



BROWARD COUNTY

Board of Rules & Appeals

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<http://www.broward.org/codeappeals.htm>

BOARD OF RULES AND APPEALS

JULY 9, 2015

MEETING MINUTES

Call to order:

Chair Ron Burr called a published meeting of the Broward County Board of Rules and Appeals to order at 7:00 p.m.

Roll Call

Gregg D'Attila
John Famularo
Shalanda Giles Nelson
Allan Kozich
Dan Lavrich
Jeff Lucas
Dave Rice
John Sims
Dave Tringo
Ken Wynn
Abbas Zackria
Ron Burr - Chair

After the roll call, the presence of a Quorum was announced by Chair Ron Burr.

Approval of Minutes

Mr. Lucas made a motion to approve the May 14, 2015 meeting minutes. The motion was seconded, and the minutes were approved as submitted.

CONSENT AGENDA

1. Certifications – Staff Recommended

Broward County – Michael Cassano – Fire Code Official
Town of Davie – Robert Taylor – Fire Code Official
Christopher Lowe – Fire Plans Examiner
Lighthouse Point – Martin Gill, Shawn Olaf – Fire Plans Examiners
Miramar – Jon-Paul Bryan – Fire Inspector
Oakland Park – William Bender – Assistant Building Official
Parkland – David Tringo – Chief Electrical Inspector
Pembroke Park – Darrell George De Young – Chief Electrical Inspector
Sunrise: Adam Cerny, Fire Inspector, John Haney, Fire Inspector
Aaron Silverman, Assistant Building Official

Weston – Suramy Cabrera – Assistant Building Official

Countywide:

Jeremie Bennett – Structural Inspector
Hector Carbia – Mechanical Inspector
Darrell George De Young – Electrical Plans Examiner/Inspector
Ideris Denis – Provisional Structural Inspector
Judson Dulany – Roofing Inspector
Judson Dulany – Limited Structural Inspector
Rowdy Gifford – Plumbing Plans Examiner
Eric Kunz – Structural Inspector
Jose Nieves, Jr. – Electrical Inspector
William Tracy – Structural Plans Examiner
Raymond Wright – Structural Inspector

MR. KOZICH MADE A MOTION TO APPROVE, AND MR. WYNN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 12 – 0.

REGULAR AGENDA

1. a Request of Mr. Graham Gerald's to be certified as a Structural Inspector with the City of Southwest Ranches

Mr. Donald (Cris) Fardelmann, Structural Chief Code Compliance Officer introduced the item. Mr. Fardelmann noted that the issue is not because Mr. Gerald's is not well qualified, but because of the unusual conditions under which we gave him his temporary approval, as a retiring architect, moving directly from being an architect to a building inspector. He had some open permits, or rather the projects that he designed, other people had the permits. There is precedent for this; we gave him a conditional license where he will not be able to perform any inspections in any of his cities until he closes any open projects out. Secondly, he must close all those out before November 30, 2015.

MR. LAVRICH MADE A MOTION TO APPROVE WITH LIMITATIONS AS STATED, AND MR. ZACKRIA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 12 – 0.

1.b Request of Mr. Glen Davis to be certified as a Structural Inspector with the City of Hollywood

Cris Fardelmann once again introduced the item. We have been working on Mr. Davis' application since February. He has not been able to provide evidence of his five (5) years' experience in a supervisory position. We worked with him, and realized he was not going to be able to provide this information, in the form of W-2's or 1099's. We denied the application, but informed him he could come before the Board with an explanation. Staff is recommending denial.

Mr. Davis was sworn in and addressed the Board. I have been in construction my whole life, had my own business since 1995. I became a general contractor in 2007. Shortly after, I took ill, and had a liver transplant last year. I worked for J. A. Richards, Inc. in Central Florida from 1982 to 1989, but I don't have the tax records. I found a gentleman in Boca that worked with me. I have brought him with me tonight so he can attest to my employment, however, as far as tax records, W-2's, we are not able to track that information down. I have found W-2's for a couple of other entities I worked for. I am well qualified.

Mr. Bob Boosenberry was sworn in and addressed the Board. He stated that he had worked under Glen Davis

on the naval base in Orlando and the Space Center in the early 1980's, more than the 5 year period. Mr. Boosenberry continued that he also built slabs with Mr. Davis.

