BROWARD COUNTY BOARD OF RULES & APPEALS= MEETING
THURSDAY, MARCH 13, 2003
MINUTES

CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by Chairman Robert Madge at 7:00 p.m. on Thursday, March 13, 2003.

ROLL CALL

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<td>R. Madge,</td>
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<td>Vice-Chairman</td>
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<td>C. Meyer-for the purposes of voting, Mr. Meyer arrived at 7:10 p.m.</td>
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The presence of a quorum was announced.

APPROVAL OF MINUTES B Regular Meeting of December 12, 2002

Mr. Smith MOVED, and the motion was duly seconded, to approve the minutes of December 12, 2002 as written.

MOTION CARRIED.
Negative votes: none
CONSENT AGENDA

CERTIFICATIONS

Kristen Johnson, Fire Inspector, Plantation
Bruce Ward, Fire Code Official, Oakland Park
Kevin Donnelly, Fire Inspector, Cooper City
Frank Vrklan, Fire Inspector, Miramar
Kevin Sumner, Fire Inspector, Fort Lauderdale
Guy Lindauer, Fire Inspector, Cooper City
Ariel Villarieal, Fire Inspector, Pembroke Pines
George Lind, Electrical Plans Examiner, Coral Springs
Peter Micale, Mechanical Plans Examiner, Hollywood
Bruce Traina, Assistant Building Official, Miramar
Bruce Rogers, Chief Plumbing Inspector, Davie
Donald Slavinski, Chief Plumbing Inspector, Fort Lauderdale
James Sennello, Building Official, Deerfield Beach
Randy Youse, Building Inspector, Plantation
Richard Thompson, Building Inspector, Fort Lauderdale
Kevin Donovan, Chief Building Inspector, Lauderdale Lakes
Thomas Bennett, Plumbing Inspector, Pompano Beach
Craig Stevens, Electrical Plans Examiner, Fort Lauderdale
James Donohue, Building Plans Examiner, Broward County
Christopher Schlageter, Building Inspector, Pompano Beach
Jose Ares, Building Inspector, Pompano Beach
Jeffrey Green, Building Plans Examiner, Lauderdale Lakes
Jeffrey Green, Building Inspector, Lauderdale Lakes

Mr. Lavrich MOVED, and the motion was duly seconded to approve the item on the Consent Agenda (Certification of individuals in his/her designated disciplines).

MOTION CARRIED.
Negative votes: none
A. RESCINDING OF A PART OF Formal Interpretation #02-19-4 - Residential Swimming Pool Barrier Requirements, Retroactive of November 15, 2002

It was stated that it was discovered that part of this formal interpretation could have been construed to be an amendment was performed improperly and legally was never effective; therefore the balance of the interpretation remains in effect with the one sentence being deleted (at the end of second to last paragraph of the formal interpretation on the second page).

Mr. Kozich MOVED, and the motion was duly seconded, to approve the Change to Formal Interpretation #02-19-14 (Residential Swimming Pool Barrier Requirements, Retroactive of 11/15/2002.

MOTION CARRIED.
Negative votes: none

3. NEW BUSINESS

a. Proposed Amendment (Modification) to the Florida Building Code, submitted by Sanford Laguna, Building Official, City of Pembroke Pines, Florida Secs. 104.7.3, 104.7.4

Extensive discussion took place on this proposed code change that Mr. Laguna, Building Official for the City of Pembroke Pines had submitted relating to the above stated sections of the Florida Building Code. Mr. Laguna stated that this relates to work without permit. Originally it was in the SFBC and now its in the Administrative portion of the FBC, and it is basically the same. Mr. Laguna is of the opinion that the original wording of the FBC should be reinstated “Preliminary work” work up to the first mandatory inspection, caused many problems throughout the county, due to the fact that same was not interpreted uniformly, by every building department.

Mr. Laguna stated that this also provides for replacement of water heaters could begin without a permit. Mr. Ziegler stated that this requires the prior written permission of the building official; and we have the authority to deal with this amendment. Mr. Smith is concerned about the impact of home rule. Mr. Flett recommended that this be referred to the Board’s committees before the Board makes a final decision.

Mr. Kozich MOVED, and the motion was duly seconded, to table this proposed Code change and refer it to a committee.

MOTION CARRIED.
Negative votes: none

Chairman Madge stated that he would want the Chairmen of each of the Board’s Technical Committees to serve on this Ad Hoc Committee to review the proposed modifications to Secs. 104.7.3 and 104.7.4 by Mr. Laguna; and that he would like building officials of Broward County to be invited to the meetings to be held on this subject matter.
b. **Approval of Board Policy # 03-01 Regarding Certification of Fire Inspectors**

Despite the fact that a procedure has been followed since the early 70’s, said procedure has not been in writing. Mr. Valinoti stated that said procedure has been reduced to a written document and will be made a part of the Board Policies with one change being the removal of the very last sentence on the page.

Mr. Smith MOVED, and the motion was duly seconded, to approve Board Policy #03-01 as amended (the removal of the very last sentence on the page).

**MOTION CARRIED.**

Negative votes: none

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4. **FORMAL INTERPRETATIONS**

a. Florida Building Code (hereinafter referred to as FBC), Sec. 2222.4 – Reg. P.E./Rational Analysis-Roof Deck, etc.

The Formal Interpretation reads:

“A Florida Registered Professional Engineer utilizing rational analysis may design an unfilled metal roof deck to act as a diaphragm, without redundancy”.

Discussion emphasized “redundancy”, “rational analysis” and that the interpretation appears to be an amendment. Mr. Lavrich recommended the removal of the words “without redundancy”. Mr. Carroll stated that the Structural Committee reviewed and were of the opinion that a Structural Engineer, using rational analysis, could replace the unfilled deck. Mr. Ziegler stated that without getting technical it appears to be an amendment of the code because it says redundant, and with an approved fill material which is in accordance with Diaphragm Design Manual of the Steel Deck Institute; therefore; the manual is already established by code and it does not include rational analysis.

Mr. Lavrich MOVED, and the motion was duly seconded to approve the Formal Interpretation with the removal of the wording ‘without redundancy’ (at the very end).

**ROLL CALL VOTE:**
Affirmative: Messrs.: Lavrich, Rice, Smith, Bray, & Kozich  
Negative votes: Korelishn, Waldrep, Crockett, Flett, Meyer, Madge, & Snyder  
MOTION LOST.

Mr. Flett MOVED, and the motion was duly seconded, to Table this item, Sec. 2222.4, refer it to the Board’s Structural Committee for said committee to consider rewriting a Formal Interpretation or an amendment to the Florida Building Code.

**MOTION CARRIED.**  
Negative votes: none
b. FBC, Sec. 1621.1, - Allowable Stresses, etc.
c. FBC – FBC, Roof Wood Truss Wind Loading – Guidelines
d. FBC – Sec. 1522.2, Reroofing Applications of R-3 Dwellings, etc.
e. FBC – Sec. 2121.2.4, Gable Ends – Submitted by Board’s Structural Committee

Mr. Crocket MOVED, and the motion was duly seconded, to approve all of the above mentioned Formal Interpretations regarding the applicable Code sections and subject matters (Items 4 [b-e]).

