

BROWARD COUNTY BOARD OF RULES & APPEALS
BOARD MEETING THURSDAY, JANUARY 27, 2000
MINUTES

CALL TO ORDER

Board Chairman, Mr. Dan Lavrich called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT

D. Lavrich,
Chairman
C. Meyer,
Vice-Chairman
J. Crockett
R. Madge
D. Rice
G. Rogers
R. Smith
G. Snyder
W. Thrasher
T. Bray
A. Korelishn
D. Zimmer

EXCUSED

W. Flett
J. Somers
H. Zibman

ABSENT

None

APPROVAL OF MINUTES --Meeting of December 9, 1999

Mr. Rogers MOVED, and the motion was duly seconded, to approve the minutes of December 9, 1999, as written.

MOTION PASSED
Negative votes: none

REORGANIZATION OF THE BOARD FOR THE YEAR 2000

Chairman Lavrich welcomed newly appointed Board Members and congratulated those members who have been reappointed.

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

Chairman Lavrich asked if any board members had any additions or deletions for the consent agenda. The Board responded in the negative.

1. a. Time Extension Request for, Owens Corning Fiberglass Prominence AR Asphalt Shingles to January 28, 2003

b. Certifications

Michael Benson, Fire Inspector, Pembroke Pines
James Dillon, Fire Inspector, Miramar
Laurie Baines-Zargo, Fire Plans Examiner, Pembroke Pines
Robert Vesely, Fire Inspector, Pembroke Pines
Shawn Hallick, Fire Inspector, Pembroke Pines
William Infante, Plumbing Plans Examiner, Broward County
Robert Snyder, Electrical Inspector, Broward County
John Donahue, Building Inspector, Broward County
Don Martin, Chief Mechanical Inspector, Davie
Roger Johnson, Mechanical Inspector, Davie
Salvatore Giorlando, Electrical Inspector, Coral Springs
Anthony Belmont, Electrical Inspector, Broward County
Nicholas Vitale, Electrical Inspector, Broward County

Mr. Crockett MOVED and the motion was duly seconded to approve the Consent Agenda items.

MOTION PASSED.
Negative votes: none

APPEALS -

2. **Appeal #99-14 – Gary Kozan, (Ridgeway Plumbing), General Interpretation, City of Miramar, Florida Sec. 3704**

Mr. Harry Carroll of staff introduced this appeal and explained that the appellant is requesting that the Board establish the fire resistivity of a plumbing stainless steel cover plate utilized to cover a hole in a fire rated partition. Mr. Carroll referred to Secs. 3704.1 and 3701.1 of The South Florida Building Code, Broward County Edition. It was the recommendation of staff that there was insufficient documentation to determine fire resistivity.

Mr. Gary Kozan of Ridgeway Plumbing explained that this appeal deals with the decision of the City of Miramar's Building Official not to accept a metallic cleanout cover plate in fire-rated walls, unless such is a 'listed and tested component'. Mr. Kozan presented several methods of accomplishing accessibility to cleanout in rated walls, to wit, leaving the cleanout in the wall and installing a cover plate or panel over the cleanout opening or extend the cleanout through the wall. In the latter case, the wall penetration would need to be firestopped using materials and methods in accordance with ASTM E814 (and installing a firestop collar around the fitting). A third option would be to install a listed fire-rated access door.

Mr. John Castellone, Chief Building Inspector for the City of Miramar, spoke on behalf of the city and stated that the city's position is upholding the requirements of Sec. 3704.1(a)(3) of the Code. Mr. Castellone stated that the '99 Code has brought quite a few changes and his city builds by master plan and they require the designers and developers for all the projects, to submit new design changes that met the criteria for the changes to the '99 Code, among the changes are details under Chapter 37. In the project Mr. Kozan is working on, and on every blueprint for single family homes, the UL fire-rated design for penetration of fire-rated walls is on the plan – every time this is being done he is not following the Board of Rules and Appeals

plan (for a penetration side wall or a penetration vertically). Basically what it is, is on a non-combustible pipe you may cross through a wall as long as you use a fire-rated product to seal the hole; with a combustible material (2 inches) you may seal the hole with the fire-rated material; if it is larger than 2 inches you must use the fire-rated collar.

Lengthy discussion ensued which included, but was not limited to, requirements under ASTM E-814, ASTM E-119, Gypsum Association's Fire Resistant Design Manual, other wall penetrations for items such as washing machine boxes, electrical boxes, the fire resistivity of the screw that fastens the metal plate, the removal of the plug,(get a galvanized steel nipple, stick it out of the wall and put a bead of fire caulk around it), the fact that this is not a true penetration but a hole in the wall being covered by a plate. Also discussed was that in the electrical industry they can no longer install the electrical panel on the interior of a fire-rated wall, but must use the exterior wall for such installation, in a single family home.

Mr. Smith MOVED, and the motion was duly seconded, that the metal plate is an acceptable wall cover plate for a cleanout in any listed occupancy that is required in H and I occupancies (apartments and houses) in accordance with standard manufacturers' recommended attachments.

ROLL CALL VOTE:

Affirmative votes: Messrs.: Rogers, Smith, Snyder, Meyer, Thrasher, & Korelishn

Negative votes: Messrs.: Crockett, Lavrich, Madge, Rice, Bray & Zimmer

TIED VOTE

MOTION FAILED.

Mr. Smith MOVED, and the motion was duly seconded, that we accept any metal cover plate that's no larger than a five inch opening in single family residences only.

ROLL CALL VOTE:

Affirmative votes: Messrs.: Crockett, Madge, Rogers, Smith, Snyder, Thrasher, Bray, Korelishn, & Zimmer

Negative votes: Messrs.: Lavirch & Rice

MOTION PASSED.

3. Appeal #00-02 – Fredric Nagler, Architect, Project Location: 12200 W. Broward Blvd., Plantation, Florida Chapter 51

Mr. Will Willis of staff introduced this appeal and stated that the issue is whether the American Heritage School's proposed theatre/classroom building is to be treated as a "51 building" requiring compliance with all requirements of Chapter 51. It is staff's opinion that it is not the intent of the Code that a building such as this needs to meet all the requirements of Chapter 51. The only other issue which is unresolved, as stated by the City of Plantation, is smoke control and staff members Messrs. Jim Valinoti and Robert Andrews are of the opinion that there would be no valid safety reason for insisting on a smoke control system for this building. It is staff's recommendation that this appeal be approved and further clarify that a building such as this should not fall under the requirements of Chapter 51.

Appellant, Mr. Fred Nagler, Architect stated that this American Heritage School project is basically a Group C Occupancy (educational) and there is a definite occupancy separation of the two uses to include B-1 Occupancy for assembly (the auditorium). The B-1 structure must be of Type I Construction (having specific requirements for floors, walls and roof construction which we are providing). The auditorium has an overall height of 65 feet (and the stage area has an overall height of 80 feet). It is appellant's opinion that appellant is exempt from having a smoke control system, in accordance with Chapter 51 (Sec. 5107.1(b), in that the B Occupancy is one story and is in excess of the 50 foot height limitation. A fire sprinkler system is being provided as well as a fire alarm system.

