



Broward County

Board of Rules and Appeals

955 S. Federal Highway, Suite 401, Fort Lauderdale Florida, 33316

Phone: (954) 765-4500 Fax: (954) 765-4504

www.broward.org/building-code.htm

BOARD OF RULES AND APPEALS

THURSDAY, January 8TH, 2004

MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chairman, Mr. Manny Sinalovski at 7:00 p.m.

ROLL CALL

Present

Absent

Excused

M. Sinalovski, Chairman
 A. Kozich, Vice-Chairman
 E. Edison
 W. Flett
 S. Giles
 D. Lavrich
 R. Madge
 B. Norkunas
 R. Smith
 J. Somers
 B. Van Kirk
 G. Waldrep
 H. Zibman

APPROVAL OF MINUTES B December 11th, 2003

Mr. Edison MOVED and the motion was duly seconded by Mr. Lavrich, to approve the minutes of the December 11th, 2003 meeting.

MOTION CARRIED

Negative votes: none

CONSENT AGENDA

1. Certifications-

Mack Moore, Fire Inspector, Hollywood
Brett Dunckle, Fire Inspector, Deerfield Beach
Victor J. Elios, Fire Inspector, Lauderdale Lakes
Christine E. C. Martins, Fire Inspector, Plantation
Noel Santiago, Fire Inspector, Sunrise
Jack Fisher, Assistant Building Official, Broward County
Jack Fisher, Chief Electrical, Broward County
Donald R. Peterman, Plumbing Inspector, Davie
Harry Munoz, Building Official, Broward County
Andrell B. Gibbons, Building Inspector, Pompano Beach

Mr. Kozich MOVED, and the motion was duly seconded by Mr. Lavrich, to approve the certifications of the abovementioned individuals in his/her respective discipline(s).

MOTION CARRIED

Affirmative votes: Ms. Giles,
Mesrrs. Synalovski, Kozich, Edison,
Flett, Lavrich, Madge, Norkunas,
Somers, Van Kirk, Waldrep, and
Zibman.

Negative votes: None

REGULAR AGENDA

2. Appeals

- a. **Appeal #03-10 – A-Star Contractors, Inc.** Project Location: 2565 Kerry Drive, Cooper City, Florida. South Florida Building Code – Code sections not cited by Building Official

Mr. Dumbaugh, Chief Code Compliance Officer for the Board, informs the Board that the appellant is not present, at which point Mr. Ziegler, the Board Attorney explains options to the Board. A motion was made and seconded (below); however, it was not acted upon until later in the meeting (allowing that the appellant should arrive).

Later in the meeting the Board revisited this item. Mr. Zibman MOVED and the motion was duly seconded by Mr. Kozich, to deny the appeal without prejudice.

MOTION CARRIED

Affirmative votes: Twelve (12)

Negative vote: One (1)

3. Board Member Proposals- in response to the Independent Engineering Reports (Concerning the Review of Single Family Residences, for Compliance with Hurricane Wind Load Requirements)

Written communication from Messrs. Lavrich, Madge, Zimmer, Rice, and Ms. Giles was discussed at length and the Board determined the following five (5) concepts:

- I
 - a. Calculations for all single family homes (the Board did not make a motion for this)
 - b. Require a Professional Engineer of Record on every building that met “threshold” (generally in concept with Table X) notwithstanding the fact that there may also be a requirement for an architect (already covered in the Florida Building Code).
 - c. State or define when an engineer would be required
 - d. Adopt table X as the standard for all categories in Construction

The Board Moved and the Motion was carried that Staff review concept “B”, and bring before the Board at the next meeting (Mr. Somers was not present for this roll call vote).

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Synalovski, Kozich, Edison,
Flett, Lavrich, Madge, Norkunas,
Smith, Van Kirk, Waldrep, and
Zibman.

Negative votes: None

- II. Board is to hire an engineer on staff. (This concept was set aside and dealt with as item #5 on our Agenda).
- III. The following are the variations available:
 - a. Board of Adjustment (separate entity sanctioned by the BRA)
 - b. Structural committee would hear all design issues as presently constructed
 - c. A sub-committee of the Structural committee would hear design issues (possibly
 - a) Peer review committee of the Board (either separate one made up of Structural Committee members)
 - d. Chairman can set up committee
 - e. Board committee

Mr. Lavrich **proposed** that the Board make an effort to provide for a method of equitable resolution of differences of opinion between reviewers and design professionals. An issue or resolution that cannot be resolved between the plan reviewer, the engineer of record and the structural eng. to be hired by the Board would then go to the peer committee, which would be part of the structural committee. Mr. Kozich suggested that this peer review committee should be limited to three (3) sets of four (4) engineers.

The Board Moved and the Motion was carried by a seven (7) to six (6) vote that Staff review this concept and bring the results before the Board at the next meeting.

Mr. Smith commented that he opposes this idea, and that staff does not have to do it. The mechanism is already in place, at the pleasure of the Chairman of the Structural committee.

- IV. Educational program for plan reviewers and design professionals (this concept was set aside and dealt with as item #4 on our Agenda).
- V. Board of Rules and Appeals will create a checklist as a possible standard for Code personnel in Broward County.

The Board Moved, and the Motion carried unanimously thirteen (13) to zero (0), that Staff review this concept and bring it before the Board at the next meeting.

- VI. Florida Building Code, Section 104.6.4.5.2, to be reviewed by staff for language, and brought back before the Board:

When applying for a permit, the Architect or Professional Engineer of Record shall provide a framing plan. The truss manufacturer shall submit to the Architect or Professional Engineer of Record a truss placement plan which conforms with this framing plan, plus a collation of the applicable truss designs and truss connections which denote their location on the placement plan. The truss placement plan does require the seal of a Florida Registered Engineer, and shall be reviewed and accepted by the Architect or Professional Engineer of Record for conformance to design concepts and load interaction with the building. After the Architect or Engineer of Record had indicated his review and acceptance, and along with the original application for a building permit, the truss placement plan, design drawings for individual trusses, and truss to truss connection details shall be submitted to the building department. The designs for individual trusses shall be prepared by a Florida Professional Engineer.

The Board Moved, and the Motion carried unanimously twelve (12) to zero (0), that Staff review this concept and bring the results before the Board at the next meeting.

- VII. Develop a county wide “high velocity wind zone exam” for Structural Plan Reviewers and Inspectors that the Board could consider tying into their re-certification process.

This concept was withdrawn by Mr. Madge in lieu of the Educational item research.

VIII. If the reviewed plans are deficient to the point of Life safety issues, then the Board of Rules and Appeals must submit a complaint, with the back up data, to the Board of Professional Engineers for the engineering drawings or to the Board of Architectural and Interior Design for the architectural drawings.

Mr. Rice advised the Board that this suggestion is currently part of the Florida Building Code, and he included it, only because he would like to see this requirement continue.

4. Board Staff Recommendations- Regarding the Education Seminars directed by the Board in response to the Independent Engineering Reports (Concerning the Review of Single Family Residences, for Compliance with Hurricane Wind Load Requirements)

Mr. Smith requested to be excused from the rest of the meeting due to prior commitments.

Mr. Lavrich **MOVED** that the Board direct staff to continue in the direction they are going with an exception of the mainstream organized seminars that are strictly design professional oriented. Those types of seminars are not in the purview of what this Board is to do. To include both design professional and Building Department personnel is the direction the Board should go and actively pursue. Mr. Somers seconded the motion and it was unanimously carried.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Mesrrs. Synalovski, Kozich, Edison,
Flett, Lavrich, Madge, Norkunas,
Somers, Van Kirk, Waldrep, and
Zibman.

Negative votes: None

5. Board Administrative Director and Attorney Report-

This item was tabled from the December meeting. The administrative Director, James DiPietro, informed the Board of the changes made within the job description and the Board made other amendments.

Mr. Madge **MOVED**, that based upon what had been presented/amended (including the removal of the words “if time permits”) and the language of the job description presented to the Board, that the Board approve this and move forward with the process. Mr. Edison seconded the motion and it was carried eleven (11) to one (1).

MOTION CARRIED

Affirmative votes: Mesrrs.
Synalovski, Kozich, Edison, Flett,
Lavrich, Madge, Norkunas, Somers,
Van Kirk, Waldrep, and Zibman.

Negative vote: Ms. Giles

6. General Discussion

Chairman, Mr. Synalovski asked the Board to review the meeting calendar for the monthly Board meeting, and to be aware that early in the week of January 12, 2004, staff will be completing the annual Committee membership list.

7. Adjournment

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

Board Chairman



Broward County

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BOARD OF RULES AND APPEALS THURSDAY, February 12, 2004 MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chairman, Mr. Manny Synalovski at 7:00 p.m.

ROLL CALL

Present

M. Synalovski, Chairman
A. Kozich, Vice-Chairman
G. Elzweig
W. Flett
A. Korelishn
D. Lavrich
P. London
W. Norkunas
D. Rice
B. Van Kirk
H. Zibman
D. Zimmer

Absent

Excused

E. Edison
S. Giles
R. Madge
J. Somers

APPROVAL OF MINUTES B January 8, 2004

Mr. Zibman MOVED and the motion was duly seconded by Mr. Korelishn, to approve the minutes of the January 8, 2004 meeting.

MOTION CARRIED

Negative votes: none

SPECIAL RECOGNITIONS B

Mr. Chuck Meyer was recognized for his many years of service to the Board with a plaque, as his term has ended due to term limits.

Mr. Phil London was welcomed to the Board as the replacement for Mr. Chuck Meyer.

CONSENT AGENDA

1. Certifications-

Sheila T. Bennett, Fire Plans Examiner, Margate
Jose E. Cabrera, Fire Inspector, Coral Springs
Judy Denise Hudgens, Fire Inspector, Pembroke Pines
Larry Lancaster, Building Inspector, Hollywood
Frank Rabinowitz, Assistant Building Official, Plantation

Mr. Zibman MOVED, and the motion was duly seconded by Mr. Korelishn, to approve the certifications of the abovementioned individuals in his/her respective discipline(s).

MOTION CARRIED

Negative votes: None

REGULAR AGENDA

2. Appeals

- a. **Appeal #04-01 – Advanced Fire & Security, Inc.** Project Location: Renaissance, 1360 S. Ocean Drive, Pompano Beach, Florida. Florida Building Code – Chapter 6, Section 603 and NFPA 90A.

Mr. Synalovski, Chairman asked that all involved in this appeal be sworn in before addressing the board. After the swearing in of all parties, Mr. Robert “Bob” Andrews, Board Staff, introduced the appeal and gave the staff recommendation on the appeal. Mr. Andrews explained that his documentation on the appeal was prepared before the Mechanical Committee met on this issue. He further explained that at the Mechanical Committee meeting, the committee voted unanimously to deny the appeal and that was his staff recommendation as well. Next, a representative of Advanced Fire & Security, Inc., Mr. Neilinger stepped forward and gave the Board the appellant’s appeal request. After further discussion and questions between the Board Broward County Board of Rules & Appeals, Board Meeting B Thursday, February 12, 2004

and Mr. Neilinger, Mr. Waldron, City of Pompano Beach Mechanical Inspector was called forward. Mr. Waldron explained the cities response to the appeal and indicated that the city also wished for a denial of the appeal. A lengthy discussion and question and answer period followed between all parties and the Board members.