MOTION CARRIED.
Negative votes: none.

5. DIRECTOR’S REPORT

Mr. DiPietro discussed the possibility of having to retain a copyright attorney in order obtain the right to print the state amendments to the FBC to provide, free of charge, to those individuals and/or companies who have purchased their codebooks from our office. The effective date of the amendments will be June 30th. The codes are primarily governmental based. We are talking about state amendments and we want to give them out free of charge. There were differences of opinion as to whether or not the cost of the codebook and its amendments is of the utmost importance.

Mr. DiPietro also stated that the commission and the league seem to be close to making their respective appointments and reappointments. It has also been brought to our attention that members who have served as voting members can be appointed as alternate members and visa versa (as long as there is the eligible corresponding category.

6. GENERAL DISCUSSION

It was stated that the issue of retaining a copyright attorney regarding the state amendments will be taken up at another board meeting.

ADJOURNMENT

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

A published meeting of the Board of Rules and Appeals was called to order by Chairman Robert Madge at 7:00 p.m. on Thursday, May 8, 2003.

1. SPECIAL RECOGNITIONS: TWENTY YEAR BOARD MEMBERS & BOARD MEMBERS LEAVING AS A RESULT OF TERM LIMITS

Chairman Madge came down from the dais, and presented plaques, from the podium, to current, past, and members leaving, for their dedication for the many years of service to the community and the Board. The presentations went very well and it was very good to see the long-time members chatting with one another and recalling ‘days of old’. A list of those members ‘recognized’ is marked ‘exhibit a’, attached to, and made a part hereto of these internal minutes.

Recess

Reconvened at 7:30 p.m.

ROLL CALL

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<td>B. Van Kirk (newly appointed member)</td>
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The presence of a quorum was announced.
APPROVAL OF MINUTES  B Regular Meeting of  April 10, 2003

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the minutes of April 10, 2003 with the correction on Page Two as corrected and written.

MOTION CARRIED.

Negative votes:

CONSENT AGENDA

CERTIFICATIONS

Marcus Robinson, Fire Inspector, Pompano Beach
Mariano Santos, Fire Inspector, Pembroke Pines
Thomas Dogherty, Fire Inspector, Pembroke Pines
Michael Pagano, Fire Inspector, Miramar
Robert Melendez, Fire Inspector, Broward County
Isaias Pena, Building Plans Examiner, Miramar
Jim Watson, Building Plans Examiner, Broward County
Peter D’Agostino, Building Inspector, Coral Springs
David McHardy, Electrical Plans Examiner, Miramar
Scott Dry, Electrical Inspector, Fort Lauderdale
Loshington Wynter, Building Plans Examiner, Miramar

Mr. Lavrich MOVED, and the motion was duly seconded to approve the Certifications of individuals in his/her designated disciplines.

MOTION CARRIED.

Negative votes:  none
3. **APPEALS –**

a. **Appeal # 03-03, Robert and Nancy Cousins, Project Location: 2299 SE Eighth Street, Pompano Beach, Florida**

Mr. Andrews of staff introduced this appeal and stated that the appeal did not indicate specifically what is being appealed (i.e. SFBC, FBC, Fl. Fire Prev. Code or an adopted standard). Mr. Andrews stated that his response is based on information provided by Mr. Waldron (City of Pompano’s Chief Mechanical Inspector and the Manufacturer’s Installation Manual). The ‘bottom line’ of Mr. Andrews’ comments is that the cupola in question is in violation of NFPA 211 and that he concurs with the City of Pompano and recommends denial of the appeal. Included, but not limited to, in Mr. Andrews’ comments were the mention of Factory-Built Fireplace, listed factory-built components, combustible wood surrounding and above the termination of a factory built fireplace; decorative shrouds at the termination of a factory-built chimney shall not be permitted and the use of decorative shrouds listed for use with specific factory-built chimney systems. The fireplace in question her is a Majestic Fireplace (wood burning) and is UL listed.

Mr. Robert Cousins, appellant spoke on his own behalf and gave a lengthy presentation regarding the events and factors of the issue at hand. It has always been the intention that they have a gas burning fireplace and the plans did show the gas lines running directly to the fireplace. When the product was finally selected, they submitted the product to the city for approval. Appellant was told that the cupola could not go on top of the termination. Appellant went on to address additional issues which included, but were not limited to, TT shrouds, decorative shrouds, NFPA-54, National Gas Code, NFPA-211, fuel burning appliances, gas materials, approved gas appliances, etc.

Mr. Cousins further stated that they could line the metal with fire retardant material which would make it even more fire retardant. Finally under the code that the city cites “if the manufacturer has a device which it recognizes to place above termination of the chimney it could be accepted and approved”. Majestic has a series of products that they have recognized to be approved. The shroud in question is called the TT Shroud, was presented to the city, but not included in your packet. It is approved by UL and approve by the manufacturer. Mr. Cousins stated that the termination of the system is the round top termination extended at the roof (chimney components) sitting at the end of the aluminum flue; it specifically states that there can be a device above that as long as it is approved by the manufacturer. The presentation continued, however, it was disclosed that practically none of this information was presented to the city. It was the consensus of the Board that all of the information that the appellant has in his possession now, needs to be given to the city and the city needs to make a decision based upon the current information.

Mr. Cecil Waldron, Chief Mechanical Inspector for the City of Pompano Beach, spoke on behalf of the city and stated that the fireplace was first addressed on plan review on 2/7/01 and then removed on 4/23/01. It was applied for in February, 2003 and was permitted to be installed per manufacturer installing instructions. The ‘99 SFBC, Sec. 4005.1 was quoted. Mr. Mest, Mechanical Inspector for Pompano Beach while inspecting the rough piping of fireplace made a comment and note “cannot terminate wood burning fireplace into combustible cupola” in addition to other requirements for the future final of the fireplace. The manufacturer does not allow wood burning fireplaces to terminate into a combustible cupola (nor have they changed the installation instructions). The city has not heard from the g/c, the architect, or the owner.
Mr. Lavrich MOVED, and the motion was duly seconded, to continue the appeal to allow the information which we have heard here tonight and that certain documents do exist and were not part of our packets; take it back to the City of Pompano Beach and present all of the evidence to the city and let the Building Official and Chief Mechanical Inspector, based upon all of the evidence that the appellant has at hand right now, make a decision.

ROLL CALL VOTE:
Negative votes: none
MOTION CARRIED.

4. FORMAL INTERPRETATIONS

a. Secs. 610 & 410 – Florida Energy Efficient Code, recommended by the Board’s Mechanical/Smoke Control Committee (4/21/03)

b. Sec. M 403.6.4.1.2 – Florida Mechanical Code, recommended by the Board’s Mechanical/Smoke Control Committee (4/21/03)

Mr. Lavrich MOVED and the motion was duly seconded, to approve (items 4 a & b) the Formal Interpretations stated above to be effective immediately, to wit, May 9, 2003.

MOTION CARRIED.
Negative votes: none

ADJOURNMENT

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

A published meeting of the Board of Rules and Appeals was called to order by Chairman Robert Madge at 7:00 p.m. on Thursday, March 13, 2003.

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<td>S. Feller</td>
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The presence of a quorum was announced.