Representing the City of Plantation were Ms. Lindsey Paine, Assistant City Attorney, Mr. Jeff Sabouri, Building Official and Mr. Dick Steele, Fire Code Official. It is the city's contention that the mixed B and C Occupancies are a performing arts theatre and an educational complex. The total building is only two stories. The height of the stage area at the roof is 80 feet, and the height of the assembly area at the roof is 65 feet. Both the assembly and school egress into some of the same common corridors. The building will be in compliance with N.F.P.A.-13, therefore, it will have a fire sprinkler system. Places of assembly of one exceeding 50 feet in height shall be exempt from only Sec. 5107 (as long as there are no intermediate floors [other than mezzanines or balconies]). The city also presented the fact that the assembly area is over 50 feet and there are intermediate floors. Plantation contends that the two story section of the building cannot allow the use of horizontal fire division separations, nor can one use same for separating height or to eliminate any requirements for life safety systems.

Lengthy discussion ensued, which included but was not limited to, mixed occupancies, and the intent of Chapter 51,

Mr. Madge MOVED, and the motion was duly seconded, to accept staff's recommendation and approve this appeal in that the American Heritage School Project, Phase 12 and all of its occupancies, is exempt from the requirements of Chapter 51 (these plans as presented before this Board for this mixed occupancy would be exempt from Chapter 51).

ROLL CALL VOTE:

Affirmative votes: Messrs.: Crockett,
Madge, Rogers, Smith, Snyder,
Thrasher, Bray, Korelishn, Zimmer,
Lavrich & Rice

Negative votes: None

MOTION PASSED.

OLD BUSINESS

4. Verbal Report on Mr. Thrasher's request of Nov. 4, 1999

Chairman Lavrich stated that this item has been withdrawn.

NEW BUSINESS

There was no new business to come before the Board this evening.

GENERAL DISCUSSION

Mr. Smith queried about a lawsuit brought by Dade County regarding the state-wide Code. Mr. Pillon stated that Broward County is not a part of this lawsuit. There is much talk about what will be happening. Mr. Pillon does not know definitively if a lawsuit has actually been filed; and he has told Dade County to notify us so that we can get Mr. Ziegler involved should this lawsuit be filed. Mr. Lavrich said that he knows there has been talk of a lawsuit and that Dade has requested of the Legislature that Dade, Broward (and any other counties who choose not to adopt the state code) be exempt from adopting same. Mr. Lavrich believes that a lawsuit has not been filed but is still being considered. Many details are still in the works before this goes to the Legislature. Product Approval is a big issue and wind-borne debris for coastal regions is another issue. The homebuilders are not happy with the way things are playing out. Because of Dade and Broward's vehemence, ASCE-7 has 'spilled over' into the rest of the state which has dissatisfied the homebuilders, and they have asked that the adoption of the state code be postponed.

Mr. Rogers brought to the Board's attention the fact that there will be the opportunity to go to Tallahassee wherein one can speak with the Governor and his cabinet members either on March 15 & 16 or 16 & 17 (Broward Days in Tallahassee). The meetings are open to anyone in Broward County who wants to go. This year's theme is "The New Building Code". On February 16th the Governor and cabinet members will be at the Riverside Hotel (on Las Olas) to address his designation of "Broward Days in Tallahassee".

Mr. Snyder asked what can be done about re-striping (in particular handicapped spaces) parking lots after they have been resurfaced and that a permit need not be pulled nor would inspections have to be performed. Mr. John Smith, Building Official for the City of Fort Lauderdale, said that this subject matter falls under the Federal ADA Standards.

ELECTION OF BOARD CHAIRMAN AND VICE-CHAIRMAN

Mr. Smith MOVED, and the motion was duly seconded, to nominate Mr. Chuck Meyer for Chairman of the Board.

MOTION PASSED.

Negative votes: none

Mr. Crockett MOVED, and the motion was duly seconded, that the nominations for Board Chairman be closed.

MOTION PASSED.
Negative votes: none

Mr. Crockett MOVED, and the motion was duly seconded, to nominate Mr. Bill Flett for Vice-Chairman of the Board.

MOTION PASSED.
Negative votes: none

Mr. Smith MOVED, and the motion was duly seconded, that the nominations for Board Vice-Chairman be closed.

MOTION PASSED.
Negative votes: none

PASSING OF THE GAVEL

Mr. Lavrich passed the gavel to the Board's incoming Chairman, Mr. Charles Meyer. Mr. Meyer, on the part of the Board and Staff, thanked Mr. Lavrich for his excellent service to this Board, for his involvement in the meetings for the Proposed State of Florida Building Code and for his being an exemplary Chairman. Mr. Lavrich was presented a plaque for serving as Board Chairman for the year 1999. Mr. Lavrich congratulated Mr. Meyer on his being elected Board Chairman for the year 2000.

RECOGNITION OF RETIRING ADMINISTRATIVE DIRECTOR

The Board recognized Mr. Jim Pillon for his exemplary years of service to the Board. Mr. Pillon was presented with a plaque and parting gift on the part of the Board members.

Mr. Lavrich, on the part of the Board and Staff, welcomed and congratulated the Board's new Administrative Director, Mr. James DiPietro.

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 8:40 p.m.

Board Chairman

Recording Secretary

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BROWARD COUNTY BOARD OF RULES & APPEALS
BOARD MEETING THURSDAY, FEBRUARY 10, 2000
MINUTES

CALL TO ORDER

Board Chairman, Mr. Dan Lavrich called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT

C. Meyer,
Chairman
B. Flett,
Vice-Chairman
J. Crockett
D. Lavrich
D. Rice
G. Rogers
G. Snyder
M. Synalovski
W. Thrasher
H. Zibman
T. Bray
A. Korelishn
D. Zimmer

EXCUSED

R. Madge
J. Somers
R. Smith

ABSENT

None

APPROVAL OF MINUTES --Meeting of January 27, 2000

Mr. Rogers stated that, under general discussion, the Governor would not be at the Riverside Hotel on February 16th; just his cabinet members.

Mr. Crockett MOVED, and the motion was duly seconded, to approve the minutes of January 27, 2000, as corrected.

MOTION PASSED
Negative votes: none

Chairman Meyer welcomed newly appointed Board Member, Mr. Manny Synalovski, Architect.

CONSENT AGENDA

Chairman Meyer asked if any board members had any additions or deletions for the consent agenda. The Board responded in the negative.