Mr. Flett made a MOTION to approve the appeal and the motion was duly seconded by Mr. Elzweig. A roll call vote eight (8) to four (4) against and the MOTION FAILED.

MOTION FAILED:

Affirmative: Messrs. Elzweig, Flett,
Lavrich, Van Kirk

Negative: Messrs. Korelishn,
Kozich, London, Norkunas, Rice,
Zibman, Zimmer, Synalovski

After further discussion of the appeal another motion was presented.

Mr. Kozich made a MOTION to deny the appeal and the motion was duly seconded by Mr. Zibman. A roll call vote eight (8) to four (4) for and the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Messrs. Korelishn,
Kozich, London, Norkunas, Rice,
Zibman, Zimmer, Synalovski

Negative: Messrs. Elzweig, Flett,
Lavrich, Van Kirk

- b. **RECONSIDERATION of Appeal #03-10 – A-Star Contractors, Inc.** Project Location: 2565 Kerry Drive, Cooper City, Florida. South Florida Building Code – Code sections not cited by Building Official.

Mr. Synalovski again requested that all involved be sworn in before giving testimony on this appeal. Mr. William “Bill” Dumbaugh, Board Staff, introduced the appeal and noted that this was a reconsideration of the appeal which was denied without prejudice at the January 8th Board Meeting. Mr. Dumbaugh indicated that the staff recommendation was to deny the appeal. After answering some of the Board questions, Mr. Dumbaugh yielded the floor to the appellant. Mr. Stroop, the attorney for the appellant noted that he, Mr. Cameron, principal for A-Star Contractors, and Mr. Ken Koch, present as an expert witness would be addressing the Board. Mr. Stroop began with an introduction of the appeal from his client’s perspective. Mr. Cameron and Mr. Koch also addressed the Board and a lengthy discussion and questions and answers followed. Mr. Norman Bruhn, Building Official for Cooper City, presented the cities response to the appeal. Mr. Bruhn noted that the city was looking for a denial of the appeal. After further discussion a motion was made by the Board.

Mr. Elzweig made a MOTION to deny the appeal and the motion was duly seconded by Mr. Kozich. A roll call vote ten (10) to two (2) to deny and the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Messrs. Elzweig, Korelishn, Kozich, Lavrich, London, Norkunas, Rice, Van Kirk, Zibman, Synalovski
Negative: Messrs. Flett and Zimmer

3. Responses to Results of Engineering Studies concerning the Review of Single Family Residences for Compliance with Hurricane Wind Load Requirements. Includes Amendments to the Administrative Chapter 104.6.3 Requirements for Professional Design; 104.6.4 Minimum Standards for Plan Submission; and the creation of a Design Professionals Mediation Panel.

Before discussion began on Item 3, Mr. Synalovski excused himself (8:53pm) and noted that Mr. Kozich, Vice-Chairman would be taking over the meeting. A five minute break was called for and taken by the Board.

After the Board reconvened from the break, Mr. Kozich announced that there was still a quorum with eleven (11) Board members present and continued the meeting. Mr. DiPietro was asked to introduce the item. Mr. DiPietro referred the Board to several pages in the agenda packet under tab three. The Board had several questions for Mr. DiPietro on the information in the agenda packet and made several suggestions on wording for various sections. A discussion of page 65 in the agenda packet, staff proposal to change 104.6.3.1 in Broward County Administrative Chapter of the Building Code followed. A motion was made on this local amendment change. After which the public was allowed to address the motion, but no one came forward.

Mr. Zibman made a MOTION to accept page 65 (104.6.3.1) as amended by the Board throughout the discussion of the item. The motion was duly seconded by Mr. Korelishn and with a roll call vote of eleven (11) to zero (0) the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Messrs. Elzweig, Flett, Korelishn, Kozich, Lavrich, London, Norkunas, Rice, Van Kirk, Zibman, and Zimmer
Negative: none

The next part of item three was brought forward by Mr. DiPietro and the Board began a discussion on pages 66 and 67, staff proposal to change 104.6.4.5.2 as instructed by the Board at its last meeting. Some changes to the verbiage of the proposed amendment were made by the Board and discussion continued. A motion was made on this particular amendment change, after which the public was allowed to address the Board. Ms. Burton, BASF, came forward and noted that these changes the Board proposed would address any concerns she and her organization had.

Broward County Board of Rules & Appeals, Board Meeting B Thursday, February 12, 2004

Mr. Lavrich made a MOTION to adopt page 67 (104.6.4.5.2) as amended by the Board in the discussion periods. The motion was duly seconded by Mr. Elzweig and with a roll call vote of eleven (11) to zero (0) the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Messrs. Elzweig, Flett, Korelishn, Kozich, Lavrich, London, Norkunas, Rice, Van Kirk, Zibman, and Zimmer
Negative: none

The final part of item three was introduced by Mr. DiPietro who referred the Board to page 69 and page 70 (amended version faxed after the packets were mailed). Mr. DiPietro pointed out the differences between the proposals to be issued as Board Policy in the Policies and Procedures Manual indicated on pages 69 and 70. A discussion of these proposals followed and several questions were asked of Mr. DiPietro and Mr. Ziegler, Board Attorney. Mr. Kozich then called for any public comment and Ms. Burton stepped forward. Ms. Burton indicated that she wished to clarify that her understanding was that the new engineer hired at the Board would have a position similar to Mr. Carroll and Mr. Dumbaugh, a consulting roll. She warned the Board not to “go down the Dade county road.” After some further discussion a motion was made.

Mr. Lavrich made a MOTION to adopt page 70 (proposal to be issued as Board Policy in the Policies & Procedures Manual) as amended by the Board in the discussion periods. The motion was duly seconded by Mr. Korelishn and with a roll call vote of eleven (11) to zero (0) the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Messrs. Elzweig, Flett, Korelishn, Kozich, Lavrich, London, Norkunas, Rice, Van Kirk, Zibman, and Zimmer
Negative: none

4. Discussion concerning that idea that if reviewed plans are deficient to the point of life safety issues that the Board of Rules and Appeals submit a complaint to the State Board of Professional Engineers or to the Board of Architectural and Interior Design.

Mr. DiPietro deferred to Mr. David Rice who asked that this item be added to the Board’s Agenda for this meeting. Mr. Rice introduced his recommendation on the item and made a motion to adopt this idea. Some discussion on this issue followed.

Mr. Rice made a MOTION to approve his recommendation and the motion was duly seconded by Mr. Korelishn. A roll call vote of ten (10) to one (1) against and the MOTION FAILED.

MOTION FAILED:

Affirmative: Messrs. Elzweig, Flett, Korelishn, Kozich, Lavrich, London, Norkunas, Van Kirk, Zibman, and Zimmer

Negative: Mr. Rice

5. Clerical Position Reclassification / Salary Modifications

Without any discussion or further information necessary, a motion was made.

Mr. Flett made a MOTION to approve the clerical position reclassification and salary modifications as written in the agenda packet. The motion was duly seconded by Mr. Korelishn and with a roll call vote of eleven (11) to zero (0) to approve and the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Messrs. Elzweig, Flett, Korelishn, Kozich, Lavrich, London, Norkunas, Rice, Van Kirk, Zibman, and Zimmer

Negative: none

Mr. Lavrich thanked Mr. DiPietro for his well prepared documentation on item five. Mr. DiPietro then thanked Mr. Korelishn who had provided some guidance on the preparation of this item.

6. Director's Report

Mr. DiPietro noted that he had no further items to present at this time.

7. General Discussion

Mr. Zimmer asked a question of the other Board members regarding CEU's (continuing education units) and earning time when working on code issues for the Board. A discussion regarding the credits and possible earning of time followed. The Board directed staff to look into the possibility of the Board members receiving CEU's for their time spent working on code issues, etc. for the Board.

8. Adjournment

There being no further business to come before the Board this evening, the meeting was adjourned at 10:20 p.m.

Board Chairman



Broward County

Board of Rules and Appeals

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BOARD OF RULES AND APPEALS THURSDAY, April 15, 2004 MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Vice-Chairman, Mr. Allan Kozich at 7:00 p.m.

ROLL CALL

Present

A. Kozich, Vice-Chairman (Acting Chairman)
A. Fernandez
S. Giles
A. Korelishn
D. Lavrich
R. Madge
J. Somers
H. Zibman
D. Zimmer

Absent

Excused

M. Synalovski, Chairman
E. Edison
W. Flett
W. Norkunas
B. Van Kirk

APPROVAL OF MINUTES - February 12, 2004

Mr. Lavrich MOVED and the motion was duly seconded by Mr. Korelishn, to approve the minutes of the February 12, 2004 meeting.

MOTION CARRIED

Negative votes: none

CONSENT AGENDA

1. Certifications-

Marion Meyers, Fire Inspector, Miramar
Bradley Masters, Fire Inspector, Pembroke Pines
James F. Shetter, Fire Inspector, Pembroke Pines
Robert J. Juliano, Building Plans Examiner, Deerfield Beach
Gary W. Diamond, Building Inspector, Davie
Carl J. Greentree, Building Inspector, Davie
Michael Sharbono, Chief Building Inspector, Hollywood
Joseph M. Fahey, Building Plans Examiner, Broward County
Michael G. Gechter, Mechanical Plan Examiner, Fort Lauderdale
Donald Lambert, Building Plans Examiner, Hollywood

Mr. Lavrich MOVED, and the motion was duly seconded by Mr. Korelishn, to approve the certifications of the abovementioned individuals in his/her respective discipline(s).

MOTION CARRIED

Negative votes: None

REGULAR AGENDA

2. Appeals

- a. **Appeal #04-03 – Florida Mechanical A/C, Inc. - Dennis Purcell.** Project
Location: 4716 – 4768 West Atlantic Boulevard, Coconut Creek.

Mr. Kozich, Acting Chairman asked that all involved in this appeal be sworn in before addressing the board. After the swearing in of all parties, Mr. Robert “Bob” Andrews, Board Staff, introduced the appeal and re-informed the Board of the committee’s recommendation for the appeal. Mr. Andrews summarized the appeal in that it involved a typical condominium where we have a closet space, air handler, and an electrical water heater, where the air handler is not ducted. In the old South Florida Building Code this of scenario was addressed, as to where the air was going through a louvered door into a space not considered a return air plenum and one could use PVC for the condensate lines. However, in the current Florida Building Code this is not specifically addressed. The Board posed questions to clarify Mr. Andrew’s explanation of this issue, clarifying that the prior interpretation of the SFBC was only on residential dwellings
Broward County Board of Rules & Appeals, Board Meeting- Thursday, April 15, 2004

and not on commercial or industrial. Furthermore, the Board directed that Bob remove the word “gas” from his recommendation for clarification purposes. Mr. Purcell then addressed the Board with the information that he has done this work throughout the State of Florida, and Coconut Creek, who contracts inspection and permit services through the Broward County Building Department, is the only city where this work has been questioned. It was due to the advice of Mr. Terrell Brannon, that Mr. Purcell filed this appeal with the Board to attain a clarification for this and future scenarios like this (due to the lack of specification in the Florida Building Code). The Building Official of Coconut Creek, Mr. Phil Mastrosimone then explained to the Board that he concurred with the Committees motion to approve this appeal.