APPROVAL OF MINUTES

Mr. Feller MOVED, and the motion was duly seconded, to approve the minutes of March 13, 2003 as written.

MOTION CARRIED.

Negative votes: none
A Moment of Silence was Observed for the Troops Overseas Fighting for Freedom for the Oppressed

CERTIFICATIONS

William Hitchcock, Building Official, Davie
Joseph De Maio, Chief Plumbing Inspector, Margate Board of Rules and Appeals
David Cake, Assistant Building Official, Tamarac
James Stewart, Electrical Plans Examiner, Hollywood
Waguhi Messiha, Chief Building Inspector, Deerfield Beach
Robert Odell, Chief Building Inspector, and Assistant Building Official, Miramar
Cesar Santiago, Building Plans Examiner, Davie
Damon Benedict, Assistant Building Official, Sunrise
Arthur Wiesel, Mechanical Plans Examiner, Coral Springs
Ernesto Sedano, Building Plans Examiner, Broward County
Thomas Clements, Fire Inspector, Fort Lauderdale
Kenneth Brown, Fire Plans Examiner, Dania Beach
Stephen Bilka, Fire Code Official, Lighthouse Point

Mr. Korelishn MOVED, and the motion was duly seconded to approve the Certifications of individuals in his/her designated disciplines.

MOTION CARRIED.
Negative votes: none

Certification of Adam Attah as Building Plans Examiner, Requested by City of Plantation

It was stated that at the written request of the Plantation’s Building Official, Jeff Sabouri, this item be postponed to the next Board meeting.

3. APPEALS – none

At this point in the meeting, Chairman Madge stated that he desired to take up item #7 next, on the agenda.

7. APPEAL TO RECONSIDER ADOPTION OF THE AMENDMENTS TO SECS. 412 AND M 403.6.4 ADOPTED ON MARCH 1, 2002

Appeal to reconsider adoption of Local Amendments to Secs. 412 and M 403.6.4 by Mr. Alfonso Fernandez-Fraga, P.E.

Chairman Madge asked that each speaker state his/her name prior to speaking for the sake of the Court Reporter.

Mr. Andrews of staff explained that he and the Board’s Mechanical/Smoke Control Committee are of the opinion that they met all of the requirements of Florida Statute 553.73(4)(b).

(CORRECTED PAGE-G. LAINO-5/5/03)
Our amendments do not require mechanical smoke control; it does allow natural ventilation. Sec. 403.6.4 of the Florida Mechanical Code and the same section of the Broward County amendments of the Florida Mechanical Code, there are several ways to meet the requirement for smoke control. One way, under Sec. 403.6.4.1 of the Florida Mechanical Code, through the use of panels or windows in the exterior walls; which can be opened remotely from an approved location other than the fire floor, the use of openable fixed tempered panels was eliminated due to this being a high wind velocity zone. The Broward Building Code, the Florida Mechanical Code and the Broward County Amendments to those codes also allow alternate methods of construction. This will allow designers to design a natural smoke control system which could be accepted by the building official. We do allow natural ventilation.

Mr. Andrews further stated that testing is required but no testing criteria was established in the Florida Building Codes. We have been mandated to have testing, so we had to come up with criteria. Mr. Andrews quoted several Life Safety code sections that state that required smoke control systems shall have a testing program to insure operational integrity. Both NFPA-1 and NFPA-101 also demand that you have testing procedures on smoke control. Climatic factors do effect the movement of smoke – humidity, infiltration, exfiltration, and stack effect. Mr. Andrews’ answer to Chairman Madge’s query was that we adopted the modification so that there would be uniform test criteria in Broward County for all municipalities to follow not to have what occurred in the 80’s with cities performing different tests. They were reviewed at length and published. They were discussed at the committee level and were then sent on to the Board of Rules and Appeals for its review and consideration. Mr. Andrews stated that in other jurisdictions around the state, they are requiring mechanically ventilated smoke control systems. Most high rise building designs make it impossible to accomplish natural ventilation.

Mr. Steven Feller, P.E. assisted in writing these sections of the Code and has some knowledge of the pieces and parts of same; but in terms of the local jurisdictions, there is no other area of the state enforcing it in a written fashion; however, West Palm Beach requires smoke ‘evac’ in their buildings over 75’, you cannot do a building on Miami Beach in excess of 75’ without some form of smoke control (they have never required ‘evac’ – they have required pressurization and ‘evac’ in the public areas). Dade County requires the same in high rise buildings over 75’ that you have evac in the public areas and pressurization in the common areas; as well as the prescriptive measures, because don’t forget the Code says that you must do stair pressurization on high rise buildings. Orange County requires a form of smoke control in their buildings; in addition, Naples and Collier County are now beginning to require smoke control in their buildings as well.

Mr. Feller went on to say that the information is being proliferated through the various fire agencies and is prevalent in highly concentrated largely populated areas (Fort Lauderdale, New York, Chicago, ‘LA’, etc) cities where there are a large number of people in buildings well in excess of 75’, where the amount of time it will take them to evacuate the building is significantly enhanced by some type of removal of smoke in the project. Sprinkler systems are great, but they do not respond to smoke (which is what kills people).

Mr. Feller commented that ASHRAE took the lead many years ago with the technology of the basic criteria for smoke evacuation and many engineering firms do just that. It has become more and more of a science than an art and has proven to be very beneficial in buildings over 75’ in height.

Mr. Ziegler stated that this is a quasi-judicial proceeding and should not be discussed with anyone outside the hearing – like any other appeal.
The appellant, Mr. Alfonso Fernandez-Fraga, design engineer, was represented by Mr. Robert Fine of the Law Firm, Greenberg Traurig. Mr. Fine stated that the modifications (amendments/changes) are not ‘legal’ because there is no reason shown for them to be necessary due to conditions unique to the local area. The appellant also contends that a local review board would need to review local amendments and since none exists, the procedure currently used is unlawful. Much of S.S. 553.73 and the County Charter was discussed and lengthy discussion took place. Our Board Chairman gave the appellant, through his attorney, the courtesy to hand out some literature which he thought would be several pages, but which turned out to be a large booklet, which our Board members would not have had the time to read through at the meeting; and was introduced as part of the record. (Copies of news articles, several statutes, our Board packets, our local amendments, etc.). Copies of tapes of our meetings were submitted to us for the record. Mr. Fine stated that they are here to challenge Secs. 412 and M403.6.4. – Mechanical Smoke Control Systems. These, and other technical amendments are invalid and unenforceable and their presentation will show the Board this tonight. No administrative amendments to the Building Code are being challenged. The SFBC required mechanical smoke evacuation systems. The Florida Building Commission at some point decided that there was a need to have a state-wide building code, and the ‘commission’ did not choose to require a mechanical smoke ‘evac’ system. Subsequently, your county, by way of your Board chose to promulgate these local amendments to the Florida Building Code (FBC) including the two they are challenging today. It is their position that these amendments are not valid and not enforceable.

The local jurisdiction that adopts local amendments has the burden to show that it complies with F.S. 553.73 before a compliance review board and a Florida commission meeting 553.73.74 (a)(8). Mr. Fine stated further that Broward County never entered into an interlocal agreement to establish a countywide compliance review board in the manner that was required (553.73.47(b)). Mr. Fine stated that he was informed by Attorney Ziegler that there was no interlocal agreement. That being the case, Attorney Fine contends that Broward County does not have the authority to promulgate local technical amendments to the FBC.