1. Time Extension Request, to February 11, 2003 for:

GAF Materials Corporation.'s:

- a. Slateline Asphalt Shingles
- b. Marquis Asphalt Shingles
- c. Royal Sovereign Asphalt Shingles
- d. Timberline Asphalt Shingles
- e.. Timberline Ultra Asphalt Shingles

ELK Corporation's:

- f. Prestique I Asphalt Shingle
- g. Prestique II Asphalt Shingle
- h. Prestique Plus Asphalt Shingle
- i. Capstone Asphalt Shingle

2. Certifications

Curtis Craig, Assistant Building Official, Cooper City
Timothy Fallon, Chief Plumbing Inspector, Dania Beach
Antonio Gonzalez, Building Official, Hallandale
Joseph Dimina, Roofing Inspector, Broward County
Paul McCain, Fire Inspector, Sunrise
James Moving, Fire Inspector, Pembroke Pines
John Simon, Fire Inspector, Pembroke Pines
John Penick, Fire Inspector, Pembroke Pines

Mr. Lavrich MOVED and the motion was duly seconded, to approve all of the items on the consent agenda.

MOTION PASSED
Negative votes: none

APPEALS -

It was announced that Mr. Manny Synalovski has filed a Form 8B - Conflict of Interest on this appeal and has recused himself from the meeting for the hearing of this appeal.

The Secretary swore in all individuals giving testimony at this evening's meeting.

3. **Appeal #99-11 Jorge Gutierrez, AIA, Synalovski/Gutierrez, Arch. Inc., Project Location 10100 Pines Blvd., (New Lobby Enclosure Improvements) City of Pembroke Pines, Florida
Secs. 506, 1802, 3108 & 5107 (Continued from November Board Meeting)**

Mr. Will Willis of staff introduced this appeal and explained that there are two issues here. One is the lobby and the exiting from same from the main building. Mr. Willis stated that staff recommends acceptance of the alternate proposed by the city with the requirement that there will be limited combustibles in the lobby and same is reasonably safe.

Further stated by Mr. Willis is the issue of the three story building which is beyond question well over 50 feet in height. Smoke control is required by Code in this building. The alternate being proposed, is not an alternate, since

sprinkler system is required by Code; and the quick-response sprinkler heads being offered are not required. The only exemptions to the smoke control requirements are for one-story assembly occupancies; and no exemption exists for any buildings in excess of one story.

Mr. Jorge Gutierrez, appellant and architect of record, stated that the lobby was built after the buildings were built; and the buildings were cited for non-compliance of the building code. Also speaking for the appellant was Mr. Rick Galvez, consulting engineer for Schirmer Engineering Corp.

Mr. Sandy Laguna, Building Official for the City of Pembroke Pines, spoke on behalf of the city and stated, inasmuch as building "b", (the three story building) in his opinion, is a safe building; it does not meet Code so he cannot state unequivocally that the proposal being offered is an equal alternate. Mr. Sam Halpert, Fire Code Official for the City of Pembroke Pines, stated that, in his opinion, the building is safe.

Extremely lengthy discussion ensued, which included, but was not limited to, the fact that only computer model tests were performed, the time it would take to evacuate the building, the fact that quick-response heads do not eliminate the need for a smoke control system. In addition, heights were discussed, both building and ceiling, floor to roof height, and the fact that the elevation of the ceiling has to be considered. It was also stated that if there were a fire above the ceiling on the second floor, it would be reasonable to assume that the fire will go up to the third floor.

Mr. Zimmer stated that ceiling heights were brought up when performing tests. This concerns Mr. Zimmer, in that the submittal to the Board (a section cut through the building was given to the Board); and the second and third floors say that they are finished, there are no ceiling heights drawn in those sections. Mr. Zimmer queried if the second and third floors are occupied, and if they are what are the ceiling heights there, floor to floor, why does the third floor have such a high floor to roof height if the ceiling is only at eight feet. You said you performed the test with an eight foot ceiling height.

Mr. Zimmer asked if all of the ceilings are at eight feet. You have a 20 foot floor to roof and an eight foot ceiling. Mr. Zimmer also pointed out that it is hard to believe that you will exit the total number of people from all of the floors, let alone one floor off of the third floor, in one minute and 'some' seconds. Mr. Zimmer was of the opinion that he would need more information. Mr. Zimmer feels it is important to see the floor plans, to see the floor layout (to see how circuitous the hallways are), to see the stairs, there is another exit on the north side, and having people in their who are not familiar with the layout – it is very circuitous. Give us floor plans. Add more exit signs.

Mr. Meyer also suggested performance of some actual time studies on evacuation of the building.

Mr. Lavrich MOVED, and the motion was duly seconded, to refer this appeal to a joint meeting of the Board's Fire Code and Mechanical/Smoke Control Committees for their review and recommendations.

ROLL CALL VOTE: Affirmative votes: Messrs.:
Crockett, Flett, Lavrich, Meyer, Rice, Rogers, Snyder,
Thrasher, Zibman, Bray, Korelishn & Zimmer
Negative votes: none
Abstaining: Mr. Synalovski
MOTION PASSED.

Mr. Lavrich stated that this should go to the joint committee as two separate issues. The issues are complex and the circumstances are extenuating.

OLD BUSINESS

There was no old business to be discussed this evening.

NEW BUSINESS

Revision to Board Policy 95-2 (Board's Standing Committees)

Chairman Meyer directed that Board Policy 95-2 be revised to reflect the deletion of the Executive Committee and the addition of the Probable Cause Committee as a standing committee, as presented by Director DiPietro. The Executive Committee has not met since 1995, and the Probable Cause Committee will be there for the sole purpose of determining if there is probable cause to hold a disciplinary action hearing, should the need arise. Except for approximately six individuals with whom contact had not been made by this meeting, the committees for the year 2000 have been established by Chairman Meyer. (Please note: said committee lists are marked **Exhibit #1, attached to, and made a part of these internal minutes**). The revision to Board Policy 95-2 is marked **Exhibit #2, attached to, and made a part of these internal minutes**).

GENERAL DISCUSSION

Mr. Meyer took this opportunity to personally thank Messrs. Bray, Korelishn, and Zimmer for always being available to attend Board meetings, especially on short notice when voting members cannot attend and appreciate their effort and time.

Mr. Lavrich stated that we're still working on the Florida Building Code. The Florida Code is supposed to be coming up for final draft approval this coming week in Orlando whether it will be approved at state level is pretty much anybody's guess. No one seems to be happy with it. Still working closely with Dade county—product approval. The product approval issue has not been resolved and it does not look as if it will be resolved soon; it may not get approved at the same time as the Building Code (Product approval is a subsidiary issue [a rule] and not part of the Building Code). We'll no more after this week. Probability of the Code getting approved by the Legislature appears to be a 50/50 give or take right now. If anyone has any particular questions call me (Mr. Lavrich) or Jim DiPietro.