Mr. Lavrich made a MOTION to approve the appeal and the motion was duly seconded by Mr. Korelishn, with the condition that the word “gas” be removed from the recommendation of Mr. Andrews. A roll call vote eleven (11) to zero (0) for and the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Ms. Giles, Messrs. Fernandez, Korelishn, Kozich, Lavrich, London, Madge, Somers, Rice, Zibman, and Zimmer.

NEGATIVE:

None

3. Formal Interpretation

Florida Building Code (hereinafter referred to as FBC), Sec. 412.5 – Mechanical Originally brought to the Mechanical Committee as an Appeal. Committee Recommendation to handle as a formal interpretation rather than an appeal, approved with a 10 to 1 vote.

Mr. Kozich, informed the Board that this Formal Interpretation was reviewed by the Mechanical Smoke Committee, and approved (ten (10) votes to one (1)). Mr. Andrews addressed the Board with the facts: Mr. Feller, a professional Mechanical Engineer, brought this item to the Committee as an appeal, but his intent was to execute a Formal Interpretation, because while this is addressed in the Florida Building Code it is specified for “building”; however Mr. Feller is seeking approval for “garage”. At the Mechanical Smoke Committee meeting, the former Building Official Mr. John Smith was in attendance as well as the Mechanical Inspector, Mr. George Stavarou, and they concurred with the Committees motion to approve.

Mr. Lavrich made a MOTION to approve the Formal Interpretation (to be executed by Staff and reviewed by Mr. Kozich, as Acting Chairman), and the motion was duly seconded by Mr. Zimmer. A unanimous roll call vote to approve and the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Ms. Giles, Messrs. Fernandez, Korelishn, Kozich, Lavrich, London, Madge, Somers, Rice, Zibman, and Zimmer.

NEGATIVE:

None

4. Discussion Concerning Engineering Classifications-

Requirements for professional design. Requested by (Board Member) Don Zimmer, D.F. Zimmer, AIA.

Mr. Zimmer addressed the Committee with his two concerns one being to request Classification for Engineers (i.e. Structural Engineer, Mechanical Engineer, etc.) at the State level, and secondly his concern (as a voting member at the 12/11/03 meeting) with the Board's action on threshold at the December 11, 2003 meeting.

Mr. Zimmer asked that the Board:

- Inquire as to the State of Florida, if any, to add terminology to an Engineers seal to clarify in what discipline they are trained to seal (i.e. Structural, Mechanical, etc.).
- Request for the Board consider postponing the adoption of the Amendment passed at the December 11, 2003.

Mr. Kozich issued a directive to have the Director have staff contact the State (DBPR and or Engineer's Board).

Mr. Zimmer made a MOTION to reconsider the adoption of the amendment passed in February concerning when Structural Engineers need to sign and seal plans. The motion was duly seconded by Mr. Korelishn and with a roll call vote of nine (9) to two (2) to approve, the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Ms. Giles, Messrs. Fernandez, Korelishn, London, Madge, Somers, Rice, Zibman, and Zimmer.

Negative: Messrs. Kozich, and Lavrich.

5. Presentation of Fiscal Year 2005 Budget (October 1, 2004 – September 30, 2005)

Mr. DiPietro addressed the Board with his request to increase the Board of Rules and Appeals budget and explained the reason for this request.

Mr. Zibman made a MOTION to approve the Directors' request, and the motion duly seconded by Mr. Korelishn. With a unanimous roll call vote to approve, the MOTION CARRIED.

6. **Report of Administrative Director**

Mr. DiPietro had no information to share with the Board under this subject.

7. **General Discussion**

8. **Adjournment**

There being no further business to come before the Board this evening, the meeting was adjourned at 8:18 p.m.

Board Acting Chairman



Broward County

Board of Rules and Appeals

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BOARD OF RULES AND APPEALS

THURSDAY, May 13, 2004

MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chairman, Mr. Manny Synalovski at 7:00 p.m.

ROLL CALL

Present

M. Synalovski, Chairman
A. Kozich, Vice-Chairman
E. Edison
G. Elzweig
W. Flett
S. Giles
A. Korelishn
D. Lavrich
P. London
R. Madge
W. Norkunas
D. Rice
H. Zibman

Absent

Excused

J. Somers
B. Van Kirk

APPROVAL OF MINUTES – April 15, 2004

Mr. Kozich MOVED and the motion was duly seconded by Mr. Korelishn, to approve the minutes of the April 15, 2004 meeting.

MOTION CARRIED

Negative votes: none

CONSENT AGENDA

1. Certifications-

Roy S. White, Fire Inspector, Hollywood
Richard Sievers, Fire Inspector, Broward County, BSO
Wayne Noble, Fire Inspector, Pembroke Pines
Jason M. Cohen, Fire Inspector, Pembroke Pines
Douglas Kurtcock, Building Plans Examiner, Fort Lauderdale
Ronald Krpata, Plumbing Plans Examiner, Pompano Beach
Michael L. Sharbono, Assistant Building Official, Hollywood

Mr. Kozich MOVED, and the motion was duly seconded by Mr. Korelishn, to approve the certifications of the abovementioned individuals in his/her respective discipline(s).

MOTION CARRIED

Negative votes: None

REGULAR AGENDA

2. Appeals

- a. **Appeal #04-04 – Ellen Hazen.** Project Location: 9021 Taft Street, Pembroke Pines

Mr. Robert Madge informed the Chairman, Mr. Synalovski that he needed to be excused for the appeal hearing as he had a conflict of interest on the appeal. Mr. Madge stepped out and Mr. Synalovski, Chairman, asked that all involved in this appeal be sworn in before addressing the board. After the swearing in of all parties, Mr. Harry “Rusty” Carroll, Board Staff, introduced the appeal and informed the Board of the staff recommendation for the appeal. Mr. Carroll summarized the appeal and noted the occupancy issue and that some of the permits pulled on this project were under the South Florida Building Code. The appellant was then asked to come forward and a representative of Ms. Hazen stepped forward to address the Board. He noted that in his opinion the algorithm provided in the building code is pretty clear and that they followed that algorithm as indicated. He noted that the tenant, Gold’s Gym, provided the city with an affidavit stating that the aerobics room, in question, would be used by a maximum of 35 persons at one time. The appellant noted that he felt that they clearly proved that the occupancy was not assembly occupancy as indicated by the Building Official of Pembroke Pines. Mr. Laguna, Building Official of Pembroke Pines then stepped forward to give the city response to the appeal. Mr. Laguna noted that it did not matter that the appellant had an affidavit, that would not change the cities occupancy number and also noted that if the space were sold and used for a different purpose, the new owner would not have to have the building re-issued a Certificate of

Occupancy. After a brief period of questions from the Board to the three parties a motion was made.

Mr. Kozich made a MOTION to deny the appeal and the motion was duly seconded by Ms. Giles. A roll call vote twelve (12) to zero (0) to deny and the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Ms. Giles, Messrs. Edison, Elzweig, Flett, Korelishn, Kozich, Lavrich, London, Norkunas, Rice, Zibman, Synalovski.

Negative:

None

3. **Reconsideration of Item #3 from February 12, 2004 Board Meeting (Item #3: Responses to Results of Engineering Studies concerning the Review of Single Family Residences for Compliance with Hurricane Wind Load Requirements. Includes Amendments to the Administrative Chapter 104.6.3 Requirements for Professional Design; 104.6.4 Minimum Standards for Plan Submission; and the creation of a Design Professionals Mediation Panel.**

Before hearing any comments and discussion on item number three, Mr. Synalovski poled the audience to determine which of and how many of them might want to speak to the Board. At least five members of the audience wanted to speak as representatives of their respective organizations. About another 15-20 or so wanted to speak to the Board as individuals. Mr. Kozich informed the Chairman that he did not believe the discussion was necessary as he proposed to make a motion. After Mr. Kozich made his motion (listed below) there was some discussion as to whether or not the audience should still be allowed to speak and what should be the next steps after the rescinding of the amendment.

Mr. Kozich made a MOTION to rescind amendment 104.6.3.1 indefinitely until it could be researched further and then after that research be brought forward again to the Board, and the motion was duly seconded by Mr. Korelishn. A unanimous roll call vote (13-0) to rescind amendment 104.6.3.1 and the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Ms. Giles, Messrs. Edison, Elzweig, Flett, Korelishn, Kozich, Lavrich, London, Madge, Norkunas, Rice, Zibman, Synalovski.

Negative:

None

After the Board vote on the motion, the discussion continued with Mr. Synalovski asking the audience if anyone still wanted to speak. Ms. Dierdre Hardy, Acting President of AIA, Ft. Lauderdale Chapter spoke briefly as a representative of the majority of architects in the audience. She thanked the Board for rescinding amendment 104.6.3.1 and noted that the AIA, Ft. Lauderdale stood ready to make themselves available to the Board of Rules and Appeals to join in any taskforce or other initiative the Board might choose to set up to study the issue further. She agreed that the problem needed to be addressed and they wanted to continue to protect their ability to practice, as laid out in Florida State Law. As the architects prepared to leave, Mr. Synalovski asked that they all sign-in so that they may be contacted regarding the further study of this issue. At this point a short recess was called as the architects sign-in and left the chamber.

4. Special Bills

Mr. Synalovski introduced the item which dealt with the reimbursement of moving expenses in the amount of \$3,000 for Mr. DiPietro. The chairman noted that the background information which Mr. DiPietro provided clearly showed that according to his contract he was eligible for this reimbursement and that he clearly documented the amount of the expenses.

Mr. Korelishn made a MOTION to approve the \$3,000 moving expenses reimbursement to Mr. DiPietro, and the motion was duly seconded by Mr. Madge. The MOTION CARRIED unanimously.

MOTION CARRIED

Negative votes: None

5. Director's Report

Mr. DiPietro addressed the Board with his request to increase the initial hiring salary for the engineer to \$80,000 - \$85,000, up from the original \$70,000 - \$75,000. He explained his reasons for this request, basically that the policy of limiting outside work of a Board Employee required an increase in the salary range. A brief discussion about the salary range and the reasons no promising candidate has yet been found continued.

Mr. Zibman made a MOTION to approve the Directors' request, and the motion duly seconded by Mr. Korelishn. With a unanimous roll call vote (13-0) to approve, the MOTION CARRIED.

MOTION CARRIED:

Affirmative: Ms. Giles, Messrs. Edison, Elzweig, Flett, Korelishn, Kozich, Lavrich, London, Madge, Norkunas, Rice, Zibman, Synalovski.

