

BROWARD COUNTY BOARD OF RULES AND APPEALS
BOARD MEETING THURSDAY, JANUARY 11, 2001
MINUTES

CALL TO ORDER

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

ROLL CALL

PRESENT

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

EXCUSED

J. Somers

ABSENT

None

APPROVAL OF MINUTES --Meeting of December 14, 2001

Mr. Crockett MOVED, and the motion was duly seconded, to approve the minutes of December 14, 2001, as written.

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.

1. **CERTIFICATIONS**

David Kwiecien, Fire Plans Examiner, Broward County
Leonard De Angelo, Sr., Fire Plans Examiner, Broward County
Kevin Wilson, Fire Plans Examiner, Coconut Creek
Albert Boslurch, Chief Electrical Inspector, Miramar
Osvaldo Diaz, Plumbing Inspector, Plantation
James Durham, Electrical Plans Examiner, Sunrise
James Stewart, Electrical Inspector, Hollywood
Brian Chrabas, Electrical Inspector, Pembroke Pines
Douglas Kurtcock, Building Inspector, Coral Springs
Michael Fechter, Mechanical Inspector, Fort Lauderdale
Henry Palm, Plumbing Inspector, Miramar

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

MOTION CARRIED.
Negative votes: none

A G E N D A

NEW BUSINESS

2. **City of Fort Lauderdale – Townhomes at 802 & 808 SW Seventh Street, and Gregory Macneir, President-Pinewood Development**

Mr. Harry Carroll of staff, introduced this subject and stated that based on a complaint received by Mr. Will Willis of staff the complaint was addressed. Mainly, the subject of this issue is that Mr. John Smith, Building Official for the City of Fort Lauderdale, under Sec. 204 of the Code, accepted an alternate which is staff's opinion is in violation of the Code requirements. Mr. Carroll stated that at the beginning there were three issues at hand, and now only one remains and the other two were resolved.

Sec. 204 allows the Building Official to accept an alternate to the Code as long as said alternate is equal to or better (more stringent). The section in question, 3513.1(b) relates to buildings in question which are townhouses – two units attached. Said section requires that hurricane shutters above the first floor must be permanently installed, with the single exception of those mounted on “detached” single family residences, be capable of being installed without the use of lifts or ladders. The shutters in these two townhouses can be installed only by the use of lifts or ladders. Mr. Smith's alternate to the Code requirement, is to have a ladder provided for each unit. Mr. Carroll stated that Mr. Smith agrees that the Code requires shutter installation without the use of a ladder or lift, however, Mr. Smith also feels that the alternate he has proposed is acceptable.

Mr. Carroll further stated that the designer states under Sec. 506, that the building is a detached

building, that with the fire division wall used on the project, same falls under the exception. Mr. Carroll stated that Sec. 506 has nothing to do with townhouses. As a matter of history, two things had happened simultaneously. Mr. Tom Deeter proposed the language of what is now in the Code banning the use of ladders on multi-family dwellings. Then, an appeal in the City of Tamarac came before the Board on multi-family dwellings and the use of panel shutters was denied because same could not be installed in a timely manner. The Board overruled the city because the Board was very concerned over the use of ladders. Then, the Board formed a sub-committee to review this issue. Ms. Lisa Maxwell, then of BASF, came before the sub-committee as well as the Board to request that townhouses be included in the exception of detached single family homes. Ms. Maxwell's request was denied. In conclusion, staff's recommendation is that the use of a ladder is not an acceptable alternate and that the Code prohibits the use of a ladder in attached single family residences. Mr. Carroll stated that he hates to see the tearing up of finished buildings, but we are here to protect people's lives.

Providing a ladder is specifically prohibited in attached single family residences. There were many questions about the installation of shutters. If this item is approved, for this specific issue, other building officials can then use the same alternate. In closing, the Board does have the authority, under Sec. 203.5(b) to affirm, modify or reverse the decision of a building official when such decision is in regard to requirements of this code. Under Sec. 203.4(c), the Board has the authority to revoke any certificate of occupancy or permit on any building.

Discussion alluded to the number of windows in the 'units', horizontal or vertical shutters, height of the window and safety/guard rails. Questions were asked as to what were attached and what were separate. It was stated that the use of a fire wall does not make it detached. The basis for the c/o, was using that as the alternate. It was the building officials' decision that a ladder be provided as an alternate. Mr. Lavrich stated that the reason for not exempting this on multi family would be the adverse effect it would have on an adjacent building, should the other 'not protect' his/her building. The fire-division wall, between the two units, extends to the underside of the sheathing.

Mr. John Smith, Building Official for the City of Fort Lauderdale, spoke on behalf of the city and explained how he arrived at the decision. Mr. Smith explained that he just didn't say "put a ladder there and I will accept it". Mr. Smith stated that his decision was very time consuming, and was made at the very end of the job. He said that the units in question are duplexes and not townhouses. Two separate houses, not a string of multi-family dwellings. These are two separate lots not a string of units. The building is two single family dwellings with a common wall built as an exterior wall, it has reinforced masonry, neither truss system for each unit is dependent on the other and they are hung off either side of the party/division wall. It is built to take impact – you could demolish one of the units and not have to do anything to the other unit. Each has its own water supply, truss system, electrical, roof covering, all independent of the other – it is two duplexes. Each has its own separate entrance, garage, patio and the wall is substantial (the wall is a major factor in his decision). In addition, Mr. Smith further stated that the shutters are not just 'panels', they are lighter in weight and they meet the product approval requirements for impact. It was his consideration that horizontal installation is better, on these buildings, than vertical. Mr. Smith stated that he was a member of the Board's committee on shutters.

Mr. Smith continued by saying that he was brought into it at the very end and looked at it and said "how can this be accomplished?" There are families waiting for closings and to move in. What can he do

at this point? Bankrupt the developer? Put off the sales of the homes? He was trying to mitigate a problem where possibly next door you can have a single family two story with twenty or thirty openings that need panels – and they can do it. This has six openings on each unit that require the use of a ladder. In Mr. Smith's opinion this was not enough for him to say 'this is the code – follow it'. Sometimes circumstances have to be tempered with our experience and knowledge. By saying, 'I understand the Code, sometimes there is a situation that is unique'. It has to be determined when a special situation occurs. Mr. Smith stated that it took him more than thirty days to accept an alternate. The uniqueness of this situation called for him to make a decision. It is Mr. Smith's opinion that the best alternate in this unique situation is what he accepted. The developer and the shutter contractor would like to move forward on this matter. If you want to say that I did err regarding my decision that's okay, but we don't want to affect the people. Everyone else now is more aware. This is not precedent setting, due to the uniqueness of the situation.

Mr. Richard Smith, queried as to whether or not there is a statement at the plan review stage that states the shutter requirements and/or impact resistant windows. Mr. John Smith stated that a separate permit came in, but it came in at the end and the plans examiner issued the permit in error. The contractor applied in error and this is how it all evolved where I now have to ask you to consider my alternate. There is a common wall, I cannot say that they are detached you could take a laser and cut the wall in ;half and they would still stand alone. The shutters are the lightest gauge steel that has product approval, there are no sharp edges, the hardware is an upgrade and horizontal mounting which is a large plus. The window openings range from two to three feet and two of the windows are casement windows – it makes it more difficult to upgrade casement windows. Mr. Smith stated that there are four lots with two units. The duplex is an 'I' Occupancy not 'H', the Group use is 'I'.

Mr. Lavrich asked how the shutter company applied for the permit, wouldn't they need to know – the blame should be on the architect and contractor they should have known better. Have they tired to mitigate it? Code is very specific. My staff got involved a little too late. This started back in the summer when they were looking for the shutter permit. Mr. Smith stated that hi is reasonably convinced that the shutter people didn't know about it. The shutter contractor had just taken the test to be an installer.

