random survey contained in this report. Your Director, Board Attorney and all three Chief Structural Code Compliance Officers support the survey to get data to help arrive at solution. In addition to the Broward County Board of Rules and Appeals' staff reviewing the Engineering Reports, the Florida Structural Engineering Association has, at our request, offered to assist in the evaluation. This check and balance will help ensure that we look only at important public safety concerns and avoid nit-picking minor non-compliance issues.

4. **FORMAL INTERPRETATIONS**

- a. **Florida Building Code - Sec. 424.2.17 - Residential Swimming Pool Barrier Requirements**, submitted by the Board's Swimming Pool Committee
- b. **Residential Swimming Pool Barrier Requirements - Sec. 424.2.17** submitted by the Board's Swimming Pool Committee
- c. **Residential Swimming Pool, Spa & Hot Tub Safety Act - "Affidavit"**, submitted by the Board's Swimming Pool Committee
- d. **RAS 120/Hip and Ridge Tile**, submitted by the Board's Roofing Committee
- e. **Revised--RAS 111/RAS 115 - Florida Building Code**, submitted by the Board's Roofing Committee

Mr. Lavrich MOVED, and the motion was duly seconded, to approve all of the above Formal Interpretations (items 4a-e).

MOTION CARRIED

- f. **Signed and Sealed Calculations (RAS117)**- submitted by Board's Roofing Committee

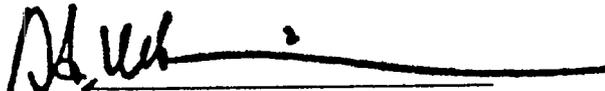
Mr. Flett proposed some verbiage to be added to the end of the proposed formal interpretation. Chairman Zibman, in turn, referred this formal interpretation back to the Roofing Committee for its approval with the added verbiage.

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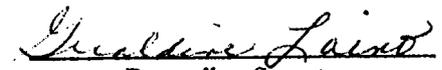
GENERAL DISCUSSION

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 9:20 p.m.



Board Chairman



Recording Secretary

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BROWARD COUNTY BOARD OF RULES & APPEALS= MEETING
THURSDAY, DECEMBER 12, 2002
MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by Chairman Henry Zibman at 7:00 p.m. on Thursday, December 12, 2002.

ROLL CALL

Present

H. Zibman,
 Chairman
 R. Madge,
 Vice-Chairman
 J. Crockett
 W. Flett
 D. Lavrich
 C. Meyer
 G. Rogers
 R. Smith
 G. Snyder
 J. Somers
 W. Thrasher
 T. Bray
 A. Fernandez

Excused

D. Rice
 M. Synalovski

Absent

None

The presence of a quorum was announced.

APPROVAL OF MINUTES B Regular Meeting of November 14, 2002

Mr. Smith MOVED, and the motion was duly seconded, to approve the minutes of November 14, 2002 as written.

MOTION CARRIED.
Negative votes: none

RECOGNITION OF STAFF SERVICE

Recognition of Mrs. Pat Cardella and Mr. Tarry Baker

It was stated that both Pat and Tarry have been employed for ten years by the Board of Rules and Appeals (Mr. Baker actually having 27 years of service with Broward County). Chairman Zibman recommended that each be given a day off.

Mr. Rogers MOVED, and the motion was duly seconded to approve a day off with pay, for both Mr. Baker and Mrs. Cardella.

MOTION CARRIED.
Negative votes: none

CONSENT AGENDA

CERTIFICATIONS

Carmen Robnett, Fire Inspector, Plantation
David Spence, Building Plans Examiner, Broward County
Michael McCleery, Mechanical Plans Examiner, Broward County
Bruce Barber, Building Plans Examiner, Broward County
David Tringo, Electrical Plans Examiner, Broward County
Ralph Gonzalez, Building Plans Examiner, Broward County
Russell Long, Electrical Inspector, Hollywood
Mitchell Lipton, Building Plans Examiner, Davie
Edward McGann, Chief Plumbing Inspector, Parkland

Mr. Lavrich MOVED, and the motion was duly seconded to approve the item on the Consent Agenda (Certifications).