Negative:

None

6. General Discussion

Mr. Synalovski returned to the discussion which was halted for the vote on the motion for Item 3. Several of the Board members joined in the discussion regarding ideas on setting up groups or workshops to address the issue. All agreed that something should definitely be done and soon so that the item did not wither and die. It was decided that Mr. Synalovski would discuss the issue further with staff and others to come up with ideas. The Chairman noted that he would like to have some answer come back to the Board at the July meeting.

7. Adjournment

There being no further business to come before the Board this evening, the meeting was adjourned at 8:28 p.m.

Board Chairman



Broward County

Board of Rules and Appeals

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BOARD OF RULES AND APPEALS

THURSDAY, July 8, 2004

MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chairman, Mr. Manny Synalovski at 7:00 p.m.

ROLL CALL

Present

M. Synalovski, Chairman
A. Kozich, Vice-Chairman
S. Feller
W. Flett
A. Korelishn
D. Lavrich
P. London
R. Madge
W. Norkunas
D. Rice
B. Van Kirk

Absent

Excused

E. Edison
S. Giles
J. Somers
H. Zibman

APPROVAL OF MINUTES – May 13, 2004

Mr. Lavrich MOVED and the motion was duly seconded by Mr. Korelishn, to approve the minutes of the May 13, 2004 meeting.

MOTION CARRIED

Negative votes: none

CONSENT AGENDA

1. Certifications-

Thomas J. Inman Fire Inspector, Pembroke Pines
Christopher Kent, Fire Inspector, Pembroke Pines
Harold Alcalde, Fire Plans Examiner, Coral Springs
Tim Harrigan, Fire Inspector, Pompano Beach
Craig Plucinski, Fire Inspector, Pembroke Pines
James Reid, Fire Inspector, Dania Beach
Timothy L. Pehlke, Fire Inspector, Deerfield Beach
Toby Young, Fire Inspector, Pembroke Pines
Joe Barrabi, Mechanical Plans Examiner, Miramar
Howard D. Kleman, Electrical Inspector, Coral Springs
Ricky D. Anderson, Assistant Building Official, Tamarac
Glynn K. Tyson, Building Inspector, Coral Springs
William H. Hater, Electrical Inspector, Broward County

Mr. Kozich MOVED, and the motion was duly seconded by Mr. Korelishn, to approve the certifications of the abovementioned individuals in his/her respective discipline(s).

MOTION CARRIED

Negative votes: None

REGULAR AGENDA

2. Requested Ratification of the Administrative Director's Selection of the Chief Structural Code Compliance Officer - Engineer; terms and conditions of appointment

The Board Chairman, Manny Synalovski requested that the Board move on to Agenda Item Four, listed above, before proceeding with the three appeals on the agenda. Mr. Synalovski called upon Mr. DiPietro to give his report and recommendation. Mr. DiPietro then introduced Mr. A. Mark Scala and his wife Jayne who were in the audience. He then went on to describe Mr. Scala's many qualifications and the reasons he was selected as the Selection Committee's and Mr. DiPietro's nominee. Mr. DiPietro concluded by respectfully requesting that the Board ratify his selection of Mr. A. Mark Scala as Chief Structural Code Compliance Officer – Engineer.

Mr. Lavrich MOVED, and the motion was duly seconded by Mr. Feller, to ratify the selection of Mr. A. Mark Scala in accordance with all of the verbal and documented conditions. A roll call vote twelve (11) to zero (0) to ratify and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Feller, Flett, Korelishn, Kozich, Lavrich, London, Madge, Norkunas, Rice, Synalovski, Van Kirk

Negative votes: None

3. Appeals

- a. Appeal #04-06 – Tom Lund.** Project Location: 1 North Ft. Lauderdale Beach Blvd., Ft. Lauderdale

Mr. Synalovski, Chairman, asked that all those who would speak before the Board be sworn in by the secretary. He then asked the Board to consider the first appeal, listed above, #04-06. Mr. Andrews, Board Staff, came forward to address the Board with the staff report. He introduced the appeal and referenced his report on page 2 of the agenda packet. He recommended that the Board follow the recommendation of the Mechanical/Smoke Control committee and deny this appeal. The appellant then came forward and told the Board that he now agreed with Mr. Andrews and the city and his company would be making the necessary modifications. As the appellant now agreed with the staff and the city, Mr. Synalovski saw no need to call the city for their response. The appeal then went straight to a motion and vote.

Mr. Feller made a MOTION to deny the appeal and the motion was duly seconded by Mr. Kozich. A roll call vote twelve (11) to zero (0) to deny and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Feller, Flett, Korelishn, Kozich, Lavrich, London, Madge, Norkunas, Rice, Synalovski, Van Kirk

Negative votes: None

- b. Appeal #04-08 – James McGillin, AIA.** Project Location: 200 West Cypress Creek Road, Ft. Lauderdale

Mr. Synalovski called on Mr. Andrews again to give his report on the second appeal #04-08. Mr. Andrews, Board Staff, came forward to address the Board with the staff report. He introduced the appeal and referenced his report on page 24 of the agenda packet. He recommended that the Board follow the recommendation of the Mechanical/Smoke Control committee and approve the appeal with the condition that 1) Local smoke detectors be provided throughout the building and 2) that Mr. Stavrou receive the drawings showing the window layout. The appellant, Mr. James McGillin, AIA then came forward and noted that Mr. Andrews had done a fine job of presenting his appeal. After a few questions and discussion by the Board Mr. Stavrou was called to give the city's response to the appeal. After another round of questions and discussion for all three parties, the Board heard a motion and took a vote.

Broward County Board of Rules & Appeals, Board Meeting - Thursday, July 8, 2004

Mr. Madge made a MOTION to approve the appeal with the two recommendations of the Mechanical/Smoke Control Committee and the motion was duly seconded by Mr. Kozich. A roll call vote twelve (11) to zero (0) to approve and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Feller, Flett, Korelishn, Kozich, Lavrich, London, Madge, Norkunas, Rice, Synalovski, Van Kirk

Negative votes: None

- c. Appeal #04-09 – Evgueni Savitsky, P.E.** Project Location: The Palms, 2100 N. Ocean Blvd., Ft. Lauderdale

Mr. Feller excused himself from this appeal due to a conflict of interest (see attached Form 8B). Mr. Synalovski called on Mr. Andrews again to give his report on the second appeal #04-09. Mr. Andrews, Board Staff, came forward to address the Board with the staff report. He introduced the appeal and referenced his report on page 32 of the agenda packet. He noted that he did not feel he had enough information to make a recommendation to the Board indicating that the city response was not received at the time of his writing the staff report. Mr. Andrews recommended that this appeal go to the Mechanical/Smoke Control Committee and then return if necessary to the next Board meeting. Mr. Kozich then suggested that the Board ask the appellant if he wished to send the appeal to the committee first. Mr. Hyman, the attorney for the appellant spoke and noted that in most cases he would have no problem in going to committee first, but his clients were under a time restriction, as fines would be levied beginning October 1st, if the situation was not corrected. After some brief discussion between the Board, the appellant, and the city, a short five minute recess was called. Upon returning from the recess, Mr. Synalovski made a suggestion that the best place for the full discussion of this appeal would be the Mechanical/Smoke Control Committee and that he and Board staff, the city and the appellant could work on it and meet the appellant's deadline. Mr. Stavrou and Mr. Heller, from the audience, noted that they would recommend to the code board that an extension should be granted as the appellant showed good faith. Mr. Pistorino, one of the appellants, suggested that the committee be given the power to approve or deny the appeal as the Board would do, in case the Board was unable to meet in August. However, Mr. Ziegler, indicated that this was not a legal possibility. After some further discussion a motion was made and a vote was taken and all parties agreed to present the appeal at the Mechanical/Smoke Control Committee schedule for Monday, July 19, 2004 and bring it back to the Board if necessary on August 12, 2004.

Mr. Kozich made a MOTION to refer the appeal to the Mechanical/Smoke Control Committee the motion was duly seconded by Mr. Korelishn. A roll call vote ten (10) to zero (0) to refer and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Flett, Korelishn, Kozich, Lavrich, London, Madge, Norkunas, Rice, Synalovski, Van Kirk

Negative votes: None

4. **Amendments to Administrative Chapter, 104.6.3 Requirements for Professional Design and 104.6.4 Minimum standards for plan submission: Minimum plan review criteria for buildings.**

Mr. Synalovski asked that Mr. DiPietro address this item in two sections, i.e. to take each amendment change separately. Mr. DiPietro explained that the first change was a technical issue to reinstate the text of section 104.6.3.1 which had been superseded by the recently rescinded amendment.

Mr. Korelishn made a MOTION to reinstate the original text for section 104.6.3.1 with an effective date of July 9, 2004, and the motion was duly seconded by Mr. Feller. A unanimous roll call vote eleven (11) to zero (0) to reinstate the text of amendment 104.6.3.1 and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Feller, Flett, Korelishn, Kozich, Lavrich, London, Madge, Norkunas, Rice, Synalovski, Van Kirk

Negative votes: None

Mr. DiPietro then addressed the next amendment change which was a request for adoption of new text for section 104.6.4.3 and subsequent renumbering of the sub-sections which follow. Mr. DiPietro noted that this language was created by the Ad Hoc Architects/Engineers Design Review Committee and recommended by them with an eight (8) to one (1) vote. Mr. DiPietro recommended that the effective date be October 8, 2004, approximately 90 days from the vote as suggested by the Ad Hoc committee. Mr. Kozich then made a motion and during the discussion of this motion Mr. Lavrich made several comments he asked be entered into the record. Mr. Lavrich stated that he wanted the record of the Board vote to show that the intent of this language and adoption was to ensure that the same designer of record should sign and seal the plans and also provide the calculations. After some further discussion, Mr. Kozich's motion came to the Board for a vote.

Mr. Kozich made a MOTION to adopt the text created by the Ad Hoc Architects/Engineers Design Review Committee with an effective date of October 8, 2004, and the motion was duly seconded. A unanimous roll call vote eleven (11) to zero (0) to adopt the text of amendment 104.6.4.3 and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Feller, Flett, Korelishn, Kozich, Lavrich, London, Madge, Norkunas, Rice, Synalovski, Van Kirk

Negative votes: None

5. **Director's Report**

Mr. DiPietro informed the Board that he had no information for them at this time.

6. **Adjournment**

There being no further business to come before the Board this evening, the meeting was adjourned at 9:34 p.m.

Board Chairman



Broward County

Board of Rules and Appeals

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**BOARD OF RULES AND APPEALS
THURSDAY, AUGUST 12, 2004
MINUTES**

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Acting-Chairman, Mr. Zibman at 7:00 p.m.

ROLL CALL

Present

E. Edison
A. Fernandez
W. Flett
G. Elzweig
S. Kastner
A. Korelishn
D. Lavrich
P. London
W. Norkunas
D. Rice
J. Somers
H. Zibman, Acting-Chairman
D. Zimmer

Absent

Excused

M. Synalovski, Chairman
A. Kozich, Vice-Chairman
S. Giles
R. Madge
B. Van Kirk

In the absence of the Chairman and the Vice-Chairman, the Board of Rules and Appeals was had to choose an Acting-Chairman for this meeting. Mr. Korelishn nominated past Chairman, Mr. Zibman and Mr. Edison seconded the nomination. Mr. Zibman was named Acting-Chairman for this meeting.