Mr. Phil Sauer, Building Official for the City of Hollywood addressed the Board. Mr. Sauer said that, he is a good worker and a good employee. Mr. Davis is diligent. "Mr. Davis would be a good inspector."

MR. ZACKRIA MADE A MOTION TO APPROVE THE CERTIFICATION, AND MR. D'ATTILE SECONDED THE MOTION.

THE MOTION PASSED WITH A VOTE OF 7 – 5.

Dissenting votes:

John Famularo

Shalanda Giles Nelson

Allan Kozich

Jeff Lucas

Ron Burr

2. Appeal #15-04 – 4910 Woodlands Blvd. – City of Tamarac

Staff Bill Dumbaugh, Chief Structural introduced the item. This is an unusual appeal, and I want to make sure the Board understands, this is not something we normally do. The Building Official, Claudio Grande, identified some violations of Florida Building Code on a project involving replacement of windows and sliding glass doors. At the time these violations were discovered, the building permit had already received the final approval, and had been closed. The owner of the property was having trouble – some of the glass was cracking. She called the manufacturer to come out. The manufacture came out and said it had nothing whatsoever to do with the installation. It was a problem with the product itself. As he examined it he started taking things apart and discovered that there were fasteners missing and the installation was not done according to the plan. He called Mr. Grande and the Chief Structural Inspectors went out and took a look at the job. The Building Official wrote a violation based on 105.13.2 and 105.13.3. Please note that if these failed the interior of the house would be subject to wind loads and present a significant threat to the life safety of the occupants. As I said this is a strange appeal. The appellant is not arguing over whether the job was done correctly, what they are saying is that the Building Official had no legal authority to open a closed permit and change the approved inspection to a rejection.

The code section which was used, and it gives the Building Official the right to open a permit if a violation is found – Florida Building Code 111.3 on page 251, it is clear that a Building Official may open a permit or certificate of completion, where it was issued in error. This section does not require the Building Official to cite the section of the code used to revoke the certificate of completion. The Florida Building Code section 110.7 does require the provision of the code in violation to be cited. The City did mail a written list of the violations to the contractor (referred to page 244). Mr. Dumbaugh made the analogy of a police officer pulling a driver over. The police officer does not have to tell you what authority he has to pull you over, only what the offense is. The building code works the exact same way. In this case, the Building Official re-opened a job that had been closed per Florida Building 111.3. The Building Official has listed the code sections he found to be in violation per Florida Building Code 110.6. These sections state that when work is not being performed in conforming to the plans, the Building Official shall suspend the work, and included section 105.13.3 that states once a permit has been suspended it shall not be reinstated until violations have all been corrected.

It is staff's opinion that this appeal should be disapproved based on the fact that the Building Official did everything according to the code. We are not discussing whether the job was installed correctly, we are only discussing the legalities of what he did in order to open a closed permit and reject it.

Board member, Mr. Lavrich asked Mr. Dumbaugh for some clarification as to the nature of the appeal. Mr. Dumbaugh said yes, the manufacturer found that there were fasteners missing and work done not shown on the approved plans. Mr. Lavrich asked if that was being contested. Mr. Dumbaugh answered that no, they are testing the legality that the Building Official used to open a closed permit and change an approved inspection to a rejection.

After questions and discussion from Board members, Counsel for the Appellant, Ms. Hesford stated that the home belonged to a City Commissioner, who asked to be recused.

BORA Counsel, Mr. Charles Kramer, noted that in reviewing the appeal, paragraph 12 seems to have been condensed into what this is about, and added that the cited code section is not applicable (page 11 of section 2). Mr. Kramer answered the Chair and explained that some of the cited code sections are not applicable, and Dayve's research has not located any legal authority for this section. This would give the City of Tamarac the right to disapprove any approval at any time for any reason is a slippery slope to chaos. Mr. Kramer went on to say that Dayve Co. has alleged they were not provided with the proper notice by citation 105.13.2 which contemplates stopping a job while in progress. They also have not located anything within the former building code which provides authority to rescind or revoke a permit. Mr. Kramer asked Ms. Hesford if she agreed. Ms. Hesford agreed. Mr. Lavrich asked Ms. Hesford if they are contesting the fact that the work needs to be done according to code. Ms. Hesford answered no.