MOTION CARRIED.
Negative votes: none

AGENDA

2. APPEALS

- a. **Appeal # 02-16 – Elite Air Conditioning, Project Location: 2366 N. Federal Highway, Fort Lauderdale, Florida -- Sec. SFBC-4803.2(a)(1)**

Chairman Zibman stated that the appellant has requested, in writing, a postponement of the appeal to next month's meeting.

3. NEW BUSINESS

- a. **Policy Direction Concerning the Number of Assistant Building Officials a City May Have**
1. **Requested by City of Miramar**
 2. **Staff Background Report**

Mr. Zibman stated that in the agenda packet are two options regarding this subject matter. Option 1 would be to approve, in concept, an intent to allow cities to have more than one Assistant Building Official; and Option 2 would be to approve, in concept, a restriction to keep the maximum number of Assistant Building Officials, in any city, to one.

Mr. Smith MOVED, and the motion was duly seconded, to approve Option 1 and allow the cities to hire 'as many Assistant Building Officials' it needs, i.e. more than one.

MOTION CARRIED.
Negative votes: none

b. Renewal of Attorney Ziegler's Contract

Director DiPietro stated that it is a pleasure working with Attorney Ziegler, he provides very good advice and he is an excellent support to the Board. Mr. Ziegler's two-year contract renewal calls for an approximate 4 ½ % increase in fees which are reasonable and fair.

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the renewal of Mr. Ziegler's contract according to the terms submitted.

MOTION CARRIED.
Negative votes: none

c. December Holiday Work Schedule

Chairman Zibman entertained a motion for the approval of the above subject matter as presented, by memo, from the Director to the Board and which involves being open during normal working hours with a reduced-staff schedule, and some flexibility in the work schedule.

Mr. Flett MOVED, and the motion was duly seconded, to approve the December Holiday Work Schedule as presented.

MOTION CARRIED.
Negative votes: none

GENERAL DISCUSSION

Mr. DiPietro stated that basically regarding the reappointments and/or replacements, a County staff member has told us that the Commission will be deferring same to either January 7th or January 14, 2003. They will not be considering anyone at this moment. The County is well aware of the fact that all individuals remain in his/her office until either replaced or reappointed. The League of Cities will most probably get to this task either at the end of January or February. The League is also requesting of its appointees, that they remain in their respective appointments on the Board until it can obtain the proper replacements. The League is asking the Charter Board for an interpretation regarding the alternate members of the Board as to whether or not the retroactive term limit issue applies to alternate members.

Mr. Zibman stated that when an appellant requests a postponement (same has to be in writing), and the city in which the problem exists, does not have any objection to such postponement, that administratively; the director can postpone same without a vote on the part of the Board.

Mr. Lavrich MOVED, and the motion was duly seconded, that a written request for postponement of an appeal where both the appellant and the municipality having jurisdiction are in agreement with said postponement, be an administrative duty under the Administrative Director's discretion.

MOTION CARRIED.

Negative votes: none

6. ELECTION OF 2003 BOARD CHAIRMAN AND 2003 BOARD VICE-CHAIRMAN

Chairman Zibman opened the floor for nominations.

Mr. Smith nominated Mr. Robert Madge as the Board's 2003 Chairman.

Mr. Crockett MOVED, and the motion was duly seconded to elect Mr. Robert Madge as Board Chairman for 2003 and that the nominations for Board Chairman be closed.

MOTION CARRIED.

Negative votes: none

Mr. Madge nominated Mr. Manuel Synalovski as the Board's 2003 Vice-Chairman.

Mr. Rogers MOVED, and the motion was duly seconded to elect Mr. Manuel Synalovski as Board Vice-Chairman for 2003 and that the nominations for Board Vice-Chairman be closed.

MOTION CARRIED.

Negative votes: none

7. PASSING OF THE GAVEL

Mr. Madge took the opportunity to state to the Board, especially Mr. Zibman, that this has been a special year in that the new codes became effective, had to be printed, purchased and distributed. In addition, it

has recently been turbulent due to articles written by the press regarding architects and engineers. Mr. Madge thanked Mr. Zibman for doing an outstanding job, and presented him with a plaque. Mr. Zibman thanked the Board for the privilege of being chairman and for the display of confidence that the Board has for him. Mr. Somers remarked of how interesting it is to serve on the Board and for the many issues he has learned about.

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 7:20 p.m.

Board Chairman

Recording Secretary

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