APPROVAL OF MINUTES – July 8, 2004

Mr. Korelishn MOVED and the motion was duly seconded by Mr. Edison, to approve the minutes of the July 8, 2004 meeting.

MOTION CARRIED
Negative votes: none

CONSENT AGENDA

1. Certifications-

Robert Weaver, Fire Inspector, Pembroke Pines
William H. Bender, Chief Electrical Inspector, Pompano Beach
Michael Guerasio, Structural Plans Examiner, Parkland
Wilma Jorge, Structural Inspector, Parkland
John A. Morell, Structural Plans Examiner, Margate
Jose L. Menendez, Mechanical Inspector, Broward County
Kevin J. Donovan, Structural Plans Examiner, Cooper City
Kevin J. Donovan, Structural Inspector, Cooper City
Ralph T. Riles, Structural Inspector, Ft. Lauderdale
Dean Decker, Building Official, Lauderdale Lakes
Mircea Balean, Mechanical Inspector, Hollywood

Mr. Fernandez MOVED, and the motion was duly seconded by Mr. Korelishn, to approve the certifications of the abovementioned individuals in his/her respective discipline(s).

MOTION CARRIED
Negative votes: None

REGULAR AGENDA

2. Appeals

a. Appeal #04-09 – Evgueni Savitsky, P.E. Project Location: The Palms, 2100 N. Ocean Blvd., Ft. Lauderdale

- Staff report (*Committee Recommendation to Approve by a vote of 6 to 2*)
- Appellant request
- City/County response to appeal

Mr. Kastner excused himself from this appeal due to a conflict of interest (see attached Form 8B). Mr. Zibman called on Mr. Andrews, Board Staff to come forward to address the Board and introduce the appeal. Mr. Andrews noted that this appeal was brought before the Mechanical/Smoke committee per the directive of the Board at the July meeting, when this appeal was first brought to the Board. He proceeded to give his report on Appeal #04-09. Mr. Andrews informed the Board that he concurred with the committee's recommendation to

Broward County Board of Rules & Appeals, Board Meeting - Thursday, August 12, 2004

approve the use of a Carbon Monoxide monitoring system as an Alternate Method of construction, and that the motion to approve the appeal at committee level was carried by a vote of six (6) to two (2). After a few questions and discussion by the Board they asked if there was anyone present on behalf of the City and there was no one present.

The Acting-Chairman then called for a representative of the appellant and Mr. John Pistorino approached the Board and informed them that they were present before the Mechanical/Smoke committee and concur with the recommendation of the committee. After a few questions and discussion by the Board, a motion was made.

Mr. Elzweig MOVED, and the motion was duly seconded by Mr. Korelishn, to approve the appeal based on the recommendation of the Mechanical/Smoke Control Committee and that of the Board Staff. A roll call vote thirteen (13) to zero (0) to approve and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Edison, Fernandez, Flett, Elzweig, Kastner, Korelishn, Lavrich, London, Norkunas, Rice, Somers, Zimmer, and Zibman.

Negative votes: None

It was noted that this appeal is being approved under the condition, according to staff comments that the methods are still left to be determined.

- b. Appeal #04-11 – Joel Ramey, GM.** Project Location: Plantation Fashion Mall, 300 NW 82 Ave, Plantation

Mr. Zibman called on Mr. Carroll, Board Staff, to give his report on the second and last appeal for this evening, Appeal #04-11. Mr. Carroll came forward to address the Board with the staff report and introduced the appeal.

Mr. Jeff Sabouri, Building Official for the City of Plantation came forward to address the Board on the stated appeal. Mr. Sabouri informed the Board that he and City of Plantation staff have worked with the appellant over the last year and a half and the matter, which had been discussed during this time, was the reclassification of the building. Mr. Zibman clarified the appeal brought before this Board to Mr. Sabouri and the Board. Several Board members and Staff had questions and made comments.

The appellant Joel Ramey, General Manager of the Plantation Fashion Mall came forward to address the Board on the purpose of his filing of this appeal. Mr. Ramey noted that he and the City of Plantation have worked together amicably and he hopes to continue to do so in the future. After a lengthy technical discussion, several Board Members and Staff asked questions of the appellant and made comments on the appeal.

Mr. Elzweig made a MOTION to approve the appeal based on staff recommendation and the motion was duly seconded by Mr. Lavrich. A roll call vote eleven (11) to two (2) to approve and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Edison, Fernandez, Elzweig, Kastner, Korelishn, Lavrich, London, Rice, Somers, Zimmer, and Zibman.

Negative votes: Messrs. Flett, and Norkunas.

3. Discussion concerning Audit Requirements of the Private Provider Law- Request of Board Member Bill Norkunas.

A lengthy discussion on the audit of the private provider law ensued. Several Board members and Staff made comments. The Board directed staff to research the matter further to satisfy the concern of this matter to the Board.

4. Director's Report

Mr. DiPietro informed the Board of that by the end of this month, we should have an effective date of the new code. Mr. DiPietro advised the Board of the rising costs of the upcoming Code books and the fact that we do not have much leverage. He went on to say that he would bring further information before the Board at the next meeting.

5. Adjournment

There being no further business to come before the Board this evening, the meeting was adjourned at 8:11 p.m.

Board Chairman



Broward County

Board of Rules and Appeals

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BOARD OF RULES AND APPEALS THURSDAY, SEPTEMBER 9, 2004 MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Vice-Chairman, Mr. Kozich at 7:00 p.m. In the absence of the Chairman, the Vice-Chairman, Mr. Kozich chaired this meeting.

ROLL CALL

Present

E. Edison
A. Kozich, Vice-Chairman
S. Giles
G. Elzweig
R. Madge
A. Korelishn
P. London
W. Norkunas
D. Rice
J. Somers
H. Zibman,
D. Zimmer

Excused

M. Synalovski, Chairman
W. Flett
D. Lavrich
B. Van Kirk

APPROVAL OF MINUTES – August 9, 2004

Mr. Edison MOVED and the motion was duly seconded by Mr. Somers, to approve the minutes of the August 9, 2004 Board meeting.

MOTION CARRIED

Affirmative votes: Unanimous

Negative votes: None

CONSENT AGENDA

1. Certifications-

William Kowalczyk, Mechanical Plans Examiner, Broward County
Derek W. Hall, Building Plans Examiner, Coral Springs
Howard D. Kleman, Electrical Plans Examiner, Coral Springs
Wilfred Aguiar, Building Plans Examiner, Davie
Andrew Valentino, Building Inspector, Fort Lauderdale
Antonio Gonzalez, Chief Building Inspector, Hallandale
Thomas C. Bennett, Building Plans Examiner, Parkland

Mr. Madge MOVED, and the motion was duly seconded by Mr. Korelishn, to approve the certifications of the abovementioned individuals in his/her respective discipline(s).

MOTION CARRIED

Negative votes: None

REGULAR AGENDA

2. Appeals

- a. **Appeal #04-13 – Stuart L. Bentler, AIA** Project Location: 1600 S. Andrews Avenue, Ft. Lauderdale, FL

Mr. Rusty Carroll, Board of Rules and Appeals Structural Code Compliance Officer addressed the Board and proceeded to give his report on Appeal #04-13. Mr. Carroll informed the Board that he concurred with the Building Official's interpretation that fire blocks and draft stopping is required in the areas detailed by the appellant. The intent of the code is to close off any vertical openings created by any method of construction, such as, but not limited to column enclosures, chase walls, and/or partitions. Questions and discussion followed between the Board and Mr. Carroll, and he was then excused.

Mr. Kozich called Appellant, Mr. Stuart L. Bentler, AIA, District Director, Design and Construction, North Broward Hospital District, to address the Board. Mr. Bentler, informed the Board that he had hoped to resolve this issue with the City of Fort Lauderdale, however this was not attained and that is why he is here. Mr. Bentler stated that the project in question is a \$90 million expansion, and when he became involved recently he discovered there was some what of a history with these types of issues; for whatever reason they had not been resolved in a process other than the Contractors or the Design team accepting the decision of the City Officials, and in this case he thought extra steps needed to be taken. When the project was tagged for this particular item it said that fire blocking was required to cut off draft space between vertical and horizontal. Mr. Bentler continued to explain his case to the Board and questions and discussion ensued, and Mr. Bentler was then excused.

Mr. Kozich called Mr. John C. Heller, Interim Building Official, City of Fort Lauderdale. Mr. Heller informed the Board of the City's interpretation of Florida Building Code 705.3 that fire blocking shall be provided in all walls and partitions to cut off all concealed draft openings, both

horizontal and vertical. Questions and discussion followed between the Board and Mr. Heller, and he was then excused.

Mr. Elzweig MOVED, and the motion was duly seconded by Mr. Edison, to deny the appeal based on the recommendation of the Board Staff. A roll call vote of eleven (11) to one (1) to deny and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Elzweig, Korelishn,
London, Madge, Norkunas, Rice,
Somers, Zimmer, and Kozich.

Negative votes: Mr. Zibman

3. **Request of Ft. Lauderdale Building Services Manager to discuss the possibility of forming a special committee to review and study the current requirements for Structural Plans Examiners and Inspectors as well as the feasibility of re-creating an Executive Committee to review “special cases” seeking exemption from requirements.**

This item was on the original agenda as item #6; however, after explanation from the Administrative Director, Mr. Kozich moved it to item #3. Ms. Valerie Bohlander, Building Code Services Manager, City of Fort Lauderdale, discussed the possibility of forming a special committee to review and study the current requirements and study the current requirement for Plans Examiners and Inspectors as well as the feasibility of re-creating an Executive Committee to review “special cases”. Ms. Bohlander stated that she was not looking to diminish the qualifications in no way, however, as the Board may be aware the City is having a difficult time hiring personnel at this time. This item was discussed at length and Mr. Heller also spoke on the issue. Present in the audience was Mr. Antonio Gonzalez, Building Official, of the City of Hallandale Beach. A lengthy discussion ensued between Ms. Bohlander, Mr. Heller, and the Board, and they were then excused.

Mr. Zimmer MOVED, and the motion was duly seconded by Mr. Korelishn, to create an executive committee to review the current certification requirements of Code Enforcement personnel. A roll call vote of twelve out of twelve to approve and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Elzweig, Korelishn,
London, Madge, Norkunas, Rice,
Somers, Zimmer, Zibman.

Negative votes: None

4. **Compensation Considerations: Special one-time adjustments for all Code Compliance Officers (excluding the Engineer position); Establishment of a separate pay range for the Chief Code Compliance Officer Engineer position (salary to remain unchanged)**

A brief discussion on the compensation considerations ensued between Board members and the Administrative Director, James DiPietro.

Mr. Korelishn MOVED, and the motion was duly seconded by Mr. Edison to approve the special one-time adjustment for all Code Compliance Officers (excluding the Engineer position); Establishment of a separate pay range for the Chief Code Compliance Officer Engineer position (salary to remain unchanged).