Vice-Chairman Flett thanked the Board for its confidence in electing him vice-chairman. Mr. Synalovski stated that he would like to take this opportunity to tell the Board how delighted he is to serve with all of you. In the past he has come before this Board and has always left in awe at the level of professionalism and with great respect for the dignity that this Board brings to community. Mr. Synalovski stated that he shares the Board's goals and visions of improving the quality of life safety in Broward County and will serve with his utmost dedication.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:40 p.m.

Board Chairman

Recording Secretary

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BROWARD COUNTY BOARD OF RULES & APPEALS
BOARD MEETING THURSDAY, MARCH 9, 2000
MINUTES

CALL TO ORDER

Board Chairman, Mr. Chuck Meyer called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT

EXCUSED

ABSENT

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

J. Somers

None

APPROVAL OF MINUTES --Meeting of February 10, 2000

Mr. Crockett MOVED, and the motion was duly seconded, to approve the minutes of February 10, 2000, as written.

MOTION PASSED
Negative votes: none

CONSENT AGENDA

1. Certifications

Paul McCain, Fire Inspector, Sunrise
James Moving, Fire Inspector, Pembroke Pines
John Simon, Fire Inspector, Pembroke Pines
John Penick, Fire Inspector, Pembroke Pines
Nicholas Todaro, Electrical Plans Examiner, ~~Dania Beach~~ **Davie** (correction)
Ralph Gonzalez, Building Inspector, Broward County
Abraham Olajoyeghe, Building Inspector, Broward County
Donald Fardelmann, Building Inspector, Dania Beach

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

MOTION PASSED
Negative votes: none

APPEALS -

2. Appeal #00-03 - Ronald Johnson Construction, Project Location: 2700 NE 44 Street, Lighthouse Point, Florida – Sec. 301.1(o)

Mr. Harry Carroll of staff introduced this appeal and explained that the appellant is appealing the decision of the Building Official as to whether or not a permit is required for the installation/replacement of an exterior door assembly. Mr. Carroll stated that the Board's Structural Committee worked many hours rewriting the Code to insure life safety and Table 3-A is very specific as to what items require product approval. It is very clear that exterior doors require product approval. Mr. Carroll mentioned other sections of the Code such as 301(b)(1), 301(b)(2), 104.3 and 104.3(c)(2). Mr. Carroll stated that staff's recommendation on this appeal would be denial of same.

Mrs. Edith Johnson spoke on behalf of the appellant, Ronald Johnson Construction, and stated that Mr. Johnson is a licensed General Contractor, specializes in door installations have done so for 17 years. Mrs. Johnson stated that if one reads through the Code it may seem that the Code may not be properly written, and appellant cannot be held "not in compliance". A lengthy presentation by Mrs. Johnson ensued, which included, but was not limited to, work which is exempt from needing permits, the fact that hard wood doors are not pre-manufactured hung doors since they must be fit to the door assembly (structure of the home), the fact that there is no way to test a door jamb, and the cost of labor and materials. It is the appellant's contention that a permit was not required for this installation. Many of the appellant's remarks were not germane to the subject of the appeal.

Mr. Dick Stephens, Building Official for the Cities of Lighthouse Point and Deerfield Beach, spoke on behalf of the City of Lighthouse Point and stated that no permit was obtained for this work and the contract between the appellant and homeowner showed \$300.00 for labor, but the total for labor and materials was \$3,851.00. It is the city's contention that this installation does not fall under exception for permitting under Sec. 301(b)(2) wherein it is stated that one is exempt if cost of labor and materials is under \$800.00 Mr. Johnson owner of A-1 Door Installers is a state licensed general contractor and the job certainly involved construction, thereby making him subject to compliance with codes and ordinances. Mr. Stephens further stated that the Code requires a permit for replacement of exterior doors and windows (to be sure that the design and construction meets Chapter 23 requirements). If no permit is obtained how does the city review and inspect the completed work?

The owner, Mr. Hale Saph, stated that prior to signing the contract between him and the appellant, he asked if a permit was needed and was told that one was not needed.

Mr. Michael Cirullo, City Attorney for the City of Lighthouse Point, entered an objection to these proceedings since the city's Special Master had issued an Order on this subject matter.

Board discussion ensued and several issues were discussed, however, it was the consensus of the Board that the appeal be denied.

Mr. Rogers MOVED, and the motion was duly seconded, to deny this appeal based on the dollar value which is very clear in our Code, and that the other issues are not germane to this appeal.

ROLL CALL VOTE:

Affirmative votes: Messrs.:

Crockett, Flett, Lavrich, Meyer, Madge, Rice, Rogers, Snyder, Synalovski, Thrasher, Zibman, & Bray,

Negative votes: Mr. Smith

MOTION PASSED.

OLD BUSINESS

There was no old business to be discussed this evening.

NEW BUSINESS

There was no new business to be discussed this evening.

GENERAL DISCUSSION

The general discussion which took place was mainly on the proposed State Building Code. Mr. Lavrich reported to the Board that at last month's meeting in Orlando, the Building Commission did pass Draft III of the Florida Building Code. Next the Code goes before the State Legislature and it can be passed as presently written or it can be modified. There are a number of pending issues, some of which are of great concern to us here. Product approval has not been totally resolved. The Florida Building Commission has the authority to set up a State Product Approval System, which is not mandatory. There are many manufacturers who would like to see a State Product Approval System. There has been no agreement regarding product approval, therefore, the Code is being presented without product approval; and all product approval systems will be maintained status quo. Dade County's Product Approval would not be effected now, nor will what Broward has established be effected. Mr. Lavrich stated that he is concerned that by leaving this "in a lurch" we want to be sure that what might be established for product approval is as good or better, and is at least thorough.

In addition, the State can grant variances or waivers and that would include a building code. Waivers and variances, alternate means and methods provide for the same degree of protection that are provided by sections of the code. We do not vary or waive requirements, these items will be discussed at a Florida Building Commission meeting next week. ASCE-7 has been passed for the entire state. Pertaining to wind-borne debris protection in areas with winds over 120 mph, protection of the openings and not just the envelope has been mandated. The homebuilders would like to see this raised to 130 mph.

Mr. Lavrich further stated that the issue of 120 mph/130 mph passed by a narrow margin to leave it at 120, at the building commission meeting in Orlando. We are concerned about maintenance of local control over this code. Another issue of great concern is the fact that should the building code be adopted, Dade and Broward Counties will be giving up control of a code that they have had for forty years. Giving the code up to the State of

Board of Rules and Appeals

Board Meeting – March 9, 2000

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Florida who has never promulgated nor administered a building code is a concern. We have been able to get many items into the building code (some even verbatim to the our Code), and we are concerned that some of that might be taken away from us, at some point in time, by us losing control through the state's action(s). Why should we be concerned about that? The state is very diverse many, many different opinions throughout the state as to how things are to be done, North Florida and South Florida differ in opinions, and North Florida are not as concerned about safety issues as we are here in South Florida. There is not too much we can do with the Building Commission, there is a meeting in Dade County this coming Sunday and Monday. Dade County has just passed a resolution to request exemption from the Florida Building Code based upon pretty much of the issues which I have mentioned. Mr. Lavrich stated that he thought it would be to our advantage to be on Dade County's side (looking for exemption). We have done an excellent job for over forty years, this Board has worked diligently to promulgate and interpret a Code with excellent means and methods to interpret the Code to be sure that the Code is being applied accurately and properly to give this up to another entity—I am not comfortable with that, I don't know what the Board's feelings are about that; do you have any thoughts on that?