Mr. Zibman stated that if we want to help with this dilemma, look at the definition of the exception and see if the wall as is being described will take care of the intent of the exception. The internal wall could meet hurricane requirements. Intent of the separate building has met the intent – the use of a ladder has not. Not using a ladder is very clear. Does this meeting the exception? Possibly the wall could be looked at as meeting the intent of the code.

Mr. Richard Smith stated that it is his understanding that this was something that was missed in plan \review and didn't come up until the end of the job. Mr. John Smith stated that the plans examiner issued the permit in error, and the shutter contractor applied in error. Mr. Richard Smith said that he cannot think of anyone who doesn't enforce the Code as Mr. Smith. However, the ladder issue is a difficult thing for this Board to make a determination on, since the Code is specific. Mr. Richard Smith asked if can an alternate be offered without the ladder – electronic shutters or impact resistant glass – this is a difficult situation.

Mr. John Smith's contention is that the wall is built stronger than is required and that same can stand alone. If something happens to one duplex, it won't effect the structural integrity of the other unit. John Smith stated that this is very difficult for the city also since the project is completed and the center wall is the strong point. Mr. Smith was faced with how do we get this project completed? It is a duplex not a six-unit townhouse project. Mr. John Smith stated that he is reasonably convinced that the shutter contractor was not aware of the requirements.

Mr. Synalovski stated that we have single family and multi-family homes to which we are applying the same section of the Code. It is the same Code that we apply to a multi-story, multi-unit buildings. Mr. Synalovski is of the opinion that this is unique in that the project in question is only two units. There are many, many single family homes that are larger than this duplex building. Due to the uniqueness of the fire division interior reinforced masonry wall, same will maintain its integrity and will not impact the remaining unit – as long as that is a true statement; Mr. Synalovski feels that this is of a scale where the building official's decision is appropriate. Mr. Crockett agrees with this. The intent is what is here is because of the uniqueness of these buildings. The ladder makes it a better situation.

Further discussion ensued regarding the roof trusses and the anchoring of same. Mr. J. Smith stated that the trusses are independently supported, independently anchored; they are not overlapping and not connected to each other. This is a unique duplex.

Mr. Lavrich asked if anyone has had an engineering study performed as to whether or not the building is designed for full pressurization. This would be interesting to know. That might be a factor. Full pressurization affects many other items in the building. Might be a factor that the Board would consider, if we had this additional information. We do not want to defeat the intent of what that Code section was meant to accomplish. Mr. Bray stated that being in this business for upwards of twenty-five years, it is quite a 'hot seat' that Mr. J. Smith is on. Day in and day out there are very tough decisions that they have to make; and hi is quite surprised that this is even here. The building official's decision was based on many years of experience – why are we questioning him that much? Mr. Carroll reminded the Board that this is here based on a complaint from one of Mr. Smith's subordinates. Mr. Carroll stated that the Board has just as tough a decision to make as John Smith.

It was stressed that the decision made here tonight might set a precedent, and that cannot be the interpretation. This was a complaint made by someone who was of the opinion that the Building Official's equivalent was incorrect, and was emphatically against it. It was NOT the committee's intent to accept a ladder. It was stated that this is a tough decision to make. We have an outstanding building official here and many people deal with him on a weekly basis and he is not brought here before the Board. However, one has to look at the safety of the people.

Mr. Greg Macneir, owner of the property, stated that he comes from a family who is very familiar with the codes and that his father is architect, Don K. Macneir (as well as his grandfather and brother also being architects). It was his desire to build single family homes, four units, no encroachments, actually four lots – each owner owns his/her own lot. The thing he wanted was single family residences, and if someone was doing something next door, it would have no effect on the other. There are no common areas on the

properties and there are no associations for the properties. They went to Mr. Smith and they talked for over a month on the problems with the windows. Mr. Macneir stated that he showed Mr. Smith the walls that were built. Most of the windows are two feet and there are two casement windows. He spent extra money on the windows. Mr. Smith came to the decision that what was built was an approved alternative to the Code – it had nothing to do with the ladders. The ladders are a selling point (and the OSHA approved ladders are being provided). Mr. Smith went on vacation, and one of his subordinates went to the Board with this. Then the Board wrote a letter to Mr. Smith. Thirty days after c/o, he was told that the Board was not approving this. Mr. DiPietro said he had not read the letter. Mr. Macneir requested that Mr. Willis and Mr. Carroll read the letter. I went in to talk to Mr. Willis, that is the reason I got on to the detached and attached because Mr. Willis gave me the Code, and brought it to his attention that he could use this to his benefit.

Mr. Lavrich stated that we are talking about implosion. Mr. Macneir stated that if something explodes or implodes, the interior walls have been built as exterior walls – all done on purpose, one hundred per cent separate units (duplexes) completely safe – if someone did not put up their shutters – there would be no effect on the next-door neighbor. It was stated that the roof lines do not cross over.

:Mr. Flett stated that he is looking at a cricket. Ms. Ilch, speaking for the General Contractor, stated that the main wall is total concrete, steel wall and trusses are anchored on either side of the tie-beam.... Further discussion addressed the roof. Mr. Crockett stated that the building official has made a decision and the Board should back him up on it in this unique situation.

Mr. Bray stated that this IS a very difficult situation and I believe we should go along with the decision the building official made under these unique circumstances. Mr. Madge was of the opinion that when a building official makes a decision, many times he has to look at a situation on an individual basis and this is what his decision was based upon. Mr. Madge stated that it was very forthright of Mr. Smith to state that there were errors made here and this his department will learn from same. The permit for the shutters was pulled late. Mr. Madge stated that they should look at internal policy where they know shutters need to be installed, they will have to be looked at earlier.

It was stated that there is a General Contractor and a Shutter Contractor connected with this project, who should also be held accountable; should an engineer and/or architect ‘mess up’ they have to take care of it.

Mr. Rogers stated that he sympathizes with everyone, however, as our code is written it is clear. As far as the state code coming into effect sometime in the future, one builds according to the code that is in effect at the time of permit application.

Mr. Bray stated that the Code allows the building official to accept an alternate method, may not be to all of our likings, that he does not see this as deviating from the Code and that he doesn’t believe that the Board bears any responsibility in the decision that the building official made under the Code.

It was stated that it is believed that the new code requires protection of the openings by shutters or the installation of impact resistant glass. Mr. Lavrich stated that even with the Florida Building Code in effect, this issue will still be here with us. We need to address it probably again by amendment. The

problem with the shutters is that we have made shutters mandatory on buildings—right or wrong, mandatory for the people’s protection. There is, however, no way that we can force them to put them on. If the owners don’t install the shutters they are only effecting themselves. However, when it comes to that owner affecting the adjacent owner and in multi-family buildings we in Broward County are concerned. Problem was did we allow a situation that we know is going to be possibly untenable or difficult 00 one owner’s non-compliance can affect the other owner. The committee came up with the ‘excepting’ of single family detached residences. In single family residences, if the owner fails to install his/her shutters, they are only affecting themselves. Here we have two residences that are attached and the situation is that the building official has made a decision. The Code is very specific. Mr. Smith outlined his reasoning for alternate. The whole intent of the ‘shutter committee’ was so that shutters can be installed from the inside. It is not easy, and it is not cheap. Question gets to be, do we accept these six items as being alternate method, or do we not. If we do accept it, it cannot be accepted on a wide-spread basis and we may consider whether or not the building has been designed for internal pressurization. Mr. Crockett was of the opinion, that in the way Mr. John Smith worded his acceptance – to him, it is flat out just for this is a unique duplex and will not set any precedent. Mr. Rice stated that the Board cannot accept less than what the Code requires – anything we look at as an alternate method, we must convince ourselves that the method being accepted is at least equivalent to what the Code requires. Mr. Crockett is of the opinion that the reasoning that the building official used to come to his decision is the prerogative of the building official and that this Board uphold his decision for one-time situation on this unique project.