Broward County is unique in that you are the only body that can make, propose and fully promulgate changes or technical amendments to the building code. If you go to Dade, if you go to Palm Beach, their Boards of Rules and Appeals’ are not the promulgating bodies. The modifications also do not satisfy the local criteria part that is a standard for a local amendment. The amendment has to be based on local conditions. Mr. Fine stated that the building commission should look at it, it is not an item that is a unique Broward item, it is a state issue, it should be addressed, and you do not have the authority by whatever body, to create a technical amendment when this is an issue of statewide significance. This is very legal. There are limited parameters for making changes. As a matter of law, when you enacted the amendments, you did not have the authority to do so.

Mr. Rogers stated that the Board was and is of the opinion that we did and do have the right and authority to do what we did do, and until such time as the proper authorities tell us or rule that we do not have that right and authority he is of the opinion that the amendments should stand.

Mr. Smith stated that inasmuch as we may seem different, as where in this case the modification may seem more stringent, what we have done, and have done in the past, is to protect the citizens of Broward County -- we have made that decision. Maybe you seem to believe because your client is now involved, that the decision we made was not made using the proper steps. You are not really saying that what we did, was not really good for the citizens -- what you are really saying (if I heard you correctly) we just didn’t go about it in the right steps in order to get it accomplished. (Mr. Fine: “that is what I am saying”). I believe that if you were sitting on this Board, you would make the same decisions. We try to make the decisions that help these people who live in those.
buildings. Your client however, chooses not to feel the same way and hires a team of gentlemen to find loopholes (don’t mind me saying this) to get ‘around this issue’ and I contend that it’s strictly a cost issue. I believe personally that your client has you here tonight because he does not want to pay for this in his building. (That is Mr. Smith’s personal opinion.) I don’t believe your client cares about the steps the Board took and I don’t believes he cares about how the Board went about it or whether we had the right to do it. I believe your client does not want to pay the cost to evacuate that smoke in that building -- that is my opinion. Mr. Crockett stated that he agreed with Mr. Smith wholeheartedly, and asked Attorney Ziegler to comment on the issues.

Mr. Ziegler stated that this Board has no authority to rule on any of the legal points that Mr. Fine has brought up, only a court of law has jurisdiction over same. However, there is a procedural sub point to make sure that you all understand how you are sitting here tonight and hearing this appeal. The agenda had this note on it saying it would be heard by a compliance review board. This board is not the compliance review board, as contemplated by the state of Florida. This Board is the Board of Rules and Appeals that has explicit authority over the Building Code in Broward County. Now Mr. Fine referred to interlocal agreement. That statutory section which refers to interlocal agreement for the county and municipalities have the authority to amend the code. In Broward County, municipalities do not have that authority. Therefore, we do not have a compliance review board in Broward County. It is not authorized because we operate on a different procedure here. The Board of Rules and Appeals has the sole authority to amend the Code.

Therefore, we are hearing this appeal here tonight as an appeal to reconsider was the action of this Board of March 1, 2002 (when you passed these amendments) were done properly -- and that is the sole issue. Mr. Andrews has addressed the needs that prompted this Board to make the amendments and Mr. Feller had his reserved time to respond also because he contributed to the amendments. As to the other points, Mr. Fine and I have an understand as to what the issue is here tonight and that is whether the amendments were properly done according to the statutory requirements in March, 2002. He has an obligation to make a record because this matter is going to proceed before the Florida Building Commission and maybe to a court.

Further discussion ensued regarding smoke ‘evac’ and smoke control, testing criteria, etc. Mr. Smith was of the opinion that Mr. Ziegler be directed to look into whatever step he needs steps we took were proper or not.

Attorney Ziegler concluded that this issue needs to be disposed of as an appeal to rescind the aforementioned local amendments to the FBC.

Mr. Feller MOVED and the motion was duly seconded to deny the appeal in that the amendments are valid since they were correctly formulated, presented to the public for discussion, and adopted in appropriate form.

**ROLL CALL VOTE:**
Affirmative votes: Messrs: Madge, Synalvoski, Crockett, Flett, Lavrich, Rice, Rogers, Smith, Snyder, Thrasher, Bray, Korelishn & Feller
Negative votes: none
MOTION CARRIED.
4. AMENDMENTS/MODIFICATIONS TO THE FLORIDA BUILDING CODE

Secs. 104.7.3 and 104.7.4, as recommended by Board’s Ad Hoc Committee of March 24, 2003 (6 to 1 vote)

104.7.3 Double Fee: When work for which a permit is required is started or proceeded with prior to the obtaining of said permit, the fees as specified herein may be doubled. Preliminary work performed up to but not including the first mandatory inspection (Sec. 1052), shall not be considered as work started without a permit. The payment of such double fee shall not relieve any person firm or corporation from fully complying with the requirements of this Code, nor from any penalties prescribed therein. Work starting before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official’s written approval may be subject to a penalty of 100 per cent of the usual permit fee in addition to the required permit fees.

104.7.4 Work starting before permit issuance: Upon prior written approval of the building official, the scope of work delineated in the building permit application and plan, may be started prior to the final approval and issuance of the permit provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection.

In addition for further clarification, the following formal interpretation is recommended:

“In Sec. 104.7.4, the term ‘building permit’ shall be considered generic, including, but not limited to, structural, electrical, plumbing, mechanical and gas permits.”

Mr. Bray MOVED and the motion was duly seconded, to approve the above modifications to Secs. 104.7.3 and 104.7.4 (with the minor changes mentioned) as well as the formal interpretation all with the effective date of June 30, 2003.

MOTION CARRIED.
Negative votes: none

5. NEW BUSINESS

Presentation and Approval of FY 2004 Budget

Mr. DiPietro stated that approximately seventy to eighty per cent of the budget is given to us by the Office of Budget & Management. Also, we are in the middle of the survey of the engineering firms, an additional $50,000 is available this year, and $25,000 has been set aside in next year’s budget, (for a total of $75,000) depending upon the Board’s direction as a possible budget option as to whether or not to continue the program. We have two million dollars in reserves.
6. **DIRECTOR’S REPORT**

   Copyright Issue

   Director DiPietro stated that there is no need for a copyright attorney. SBCCI negotiated two sources 3500 copies amendments effective this June will be given out to the public report and recommendation. Mr. Snyder stated that he would like to commend Mr. DiPietro for following through on this.

8. **GENERAL DISCUSSION**

   Mr. Smith inquired that every three years the state meets to approve proposed amendments, can they meet before that? Can the amendment we passed tonight become effective soon? It was stated that tonight’s Broward County amendment will become effective on June 30, 2003. The Florida Building Commission Amendments now being considered will become effective on July 1, 2004.

   Mr. Meyer stated that he has served on the Board for 13 years and that he has enjoyed ‘this trip with the guys’—‘keep up the good work’—‘are we eligible for unemployment?’