Dade and Broward Counties have been designated as high wind areas and there are specific requirements in the high wind area which we have been able to get into that code. There are specific requirements for the high wind area for just Dade and Broward. We have been trying to deal with so many issues. Mr. Flett stated that he thinks he would like to be exempt from the State Code and Mr. Lavrich stated that he would like to get a feel from the Board along those lines, because Monday we are going down to Dade County on Monday and he would like to say a few things to the Commission. Dade County is asking for exemption, do we want to follow suit? Mr. Smith stated that what body here in Broward has the right to make a determination to ask for exemption. If we are looking for personal opinions, Mr. Smith stated that he always thought anything that is state regulated it can't always remain the way it is, it is either constantly not enforced, adequately enforced, improperly enforced, or changed. Mr. Smith stated that his personal opinion is for exemption, but does not believe that this Board has the right to request it. It was asked if we have the authority to ask for exemption. Mr. Smith also stated that we have to be very careful of how we "tie-in" to Dade County, and if Dade does not get exemption, next would be a lawsuit. This Board has to be careful of that since we don't have the authority to do so. We are here to enforce and interpret the Code and the politicians are doing other things, and we as a Board, should not be involved in areas where we don't belong.

Attorney Ziegler stated that this Board does not have the authority to tell the legislature that we want to be exempt. It is Mr. Ziegler's opinion that the Board can request that the County Commission take appropriate action to retain the Board's right of amending and interpreting the Code. It is not within the purview of this board to ask to be exempt and/or requesting exemption from the State Building Code. Further stated by Attorney Ziegler is the fact that the Board has the authority to write the code, it is very limited, and that the legislature adopted this code. Our ability to amend this Code is only to make it more stringent.

Chairman Meyer stated that originally our existence was mandated by State Statute (now by County Charter interjected Mr. Ziegler). Mr. Lavrich stated that this is very interesting. What the state has been trying to do is to put a code upon us as a reduction in requirements it is less stringent. These are things we are very concerned about, we don't want a less stringent code now or in the future. We don't want a code that will be administered by a body that is going to "chop away" and make it less and less stringent. Mr. Lavrich would like to make a statement to the commission that we are concerned about all of the issues.

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Relating to a resolution on our part, that has to come from the County Commissioners. We can then go to the County Commission and state, here is what Dade County is doing, what do you think we ought to do. It was the

consensus of the Board that the Board's office make the County Commission aware of Dade's position (perhaps by providing the Commission with copies of Dade County's Resolution to be exempt from the State Building Code).

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:40 p.m.

Board Chairman

Recording Secretary

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BROWARD COUNTY BOARD OF RULES & APPEALS
BOARD MEETING THURSDAY, JUNE 8, 2000
MINUTES

CALL TO ORDER

Board Chairman, Mr. Chuck Meyer called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT

C. Meyer,
Chairman
B. Flett,
Vice-Chairman
J. Crockett
D. Lavrich
D. Rice
G. Rogers
R. Smith
J. Somers
M. Synalovski
W. Thrasher
H. Zibman
T. Bray

EXCUSED

R. Madge
G. Snyder

ABSENT

None

APPROVAL OF MINUTES --Meeting of March 9, 2000

Mr. Crockett MOVED, and the motion was duly seconded, to approve the minutes of March 9, 2000, as written and corrected.

MOTION PASSED
Negative votes: none

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

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

INTERIM AMENDMENTS

2. **Sec. 2315.3 – Small Missile Impact Test – Extension of Expiration Date to June 30, 2001 to coincide with the effective date of the newly adopted Florida Building Code**

It was stated that since the Florida Building Code will become effective on June 30, 2001, it would be necessary to extend the expiration date of this Interim Amendment, at this time.

3. Sec. 105.4 – Building Safety Inspection Program – Extension of Expiration Date to June 30, 2001 to coincide with the effective date of the newly adopted Florida Building Code

It was stated that since the Florida Building Code will become effective on June 30, 2001, it would be necessary to extend the expiration date of this Interim Amendment, at this time.

4. Sec. 201.16(b) – Certification of Chief Structural Inspector and Structural Plans Examiner, to be effective immediately, to wit, June 9, 2000, with the expiration date to be June 30, 2001

It was explained that the Board's Educational Committee recommended this code change as an alternate to the certification requirements for Chief Structural Inspector/Structural Plans Examiner. That in some cases, there are individuals whose experience and educational backgrounds are in excess of what the code requires, however, do not exactly meet the intent of the Code. This Interim Amendment would be effective through June 30, 2001, until the Florida Building Code becomes effective.

5. Certifications

James Culhane, Fire Plans Examiner, Lauderdale Lakes
Jennifer Steigerwald, Fire Inspector, Fort Lauderdale
Steven Mitchell, Chief Electrical Inspector, Parkland
Laurence Adelman, Electrical Inspector, Pompano Beach
Antonio Gonzalez, Building Inspector, Hallandale Beach
Ronald DeGesero, Electrical Plans Examiner, Parkland
Donal Izor, Building Inspector, Broward County
Jesus Nania, Building Inspector, Tamarac
Dennis Stofan, Mechanical Plans Examiner, Broward County
Alexander Weldon, Chief Electrical Inspector, Pembroke Pines
Thomas Bennett, Building Inspector, Parkland
Isais Pena, Building Inspector, Miramar
Mervin Lunsford, Building Official and Chief Building Inspector,
Pembroke Park
Robert Bergin, Building Plans Examiner, Davie
Raymond Feldkamp, Chief Electrical Inspector, Pembroke Park
Donald Parrott, Building Inspector, Coral Springs
David Norris, Building Inspector, Margate
William Dressler, Electrical Inspector, Deerfield Beach
Hugh Howell, Chief Plumbing Inspector, Lauderhill
Charles Eckstadt, Assistant Building Official, Plantation
Gregory Kijanka, Mechanical Inspector, Broward County

Patrick Hubbard, Building Plans Examiner, Hollywood
Ernest Sedano, Building Inspector, Broward County
Michael Matthews, Building Inspector, Broward County
Robert Juliano, Building Inspector, Broward County
Jim Watson, Building Inspector, Broward County
Patrick Hardy, Plumbing Inspector, Deerfield Beach
Otto Vinas, Plumbing Plans Examiner, Pembroke Pines

Mr. Smith MOVED and the motion was duly seconded, to approve all of the items on the Consent Agenda.