Mr. Crockett MOVED, and the motion was duly seconded, to uphold the decision made by the building official (Mr. John Smith, Fort Lauderdale).

ROLL CALL VOTE:

Affirmative votes: Messrs.: Crockett, Madge, Rice, Synalovski, Snyder, Zibman & Bray

Negative votes: Messrs.: Flett, Lavrich, Meyer, Rogers, Smith & Thrasher

MOTION CARRIED.

Several Board members were of the opinion that this subject needs to be revisited, but others were of the opinion that the Code is very clear on this issue.

3. **OLD BUSINESS**

There was no old business discussed this evening.

4. **GENERAL DISCUSSION**

Discussion entailed several factors regarding the Florida Building Code. (At this point in the meeting, for purposes of voting, Mr. Meyer was excused [8:40 p.m.]). Mr. Lavrich reported several points

of interest regarding the Florida Building Code which included, but was not limited to, copyright negotiations, codebook costs, and product approval. It was stated that the concept of a joint venture between Miami-Dade and Broward Counties on Product Approval, be explored. This might afford Broward County the opportunity to have some say on product approval. Mr. Lavrich further stated that the push from the state is to lower product approval standards and reduce the oversight of same. We don't want to reduce the oversight, and we want to maintain the high standards. Chairman Flett stated that it would be in the Board's best interest to pursue the concept of a joint product approval venture and directed Mr. DiPietro to go forward with same.

It was stated that the Charter Review Commission has sent a letter to the Board of Rules and Appeals inviting it to its February 15, 2001 meeting in order to state why the Board should remain in existence, especially since a state-wide building code will be going into effect.

ADJOURNMENT

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

Board Chairman

Recording Secretary

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BROWARD COUNTY BOARD OF RULES AND APPEALS
BOARD MEETING THURSDAY, FEBRUARY 8, 2001
MINUTES

CALL TO ORDER

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

ROLL CALL

PRESENT

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

EXCUSED

J. Somers
C. Meyer
R. Madge
R. Smith

ABSENT

None

APPROVAL OF MINUTES --Meeting of January 11, 2001

Mr. Crockett MOVED, and the motion was duly seconded, to approve the minutes of January 11, 2001, as written.

MOTION PASSED.
Negative votes: none

CONSENT AGENDA

1. CERTIFICATIONS

Antonio Martins, Fire Plans Examiner, Plantation
David McHardy, Electrical Inspector, Miramar
James Haag, Plumbing Inspector, Broward County
James Mather, Plumbing Inspector, Deerfield Beach
Eric Seiter, Plumbing Inspector, Broward County
Momahad Baltagi, Building Inspector, Broward County
Broward County Board of Rules and Appeals

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the item(s) on the consent agenda (certifications).

ROLL CALL VOTE:

Affirmative: Messrs.: Crockett, Flett, Lavrich, Rice, Rogers, Synalovski, Thrasher,

Zibman, Bray, Korelishn, & Elzweig

Negative votes: none

MOTION CARRIED.

(For voting purposes, at this time in the meeting (7:04 p.m.), Mr. Snyder arrived.)

APPEALS

2. Appeal # 01-01, Steven Feller, P.E., Inc., Project Location: 2845 NE Ninth Street, Fort Lauderdale, Florida, **Sec. 4806.1(b)(2)**

Mr. Robert Andrews, of staff, introduced this appeal and explained that it refers to the 3/4 inch undercutting of corridor doors as part of the method of providing outside air into apartments. The appeal involves a 15-story Type I Construction, Group H Occupancy condominium in the City of Fort Lauderdale. Mr. Andrews referred to several issues which included, but were not limited to, ASHRAE 62, infiltration, natural ventilation and NFPA. There are several ways to bring outside air into a condominium. One way is to have it ducted into the return air and another method is to bring the outside air into the corridor and then into the condominium units by undercutting the corridor doors by 3/4 of an inch. The appellant, Steven Feller, P.E., Inc., has shown that the corridor can be used as a source of outside air for the condominium unit; that undercutting of the fire-rated door is permissible by NFPA (3/4 of an inch) and air transfer into the condominium unit is allowed due to air pressure differentials. In December, the Board's Mechanical/Smoke-Control Committee addressed approximately 13 items which needed to be considered possibly for clarification purposes to building departments. This subject matter was one of the issues discussed. It was the opinion of the committee that this method of bringing outside air into the condo unit is acceptable and meets the code. ASHRAE 62 applies to all indoor or enclosed spaces that people may occupy, except where other applicable standards and requirements dictate larger amounts of ventilation. Said code states, "Ventilation requirements—Indoor air quality shall be considered acceptable if the required rates of acceptable outdoor air in Table 2.3 are provided for the occupied space." Also, "the ventilation is normally satisfied by infiltration and natural ventilation."

Mr. Andrews further explained that 'infiltration' as defined by ASHRAE-62 is: "Air leakage inward through cracks and interstices and through ceilings, floors and walls of a space or building". ASHRAE's definition of 'natural ventilation' states, "the movement of outdoor air into a space through intentionally provided openings, such as windows and doors, or through non-powered ventilators or by infiltration." Mr. Andrews stated that it was his understanding of the Chief Mechanical Inspector's (Mr. George Stavrou) response to this appeal that the appellant's engineering calculations were incorrect. Mr. Andrews stated that he does not have the expertise or proper credentials (he not being a professional engineer), to challenge a P.E.'s engineering calculations.

Mr. Andrews stated, that based on the consensus of the Board's Mechanical/Smoke Control Committee Board of Rules and Appeals

being that the two methods were approved engineering practices for providing outside air to the condo unit, he would recommend approval of this appeal.

Mr. John Rodriguez, designer of the project, spoke on behalf of the appellant, his employer, Steven Feller P.E., Inc. and stated that this was designed to get outside air to the apartments based upon infiltration through exposure, mechanical ventilation through the corridors and undercut of corridor doors to two exposures required by ASHRAE. It is not the appellant's intention to use the undercut door to induce all of the outside air into the apartment. Mr. Rodriguez further stated that at Mr. Stavrou's request, they provided him with the engineering calculations. Appellant has complied with ASHRAE 62, and it is the *responsibility of the engineer* to comply with said code. Masonry walls were taken into consideration, in a high rise, for infiltration under ASHRAE 62. Mr. Rodriguez stated that it is appellant's professional opinion that the methods used are in compliance with NFPA ('99)-Chapter 80-Sec. 1-11.4, Chapter 90A-Sec.2-3.11.1 (exception #2) and The South Florida Building Code, Broward County Edition, Chapter 48, Sec. 4806.1(b)(2).

Mr. George Stavrou, Chief Mechanical Inspector for the City of Fort Lauderdale, stated that he had several meetings with the appellant and he asked how much fresh air would be brought through the undercutting of the corridor doors. Mr. Stavrou was of the opinion that the engineer's calculations did not meet the State Energy Code requirements. Mr. Stavrou had also stated that he didn't receive calculations from a professional mechanical engineer. However, the appeal packet clearly showed a signed, sealed letter, from Steven Feller, P.E., Inc., from John Rodriguez, bearing the engineer's seal of Steven Feller, P.E., President; addressed to the City of Fort Lauderdale, Att.: Mr. John Smith, Building Official (with a copy indicated to George Stavrou).

It was again reiterated to Mr. Stavrou that the *engineer* is responsible (legally & morally) for the project. The more items a plans examiner asks for (to be on plans) the more responsible he makes *himself* on items for which the engineer is responsible. Mr. Stavrou had also requested the addressing of ASHRAE Fundamentals Handbook Chapter 22, regarding the requirements for stack effect and calculation requirements for hi-rise buildings, the effects above the neutral points; and asked where the ex-filtration points were. Further discussion ensued and it was the consensus of the Board that this appeal should be granted.

Mr. Synalovski MOVED, and the motion was duly seconded, to approve this appeal.