   Mr. Lavrich suggested that members who have served 20 years should receive a plaque. In addition, Mr. Lavrich commended Mr. DiPietro on the fine job regarding the issue of the amendments for the building code and the amount of savings which will be passed on to the public – it is a valuable service.

   Additionally, Mr. Lavrich stated that the educational programs being provided over the last year (core courses) at $10.00 per course have been a great service to the citizens also and credited Mr. DiPietro for his efforts in this endeavor.

**ADJOURNMENT**

There being no further business to come before the Board this evening, the meeting was adjourned at 8:55 p.m.

________________________     _____________________
Board Chairman                Recording Secretary
CALL TO ORDER

A published meeting of the Board of Rules and Appeals was called to order by Chairman Robert Madge at 7:00 p.m. on Thursday, June 12, 2003.

ROLL CALL

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<tr>
<th>Present</th>
<th>Excused</th>
<th>Absent</th>
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<tr>
<td>R. Madge, Chairman</td>
<td>W. Flett</td>
<td>None</td>
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<td>M. Synalovski</td>
<td>W. Thrasher</td>
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<td>A. Kozich</td>
<td>S. Giles</td>
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<td>A. Korelishn</td>
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<td>D. Lavrich</td>
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<td>A. Fernandez (for the purposes of voting, Mr. Fernandez arrived @ 7:30 p.m.)</td>
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<td>C. Meyer</td>
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<td>W. Norkunas</td>
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<td>H. Zibman</td>
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<td>G. Waldrep</td>
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The presence of a quorum was announced.

APPROVAL OF MINUTES

Mr. Lavrich MOVED, and the motion was duly seconded, to approve the minutes of May 8, 2003 as written.

MOTION CARRIED.

Negative votes:

CERTIFICATIONS

James Michaels, Plumbing Plans Examiner, Broward County
Daniel Baker, Plumbing Plans Examiner, Broward County
Armenio Lavina, Fire Inspector, Dania Beach
Daniel Rosenquist, Fire Inspector, Dania Beach
Mr. Lavrich MOVED, and the motion was duly seconded to approve the Certifications of individuals in his/her designated disciplines.

MOTION CARRIED.
Negative votes: none

AGENDA

1. a. Request of the City of Plantation for the Board to Review an Administrative Staff Position denying approval of a Certification Request of an Applicant Seeking to be Certified as a Structural Plans Examiner

Mr. Carroll of staff introduced this item, Attorney Don Lunny spoke on behalf of Mr. Attah, Mr. Attah spoke and Mr. Jeff Sabouri, Building Official for the City of Plantation also spoke on this item. Many issues were mentioned which included, but were not limited to, state statutes, Code sections, certification requirements for inspectors and/or plans examiners etc.

It was the consensus of the Board that the applicant did not have the required five years experience needed for plans examiner by Code.

Mr. Kozich MOVED and the motion was duly seconded, Draft!!!
to deny the certification request of Mr. Adam Attah as Structural Plans Examiner.

ROLL CALL VOTE:
Affirmative:
Affirmative: Messrs.: Madge, Kozich, Korelishn, Lavrich, Smith, Somers, Van Kirk, Zibman & Waldrep
Negative: Messrs.: Norkunas & Meyer
Abstaining: Messrs. Synalovski & Fernandez

2. APPEALS –

Appeal # 03-03, Robert and Nancy Cousins, Project Location: 2299 SE Eighth Street, Pompano Beach, Florida -- continued from last month’s meeting

Mr. Andrews of staff once again introduced the appeal, Mr. Cousins spoke on his behalf, Mr. Waldron, Chief Mechanical Inspector for the City of Pompano Beach spoke on behalf of the city and Mr. Gallo, architect also spoke on the appeal. Many items were discussed which included but were not limited to, NFPA-211, Majestic fireplaces, TT shrouds, UL approved components, rational analysis, safety issues, manufacturers requirements, etc.
4. **DIRECTOR’S REPORT**

Mr. DiPietro stated that he has been able to negotiate a price of the latest edition of the Florida Building Code at $97.00.

Attorney Ziegler reported that in the lawsuit with Assoc. of General Contractors alleging that the Board didn’t have the authority to delete from Chapter One the provision which allowed one to obtain a “Permit by Affidavit” the trial court ruled against the association. The association has filed an appeal. The Appellate Court has issues an order stating that it would consider the appeal without hearing any oral argument, which means that they do not consider this to be a very important appeal. We expect a decision within six months.

Regarding the latest lawsuit (filed six weeks ago) Antonio Fraga over our denial to reconsider our adoption of the amendments concerning the Smoke Evacuation Amendments, we had a trial by video involving Mr. Feller, Mr. Andrews and Mr. DiPietro as witnesses, before an Administrative Judge. The Judge has to enter his recommended Order to the Florida Building Commission by June 27, 2003 and the Commission decides whether to accept his Order or to amend it which ruling must be made by the end of July.

5. **GENERAL DISCUSSION**

Mr. Norkunas commented that he feels it is very important to support the individuals whom we certify, and that uniform enforcement among all of the cities and municipalities, in Broward, is of the utmost importance.

**ADJOURNMENT**

There being no further business to come before the Board this evening, the meeting was adjourned at 8:58 p.m.
After lengthy discussion it was the consensus of the Board that under certain conditions, this appeal could possibly be approved.

Mr. Korelishn MOVED and the motion was duly seconded to approve the appeal **provided** same was in accordance with the architect’s “option 2” proposal of the Cousins’ residence’s existing cupola over the manufacturer’s metal shroud. (In lieu of the latitude that NFPA-211 (on that basis) allows and what appellant has supplied from the manufacturer [Majestic] on TT Shrouds; in addition to what the architect has provided in the packet as to what meets safety issues (and the intent of the Code) and on the basis of Majestic Fireplaces (or materials equal to or better than and in accordance with manufacturers’ specs or according to rational analysis). In addition, a stronger statement from the architect stating that the design that he has prepared meets the requirements of the manufacturer and NFPA.

**Draft!!!**

( the last sentence of the motion being an amendment to Mr. Korelishn’s motion made by Mr. Lavrich with Mr. Korelishn’s acceptance of same)

**ROLL CALL VOTE:**
**Affirmative:**
Messrs.: Korelishn, Lavrich, Meyer, Somers, Smiths Van Kirk, Zibman, Waldrep, Synalovski & Fernandez
**Negative:** Messrs.: Madge, Kozich, Norkunas

3. **FORMAL INTERPRETATIONS:**

**Sec. 2121.1.6 – FBC – Horizontal Joint Reinforcement**

Mr. Carroll stated that this is only required when the engineer stipulates it to be required.

Mr. Kozich MOVED, and the motion was duly seconded, to approve the Formal Interpretation regarding **Sec. 2121.1.6 to become effective immediately, to wit, June 13, 2003 for distribution** as written.

**MOTION CARRIED.**
**Negative votes:** none
BROWARD COUNTY BOARD OF RULES & APPEALS
MEETING
THURSDAY, OCTOBER 9, 2003
MINUTES

CALL TO ORDER

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

ROLL CALL

Present
R. Madge, Chairman
D. Zimmer
M. Synalovski
W. Flett
D. Lavrich
S. Giles—for the purposes of voting, Ms. Giles arrived @ approx. 7:15 p.m.
A. Korelishn
A. Kozich
C. Meyer
B. Norkunas
J. Somers
E. Edison

Absent
None

Excused
B. Van Kirk
H. Zibman

APPROVAL OF MINUTES

Mr. Kozich MOVED, and the motion was duly seconded, to approve the minutes of the June 12, 2003 minutes.