Ms. Hesford addressed the Board and explained the issue is not as simple as it has been presented. Ms. Hesford further questioned the standard for the decision. Mr. Kramer suggested they go ahead with a "de novo review." Ms. Hesford continued that Dayve is not disputing the code. They are disputing how the work was done, and in this case the owner of the property is a city commissioner, whom I asked to be recused as she had a vested interest. Ms. Hesford asked the Board to articulate the standards they are using for their decision. Ms. Hesford informed the Board, that, if necessary, she was going to take a certiorari appeal. Mr. Kramer objected, and said Ms. Hesford was raising other allegations. Ms. Hesford said she was not, and Mr. Kramer asked her to show him. Ms. Hesford cited 105.13.2 and asked what standard Mr. Kramer was using. Ms. Hesford said that Dayveco was disputing the City Commission. Mr. Kramer agreed that this is a strange appeal, and went on to discuss Mr. Grande's, the Building Official for the City of Tamarac response.

Mr. Kramer continued that Ms. Hesford was bringing extraneous facts, and that they are inflammatory – I am going to move to strike any further comments with regard to Mr. Grande's response. Ms. Hesford answered that the record is going to reflect what the record reflects. – Based on what Mr. Grande has provided to this Board and to us on June 19, and asked Mr. Carcione and Mr. Rosario to come forward and testify.

Bobby Carcione and David Rosario were sworn in and proceeded to give their testimony as follows:

Mr. Bobby Carcione said was working construction – there were three (3) inspections, lower case windows, to see the screws you have to get on your back. He refused to sign anything off until he saw the NOA's. He made us take all those covers off. Mr. Kramer asked Mr. Carcione if the inspector was out more than once. Do you remember his name? I think it was George, I don't know his last name.

How long have you been installing windows and doors? Five, six years, probably longer. Mr. Kramer asked Mr. Carcione "In your mind, the windows were installed properly? Mr. Carcione replied "Yes, Sir". Ms. Hesford "Objection – not qualified as an expert." Mr. Kramer stated "I am not asking for an expert opinion, I am asking for this gentleman's experience, in his experience would this be possible? Did you then ever return to the job site? I was there, probably, a month after that. So you have no way of knowing whether or not the allegations are, that the fasteners are missing, is even true, do you?"

Ms. Hesford objected. Mr. Carcione said we had got our inspection and everything was fine. Did you inspect the windows at that time? The allegations are that a PGT representative and the homeowner, and the Building Official, then walked through the property and found the missing fasteners. Are you aware of that? Yes, I have been told that. – They weren't missing when I was there. When was the last time you were there? Probably four, five months ago. Maybe in January. And what was the purpose of your being there? I work there. On the windows? No. We paint, we did some painting. When was the last time you looked at the windows? The last time we looked at the windows was the day we got the final, no, probably a week later. Do you remember when that was? It had to be either the end of December 2014 or the beginning of January 2015.

OK – so you haven't seen the windows in 7 months or so? And you're aware that the allegations are that inspections took place, with PGT on or about February 23, 2015? I know it was in February. Do you have any licenses in the State of Florida? Professional licenses? No. Have you been qualified as an inspector? No. How do you obtain work? I usually work for companies like Dayveco, as the superintendent. So you are an unlicensed sub-contractor? Yes, basically. Mr. Kramer thanked Mr. Carcione for his time.

Ms. Hesford called Mr. David Rosario and the Chair informed her she had 5 more minutes, and then we are going to ask for the city response. Ms. Hesford asked to submit exhibits.

Mr. David Rosario approached the Board and was sworn in. Ms. Hesford asked how long he has been working in the construction industry. About 24 years. What sort of work did you start doing? Mr. Rosario listed his experiences as doors and windows, then satellites, then mechanical, then I got my GC.

Chair, Ron Burr stressed that this appeal is specifically saying that the City cannot re-open without a permit. That's what this appeal is. The Chair requested Ms. Hesford not interrupt, and asked Bill Dumbaugh if that was what he said. Mr. Dumbaugh answered that is correct.