ROLL CALL VOTE:

**Affirmative: Messrs.: Crockett, Flett,
Lavrich, Rice, Rogers, Synalovski,
Thrasher,
Zibman, Bray, Snyder, Korelishn, &
Elzweig
Negative votes: none**

MOTION CARRIED.

3. Appeal #-1-02, Donald F. Zimmer, Architect, Project Location: 450 W McNab Road, Fort Lauderdale, Florida, **Sec. 3801.3(e)(5)**

Mr. Jim Valinoti of staff, introduced this appeal and explained that it deals with a one-story building that is over 15,000 square feet. It was further stated that in an industrial occupancy, in that size building, fire sprinkling is required. Mr. Valinoti said that in May of 1999, this exact issue went to the Board's Fire Code Committee for clarification. At that time, the committee ruled that a fire sprinkler was required any time the building was over 15,000 square feet and it *did not matter if combustibles were present or not*. Mr. Valinoti further stated that at its meeting of January 17, 2001 the Board's Fire Code Committee voted by motion (13-1) to recommend denial of this appeal.

Attorney Jeff Smith spoke on behalf of the appellant, Donald F. Zimmer, Architect, and for Mayra Properties, and stated that one must look at the verbiage of the two sub-paragraphs. This will show why this building does not require to be sprinklered. Attorney Smith's presentation included, but was not limited to, the fact that the section in question is based on occupancy and risk, that no combustibles exist in the operation of the business, the square footage of the premises in question, the verbiage (as currently written—such as “or” and “such buildings”), and other issues the attorney felt pertinent to the presentation of the appeal. It was Mr. Smith's contention that as long as there are no loose combustible fibers, chips, shavings and dust, said premises do not need to be sprinklered.

Mr. Chris Weir, Assistant Fire Marshal for the City of Fort Lauderdale, spoke on behalf of the city, and stated that basically this appeal was a result of a fire inspection. Mr. Weir stated that the city will not dispute what has been said because the city's efforts to have compliance have not been successful, there is simply a strong difference of opinion between the city's Fire Marshal and the appellant, Mr. Zimmer. Mr. Weir stated that this building is a mixed occupancy containing Group F, Division 2, and Group G, Division 2 type occupancies. It is Type III (protected) with a total of 61,172 square feet of floor area. Originally, it was constructed under the jurisdiction of Broward County with several 2-hour fire division walls throughout the building. Later on, this area was annexed to the City of Fort Lauderdale. The owner was cited for several violations, which included but were not limited to, the offices being built without permits, electrical installations without permits and the removal of some 2-hour fire division walls. The alterations of the 2-hour fire division walls increased the occupancy's total square footage to 61,172, which then called for the sprinkler requirements as set forth in Sec. 3801.3(e)(5)(aa). Further discussion brought out the fact that in F-2 buildings of mixed-use occupancies exceeding 8,000 square feet *are required to install automatic sprinkler protection*, even if loose combustible fibers, chips, shavings and dust *are not* produced or generated. Therefore, an F-2 building exceeding 15,000 square feet (whether or not there are combustibles present) are required to install automatic sprinkler protection.

There was lengthy board discussion on this appeal. Many members expressed their opinions, however, it

was the consensus of the Board that the interpretation of Sec. 3801.3(e)(5)((aa) & (bb), would not require sprinklers if there were no combustibles present, regardless of the square footage.

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

ROLL CALL VOTE:

**Affirmative: Messrs.: Crockett, Flett,
Lavrich, Rice, Rogers, Synalovski,
Zibman, Bray, & Korelishn,**

**Negative votes: Messrs.: Snyder, Thrasher &
Elzweig**

MOTION CARRIED.

4. Appeal #01-03, Donald Netinho, P.E. for Smith, Seckman, Reid, Inc., Project Location: 7201 N. University Drive (University Hospital), Tamarac, Florida Sec. 4601.1(b)

Mr. Kevin Fennell of staff introduced this appeal and explained that it involves a 10 inch vitrified clay storm water pipe that is underground, and now with further hospital expansion, will be located under the building expansion (operating rooms). Mr. Fennell was also of the opinion that, although this comes under the Plumbing section of the Code there is a large element of engineering to be considered. It was also Mr. Fennell's opinion that this problem could not have been anticipated. The engineers for the hospital stated that the pipe has been performing adequately for twenty years, and to replace it would involve having to close down the hospital's operating rooms. Mr. Fennell's opinion is that the intent of the code is to maintain basic principles of health and safety. If the testing criteria in the standards that this pipe is required to meet, in Mr. Fennell's opinion, are over the limits that are created on it under the building; he would recommend approval of this appeal.

Mr. Donald Netinho, P.E., spoke on behalf of the appeal and stated that Smith, Seckman, Reid, Inc., Engineering and Information Management, had the piping in question video taped by the general contractor. In viewing said tape, "SSR" observed that the pipe has maintained its structural integrity and showed no signs of war and/or cracking. The replacement of said pipe would also create serious hardship for the hospital. It was stated that the hospital is taking responsibility for the pipe replacement should it deteriorate in the future and agrees to hold the building department harmless to the problems that may arise. Mr. Netinho stated that under Sec. 4601.1(b), in his opinion, retention of this pipe is allowed. It was stated that the where not under any existing slab, the piping has been replaced.

Mr. Fred Hoffman, Chief Plumbing Inspector, for the City of Tamarac, spoke on behalf of the city and stated that in 1981, during the construction of an addition at the rear of the hospital, for some reason the building storm sewer was not changed to meet the code. Mr. Hoffman stated that in his opinion, it was unknown at that time that the pipe was underneath. When new roof drains were being added and connections were being made to the existing storm sewer, it was then that this clay pipe was discovered. At the time of the installation of this pipe, all building department personnel differed from those currently employed.

Board of Rules and Appeals

Board Meeting – February 8, 2001

Page Six

Mr. Korelishn MOVED, and the motion was duly seconded, to approve this appeal.

ROLL CALL VOTE:

**Affirmative: Messrs.: Crockett, Flett,
Lavrich, Rice, Rogers, Synalovski, Thrasher,
Zibman, Bray, Snyder, Korelishn, & Elzweig**
Negative votes: none

MOTION CARRIED.

5. NEW BUSINESS

- a. Request to Charter Review Commission to Adopt “Housekeeping” Amendments to Sec. 8.18 of the County Charter

Director DiPietro stated that basically we will propose to change the references to “The South Florida Building Code, Broward County Edition” to “Building Code”.

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the request to bring the ‘housekeeping’ amendments to Sec. 8.18 of the Broward County Charter, to the Charter Review Commission.

MOTION CARRIED

Negative votes: none

- b. Fiscal Year 2000-01 Budget Amendment, Resulting from Change of Office Location

Mr. DiPietro stated that he would like to have monies available for the costs incurred for the relocation of the Board’s offices.

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the Budget Amendment to the FY 00-01 Budget, of \$9,500 expenditure for office relocation.

MOTION CARRIED

Negative votes: none

- c. Fiscal Year 2000-01 Budget Amendment, Codebook Purchases & Sales

Mr. Lavrich stated that we are fairly certain of the costs. We may not spend all of the monies. We will purchase codebooks in lots of 1,000. If we sell just 80 per cent of the books, the revenue would exceed the cost of 3,000 books. Once the books are provided/sold to building departments and the ‘onset’ of potential buyers, we will then be down to the ‘normal’ supply of codebooks. We will be making codebooks available at a lesser price than SBCCI.

Mr. Zibman MOVED, and the motion was duly seconded, to approve the Budget Amendments of \$330,000 (expenditures) and \$373,000 (revenues) for purchase and sale of the Florida Building Code.

MOTION CARRIED.
Negative votes: none

On Item (5)(b), Mr. Thrasher was 'uncomfortable' with the low amount of \$9,500, having had much experience in office relocations, and was of the opinion that \$20,000 be allowed for the move of the Board's offices.