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Elzweig, Korelishn,
London, Madge, Norkunas, Rice,
Somers, Zimmer, Zibman.

Negative votes: None

Mr. Somers advised for future reference it may be in the Boards best interest that an outside agency be hired to do a survey for items of this nature.

5. **Proposed revision to existing Board of Rules and Appeals' Policy #95-2, Paragraph E, relating to pay following 15 or more years of service.**

A lengthy discussion on the proposed revision to existing Board of Rules and Appeals' Policy #95-2, paragraph E, relating to pay following 15 or more years of service ensued. The written proposed revision to Policy #95-2 paragraph E, was not in the agenda packet, and many members advised that they would like to see the written version of an item they are voting on. Mr. DiPietro offered to bring this item back before the Board at the next Board meeting, and the Board agreed.

6. **Permanent Overnight Vehicle Assignment (POVA) Justifications for Code Compliance Staff**

Mr. DiPietro addressed the Board with the recent communication from Broward County Fleet Services Division in reference to the leased take home vehicles for the Code Compliance staff.

Mr. Zibman MOVED and the motion was duly seconded by Mr. Edison to approve all vehicles to the Code Compliance Officers as they have had in the past.

Mr. Korelishn asked Mr. DiPietro to confirm he was not affected by this situation, and Mr. DiPietro replied that this item is addressed in his current contract with the Board where he is given a choice on whether he would accept a vehicle allowance or a County leased vehicle.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Elzweig, Korelishn,
London, Madge, Norkunas, Rice,
Somers, Zimmer, Zibman.

Negative votes: None

7. Director's Report

Mr. DiPietro informed the Board that currently we do not have any Private Provider activities in Broward County, both, William Norkunas and Mr. DiPietro feel that the matter should be readdressed during the summer of 2005, when there may be information to discuss. Accordingly, Mr. DiPietro stated his intent to schedule this item to reappear on an Agenda during next summer. No action is required at this time.

8. General Discussion

9. Adjournment

There being no further business to come before the Board this evening, the meeting was adjourned at 8:42 p.m.

Board Chairman



Broward County

Board of Rules and Appeals

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BOARD OF RULES AND APPEALS THURSDAY, OCTOBER 14, 2004 MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chairman, Mr. Synamovski at 7:00 p.m.

ROLL CALL

Present

M. Synamovski, Chairman
A. Kozich, Vice-Chairman
W. Flett
S. Giles (Arrived at 7:07 pm)
G. Elzweig
A. Korelishn
D. Lavrich
W. Norkunas
D. Rice
J. Somers
B. Van Kirk
G. Waldrep
H. Zibman

APPROVAL OF MINUTES – September 9, 2004

Mr. Korelishn MOVED and the motion was duly seconded by Mr. Somers to approve the minutes of the September 9, 2004 Board meeting.

MOTION CARRIED

Affirmative votes: Unanimous

Negative votes: None

CONSENT AGENDA

1. Certifications-

MOTION CARRIED

Affirmative votes: Unanimous

Negative votes: None

REGULAR AGENDA

2. Appeals

a. **Appeal #04-10 – Mary Koonce**, Project Location: 1939 Mears Parkway, Margate, FL 33063

Mr. Bob Andrews, Board of Rules and Appeals Mechanical Code Compliance Officer, addressed the Board and proceeded to give his report on Appeal #04-10. Mr. Andrews informed the Board that this appeal involved a used car dealership that had been recently converted into an automobile repair shop, therefore, this was considered a new occupancy which must be brought to code. The main issue was that there would be no ventilation in the garage when the overhead doors were closed at night. He referred everyone to the Florida Mechanical Code, Sections 402.1 & 402.2, Sections 502.1 on Page 24; and the Florida Building Code, Page 22, Section 411.5.4, which requires that repair garages should be continuously ventilated by a mechanical system with positive means for inlet and exhaust. He stated regarding Section 502.8, which dealt with removal of hazardous materials and which applied to a 55 gallon gasoline storage drum on the premises, would no longer be an issue since the appellant had agreed to remove the drum. The Board was informed that the Mechanical Committee voted unanimously to deny this appeal. Mr. Andrews then referred to Mr. Richard Nixon, Chief Mechanical Inspector from the city of Margate. At that point, those who were to speak before the Board were sworn in. Mr. Nixon stated the garage had adequate ventilation during the day, there being room for only 5 vehicles, however, since the code states “continuous ventilation”, which would not be there at night, Mr. Nixon said he requested the change be made by Lance Automotive and that he agreed with the mechanical committee’s decision to deny the appeal.

Mr. Synalovski called Appellant, Mr. Gary Koonce, President of Lance Automotive, to address the Board. Mr. Koonce informed the Board that he had hoped to resolve this issue with the City of Margate, however this was not attained and that is why he was here. Mr. Koonce stated that the garage in question had more than enough natural ventilation and the vehicles inside were not running. He showed the Board a receipt for the pickup of a 55 gallon field drum. He stated that the Fire Chief had told him there were no vapors in his shop to be ventilated at night. The appellant, stated that simply because of a rigid code law, why should he have to provide ventilation when there were no hazardous materials to be ventilated? Mr. Norkunas then asked what costs would be incurred and Mr. Koonce replied, it would be in excess of \$1200, and that since he posted an appeal, he was now being required to move the containment from the actual

Broward County Board of Rules & Appeals, Board Meeting - Thursday, September 9, 2004

work area to the another containment bay to ventilate at night. He added that the fire chief was in there 5 times to inspect his containment and wrote that there was no ventilation problem and in his possession he had the Fire Chief's statement. Mr. Norkunas asked why there was a conflict between the fire dept and the city inspector. The general consensus after discussion was that Mr. Koonce's facility was listed under repair garages, most of which generally run the engines when repairing them at some point, and this was the reason for continuous mechanical ventilation. Since Lance Automotive falls in the category of repair garages, he must install continuous mechanical ventilation whether he runs engines to repair them or not. Questions and discussion followed between the Board and Mr. Koonce, and he was then excused.

Mr. Flett MOVED, and the motion was duly seconded by Ms. Giles, to deny the appeal based on the recommendation of the Board Staff. A roll call vote of thirteen (13) to zero (0) to deny and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Elzweig, Flett, Korelishn,
Kozich, Lavrich, Norkunas, Rice,
Somers, Synalovski, Vankirk,
Waldrep and Zibman.

Negative votes: none

3. South Florida Building Code Section 46.11 - Requested by Tom Velazquez, Interim Building Official, Broward County. Mr. Velazquez has requested an amendment to the Broward County Administration Chapter relating to SFBC sec. 4611.1.

Mr. Fennell, Chief Plumbing Code Compliance Officer, referred the Board to the agenda booklet, Page 33; quoting a section from the old South Florida Building Code that was used to resolve disputes about liquid run off; usually storm water generated. Disputes frequently arose when new building were erected next to older, adjacent buildings with a higher flood control elevation, or homeowners landscaped their property and the design blocked rain water flow or covered they covered their lots with non-permeable material. The advice as quoted in the new plumbing code was quoted as stating: "to get rain water away from the building and dispose of it without causing a nuisance." He informed the Board that on Page 31 is a new section from the plumbing technical committee, written after many requests had come from various jurisdictions and presented by Mr. Velazquez. Mr. Synalovski stated the Board would be voting on the language. A typographical error was pointed out in Paragraph B, Subparagraph 1, drainage well instead of drainage will, to be corrected. There was discussion about rain water amounts and whether it was important to the code. Discussion ensued to decide if the volume of rain makes a difference. Mr. Kozich mentioned the exception in the code. The inch description of 5" depth means the drainage has to be such that there are not more than 5" of water on the roof at any one time, so the roof won't collapse. There is nothing in the present code that states what to do with water once it is removed from the building. Mr. Lavrich said the code didn't deal with site work, zoning or parking, only the building, and that site work was governed by other agencies. A lengthy discussion ensued between the Board members about this issue and what was relevant. It was discussed that each property owner would be responsible for what happened to the surface water after it flowed from the building. Mr. Somers stated that he was not comfortable with the 6 to 4 recommendation which he deemed was not close enough. It was agreed generally to revert this issue back to the committee to be re-voted.

Mr. Somers MOVED, and the motion was duly seconded by Mr. Kozich, to send it back to the committee for further review. There was a roll call vote of eleven (11) to two (2) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Elzweig, Flett, Kozich,
Lavrich, Norkunas, Rice, Somers,
Vankirk, Waldrep and Zibman.

Negative votes: Messrs. Synalovski,
and Korelishn.

3. **Proposed revision to existing Board of Rules and Appeals' Policy #95-21, Paragraph E, relating to pay following 15 or more years of service.**

Correction: (The Policy # should be 95-1)

Mr. Synalovski asked everyone to turn to Page 42; where he pointed out the changes to this issue from a month ago. The revised program provides for merit bonuses to begin at 10 years of service, 15 years of service and each year thereafter. He explained that if the motion passed, mandated amounts would be dispersed as soon as possible. It would become retroactive to the year 2004. The 2% would be a cap but not a guaranteed amount subject to a review. The schedule on page 44 would start in January 2005. It was discussed that the merit review bonus could be 2% above base pay based on the decision by the director only after merit review. A brief discussion on compensation considerations ensued and Mr. Elzweig asked when it went from 1% to 2%. He was informed it was raised at the prior Board meeting.

Mr. Kozich MOVED, and the motion was duly seconded by Mr. Korelishn to approve the merit pay of 2% or less for long term employees subject to merit review by a Director. There was a roll call vote of thirteen (13) to zero (0) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Elzweig, Flett, Korelishn,
Kozich, Lavrich, Norkunas, Rice,
Somers, Synalovski, Vankirk,
Waldrep and Zibman.

Negative votes: none

5. **Merit Increase for Administrative Director to be effective October 1, 2004, Chairman Synalovski to address**

Mr. Synalovski advised the Board that at this meeting it was voted to increase the salary of the Administrative Director, Mr. James DiPietro, by 4% from \$103,621 to \$107,765 plus a one-time \$2,500

Broward County Board of Rules & Appeals, Board Meeting - Thursday, September 9, 2004

performance bonus. He reviewed the salary history back to 1995. He recommended listing it as a 6.4% increase which was the percentage with the bonus was included. Mr. Somers asked a question about the phrasing of the increase, and Mr. Synalovski stated the bonus could go up to \$5,000 and that it was decided that with Broward County's new rules, the phrasing was exactly correct.

Mr. Kozich MOVED and the motion was duly seconded by Mr. Lavrich to approve the raise and bonus for the Administrative Director, Mr. DiPietro. There was a roll call vote of thirteen (13) to zero (0) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Elzweig, Flett, Korelishn,
Kozich, Lavrich, Norkunas, Rice,
Somers, Synalovski, Vankirk,
Waldrep and Zibman.

Negative votes: none

7. Director's Report

Mr. Synalovski stated that in the Director's absence, there would be no report.