MOTION CARRIED.

Chairman Madge welcomed our newest Board member, Mr. Eric Edison, Consumer Advocate who has replaced Mr. Thrasher and who was appointed by Commissioner Parrish. Mr. Edison is an attorney employed by a local law firm. He stated that he is looking forward to working with his fellow Board members and to serving on the Board.

Recognition of Service – Fifteen Years to the Board – Mr. Harry W. Carroll,

It was stated that Mr. Carroll has now served the Board for fifteen years and how diligently and thoroughly he has performed the tasks at hand over the years. Mr. Carroll was complimented on the excellent work he does for the Board in the many areas that he covers in the structural discipline as well as seminar presentations, education, code research and many...
other tasks too numerous to mention.

Mr. Lavrich MOVED, and the motion was duly seconded, to recognize Mr. Carroll’s fifteen years of service, in part, by giving him a day off, with pay.

MOTION CARRIED.
Negative votes: none

**Introduction of New Employee – Mrs. Elizabeth Swope**

Chairman Madge stated that the Board has a new employee Mrs. Swope, who goes by “Liz” and he mentioned that he had hoped everyone got a chance to look at her impressive resume. The Board welcomed Liz to the staff.

**CONSENT AGENDA**

1. **CERTIFICATIONS**

Steven Thode, Building Plans Examiner, Parkland
William Kraemer, Building Plans Examiner, Fort Lauderdale
Edward Bolik, Building Plans Examiner, Hollywood
Kevin Donovan, Building Official, Lauderdale Lakes
Clarence Martinie, Mechanical Plans Examiner, Broward County
Michael Lange, Plumbing Inspector, Sunrise
Thomas Schubert, Assistant Building Official, Coral Springs
Daniel Rosengart, Fire Plans Examiner, Lighthouse Point
Paul Burgess, Fire Inspector, Lighthouse Point
Hal Mudick, Fire Inspector, Sunrise
Troy Paletz, Fire Inspector, Pembroke Pines
Peter McGinnis, Fire Inspector, Pompano Beach
Brian Phipps, Fire Inspector, Dania Beach
George Linder, Fire Inspector, Pembroke Pines
Clifford Correll, Fire Plans Examiner, Sunrise
Tammy Meadows, Fire Inspector, Fort Lauderdale
David Raines, Fire Code Official, Pembroke Pines
Miguel Aleman, Fire Code Official, Hallandale

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

MOTION CARRIED.
Negative votes: none

**AGENDA**

2. **APPEALS** There were no appeals to come before the Board this evening.

3. **Local Amendments to the Florida Building Code**

Broward County Board of Rules & Appeals
Board Meeting ¼ Thursday, October 9th, 2003
FBC - Administrative Chapter One, Broward County

a. Sec. 103.17.1 – Recertification, recommendation to add, effective 12/31/03

FBC - Chapter 15:
e. Sec. 1512.4.2.4 – Existing Local Amendment, (roofing) recommend to rescind the exception

Mr. Kozich MOVED, and the motion was duly seconded, to approve the afore-mentioned local amendment to Sec. 103.17.1, to become effective Dec. 31, 2003; and the rescinding of the exception (there is a conflict in the existing Codes) of Sec. 1512.4.2.4 to become effective November 14, 2003.

ROLL CALL VOTE:
Affirmative: Messrs.: Madge, Synaolovski, Flett, Lavrich, Korelishn, Kozich, Meyer, Norkunas, Somers, Edison, and Zimmer
Negative: none
MOTION CARRIED.

b. Sec. 104.6.2.1 – Plans & Specifications, Deletion of last sentence, effective 11/14/03
c. Product Approval Table, recommendation to delete in its entirety, Pg. 1.50, effective 11/14/03
d. Product Approval Forms – Not to be Reinstated, Superceded by State of Florida, as of Oct. 1, 2003, effective 11/14/03

Mr. Kozich MOVED, and the motion was duly seconded, to continue the afore-mentioned local amendments to the FBC (Florida Building Code) affecting Secs. 104.6.2.1, Product Approval Table, and the Product Approval Forms, to the next Board meeting (Nov. 13, 2003).

ROLL CALL VOTE:
Negative: none
MOTION CARRIED.
4. Discussion on Proposed Modification to State Mechanical Code

Chairman Madge stated that he was going to address this issue, however, he did so individually by letter to the Mechanical Committee; therefore, the item was addressed and a discussion is no longer necessary tonight.

5. Merit Increase for Administrative Director (5.9%) to be effective Oct. 1, 2003

Mr. Edison, our newest Board member, questioned the issue of the percentage of the increase for the Administrative Director. Mr. Madge explained same. Mr. Madge stated that he went to Human Recourses and performed some research before considering the Director’s merit increase, and that the County is using a 4% base for non-clerical plus a cash bonus up to $5,000. He also stated that this increase reflects a percentage point less than previous years. Also explained is the fact that the Board is autonomous, that we generate our own funds and that our funds have nothing to do with the County’s General Fund at all.

Mr. Edison stated that it is his opinion that we should stay in line with the county (3%) and the state (2%). Mr. Lavrich did not want to accept an amendment (for a lesser percentage for the Director’s increase); to his motion and a motion was made for same, but died due to lack of second.

Mr. Lavrich MOVED, and the motion was duly seconded, to approve a 5.9% merit increase for Director DiPietro with the effective date of October 1, 2003.

ROLL CALL VOTE:
Negative votes: Mr. Edison
MOTION CARRIED.

6. DIRECTOR’S REPORT

Director DiPietro reported that the Engineers’ Reports will be on the next Board meeting agenda, and said that we are going with the data that we have to date. There will be complete packets (individual house by house basis). We are a little bit more than half to the final step. Everything we have paid for has been completed. Remember, we are looking for whether or not we have a problem or whether or not the Board needs to take action. At this point, the findings will go straight to the Board.

7. GENERAL DISCUSSION

ADJOURNMENT

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

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

ROLL CALL

Present
R. Madge, Chairman
F. Edison
G. Elzewig
S. Giles
A. Kozich
A. Korelishn
D. Lavrich
B. Norkunas
R. Smith
J. Somers
B. Van Kirk
H. Zibman
D. Zimmer

Absent

Excused
M. Synalovski, Vice-Chairman
T. Bray
S. Feller
A. Fernandez
W. Flett
S. Kastner
C. Meyer
D. Rice
G. Walderp
APPROVAL OF MINUTES – October 9, 2003

Mr. Lavrich MOVED, and the motion was duly seconded by Mr. Korelishn, to approve the minutes of the October 9, 2003 meeting.