Mr. Lavrich MOVED, and the motion was duly seconded, to revisit Item (5)(b) of the agenda.

MOTION CARRIED.
Negative votes: none

Mr. Lavrich then amended his previous motion to be as follows:

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the Budget Amendment to the FY 00-01 Budget, of \$20,000 expenditure for office relocation.

MOTION CARRIED
Negative votes: none

6. **OLD BUSINESS** -- None

7. **GENERAL DISCUSSION**

Southern Building Code Congress International, Inc.: Memorandum of January 30, 2001. In addition, verbal request of Florida Building Commission Chairman (Raul Rodriguez) that Board grant permission to use copyrighted South Florida Building Code, Broward County Edition material in the new Florida Building Code

Mr. Rogers MOVED, and the motion was duly seconded, to approve the retention of Ms. Jennie S. Malloy, Esq. for copyright issues pertaining to the agreements and/or the copyright of the building codes, since same is her specialty and we have retained her in the past.

MOTION CARRIED.
Negative votes: none

Mr. Crockett MOVED, and the motion was duly seconded, to grant the Board Chairman, Mr. Bill Flett, the authority to approve the State of Florida and SBCCI proposals for the two codebook-related agreements.

MOTION CARRIED.
Negative votes: none

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 9:05 p.m.

Board Chairman

Recording Secretary

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Suggested ‘correction’, by Mr. Zimmer, to the minutes (see bold & italicized verbiage):

was the consensus of the Board that the interpretation of Sec. 3801.3(e)5((aa) & (bb), would not require sprinklers if there were no combustibles; *fibers, chips, shavings or dust* present, regardless of the square footage, *unless requested by other sections of the Code.*

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

ROLL CALL VOTE:

**Affirmative: Messrs.: Crockett, Flett,
Lavrich, Rice, Rogers, Synalovski,
Zibman, Bray, & Korelishn,**

**Negative votes: Messrs.: Snyder, Thrasher &
Elzweig**

MOTION CARRIED.

4. Appeal #01-03, Donald Netinho, P.E. for Smith, Seckman, Reid, Inc., Project Location: 7201 N. University Drive (University Hospital), Tamarac, Florida **Sec. 4601.1(b)**

Mr. Kevin Fennell of staff introduced this appeal and explained that it involves a 10 inch vitrified clay storm water pipe that is underground, and now with further hospital expansion, will be located under the building expansion (operating rooms). Mr. Fennell was also of the opinion that, although this comes under the Plumbing section of the Code there is a large element of engineering to be considered. It was also Mr. Fennell’s opinion that this problem could not have been anticipated. The engineers for the hospital stated that the pipe has been performing adequately for twenty years, and to replace it would involve having to close down the hospital’s operating rooms. Mr. Fennell’s opinion is that the intent of the code is to maintain basic principles of health and safety. If the testing criteria in the standards that this pipe is required to meet, in Mr. Fennell’s opinion, are over the limits that are created on it under the building; he would recommend approval of this appeal.

Mr. Donald Netinho, P.E., spoke on behalf of the appeal and stated that Smith, Seckman, Reid, Inc., Engineering and Information Management, had the piping in question video taped by the general contractor. In viewing said tape, “SSR” observed that the pipe has maintained its structural integrity and showed no signs of war and/or cracking. The replacement of said pipe would also create serious hardship for the hospital. It was stated that the hospital is taking responsibility for the pipe replacement should it deteriorate in the future and agrees to hold the building department harmless to the problems that may arise. Mr. Netinho stated that under Sec. 4601.1(b), in his opinion, retention of this pipe is allowed. It was stated that the where not under any existing slab, the piping has been replaced.

Mr. Fred Hoffman, Chief Plumbing Inspector, for the City of Tamarac, spoke on behalf of the city and stated that in 1981, during the construction of an addition at the rear of the hospital, for some reason the building storm sewer was not changed to meet the code. Mr. Hoffman stated that in his opinion, it was unknown at that time that the pipe was underneath. When new roof drains were being added and connections were being made to the existing storm sewer, it was then that this clay pipe was discovered. At the time of the installation of this pipe, all building department personnel differed from those currently employed.

**BROWARD COUNTY BOARD OF RULES AND APPEALS
BOARD MEETING – APRIL 12, 2001
MINUTES**

CALL TO ORDER

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

ROLL CALL

PRESENT

B. Flett,
Chairman
J. Crockett
D. Lavrich
R. Madge
C. Meyer
D. Rice
G. Rogers
R. Smith
G. Snyder
J. Somers
M. Synalovski
T. Bray
A. Korelishn

EXCUSED

H. Zibman
W. Thrasher

ABSENT

None

APPROVAL OF MINUTES – Meeting of February 8, 2001

Mr. Rogers MOVED, and the motion was duly seconded, to approve the minutes of February 8, 2001 as per Mr. Zimmer's requested correction to page 5.

**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

Scott Taylor, Electrical Inspector, Coral Springs
Donald Lambert, Building Inspector, Hollywood
Adam Attah, Building Inspector, Parkland

Craig Stevens, Electrical Inspector, Fort Lauderdale
John Sampson, Building Inspector, Miramar
Mark Robbins, Electrical Inspector, Broward County
Pedro Bourg, Building Inspector, Broward County
Victor Sworkhammer, Plumbing Inspector, Hollywood
Jose Lorenzo, Fire Inspector, Pembroke Pines
Michael Dara, Fire Inspector, Dania Beach
Greg Pagliarulo, Fire Inspector, Oakland Park
Robert Oberrich, Fire Inspector, Broward County
Felix Ballesteros, Fire Inspector, Tamarac
Paul Goldman, Fire Inspector, Sunrise

2. **FORMAL INTERPRETATION**
Secs. 3105.1(a) & 3105.8(a)(2) – Stairs & Stair Rail Requirements

Mr. Bray MOVED, and the motion was duly seconded, to approve the items (2) of the consent agenda.

ROLL CALL VOTE:
Affirmative votes: Messrs: Flett, Crockett, Lavrich, Meyer, Madge, Rice Smith, Snyder, Synalovski, Bray & Korelishn
Negative votes: none
MOTION CARRIED.

3. **APPEALS**

There were no appeals to be heard this evening.

4. **Request for Certification of Masaratchichige Nanayakkara as Building Inspector, City of Plantation**

Mr. Synalovski filed a Form Mr. Synalovski filed a Form 8B, Conflict of Interest on this item, and recused himself from the meeting.

Mr. Don Lunney, City Attorney for the City of Plantation, stated that it is the city's opinion that Mr. Nanayakkara is qualified, under the Code, to be certified as a Building Inspector as requested by the city. Mr. Lunney stated that the issue before us is interpretation of Sec. 201.1(a) and the requirement of supervisory capacity. The staff has indicated that Mr. Nanayakkara does not have the required supervisory experience.

Attorney Lunney stated that under Sec. 201.8(b) 'supervisory capacity' is not defined. We are at a loss in terms of a clear definition of the standard and we recognize and respect the Board's lawful authority at this being proper.

Mr. Lunney asked what would constitute supervisory experience. Mr. Willis stated that basically any documentation that the individual was, in fact, a supervisor. Staff did not see any of this for this particular applicant. Staff would require letters, verification, not just a resume (but if your job description stated or your employer stated that one was a superintendent, project manager, etc.). Before staff can comfortably place said individuals on a consent agenda, the requirements have to be pretty clear-cut. Mr. Willis further stated that even for a title ‘project manager’ staff looks for verification that the applicant was actively involved in the specified project. He would have to have been physically present to supervise the workers. Mr. Willis stated that staff looks for what applicant’s had done specifically; (they look for individuals’ experience in ‘running the crews’ [monitoring, supervising, making sure the work is being performed correctly]).