ROLL CALL VOTE:

Affirmative votes: Messrs.:

Crockett, Flett, Lavrich, Meyer, Rice, Rogers,
Somers, Smith, Synalovski, Thrasher, Zibman, &
Bray,

Negative votes: none

MOTION PASSED.

Discussion regarding the Florida Building Code – Mr. Rick Dixon, Executive Director – Florida Building Code Commission

Chairman Meyers welcomed Mr. Dixon and thanked him wholeheartedly for being here this evening. Mr. Dixon had been provided with several questions, on the part of the Board, to be addressed at tonight's meeting (a copy of these questions is marked "Exhibit 1", attached to and made a part of **these internal minutes**). As Executive Director for the State of Florida Building Commission, Mr. Dixon presented clear and concise answers to the questions posed to him.

Mr. Dixon stated that amendments are allowed at the local level and no longer have to be adopted by ordinance, but can be adopted by local ordinance. The State will not get involved in how to enforce the building code, and the Administrative portion of the code is up to the local jurisdiction. The administrative amendments would not be subject to the state's oversight. The level of review of technical amendments does not require prior approval of the State Building Commission. Local amendments automatically go into effect until there is either an appeal to overturn the amendment or unless it is rescinded upon the state's review of such amendments (this review will be conducted every three years and local amendment will either be rescinded or placed in the state building code). Should the commission rescind amendments said amendments can be re-adopted by the local jurisdiction for the next three year period.

Appeals will go first to the county-wide Board, they can go on further to the stated should the appeal be lost (by either the appellant or the city/municipality).

Most of the requirements for local amendments have the same criteria, local amendments must be more stringent – the code cannot be made less stringent, and amendments cannot be adopted more than once in a six-month period. The commission can only amend the code once a year. Local amendment justification must be based on the determination that the local conditions warrant the amendment. Any adoption of a local amendment must be done in the sunshine. Advertised 10 days in advance in a widely distributed newspaper. No local amendments can

Broward County Board of Rules & Appeals

discriminate against products and or materials. Product approval is done in the form of an appeal. All local amendments must be made readily available to the public. Amendments must be transmitted to the Building Commission within 30 days and the commission must make it available to the public. All amendments, local and state, must have a fiscal impact statement. How cost benefits impacts local code enforcement, local owners and local industry. The law directly prohibits an appeal based strictly on cost effectiveness.

Mr. Dixon continued to answer the questions posed to him, and stated that school boards, community colleges and state universities shall not be effected by local amendments, they will not apply to these buildings. Buildings of this nature will be approved by a procedure established by the Florida Building Commission.

Mr. Dixon further stated that any party can propose an amendment including High Velocity Hurricane Zone amendments, to the commission to pass an amendment input is solicited from the public. It was stated that statute sets forth criteria for Plan Review Boards based on the criteria for local amendments (FS 533(4)(b)) and local administrative amendments cannot be appealed. Fiscal impact has no bearing on appeal for an amendment. Every three years there will be the review on the part of the building commission. If an amendment is re-adopted, and it is appealed a year later, the commission can rescind that amendment. All inspectors and plan reviewers will have to be licensed under the state – that includes inspectors for school districts. The law provides for a transition time. They can continue under the present certification until the expiration date, they will have to be certified under 468.

Regarding the copyright of the code, the commission has established a committee to work with the department and legal counsel in negotiation of a royalty with SBCCI, which currently holds the copyright. The commission adopted 1997 Standard Code, the International Plumbing Code, the International Gas Code, the International Mechanical Code and the National Electrical Code. All of this has to be negotiation with each entity for use of their core documents. Negotiations have not yet been performed and it will be the State of Florida developed code vs. adoption of the other codes. They need to determine the percentages of each code used in order to negotiate.

When addressing education, Mr. Dixon stated that in this legislative session, monies were appropriated for a transition program. In the original law of 1998, the commission developed core courses on the building code that all licensees, within two years of the initiation of the code, would have to take. The core courses are almost ready to “roll out”. CEU’s for the building code, and specific to the building code, will be required in order to achieve renewal of licenses; individuals will need a certain amount of hours of education on the new code, in order to get renewal. There is a project on line to determine how that system will be run. Mr. Dixon encourages all parties to get involved in the education process.

It was stated that there is a lack of understanding as to what is required and a lack of knowledge. There are not enough training programs in place for the many individuals that will need training. Mr. Dixon stated that the contractors are relying more and more on the building department inspectors for quality control; and that the designers rely on the building departments. What is needed is more on the front end, having all these people know what is required. The legislature mandated that building departments can quadruple fees if a contractor or designer cannot get it straight after a third try–tools have been given to building departments for enforcing the code. A building department can fine a designer for code violations, there is an avenue available at the local level through an appeal process to take action against designers. Recourses for the appeal is that contractors can appeal to the licensing board. There is a standard in place under DPR when violations of the building code occur out of willful and wonton actions.

Further stated by Mr. Dixon is the encouragement for training to go beyond building department personnel and reach out further to contractors and designers, and there needs to be a tremendous amount of effort between local jurisdictions and associations; in order to provide the level of knowledge of the building code that will really make the system effective. One of the largest factor in educating is how individuals can find the information (requirements)

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quickly and easily in order to perform their jobs.

The response to how the code will be distributed and sold was that the state has not yet made that determination as yet. The expectation of this is that it will take place outside of the Department of Community Affairs. The current plan is that the commission will adopt rules for fiscal impact statement at the July meeting and begin making modifications and set the criteria for fiscal impact statement. Most people of the general public are not familiar with the state rule process. It is very cumbersome and includes involving the public in the writing and adoption of a rule, even when there are changes to current rules. The state must provide publications, workshops, public notices, hearings, comments and a period of time to appeal the proposed adoptions. If there is opposition, the commission can no longer take action; it has to re-notice, re-advertise, etc., etc. The commission has to guarantee that the public knows what is going on. Hopefully, this will be finalized by September and they can make the code available in September and it is also anticipated that the code will be "on the Web".

The appeals process includes the ability to appeal a local amendment, appeal of an interpretation of the Building or Fire Code Official of the Florida Building Code. This can be appealed first to the local board, if a party is aggrieved by the local board's decision they appeal to the Florida Building Commission and it is a two-way appeal process; then of course, there are always the courts. The intent of the code is to create more consistency and uniformity so that people will feel that they can rely on one code. Something that cannot be appealed is the declaration, by a local jurisdiction, that a building is unsafe. When an appeal comes to the state, said appeal hearing must be conducted in the county having jurisdiction that first heard the appeal; therefore, the state comes to you, you don't go to the state. There are many specifics in the statute.

Regarding the issuance of a permit by the building official, the law requires that permits not be issued until both fire and building officials have reviewed the submitted plans.