MOTION CARRIED.
Negative votes: none

CONSENT AGENDA

1.  Certifications

Damon Benedict, Chief Building Inspector, Sunrise
Norman J. Bruhn, Chief Building Inspector, Cooper City
Alfonso Cabrera, Building Inspector, Hollywood
Sean Flanagan, Building Plans Examiner, Lauderhill
Juan A. Gomez, Building Plans Examiner, Broward County
Luther Jackson, Assistant Building Official, Broward County
Michael J. Joubert, Chief Electrical Inspector, Plantation
Jesse Lapin-Bertone, Fire Inspector, Coral Springs
Ted Licitra, Assistant Building Official, Broward County
James Lynch, Building Plans Examiner, Miramar
Patrick Richardson, Chief Electrical Inspector, Tamarac
John Sampson, Building Plans Examiner, Miramar
Juan Jorge Valdinia, Building Plans Examiner, Hollywood

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

MOTION CARRIED.
Negative votes: none

REGULAR AGENDA

2.  Appeals

a. Appeal #03-06 - J.E. Mitchell & Assoc., Inc. Project Location: 840 N.W. Fifth Avenue, Fort Lauderdale, FL -- Chapter -- Sec. 101.5.7.1

Committee Recommendation to Deny (Five (5) to Three (3) Vote)

The Board heard from Messrs. Zibman and Koziich, members who both serve on the Board of Rules and Appeals and the Mechanical Committee for the staff view of the appeal. Ms. Lori Simmer, Mr. Woodall of Southern Mechanical Systems, Inc., and Mr. Michael Cahill of the Broward Sheriffs Office, spoke on behalf of J.E. Mitchell and Associates. Mr. Stavrou, Mechanical Inspector, and Mr. Smith, Building Official spoke on behalf of the City of Fort Lauderdale. This issue was discussed at length, and a motion was presented.

Broward County Board of Rules & Appeals
Board Meeting – Thursday, November 13, 2003
Motion to deny the appeal, by Mr. Smith, with a part of that motion being that if the motion carries and appeal is denied, that the City of Fort Lauderdale work to ensure that the evidence is not tainted or lost. Motion was duly seconded by Mr. Kozich. Roll call vote taken where by an 8 to 5 vote carried the motion to deny.

ROLL CALL VOTE:

Negative: Ms. Giles, Messrs.: Korelishn, Edison, Zibman, and Elzewieg.
MOTION CARRIED.

b. Appeal #03-07- Kamm Consulting, Inc. Project location: 5749 Northwest 74th Terrace, Parkland, Florida. Florida Building Code, Chapter 13, Section 602.1

Staff Recommendation to Deny

The Board heard from Mr. Dumbaugh, Chief Structural Code Compliance Officer, Board of Rules and Appeals, on behalf of Mr. Harry Carroll also a Chief Structural Code Compliance Officer, who is currently out of town. Mr. Dumbaugh briefed the Board on the appeal, and informed them that the same appeal was denied by the Miami-Dade Board of Rules and Appeals, and suggested that the appeal not be heard since it was rejected by the Florida Building Commission. Mr. Korelishn excused himself from this appeal, due to a conflict of interest.

Mr. Kamm, the appellant came before the Board and summarized his reason for this appeal, and was then questioned by Mr. Lavrich as well as other members of the Board. Mrs. Margaret Bertolami, Building Official, City of Parkland came before the Board and stated her reasons for denying the project. After much discussion on this item:

Motion to approve appeal by Mr. Kozich and seconded by Mr. Zibman, provided the space is air conditioned. Roll call vote taken, 8 to 4 the no’s had it and the motion failed.

ROLL CALL VOTE:
Affirmative: Messrs.: Van Kirk, Kozich, Edison, and Zibman.

MOTION FAILS.

After further discussion, a new motion to deny the appeal was presented and duly seconded. Roll call vote taken, 9 to 3 which carried the motion to deny.

ROLL CALL VOTE:

Negative: Messrs.: Kozich, Edison, and Zibman
MOTION CARRIED.
3. **Local Amendments to the Florida Building Code continued from last meeting**

   Mr. Madge tabled this item for the Board's next regularly scheduled meeting to be held next month.

4. **Preliminary reports concerning Review of Single Family Residences with Hurricane Wind Load Requirements (additional reports to follow at December Meeting)**

   Following a lengthy discussion, the Board Chairman determined that a joint committee meeting, between the Ad Hoc Committee on Building Design Issues (including its sub-committee) and the Structural Committee should be held.

5. **Communication from Broward County Mayor dated October 23, 2003, re: salary increase**

   The Board Chairman recommended that the Board rescind the Director's 5.9% merit increase approved at the last meeting and to fall more into line with the county policies, substitute it with a 4% merit increase and a one time $1500 bonus.

   The Board Chairman also asked that the Board be willing to hear a resolution to adopt a Performance Review Form so that future Chairs would have one to fill out in recommending the Director's salary adjustment. Members requested that the Chairman, to move business along due to the lateness of the meeting, table this discussion until the next meeting.

   **Mr. Lavrich presented a MOTION to rescind the Boards approval, at it's last meeting, of a 5.9% merit increase for Director DiPietro. The motion was duly seconded and a roll call vote was taken, 9 to 4 which carried the motion**

   **ROLL CALL VOTE:**

   **MOTION CARRIED.**

   Following further discussion, a second MOTION was made by Mr. Lavrich and duly seconded that the Board accept a 4% merit increase, retroactive to October 1, 2003, and a one time $1,500.00 bonus to be paid with the first paycheck which reflects the merit increase for Director DiPietro.

   **ROLL CALL VOTE:**

   Negative: Smith.
   **MOTION CARRIED.**

---

Broward County Board of Rules & Appeals
Board Meeting – Thursday, November 13, 2003
6. **Director’s Report**

Mr. DiPietro requested the Board’s approval in filling the Chief Structural Code Compliance Officer position vacated by Will Willis, with a Structural Engineer. A discussion of the issue by several board members followed.

Mr. Kozich made a MOTION and it was duly seconded, to have Mr. DiPietro create a job and hiring description for a structural and/or civil engineer and bring it before the Board at its next Board Meeting. Roll call vote followed, 8 to 5 by which the motion carried.

**ROLL CALL VOTE:**
Affirmative: Messrs.: Madge, Lavrich, Kozich, Korelishn, Norkunas, Edison, Zibman, Elzweig,

MOTION CARRIED.

7. **General Discussion**

8. **Adjournment**

There being no further business to come before the Board this evening, the meeting was adjourned at 10:08 p.m.

_________________________    ____________________________
Board Chairman                     Recording Secretary

Broward County Board of Rules & Appeals
Board Meeting – Thursday, November 13, 2003
BOARD OF RULES AND APPEALS
THURSDAY, DECEMBER 11th, 2003
MINUTES

CALL TO ORDER

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

ROLL CALL

Present
R. Madge, Chairman
M. Synalovski, Vice-Chairman
E. Edison
G. Elzweig
W. Flett
S. Giles
A. Korelishn
D. Lavrich
C. Meyer
B. Norkunas
D. Rice
R. Smith
H. Zibman
D. Zimmer (Seated only for agenda item # 3 only)

Absent

Excused

APPROVAL OF MINUTES  November 13th, 2003

Mr. Zibman MOVED, and the motion was duly seconded by Mr. Korelishn, to approve the minutes of the November 13th, 2003 meeting.