At this point in the meeting, Mr. Smith filed a filed a Form 8B, Conflict of Interest on this item and recused himself from the meeting.

Mr. George Aslainian, attorney for Mr. Nanayakkara, stated in concept, much of what attorney Lunney had stated. It is the applicant’s contention, through his attorney, that he has the required qualifications to be certified as a Building Inspector for the City of Plantation.

It was stated that Mr. Nanayakkara had initially stated that he was a threshold inspector. That was not exactly true, since threshold inspectors must be a Registered Professional Engineer. Mr. Bray stated that at the time of the Educational Committee meeting, the application was not submitted properly and all information was not provided. Mr. Bray further stated that he asked that the verbiage ‘threshold inspector’ and ‘engineer’ be changed. Had the application been complete and accurate, this may not have been here tonight. Mr. Rogers stated that we need to look at the intent of the Code. The intent of the Code is that we not have inspectors who are inexperienced and not qualified. It seems that the applicant has been performing inspections on jobsites. There seems to be a question about the actual letter of the Code to be qualified under ‘supervisory experience’ – that can be argued for quite a long time. In Mr. Rogers’ mind he does have a supervisory job because he can make people fix what is wrong (in referring to work performed on the airport expansion project).

Mr. Willis stated that staff’s main concern is compliance with the letter of the Code. If staff is sure that the letter of the Code has been met, then the application is marked ‘approved’ and goes on to the Board under the Consent Agenda. Mr. Lavrich stated that we need to go back maybe thirty years and we need to look at what was written then. Mr. Lavrich stated that special exceptions cannot be made, but the Board should set some standard that indicates that working as an inspector for an engineering firm or for an architectural firm, would constitute that type of supervisory capacity for which we are looking. Mr. Willis stated that if the Board is of the opinion that working under a threshold inspector is supervisory experience, it covers all questions that staff had for approval. Attorney Lunney stated that the applicant had been placed on leave without pay until the issue could be resolved. It was stated that Mr. Nanayakkara will be under the supervision of the Building Official, Mr. Jeff Sabouri.

Mr. Meyer MOVED, and the motion was duly seconded, to approve the certification of Mr. Nanayakkara as a Building Inspector for the City of Plantation.

ROLL CALL VOTE:
Affirmative votes: Messrs.: Crockett,
Flett, Lavrich, Meyer, Madge,
Rice, Rogers, Snyder, Bray &
Korelishn
Negative vote: Mr. Somers
Abstaining: Messrs.: Synalovski &
Smith
MOTION CARRIED.

5. **Revised Request to Charter Review Commission to Adopt “Housekeeping” Amendments to Sec. 8.18, of the Broward County Charter**

Director DiPietro stated that at the Charter Review Commission meeting which he attended, along with Messrs. Ziegler, Lavrich and Flett, the Chairman, Mr. Dan Lewis asked that the Board submit any amendments to the Charter that the Board may have. It was the consensus of the Board that the word “surveillance” be changed to the words, “monitor and oversee”.

Mr. Crockett MOVED, and the motion was duly seconded, to approve the ‘housekeeping’ amendments to Sec. 8.18 of the County Charter as stated above.

MOTION CARRIED.
Negative votes: none

6. **Establishment of Retail Prices for Florida Building Code Sales by the Broward County Board of Rules and Appeals**

Mr. DiPietro explained his memo that he wrote to the Board dated April 12, 2001 wherein it was proposed that the new State of Florida Building Code have a temporary selling price of \$99.00 up to May 31, 2001 and then a selling price of \$112.00 thereafter. Mr. DiPietro stated that he had two additional items, which were not addressed in the memo, on which he needed the Board’s direction. One, being 5 discretionary sets of books to be distributed upon the decision of the director with the Board Chairman’s approval; and the other being the handling charge for the set (to be mailed), to be set at \$2.00 in addition to whatever the postage will cost. The Board was of the opinion that \$2.00 was too low of an amount, and it was the consensus of the Board that the handling charge be at least \$5.00. In reference to the 5 sets of books, the Board had no problem with leaving the distribution of same up to the director and the chairman. (As per the memo, please note that 351 Florida Building Code sets will go to Governmental Agencies within Broward County).

Mr. Meyer MOVED, and the motion was duly seconded, to establish the prices for the Florida Building Code sets at \$99.00 until May 31, 2001; at \$112.00 thereafter, and to approve the distribution of the 351 sets to governmental agencies and the additional 5 sets to be distributed at the discretion of the Director and the Board Chairman.

MOTION CARRIED.

Negative votes: none

Mr. Meyer MOVED, and the motion was duly seconded, to establish the handling fee of mailing the Florida Building Code at \$5.00 (in addition to the actual postage cost).

MOTION CARRIED.

Negative votes: none

7. Presentation of FY - '01-'02 Budget by Director DiPietro

Mr. DiPietro presented the Fiscal Year '01/'02 Budget to the Board. He explained that the Core Budget is \$1,127,050 which is distributed within our budget categories. He explained that in the budget are three supplements; one being a supplement for \$20,000 for contingencies and furniture related to the moving of the Board's Offices, secondly a supplement for \$322,500 and \$391,000 for initial purchase and subsequent sales respectively, and thirdly \$101,849 to fund an additional position for an additional Structural Code Compliance Officer due to the anticipated deluge of interpretations. With core allocation being \$1,127,050, the total budget request is \$1,571,399 (which includes the aforementioned supplements). The funding of the additional Structural Code Compliance Officer, being submitted as a supplement was explained by Mr. DiPietro. Mr. DiPietro said that over the last ten to twelve years the county has grown by thirty to forty per cent and the staff has remained the same. With the onset of the new Florida Building Code, we anticipate a huge amount (a deluge) of interpretations and inquiries. By adding another position, we will be in a better position to provide a more adequate service level. Mr. Madge questioned the amount budgeted for salary increases for staff, who have worked so diligently, with the onset of the new Code. Mr. DiPietro explained that this would come before the Board, at a later date, but that the Budget Office gives us those figures also (in the core).

Mr. Meyer MOVED, and the motion was duly seconded, to approve the 2001/2002 Fiscal Year Budget for the Board of Rules and Appeals.

MOTION CARRIED.

Negative votes: none

GENERAL DISCUSSION

No general discussion took place at this evening's meeting.

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 8:30 p.m.

Recording Secretary

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Verbatim:

7. Presentation of FY - '01-'02 Budget by Director DiPietro

Mr. DiPietro presented the Fiscal Year '01/'02 Budget to the Board. He explained that the Core Budget is \$1,127,050 which is distributed within our budget categories. He explained that in the budget are three supplements; one being a supplement for \$20,000 for contingencies and furniture related to the moving of the Board's Offices, secondly a supplement for \$322,500 and \$391,000 for initial purchase and subsequent sales respectively, and thirdly \$101,849 to fund an additional position for an additional Structural Code Compliance Officer due to the anticipated deluge of interpretations. With core allocation being \$1,127,050, the total budget request is \$1,571,399 (which includes the aforementioned supplements).

The funding of the additional Structural Code Compliance Officer, being submitted as a supplement was explained by Mr. DiPietro. Mr. DiPietro said that over the last ten to twelve years the county has grown by thirty to forty per cent and the staff has remained the same. Either 10, 11, or 12 positions, however, those positions (the ones that have varied) were of a clerical nature. The Code Compliance Staff has remained the same over the last decade. With the onset of the new Florida Building Code, we anticipate a huge amount (a deluge) of interpretations and inquiries. By adding another position, we will be in a better position to provide a more adequate service level. We will have an option, several years 'down the road' if a retirement may 'kick in', then, we may be able to go back down to the two (Structural Code Compliance) positions again. This will be a major change, with the new Florida Building Code, and it is Mr. DiPietro's opinion, that this is the time and place for the addition of another position as Structural Code Compliance Officer.