When asked about what date will determine the code that a structure is built under (will it be the date of application for the permit or the date of issuance of a permit) Mr. Dixon responded by saying that the state is still working on how this will be determined; they are still not clear on the use of the verbiage. The commission will decide and then the law will make it clear.

Mr. Dixon stated that there should be no instance for conflict between the Florida Building Code and the Florida Fire Prevention Code. The statute requires that whichever provides the higher degree of safety is what prevails. The two officials need to make that determination. If they cannot agree, they go to the local jurisdiction's administrative board to decide who is correct the Fire Code Official or the Building Official. It then can go further to a joint committee of the State Fire Marshal's Office and the Building Code Commission. It is the intent of the legislature to try to bring all codes to a single forum. At the minimum, contractors and designers should not be caught in a crossfire between fire and building codes.

Mr. Crockett asked what the status is regarding swimming pools and Mr. Dixon stated that for commercial pools the regulations of the Department of Health have been adopted and the standard swimming pool code was adopted. As far as residential pools, the most controversial issue was barriers and Ms. Wasserman-Schultz' bill was passed. Mr. Meyer asked that if the Board of Rules and Appeals promulgates a local amendment, can it also enforce it, or must it be enforced by another body? Mr. Dixon answered in the negative. The Board can propose the amendment and vote on it also.

Mr. Rogers asked if there are any changes to the appointments made to the local boards. Mr. Dixon stated that the local boards would be appointed in the same manner as they are now (by the local appointing authorities). The only board appointed by statute is the plan review board which has to be developed in a manner agreed upon by all

municipalities and that the general law does not preempt the local law (county charter).

Further discussion brought out the fact that schools and federal buildings are exempt from local enforcement. They can contract with the local inspecting authority as long as the inspectors are fully certified by the local jurisdiction. Municipalities and/or counties can enforce codes. Trying to bring about continuity.

Mr. Dixon stated that the law makes it clear that technical amendments (more stringent than the state code) will be repealed, upon the code's becoming effective. If local jurisdictions want to re-adopt those more stringent requirements you are free to do so. However, make the effective date of such re-adoption after July 1, 2001; otherwise you go right back to the minimum standards (unless you appeal to change them). Discussion continued which included, but was not limited to, product approval system, fire prevention code, and the State Fire Marshal's Rules and Regulations.

Chairman Meyer once again thanked Mr. Dixon for attending tonight's meeting and giving of his time to answer our questions. Mr. Dixon stated that on his behalf and on behalf of the Commission Chairman, they look forward to a good working relationship in the future. Mr. Dixon stated that Broward probably has the best system in the state and they (the Commission) wished that all the counties of the state had the same system as we have.

6. APPEALS -

None

7. NEW BUSINESS

Approval of the Board's '00/'01 FY Budget.

Director DiPietro explained the Budget to the Board and stated that it is estimated that the reserves will remain in excess of one and one half million dollars. Mr. Di Pietro also stated that approximately half of the items are discretionary. The County gives the Board the figures to use (as recommended in its core budget figures). Basically we are given a total number to stay within and monies can be moved around when necessary (budget transfers).

Director DiPietro stated that we may be facing a moving of the offices (under General Discussion on this agenda), and it was the recommendation of the Office of Budget and Management, through the Board's Budget Analyst, Ms. Alice Godio, that we NOT budget for the relocation/renovation of office space. When that time arrives and budget transfer, most probably from the reserves, can be effected. Director DiPietro stated that he does not foresee a revenue problem for this year. Mr. Rogers was of the opinion that the figure for Education should be raised. However, the figure budgeted is approximately \$20,000. above the former years' actuals. Mr. Flett commented that it takes quite a while to get courses through the state.

GENERAL DISCUSSION

Broward County's Request that the Board Relocate its Offices,

Mr. Rice asked if there was an estimate figure on the relocation/renovation and Mr. DiPietro stated that it is really too early to estimate but maybe between fifty and eighty thousand dollars. It was stated that we would advertise for a location. Also there is the question as to what expenses we would be sharing with the county. Director DiPietro stated that he didn't know if we will be absorbing the full cost.

Chairman Meyer recommended that we should see if we can obtain a long-term lease, in a stand-alone building, so as to have an identity of our own.

Mr. Bray MOVED, and the motion was duly seconded, to approve the Fiscal Year 2000/2001 Budget as submitted.

ROLL CALL VOTE:

Affirmative votes: Messrs.:

Crockett, Flett, Lavrich, Meyer, Rice, Rogers,
Somers, Smith, Synalovski, Thrasher, Zibman, &
Bray,

Negative votes: none

MOTION PASSED

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:50 p.m.

Board Chairman

Recording Secretary

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BROWARD COUNTY BOARD OF RULES AND APPEALS
BOARD MEETING THURSDAY, DECEMBER 14, 2000
MINUTES

CALL TO ORDER

Board Chairman, Mr. Chuck Meyer called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT

EXCUSED

ABSENT

C. Meyer,
 Chairman
 W. Flett,
 Vice-Chairman
 J. Crockett
 D. Lavrich
 D. Rice
 G. Rogers
 G. Snyder
 J. Somers
 W. Thrasher
 H. Zibman
 D. Zimmer

R. Madge
 R. Smith
 M. Synalovski

None

A. Korelishn- for the purposes of voting, Mr. Korelishn arrived at 7:03 p.m.

APPROVAL OF MINUTES --Meeting of September 14, 2000

Mr. Crockett MOVED, and the motion was duly seconded, to approve the minutes of September 14, 2000, as written.

MOTION PASSED.
Negative votes: none

CONSENT AGENDA

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

1. **CERTIFICATIONS**

David Hamil, Fire Inspector, Pembroke Pines
 Robert Elmore, Fire Inspector, Lauderhill
 Kevin Wilson, Fire Inspector, Coconut Creek
 Steve Pollio, Fire Inspector, Coconut Creek

Daniel Boriken, Fire Plans Examiner, Coconut Creek (p/t)
David Kurieciem, Fire Inspector, Broward County
Joseph Russoniello, Fire Inspector, Coral Springs
Eric Stoner, Fire Inspector, Margate
Steven Felicetti, Fire Inspector, Sunrise
Leonard DeAngelo, Sr., Fire Inspector, Broward County
Michael Reimer, Fire Inspector, Fort Lauderdale
Michael Rizzo, Fire Plans Examiner, Lauderhill
Donald Todd, Fire Plans Examiner, Plantation
Daniel Spence, Building Inspector, Broward County
Paul Rademacker, Building Inspector, Plantation
Mohammed Malik, Building Inspector, Fort Lauderdale
Anthony Nook, Building Plans Examiner, Broward County
Michael Bray, Electrical Inspector, Pompano Beach
Peter Micale, Mechanical Inspector, Hollywood
Steven Thode, Building Inspector, Coral Springs
William Wade, Building Plans Examiner, Pompano Beach
Philip Zamodzki, Electrical Inspector, Broward County
Michael Rada, Building Inspector, Pompano Beach
Timothy Kohlman, Plumbing Inspector, Broward County
Frank Nemes, Building Inspector, Oakland Park
Edward Weidlich, Electrical Plans Examiner, Hollywood
Thomas Manero, Mechanical Plans Examiner, Plantation
Edward Balik, Building Inspector, Hollywood
David Tringo, Electrical Inspector, Coral Springs