8. General Discussion

Mr. Synalovski reminded the Board that November 11th was Veteran's Day, so the November meeting would be scheduled for November 18th. Mr. Synalovski also stated that the legislature would meet in a special session to review the building codes as they related to the hurricane season. He stated that the Board might want to consider having some representation at that session. Further notice would be given when the exact dates of the session were known and this would be discussed in the November meeting.

9. Adjournment

There being no further business to come before the Board this evening, the meeting was adjourned at 8:00 p.m.

Board Chairman



Broward County

Board of Rules and Appeals

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BOARD OF RULES AND APPEALS THURSDAY, NOVEMBER 18, 2004 MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by its Chairman, Mr. Synalovski at 7:07 p.m.

ROLL CALL

Present

M. Synalovski, Chairman
A. Kozich, Vice-Chairman
E. Edison
S. Giles
A. Korelishn
D. Lavrich (arrived at 7:18 pm)
P. London
R. Madge
W. Norkunas
D. Rice
J. Somers
B. Van Kirk
H. Zibman

APPROVAL OF MINUTES – October 14, 2004

Mr. Edison MOVED and the motion was duly seconded by Mr. Kozich to approve the minutes of the October 14, 2004 Board meeting.

MOTION CARRIED

Affirmative votes: Unanimous
Negative votes: None

CONSENT AGENDA

1. Certifications-

Mr. Kozich MOVED and the motion was duly seconded by Mr. Korelishn to approve the persons listed for Certification by the Board of Rules and Appeals during the month of October 2004.

MOTION CARRIED

Affirmative votes: Unanimous
Negative votes: None

REGULAR AGENDA

2. Appeals

- a. **Appeal #04-14 – Caproc Third Avenue**, Project Location: 101 N.E. Third Avenue, Fort Lauderdale, FL 33301

Mr. Bob Andrews, Board of Rules and Appeals Mechanical Chief Code Compliance Officer, addressed the Board and proceeded to explain that earlier this week he met with City of Fort Lauderdale Officials and the Appellant; During said meeting a resolution to above stated appeal was agreed upon and was in the final stages of agreement for all parties involved, and the Attorney for the Appellant was present to discuss the action of tabling this item for the purposes of resolving this issue within a few days.

Mr. Synalovski called the Appellant and or the Appellants representative for request. Mr. Richard Warren, Council for the Appellant addressed the Board. Mr. Warren proceeded to explain that during said meeting on Monday November 15, 2004, and it was understood that a resolution had been agreed upon, however, when said agreement was reduced to writing there were issues that still needed to be finalized. Therefore, Mr. Warren requested to table this Appeal to the next meeting of the Board of Rules and Appeals.

Mr. Kozich MOVED, and the motion was duly seconded by Ms. Giles, to approve the request of Mr. Warrant to table this item to the next Board of Rules and Appeals meeting based on the recommendation of the Board Staff and the request of Mr. Warren. There was a roll call vote of twelve (12) to zero (0) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
London, Madge, Norkunas, Rice,
Somers, Synalovski, Vankirk, and
Zibman.

Negative votes: none

3. Amendments to Broward County Administrative Provisions of the Florida Building Code

a. Amendments to Administrative Chapter
Certification of Building Official
103.1.3.5 Renumbered to 103.1.3.6
103.1.3.5 Revised

Mr. Synalovski passed out a two page supplement for the current Agenda, and stated that page 44 of the current Agenda was not complete, therefore would Board members substitute the hand out (page 44) as the complete page. There was a second page included in the hand out passed out which was not a replacement to page 48 of the current agenda rather a supplement to page 48 which did not make it into the Agenda packet during processing.

Mr. Synalovski proceeded to explain that there were several Amendments to be reviewed by the Board, and to ensure efficient and proper explanation of each Amendment Board of Rules and Appeals Code Compliance Staff would address Amendment(s) relative to their discipline.

Mr. Rusty Carroll, Board of Rules and Appeals Structural Chief Code Compliance Officer, addressed the Board and proceeded to explain the action taken at a prior Board meeting. The Vice Chairman, Allan Kozich, chaired the Board meeting where he appointed an Ad-Hoc Committee on Certification to review code changes requested by the City of Fort Lauderdale and the City of Hallandale. The Ad-Hoc committee reviewed the requirement for High Velocity Hurricane Zone (HVHZ) requirements for the Certification of Building Official, and Mr. Carroll continued to explain the reasons for said requirement to be included in the Broward County Administrative Chapter and supplied examples of a non Broward County Building Official attempting to become certified as a Building Official in Broward County. Mr. Carroll further explained that the Ad Hoc Committee had a vote of seven (7) to zero (0) to approve a motion to have an HVHZ exam produced, not reducing any amount of requirements for licensing, nor a reduction in the number of years of experience, and this recommendation would now be before this Board for further consideration; The said exam would be a trade off for experience where a City Code Employee within the State of Florida, but outside of Broward County with a passing score of the said exam. Mr. Carroll also informed the Board that should they choose to approve this recommendation there would be a joint committee meeting of both the Education and Ad-Hoc committees where they would make recommendations to the Board on the formulation of said HVHZ exam.

Mr. Kozich MOVED, and the motion to accept the said changes to the Broward County Administrative Code was duly seconded by Mr. Edison, based on the recommendation of the Board Staff. There was a roll call vote of twelve (12) to zero (0) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
London, Madge, Norkunas, Rice,
Somers, Synalovski, Vankirk, and

Zibman.

Negative votes: none

Certification of Structural/Building Plans Examiner

103.4.3.5

(The Old 103.4.3.5 Renumbered 103.4.3.7)

Mr. Rusty Carroll addressed the Board and proceeded to explain that after research on Section 103.4.3.5 (due to the request of the City of Fort Lauderdale) the transfer from the old code to the new code seemed to have deleted said section from the Building Code and the Administrative Code. Mr. Carroll further explained that the Ad Hoc Committee reviewed the past experience of having this section in our Administrative Chapter and recommended the reinsertion of section 103.4.3.5 changing the requirements from ten (10) years to five (5) years of experience by a vote of seven (7) to zero (0).

Mr. Kozich MOVED, and the motion to accept the said changes to the Broward County Administrative Code was duly seconded by Mr. Korelishn, based on the recommendation of the Board Staff. Mr. Kozich amended his motion to have section 103.4.3.5 read “An Applicant for Certification as a Structural Plans Examiner under the provisions of this section who has five years experience as a licensed General Contractor (unlimited), two (2) years of which shall have been construction experience in the structural discipline within the High Velocity Hurricane Zone and include two (2) years experience as a Structural Building Inspector.” Mr. Korelishn seconded the motion to amend the original motion. There was a roll call vote of ten (10) to three (3) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Edison, Korelishn, Kozich, Lavrich, Madge, Norkunas, Rice, Synalovski, Vankirk, and Zibman.

Negative votes: Ms. Giles, Messrs. London, and Somers.

Certification of Structural/Building Inspector and Structural/Building Plans Examiner

103.4.3.6

Mr. Rusty Carroll addressed the Board and proceeded to explain that Section 103.4.3.6 marries the earlier section discussed on HVHZ local experience requirements. According

to Mr. Carroll, Structural is the only discipline to require the Chief to have HVHZ experience; The other Code Compliance Officers (Electrical, Mechanical, and Plumbing) were in attendance to confirm this. Mr. Carroll advised the Board that the Ad Hoc Committee had a vote of seven (7) to zero (0) to approve a motion to have an HVHZ exam produced, not reducing any amount of requirements for licensing, no reduction in

the number of years of experience, and recommend said motion to the Board of Rules and Appeals. Mr. Carroll further stated the Board shall the Board approve this recommendation there would be a joint committee meeting of both the Education and Ad-Hoc committees where they would make recommendations to the Board on the formulation of said HVHZ exam.

Mr. Kozich MOVED, and the motion to accept the said changes to the Broward County Administrative Code was duly seconded by Mr. Zibman, based on the recommendation of the Board Staff. There was a roll call vote of ten (10) to three (3) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Messrs. Edison, Korelishn, Kozich, Lavrich, Madge, Norkunas, Rice, Synalovski, Vankirk, and Zibman.

Negative votes: Ms. Giles, Messrs. London, and Somers.

After further discussion on the clarification of Section 103.4.3.6, Mr. Kozich amended his motion to include Section 103.4.3.5 and this was duly seconded by Mr. Korelishn. There was a roll call vote of thirteen (13) to zero (0) to approve this amendment to the motion and the MOTION CARRIED.

Certification of Electrical Plans Examiner

103.8.3.5 Revised

103.8.3.5 Renumbered to 103.8.3.6

Mr. Synalovski called Mr. Tarry Baker, Board of Rules and Appeals Electrical Chief Code Compliance Officer, to address the Board. Mr. Baker informed the Board that the Electrical discipline would be losing one year of experience if the changes made to the Structural discipline were applied to the Electrical discipline. There was discussion among the Board members and Mr. Baker. Mr. Zibman questioned if the changes recommended by the Ad-Hoc committee were to be put into effect would they be the same for Electrical, Mechanical, and Plumbing, and Mr. Baker replied yes they would be the same. During discussion on this item Mr. Kozich advised that as Acting Chairman of the Board Meeting where the Ad-Hoc Committee on Certification was appointed it was not his intent to have the Ad-Hoc committee make any code changes outside of the Structural discipline. Lengthy discussion ensued as to the Committees right to recommend changes to the Administrative Code outside of the Structural discipline and if so, was this properly announced for the Code Compliance Officers of Electrical, Mechanical, and Plumbing to provide feedback to the Ad-Hoc committee as well as their technical committees.

Mr. Kozich MOVED, and the motion to withdraw consideration of the changes recommended to the Electrical section of the Broward County Administrative Code by the Ad-Hoc committee on Certification was duly seconded by Mr. Korelishn.

There was a roll call vote of thirteen (13) to zero (0) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
Lavrich, London, Madge, Norkunas,
Rice, Somers, Synalovski, Vankirk,
and Zibman.

Negative votes: none

Certification of Mechanical Plans Examiner

103.11.3.5 Renumbered to 103.11.3.6

103.11.3.5 Revised

Certification of Plumbing Plans Examiner

103.14.3.5 Renumber to 103.14.3.6

103.14.3.5 Revised

After lengthy discussion on the recommendations of the Ad-Hoc committee to the Mechanical and Plumbing sections of the Broward County Administrative Code by the Ad-Hoc committee on Certification it was determined that the Mechanical and Plumbing recommendations could be amended to Mr. Kozich motion.

Mr. Kozich amended his motion to include Mechanical and Plumbing in the motion to withdraw consideration of the changes to the Mechanical and Plumbing sections of the Broward County Administrative Code by the Ad-Hoc committee on Certification. There was a roll call vote of thirteen (13) to zero (0) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
Lavrich, London, Madge, Norkunas,
Rice, Somers, Synalovski, Vankirk,
and Zibman.