Mr. Meyer MOVED, and the motion was duly seconded, to approve the 2001/2002 Fiscal Year Budget for the Board of Rules and Appeals.

MOTION CARRIED.
Negative votes: none

**BROWARD COUNTY BOARD OF RULES AND APPEALS
BOARD MEETING – JUNE 14, 2001
MINUTES**

CALL TO ORDER

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

ROLL CALL

PRESENT

B. Flett,
Chairman
J. Crockett
D. Lavrich
R. Madge
C. Meyer
D. Rice
G. Rogers
R. Smith
J. Somers
W. Thrasher
S. Feller
D. Zimmer

EXCUSED

H. Zibman
G. Snyder
M. Synalovski

ABSENT

None

APPROVAL OF MINUTES – Meeting of April 12, 2001

Mr. Rogers MOVED, and the motion was duly seconded, to approve the minutes of April 12, 2001.

**MOTION PASSED.
Negative votes: none**

SERVICE RECOGNITION – Mr. Bob Andrews–15 Years of Service

Mr. Flett stated that Mr. Andrews was recognized for 15 continuous years of service with the Board and directed that Mr. Andrews receive one paid day off for said service to the Board.

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:

Board of Rules & Appeals

1. **CERTIFICATIONS**

Robert Molinary, Fire Inspector, Dania Beach
Charlene Smith, Fire Code Official, Lauderdale Lakes
Sean Crofott, Fire Inspector, Deerfield Beach
Paul De Young, Fire Inspector, Broward County
Noel Marti, Fire Inspector, Miramar
Leonard Kitchman, Assistant Building Official, Lauderdale Lakes
Richard Major, Building Inspector, Miramar
Richard Gigler, Plumbing Inspector, Broward County
Richard Forgey, Electrical Inspector, Pembroke Pines
Jesus Diaz, Building Inspector, Miramar
Donald Homer, Building Inspector, Broward County
William McAllister, Building Inspector, Broward County
Jay Michael, Building Inspector, Broward County
Lee Duquette, Chief Electrical Inspector, Cooper City
Greg Gacek, Building Inspector, Sunrise
James Abhau, Electrical Plans Examiner, Broward County
William Sargent, Electrical Inspector, Broward County
James Sumner, Building Plans Examiner, Miramar
Stan Markowski, Chief Building Inspector, Plantation
Michael Sprovero, Building Official, Davie
Curtis Craig, Assistant Building Official, Davie
Frank Crandon, Chief Electrical Inspector, Dania Beach
Gregory Hamilton, Building Inspector, Fort Lauderdale
Robert Scolaro, Building Inspector, Broward County

2. **FORMAL INTERPRETATIONS**

- a. **Sec. 516.2(d)–Picket Spacing on Guard Rails at Parks, etc.,**
- b. **Sec. 3403-Sealing Nail Penetrations,**

3. **AMENDMENTS**

- a. **Sec. 3801.6–Utilization of Residential Sprinklers in an N.F.P.A. - 13 Design,**
- b. **Sec. 2509.11(a) & (b)–Connections & Inspections,**
- c. **Sec. 305.3-Special Inspector form and several changes/additions**

Previously passed as Interim Amendments with Expiration Dates:

- d. **Sec. 105.4-Building Safety Inspection Program**

- e. **Sec. 201.16(b)-Certification of Chief Structural Inspector/Structural Plans Examiner**
 - f. **Sec. 1401.1(g)-Family Day Care**
 - g. **Sec. 2315.3-Small Missile Impact Test**

Note: These ‘Interim Amendment’ will no longer have expiration dates, and become Amendments to The South Florida Building Code, Broward County Edition.

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

ROLL CALL VOTE:
Affirmative votes: Messrs.: Flett, Crockett, Lavrich, Madge, Meyer, Rice, Rogers, Smith, Somers, Thrasher, Feller, & Zimmer
Negative votes: none
MOTION PASSED.

The secretary swore in all those individuals who would be speaking on items of tonight’s agenda.

A G E N D A

4. APPEALS

Appeal # 01-05 – Erik Myers/Forbes Architects, Project Location: 1000 Sawgrass Corporate Parkway Sunrise, Florida–Sec. 3109.5(a)

Mr. Jim Valinoti of staff introduced this appeal and stated that at a joint meeting of the Board’s General Contractors/Architects and Fire Code Committees of April 18, 2001, said committee voted, by motion, to approve this appeal. (Negative votes: 7 out of 21) Mr. Valinoti stated that it deals with a smoke-proof enclosure exit into an area below a cantilevered floor area above, but is open to the air on the outside. The area is approximately ten feet wide. He had called NFPA and they saw no problem with it. In a high-rise building smoke-proof enclosure exiting to a two-hour exit passage way through the opened door to the outside, and it is still in the footprint of the building. There is a difference of opinion between the appellant and the City of Sunrise as to where the public way begins. Mr. Valinoti stated that Mr. Chris Cotler, Building Official for the City of Sunrise could not be in attendance this evening and asked that a letter be read into the record. Mr. Valinoti read the letter and said letter is marked Exhibit #1, attached to and made a part of **these internal minutes**. The letter referred to the fact that Mr. Quayle of the city’s staff would present the city’s interpretation of the definition of *public way*, that Sec. 3109.5(a)’s intent is to provide immediate,

direct discharge to an *open public area* and that a deviation from this section of the Code goes beyond the constraints of the interpretative authority.

Mr. Erik Myers, Architect stated that he represents American Classic Voyages and that this is a six-story building, Type I construction which requires that every stairwell on a means of egress shall be a smoke-proof exit passageway which leads into a public way. Basically there are three entrances, south, center and north. It is the appellant's contention that its initial design is in compliance with the intent of the Code.

Mr. Bill Quayle, Chief Building Inspector for the City of Sunrise, spoke on behalf of the city and stated that there is a tremendous difference between smoke-proof enclosure and exit enclosure; and that there is a total misunderstanding regarding this project.

Mr. Quayle further stated that the enclosure must begin on the roof and terminate on the public way. That the entire enclosure must be two-hour fire rated and that every mandatory exit must begin from the roof and terminate on the public way. In addition, the smoke-proof enclosure must be pressurized.

There was extremely lengthy discussion which took place regarding this appeal, which included, but was not limited to, the definitions of passageway and public way, area 'underfloor', exit discharge, the issue that a smoke-proof enclosure is to be uninterrupted within the building from the roof to the public way, the fact that public way deals with outside of the structural foot print of a building, that public way is clearly outside of a building and the fact that 'land' is stated without much clarification. Further discussed was the fact that '10 x 10 opening' and 'essentially open to the air' apply to a public way and not an exit passageway. In addition, NFPA states that an exit passageway shall be protected by separation from other parts of the building.

OLL CALL VOTE:

**Affirmative votes: Messrs.: Flett,
Lavrich, Madge,
Rice, Rogers, Somers,
Thrasher, Feller, & Zimmer
Negative votes: Messrs.: Crockett,
Meyer, Smith,
MOTION PASSED.**

5. NEW BUSINESS

At this point in the meeting, upon the recommendation of the director, and the advice of the Board's Attorney Robert Ziegler, the meeting was adjourned to hold a Public Workshop.

Mr. Feller MOVED, and the motion was duly seconded, to adjourn the meeting.

**MOTION CARRIED.
Negative votes: none**

Mr. Rogers MOVED, and the motion was duly seconded, to convene the Public Workshop.

MOTION CARRIED.

Negative votes: none

Public Workshop

Director DiPietro stated that the need to adopt items (a) & (b) below, in concept, exists. However, cannot be implemented until the Florida Building Code is in effect. Once committee level amendments are submitted, the Board can only adopt same when the Florida Building Code is in effect.

a. Adoption of RAS 150

b. Adoption of Uniform Roofing Permit Application

It was the consensus of the Board, at this Public Workshop, that the Roofing Application Standard 150 and the Uniform Roofing Permit Application could be adopted, in concept, in order to prepare for the implementation of same upon the effective date of the Florida Building Code.