FORMAL INTERPRETATIONS

2. F.I. #99-5-45 – Energizing electrical Systems - Sec. 4505.6, submitted and approved (unanimous vote) by Board's Electrical Committee
3. F.I.#99-6-45 – Installation of Raceway to Junction Box/Enclosure in Wet Locations-NEC(NFPA-70)-1999, submitted and approved (unanimous vote) by Board's Electrical Committee

Mr. Crockett MOVED, and the motion was duly seconded, to approve all of the items on tonight's Consent Agenda.

ROLL CALL VOTE:

Affirmative: Messrs. Zimmer, Rice, Crockett,

Lavrich, Meyer, Flett, Rogers, Zibman, Snyder, Thrasher, and Somers

Negative votes: none

MOTION CARRIED.

(At this point in the meeting, for the purposes of the record & for voting, Mr. Korelishn arrived).

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Board Meeting - December 14, 2000
Page Three

A G E N D A

NEW BUSINESS

4. Stipulated Agreement concerning retired former Chief Building Inspector

Director DiPietro stated that the Probable Cause Committee had established that there was probable cause to hold a decertification hearing. However, in the interim, a stipulated agreement was discussed and agreed to involving the parties and their respective attorneys. It is recommended that the stipulated agreement be entered into (and approved) between the Board and Mr. Emilio DeSimone. Mr. DeSimone, the Chief Building Inspector above-mentioned is now retired. He is no longer certified by the Board. Should he ever request to be (re)certified by the Board again, he would first have to go before the Board and may require a hearing as recommended by the Probable Cause Committee.

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the signing and entering into the Stipulated Agreement between Mr. Emilio DeSimone and the Board.

MOTION CARRIED.

5. Renewal of Board Attorney's Contract

By memo, Director DiPietro recommended, to the Board, approval of a two-year renewal of Mr. Robert Ziegler's, (Attorney for the Board) contract. A modest increase in fees is included in Mr. Ziegler's proposal. The renewal of the contract will call for \$155.00 per hour for office and non-litigation time. Litigation time will be \$165.00 per hour. Board and Committee meeting attendance will be \$370.00 (flat rate for the first three hours), and paralegal time to be billed at \$75.00 per hour.

Mr. Somers MOVED, and the motion was duly seconded to approve the renewal of Attorney's Ziegler's contract with the increases proposed.

MOTION CARRIED.

6. Lease Agreement for Relocation to Board's New Offices, (originally requested by Broward County)

Director DiPietro stated that at the request of Broward County, we have exhaustively searched for a new location for the Board's offices. Negotiations included the Real Property office of Broward County, in addition to our sending out bids and visiting upwards of 19 sites. Several sites were seriously considered, however, the one that seems best is the Offices at the Coral Ridge Mall (Federal Highway and E. Oakland Park Boulevard). Mr. DiPietro stated that although no construction cost charges are anticipated, it is recommended that \$6,000 be authorized for construction cost contingencies pending the final Lease

Agreement. The space is built-out. Mr. DiPietro stated that Broward County Building Code Services Division is also moving, however, we were not invited to go that proposed location.
Board of Rules & Appeals
Board Meeting - December 14, 2000
Page Four

Mr. Crockett MOVED, and the motion was duly seconded, to approve the moving of the Board's Offices to the Offices at the Coral Ridge Mall and to authorized \$6,000 for construction cost contingencies.

MOTION CARRIED.
Negative votes: none

7. Annual Merit Increase (6.707%) for Administrative Director, effective October 1, 2000.

Chairman Meyer stated that he evaluated (as per Broward County procedures) the Administrative Director and that Mr. Flett reviewed said evaluation, and it is recommended that the Board approve Mr. DiPietro's annual merit (as per his contract) increase for 6.707% (\$5,500).

Mr. Somers MOVED, and the motion was duly seconded, to approve the chairman's recommendation to approve and adopt this annual merit increase for Mr. DiPietro of 6.707% (\$5,500) **effective October 1, 2000.**

MOTION CARRIED.
Negative votes: none

Chairman Meyer thanked Mr. DiPietro for his tireless efforts in obtaining the new location for office space and for doing such a good job in his position as Administrative Director.

8 OLD BUSINESS

There was no old business to be discussed.

9. GENERAL DISCUSSION

This was deferred until after elections.

10. ELECTION OF 2001 BOARD CHAIRMAN & 2001 BOARD VICE-CHAIRMAN

Mr. Meyer stated that he would entertain a motion for Board Chairman nominations.

Mr. Crockett MOVED, and the motion was duly seconded, to nominate Mr. William "Bill" Flett (Vice-Chairman) as Board Chairman for 2001.

MOTION CARRIED.
Negative votes: none

The nominations for Board Chairman were then closed.

Mr. Meyer stated that he would entertain a motion for Board Vice-Chairman nominations.

Mr. Lavrich MOVED, and the motion was duly seconded, to nominate Mr. Henry "Hank" Zibman as Board Vice-Chairman for 2001.

MOTION CARRIED.
Negative votes: none

The nominations for Vice-Chairman were then closed.

11. PASSING OF THE GAVEL

Mr. Meyer thanked all of the members of the Board, the staff, and Mr. DiPietro for their efforts and competency; in addition to all those working on the Board and all of its committees. Mr. Meyer stated that it has been a great year and that he enjoyed it. (At this point, Mr. Meyer passed the gavel to Mr. Flett)

9. GENERAL DISCUSSION

Mr. Flett then conducted general discussion. Each Board member in attendance expressed his sincere wishes for a Happy Holiday Season. Mr. Lavrich reported briefly on the new code status and stated mainly that the issue of Product Approval has been postponed until July of 2003. He said that he doubted that we will see the code in print anytime before the end of February. Further discussion took place which included, but was not limited to, the cost of the codebooks, the cost of CD's, the ability to obtain free codebooks for distribution to Board members and Building Departments.

Mr. Zibman (Vice-Chairman elect) thanked the Board for its confidence and stated that he will be happy to assist Bill and do the best that he can for the Board.

Mr. Flett present Mr. Meyer with a plaque in appreciation on the part of the Board for his outstanding work this past year as Chairman of the Board.

Mr. Flett then also thanked the Board for its vote of confidence and promised that he would do the very best he can in this position.

ADJOURNMENT

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