Negative votes: none

Certification of Fire Plans Examiner

103.19.3.3 Revised

Mr. Synalovski called Mr. James Valinoti, Board of Rules and Appeals Fire Chief Code Compliance Officer, to address the Board. Mr. Valinoti informed the Board that the point made by Mr. Madge that what is currently in our Local Amendments to the Florida Fire Prevention Code does not match what is in the Broward County Administrative code in reference to the Appointment and Duties of a Fire Plans Examiner. Therefore, Mr. Valinoti suggested taking the verbage from the Local Amendments of the Florida Fire

Prevention Code section F-5.2.3: *“Ten (10) years of experience as a firefighter, three (3) years of which shall have been in the jurisdiction of this code and shall be a Broward County and State of Florida Certified Fire Inspector”*, and replace the verbage of Broward County Administrative Code section 103.19.3.3. This was passed at the Ad-Hoc Committee on Certification with a vote of seven (7) to zero (0) to approve this motion and the motion unanimously carried.

Mr. Kozich MOVED, and the motion to accept the memo dated November 18, 2004 for section F-5.2.3 of the local amendments to the Florida Fire Prevention Code to replace the wording of section 103.19.3.3 of the Broward County Administrative. There was a roll call vote of thirteen (13) to zero (0) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
Lavrich, London, Madge, Norkunas,
Rice, Somers, Synalovski, Vankirk,
and Zibman.

Negative votes: none

There was brief discussion regarding the designation of an effective date of the Amendments passed at this meeting.

Mr. Kozich MOVED to designate an effective date for all amendments passed at this meeting to January 1, 2005, this motion was duly seconded by Mr. Korelishn. There was a roll call vote of thirteen (13) to zero (0) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
Lavrich, London, Madge, Norkunas,
Rice, Somers, Synalovski, Vankirk,
and Zibman.

Negative votes: none

105.2 Mandatory Inspections

[As they relate to swimming pools]

Mr. Synalovski called Mr. William Dumbaugh, Board of Rules and Appeals Structural Chief Code Compliance Officer, to address the Board. Mr. Dumbaugh informed the Board that at the Board of Rules and Appeals' Swimming Pool Committee meeting of August 9, 2004 a motion was passed and there was a vote of seven (7) to zero (0) to approve this motion and interpretation. Mr. Dumbaugh explained to the Board that section 105.2 of the Broward County Administrative Chapter was changed so that the final inspection of the child safety barriers would be complete prior to the finishing being

installed on the inside of the pool. Mr. Dumbaugh provided the Board with examples of said instances. In his opinion the drawbacks to this change would be that it would add to inspections and probably cause an increase to permit fees, and the benefits would be that it would help reduce the number of expired inspections which currently is being experienced by many Swimming Pool Contractors. A brief discussion ensued among Board members and Chief Structural Inspector, Michael Bessell for the City of Plantation.

Mr. Kozich MOVED to approve the recommendation of the Swimming Pool committee regarding section 105.2 of the Broward County Administrative Code. This motion was duly seconded by Mr. Korelishn. There was a roll call vote of thirteen (13) to zero (0) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
Lavrich, London, Madge, Norkunas,
Rice, Somers, Synalovski, Vankirk,
and Zibman.

Negative votes: none

4. **Formal Interpretation:** Adoption of Formal Interpretation relating to Florida Building Code 424.2.17.1.8 relating to swimming pools.

Mr. Dumbaugh presented the Board with the proposed Formal Interpretation on the Outdoor Swimming Pools recommended by the Swimming Pool Committee at the said meeting. Lengthy discussion ensued among Board member Bill Norkunas, ADA representative and other Board members as to the ADA relevance to this Formal Interpretation.

Mr. Kozich MOVED to approve the recommendation of the Swimming Pool committee regarding the Formal Interpretation for Outdoor Swimming Pools. This motion was duly seconded by Mr. Edison. There was a roll call vote of thirteen (13) to zero (0) to approve this motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
Lavrich, London, Madge, Norkunas,
Rice, Somers, Synalovski, Vankirk,
and Zibman.

Negative votes: none

5. **Interpretation of section 101.4.2.6 of the Florida Building Code**

Mr. Carroll addressed the Board and informed them of the request of the City of Lauderdale

Lakes Building Official, Mr. Dean Decker. Earlier this month Mr. Decker questioned Mr. Carroll as to the last paragraph of 101.4.2.6 which basically exempts temporary movie sets. Mr. Carroll stated that when you build his set in a building and 3,000 people will occupy this particular set the primary building that houses that temporary set must have life safety system to house those 3,000 people. This issue was discussed at length, and no resolution could be found at this time.

Mr. Kozich MOVED to have staff come back with a recommendation to the next Board meeting in regards to section 101.4.2.6, specifically, the wording of the last paragraph. This was duly seconded by Ms. Giles and followed by a roll call vote of thirteen (13) to zero (0) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
London, Madge, Norkunas, Rice,
Somers, Synalovski, Vankirk, and
Zibman.

Negative votes: none

Item 3 continued: Amendments to Broward County Administrative Provisions of the Florida Building Code

Mr. Valinoti introduced Fire Code Officials present and addressed the Board in reference to the Broward County Local Amendments of the Florida Fire Prevention. Below are the sections that have changes in the Broward County local amendments to the Florida Fire Prevention Code:

- F-1 Scope
- F-2 Broward County Board of Rules and Appeals
- F-3 Bureau of Fire Prevention
- F-4 Relates to Certification powers and duty
- F-5 Appointment and Duties of a Fire Plans Examiner
- F-5.3 Powers and Duties of the Fire Plans Examiner
- F-6 Certification of Fire Inspectors
- F-6.5 Powers and Duties of the Fire Inspector
- F-7 Recertification
- F-8 Fire Code Committee
- F-9 Appeals from the Decisions of the Fire Chief and/or Building Official
- F-10 Procedures in County Court/Code Enforcement Board
- F-11 Authority
- F-12 Compliance with Violation Notices
- F-13 Removal or Destruction of Signs or Tags
- F-14 Standby Fire Watch
- F-815 Tents and Air-Supported Structures
- F-816 Awnings and Canopies
- F-817 Vehicular Access

F-4218 Vehicles on Display
F-4419 Storage of Readily Combustible Materials:
F-4320 High Pile Combustible Stock
F-4421 Initial Acceptance Test Criteria for Mechanical Smoke
Control Systems
F-4622 Automatic Sprinklers Required
F-4823 Manual Wet Standpipe:
F-4524 Corridors:
F-4925 Portable Fire Extinguishers
F-206 Private Boat Docking
F-247 Flammable and Combustible Liquids
F-28 [Relates to above ground tank assemblies]
F-249 Flammable Liquid Storage at Port Everglades and the
Fort Lauderdale-Hollywood
International Airport
F-30 Liquefied Petroleum Gases
F-31 Fireworks and Sparkler/Novelty Items

Mr. Kozich MOVED to accept the amendments F1 – F31 to the local Fire Code with an effective date of January 1, 2005. This was duly seconded by Mr. Madge and followed by a roll call vote of twelve (12) to zero (0) (Mr. Somers stepped out of the room) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
London, Madge, Norkunas, Rice,
Synalovski, Vankirk, and Zibman.

Negative votes: none

6. Application of portions of existing ordinance and County Conflict of Interest policies to also cover Board of Rules and Appeals' Committees and Sub Committees

Mr. Kozich addressed the Board with his concerns in regards to Conflict of Interest on the committee level. Mr. Kozich proposed a similar policy (seen on page 78 of the Agenda packet) to that of the Board members for Committee members for the said policy to be adopted as Board of Rules and Appeals Policy #04-01, due to what could become a perception of conflict of interest even if there were none. There was brief discussion on this item.

Mr. Edison MOVED to accept the County Conflict of Interest policies as the Board of Rules and Appeals Policy #04-01 for all committees. This was duly seconded by Ms. Giles and followed by a roll call vote of twelve (12) to zero (0) (Mr. Somers stepped out of the room) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,

London, Madge, Norkunas, Rice,
Synalovski, Vankirk, and Zibman.

Negative votes: none

Mr. Edison and Ms. Giles accepted an amendment to Mr. Edison's original motion for this to apply to all committees, sub-committees, and Ad-Hoc committees currently in existence. This was followed by a roll call vote of twelve (12) to zero (0) (Mr. Somers stepped out of the room) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
London, Madge, Norkunas, Rice,
Synalovski, Vankirk, and Zibman.

Negative votes: none

All committee, sub-committee, and Ad-Hoc committee members are to be informed of this policy in writing.

7. Establishing a hearing date for proposed amendments to the Broward County Administrative provisions of the Florida Building Code, Section 103.17 "Re-certification" increasing continuing education contact hours from 24 to 32 for biennial renewal periods.

Board of Rules and Appeals Administrative Director, James DiPietro, requested that the Board set a date for Public Hearing to hear proposed amendments to the Broward County Administrative provisions of the Florida Building Code, Section 103.17 "Re-certification" increasing continuing education contact hours from 24 to 32 for biennial renewal periods.

Mr. Kozich MOVED to set a date of December 9, 2004 for the Public Hearing (also the date of the next Board meeting). This was duly seconded by Mr. Edison and followed by a roll call vote of twelve (12) to zero (0) (Mr. Somers stepped out of the room) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
London, Madge, Norkunas, Rice,
Synalovski, Vankirk, and Zibman.

Negative votes: none

8. December holiday work schedule report of Administrative Director

Mr. DiPietro requested the Boards approval for the December holiday work schedule, where

staff is reduced during the holiday.

Mr. Kozich MOVED to approve the December holiday schedule as set forth by the Director. This was duly seconded by Mr. Korelishn and followed by a roll call vote of twelve (12) to zero (0) (Mr. Somers stepped out of the room) to approve the motion and the MOTION CARRIED.

MOTION CARRIED

Affirmative votes: Ms. Giles,
Messrs. Edison, Korelishn, Kozich,
London, Madge, Norkunas, Rice,
Synalovski, Vankirk, and Zibman.

Negative votes: none

9. Director's Report

- a. Discussion of County position on employee take home vehicles

This item will be addressed further at the December Board meeting, due to the postponement of action by the County.

- b. Update on status of publication of New Florida Building Code book sales effective July 1, 2005

As of earlier today the ICC has agreed to grant the Board permission to print our amendments, and will be given out for free. The new Code will be a seven (7) book set costing the Board about \$200.00. As Administrative Director he said he would work with the County in creating a contract which will resemble that of Dade County, and advised that during the first year the Board would probably sell about 2000 sets, and for informational purposes reminded the Board that sell the Florida Fire Prevention.

- c. 2005 Schedule of meetings for Board of Rules and Appeals

In this Agenda packet there was a schedule of meetings for the Board of Rules and Appeals, we would ask that if you find any errors or have any suggestions please inform us. Otherwise this document will be published on our website. The Board approved this schedule to be published on the Board of Rules and Appeals website.

- d. Florida Department of Community Affairs acknowledgement of Code Glitch Error brought to their attention by Board member Bill Norkunas

Mr. Synalovski extended the gratitude of the Board of Rules and Appeals and his own in correcting a glitch in the Florida Building Code to Board member Mr. Bill Norkunas.

10. General Discussion

There was no general discussion at this time.

11. Adjournment

There being no further business to come before the Board this evening, the meeting was adjourned at 9:00 p.m.

Board Chairman