Mr. Somers MOVED, and the motion was duly seconded, to approve the adoption of Items 5 (a) & (b), stated above, in concept.

MOTION CARRIED.

Negative votes: none

Mr. Somers MOVED, and the motion was duly seconded, to close the Public Workshop.

MOTION CARRIED.

Negative votes: none

Mr. Rogers MOVED, and the motion was duly seconded, to re-convene the Board Meeting.

MOTION CARRIED.

Negative votes: none

c. Board Policy on Vehicle Replacement for Code Compliance Officers

Director DiPietro stated that the replacement of four vehicles in our 'current fleet' should take place some time around April or May of 2002. At this point, with our Reserves at about 1.9 million dollars, we should replace (upgrade) these vehicles to larger (Taurus-sized) vehicles consistent with the replacement policy now being followed the County's Building Code Services Division for a one-time expense of \$36,272 (4/10 of 1% of the reserves). Mr. DiPietro stated that said vehicles are between 8 and 5 years old and that some time will be needed to complete the change over. It was the consensus of the Board to authorize the out-of-pocket one-time expense of \$36,272 to replace the four vehicles and begin the process immediately. The Board was in favor of replacing the current vehicles with larger ones for the Code Compliance Officers.

Mr. Somers MOVED, and the motion was duly seconded, to approve the replacement of vehicles 2306, 07, 08 and 09 for the Code Compliance Officers.

MOTION CARRIED.
Negative votes: none

OLD BUSINESS -- None

GENERAL DISCUSSION

Chairman Flett reminded the Board members that if the Board's Committees have changes to make to the Florida Building Code they should be in place before the January 1, 2002 effective date, so that same can be adopted as amendments to said code. In addition, Chairman Flett stated that work needs to be done, along with the staff members, to write the Administrative Chapters (1, 2 and 3) to the Florida Building Code for us. Mr. Flett asked that several Board members be a part of a sub-committee to assist and give their input for the writing of said Administrative portion of the FBC. Mr. Flett stated that there will be a need for maybe two or three meetings, that he will chair said sub-committee and that Messrs. Feller*, Smith, Crockett and McHatton** would serve on this committee. *Mr. Meyer stated that in the event Mr. Feller could not attend, he would serve in his place. **Mr. McHatton, Building Official for the City of Hollywood, would represent the cities on this sub-committee.

Director DiPietro stated that there have been some 'tough negotiations' regarding the issues in the lease agreement for the Board's relocation; and that said item will be on the County Commission Agenda for its June 26, 2001 meeting. Mr. DiPietro also stated that we have 'moved out' about 1,800 sets of the Florida Building Code in the last forty days.

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 8:30 p.m.

Board Chairman

Recording Secretary

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**BROWARD COUNTY BOARD OF RULES AND APPEALS
BOARD MEETING – SEPTEMBER 13, 2001
MINUTES**

CALL TO ORDER

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

ROLL CALL

PRESENT

EXCUSED

ABSENT

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

None

None

At this point in the meeting, the Chairman recognized Mr. Robert Madge, who is turn delivered his feelings (in such a way as a tribute), along with a moment of silence for the victims of the September 11, 2001 attack by terrorists against the United States of American. (Said statements from Mr. Madge are attached to and made a part of **these internal minutes**).

APPROVAL OF MINUTES – Meeting of June 14, 2001

Mr. Crockett **MOVED**, and the motion was duly seconded, to approve the minutes of June 14, 2001.

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

Alicia Eloy, Fire Inspector, Coral Springs
Beau Johnson, Fire Inspector, Coral Springs
Chris Meyer, Fire Inspector, Coral Springs
Todd Wahlers, Fire Inspector, Pembroke Pines
Harold Alcalde, Fire Inspector, Coral Springs
E. Patric Jones, Fire Inspector, Oakland Park
C.G. (Butch) Martinie, Mechanical Inspector, Broward County
Kenneth Mason, Building Inspector, Parkland
Gerald Waugh, Building Inspector, Plantation
Richard Farren, Electrical Inspector, Broward County
Kenneth Elkins, Building Inspector Hollywood
Carlo DiBon, Chief Electrical Inspector, Sunrise
Eduardo Vazquez, Building Plans Examiner, Broward County
Seymour Hersher, Mechanical Inspector, Parkland
Waguih Messiha, Building Plans Examiner, Broward County
Kevin Donovan, Building Inspector, Building Plans Examiner, Lauderdale Lakes
Richard Nixon, Chief Mechanical Inspector, Margate

a. Peter Beaudoin -- City of Cooper City, Request for Certification as Building Official

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

ROLL CALL VOTE:

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

Negative votes: none

MOTION CARRIED.

A G E N D A

2. **Approval, in Concept, of Appendix “F” of the Florida Building Code (FBC), to become effective January 1, 2002, following Public Hearing,**

Mr. Rogers MOVED, and the motion was duly seconded, to approve Appendix “F” of the FBC, **effective January 1, 2002, after Public Hearing.**

MOTION CARRIED.
Negative votes: none

3. **Approval, in Concept of the Proposed Local Administrative Chapter to the FBC, to become effective January 1, 2002, following Public Hearing, (mailed under separate cover),**

Mr. Rogers MOVED, and the motion was duly seconded, to table the discussion and conceptual approval of the Proposed Local Administrative Chapter to the FBC.

MOTION CARRIED.
Negative votes: none

4. **APPEALS–None**

5. **NEW BUSINESS**

a. **Special Salary Adjustments/Increases, For Board’s Staff, and calling for an effective date**

Mr. Zibman MOVED, and the motion was duly seconded, to approve the merit and salary adjustments, as per Director DiPietro’s memo and chart (which is marked “Exhibit 1”, attached to, and made a part of **these internal minutes**); for all Board of Rules and Appeals’ staff members, with **an effective date of October 1, 2001**, and that all subsequent adjustments for all employees be made on October 1.

MOTION CARRIED.
Negative votes: none

b. **Establishment of Retail Selling Prices of Code Materials**

1. **Printed Version of the Florida Fire Prevention Code**
2. **CD-Rom Server (multi-User) Version of the Florida Building Code (FBC)**

Mr. Smith MOVED, and the motion was duly seconded, to approve and establish the selling price for the Florida Fire Prevention Code at \$92.00 plus tax shipping and handling (\$85.28 [our cost], +2% for public credit card convenience, plus \$5.00.

MOTION CARRIED.
Negative votes: none

Mr. Somers MOVED, and the motion was duly seconded, to approve and establish the selling price for the Multi-User CD-Rom version of the FBC for public sale @\$428. plus tax, shipping and handling (\$400. [our cost], +2% for public credit card convenience, plus \$20.00.

MOTION CARRIED.
Negative votes: none

c. **Approval of Annual Merit Increase (6.72 %) for Director, to be effective October 1, 2001,**

Chairman Flett stated that he and the Board are very satisfied with the Director's job performance and recommended an annual merit increase of 6.72% of the Director's current salary.

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the recommendation of the motion to adopt a 6.72% (\$5,880.) Increase for the Administrative Director, Mr. James DiPietro, **effective October 1, 2001.**

MOTION CARRIED.
Negative votes: none

OLD BUSINESS -- None

GENERAL DISCUSSION

It was queried, by Mr. Thrasher, as to what is the status of the moving of the Board's offices and it Mr. DiPietro stated that the County Commission rejected our proposal and lease agreement to move to the Coral Ridge Mall Office Building. It was further stated that we (our offices) should be located at One University Drive (which is where we asked if we could move to in the first place). (The county is in the process of having the buildings renovated–[northwest corner of University Dr. & Broward Blvd.]

ADJOURNMENT

There being no further business to come before the Board this evening, the meeting was adjourned at 7:40 p.m.

Board Chairman

Recording Secretary

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