MOTION CARRIED
Negative votes: none

Recognition of Service- Fifteen Years to the Board – Mr. James Valinoti was recognized before the Board for his fifteen years of service. Mr. Lavrich moved to approve the Directors recommendation for Mr. Valinoti to receive a day off with pay. The motion was duly seconded and unanimously carried.

MOTION CARRIED
Negative votes: none
CONSENT AGENDA

1. Certifications-

Stephen Mark Green, Electrical Inspector, Plantation
Malcolm Moore, Electrical Inspector, Pembroke Park
James A. Mather, Plumbing Plans Examiner, Deerfield Park

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

MOTION CARRIED

Negative votes: none

REGULAR AGENDA

2. General Discussion

Mr. Madge requested a motion to begin the regular meeting with the general discussion. Mr. Elzweig made a motion to move agenda item number seven (7) General Discussion to item number one (1) to continue the workshop discussion. The motion was duly seconded and unanimously carried. The general discussion included further communication in reference to the review of single family residences for compliance with hurricane wind load requirements.

Discussion was continued with the representative of Kan Mehta and Associates, Inc., Mr. Ron Duran. Mr. Duran was not available to speak during the workshop, and was given the opportunity to speak before the Board and present his summary analysis of the 13 homes reviewed by his firm. Mr. Duran addressed the Board with his three recommendations: 1. Request signed and sealed calculations of all designs; develop a checklist of minimum items for the calculations, 2. Roof framing plans should be completed by Designer or Engineer of Record, and 3. All architects who are proficient on Structural design should be registered.

Lengthy discussion, including the engineers (all still present from the workshop), followed. Due to the fact that this was a general discussion item (continuation from the workshop) no action could be taken by the Board. However, the Chairman directed Board staff to look into the educational issues discussed in the third party engineer reports; he also asked that any Board members with any suggestions or comment please forward them to the staff so that the education issue could be an item on the January agenda. Mr. Ron Milmed of the Florida Structural Engineers Association (FSEA) advised the Board that the FSEA is at their disposal.

*A recess of five minutes was called before continuing with the regularly scheduled Board Meeting.

Broward County Board of Rules & Appeals
Board Meeting  B Thursday, December 11th, 2003
3. Appeals

a. Appeal #03-08 - Hodgen Construction and Development. Project Location: 4567 Weston Road, Weston, Florida. Florida Building Code Chapter 5 – Sec. 503.4.1

Messrs. Korelishn, and Rice excused themselves from the appeal, due to a conflict of interest and Mr. Zimmer was called forward from the audience to take the place of one of the excused members by direction of the Board. The Board heard from Board of Rules and Appeals staff member, Mr. H. Rusty Carroll, Chief Structural Code Compliance Officer, for the staff view of the appeal, and stated that he concurred with the appellant. Mr. Weiner, of Hodgen Construction and Development spoke on the appellant’s behalf. There was no speaker representing the City of Weston, which is under the Broward County Building Department. This issue was discussed at length and a motion was presented.

Motion to approve the appeal, by Mr. Zibman. Motion was duly seconded by Ms. Giles. Roll call vote taken where by an eleven (11) to one (1) Vote carried the motion to approve.

ROLL CALL VOTE:

Negative: Mr. Norkunas.

MOTION CARRIED

4. Local Amendments to the Florida Building Code continued from last meeting

Mr. Carroll presented Sec. 104.6.2.1 – Plans & Specifications, Deletion of last sentence, effective 12/14/03, Product Approval Table – Recommendation to delete in its entirety, pg. 1.50, effective 12/14/03, and Product Approval Forms – Not to be reinstated, superceded by the State of Florida, as of October 1, 2003, effective 12/14/03.

Mr. Lavrich moved to approve the local amendments as recommended by staff. The motion was duly seconded and unanimously carried.

ROLL CALL VOTE:

Negative: None
MOTION CARRIED

5. Laino settlement agreement and general release

Broward County Board of Rules & Appeals
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[360x467]ROLL CALL VOTE:

Negative: None
MOTION CARRIED
Mr. James DiPietro, Administrative Director of the Board of Rules and Appeals, addressed the Board with a summary of Geraldine Laino’s settlement agreement. Ms. Laino was recognized from the floor and presented a brief commentary.

Mr. Flett moved to approve the settlement agreement and general release. The motion was duly seconded and unanimously carried.

ROLL CALL VOTE:
Affirmative: Ms. Giles, Messrs.:
Madge, Edison, Elzweig, Flett,
Korelishn, Lavrich, Meyer,
Norkunas, Rice, Smith, Synalovski,
Zibman.

Negative: None
MOTION CARRIED

6. Leadership Performance Review form of the Human Resources Division of Broward County for processing the evaluation of the Administrative Director

The Chairman, Mr. Madge discussed the Performance Review form briefly for the Board.

Mr. Norkunas moved to implement the Leadership Performance Review form as recommended by the Chairman. The motion was duly seconded and unanimously carried.

ROLL CALL VOTE:
Affirmative: Ms. Giles, Messrs.:
Madge, Edison, Elzweig, Flett,
Korelishn, Lavrich, Meyer,
Norkunas, Rice, Smith, Synalovski,
Zibman.

Negative: None
MOTION CARRIED

7. Director’s Report

a. Request approval of job description for a Chief Code Compliance Officer– Structural Engineer

Mr. DiPietro reported his recommendation and reasons and noted that the job description was included in the Board’s agenda packet. This item was discussed at length. Mr. Rice requested that Mr. Ziegler confirm whether or not a technical committee member must allow a certain amount of time to pass before coming before the Board, such as a Board member must do. Mr. Smith requested that Mr. Ziegler confirm if it is correct that a Board member can not come before the Board for an appeal for a minimum of two years after serving as a Board member, yet during this time said Board member may come before the Board for questions.
Mr. Zibman moved to table the item to the January Board Meeting (Schedule for January 8, 2003). The motion was duly seconded and unanimously carried.

**ROLL CALL VOTE:**

Negative: None
**MOTION CARRIED**

b. December holiday work schedule-

Mr. Zibman moved to approve the December holiday work schedule for the Board of Rules and Appeals staff. The motion was duly seconded and unanimously carried.

**ROLL CALL VOTE:**

Negative: None
**MOTION CARRIED**

8. **Election of 2004 Board Chairman and Vice-Chairman**

Mr. Madge requested a nomination for the 2004 Board Chairman. Mr. Zibman nominated Mr. Synalovski and the nomination was duly seconded. Roll call vote was taken and Mr. Synalovski was unanimously elected 2004 Board Chairman.

**ROLL CALL VOTE:**

Negative: None
MOTION CARRIED

The new Chairman Mr. Synalovski nominated Mr. Kozich as the 2004 Vice-Chairman to the Board, and Mr. Madge seconded. However, Mr. Kozich was not in attendance, and could not accept in person. Roll call vote was taken and Mr. Kozich was unanimously elected 2004 Board Vice-Chairman.

ROLL CALL VOTE:

Negative: None
MOTION CARRIED

9. Passing of the Gavel

Mr. Madge passed the gavel to the 2004 Chairman, Mr. Synalovski. Mr. Synalovski then presented Mr. Madge with a plaque from the Board thanking him for his service.

10. Adjournment

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

Board Chairman