Mr. Burr, Board Chair stated "We are way off the mark here. We are on installation of windows, we're looking at how they were installed, and that is not what this appeal is about. This appeal is about whether the City of Tamarac has the right to open up the permit once again. I remind the Board that is what we are voting on here tonight. The Chair asked the Board attorney for some legal clarification. Mr. Kramer maintained that Counsel (Ms. Hesford) has already admitted that Dayveco is bound by the Florida Building Code. We all know that is a fact. Whether or not Mr. Grande cited the wrong code section (trying to rely on a "got cha" provision) is irrelevant.

Mr. Kramer guided the Board – We can stop the argument right now.

Jim DiPietro, the Board's Administrative Director addressed the Board and discussed the agenda process. This is the agenda item that is before us tonight. Every party to the appeal has the same agenda packet. Every Board member has the same agenda packet. It is not something that the Board can evaluate, because it was not part of the appeal packet.

Chair – If this does not have anything that applies to what this appeal is, we don't need to hear it tonight. It is not what this appeal is about.

The Chair called for the City Response and directed Ms. Hesford to sit down. Ms. Hesford repeated that she would go to the circuit court for a certiorari review.

Mr. Claudio Grande – Building Official for the City of Tamarac addressed the Board. My duty is to represent all the citizens of the City of Tamarac. Mr. Grande said it is clearly stated that those fasteners

were never installed. The issue here is maybe I did not cite 113, but the reason why the permit has been revoked is because some deficiencies were found in the inspection when I cited 105.13.2 and 13.3. I would never have gone back to that house if I had not been called by the owner with a problem. The issue here is there are fasteners missing. As per the Florida Building Code – It is a life safety issue. I can bring the inspector here to say that he literally did not inspect all the windows. Mr. Grande referred to papers he submitted which shows that it is a large house that has twenty-five (25) windows. At the time of the inspection there was a lot of construction going on, and the windows were covered with the plate that covers the screws. Mr. Grande said maybe the inspectors missed it, which he knows they did because when he went back, the pictures clearly show that the fasteners were never installed.

After questions were taken from the Board, and after further discussion, a motion was made.

MR. KOZICH MADE A MOTION TO DENY THE APPEAL, AND MRS. GILES NELSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

Mr. Rice recused himself from the vote due to a conflict of interest.

3. Appeal #15-05 – 704 SW 4th Street, City of Pompano Beach

Cris Fardelmann – Chief Structural Code Compliance Officer gave a staff report and referred to the long term care facility in Pompano Beach. The appellant has filed an appeal to Miguel Nunez. Staff is recommending denial of the appeal. The appellant filed an appeal with the City of Pompano Beach Building Official Miguel Nunez to deny the applicant's request to install an alternative bathroom design in 100% of residents sleeping rooms in a long-term care facility. The alternate design involves the location of water closets and grab bars. As a quick note, the appellant, by mail, needed correcting in code sections, which he inadvertently showed on the appeal application. It was changed from code section 104.11 to 104.32, neither of which was cited in Building Official's denial. The city was immediately notified of that correction. In developing his argument, the Building Official first cited Chapter 4 of the Florida Building Code which deals with uses and occupancies. Section 420 deals with nursing homes. The section dealing with grab bars and this section defers to Chapter 11, the Accessibility Code when it comes to these features being required by the code.

Section 223 – at least 50% of resident's sleeping rooms must provide mobility features in line with section 805. Section 805.4 states that toilet and bathing rooms in this type facility "shall" apply with the applicable requirements of 603 through 610. In this case the most applicable sections of these are those that deal with toilet location and grab bars. Section 604.2 requires that a toilet or water closet "shall" be, one with a wall for partition 1) with a wall partition to the rear and to one side. 2) The toilet shall be centered 16 inches to 18 inches from the side wall, or in the case of accessible. The appellant has proposed to center the toilet. The appellant is proposing to eliminate the rear bar and flip down grab bar in lieu of the required wall. As the Building Official has cited the proposed bathroom designs do not comply with any of these code sections. It is apparent that the Building Official has concluded that certain sections of the code, especially when the word "shall" or "must" are used – (All these code sections contain those words) In that case, it leaves no room for compromise. The definition of the word "shall" according to Webster's third new international dictionary is "Used in laws, regulations and directives to express what is mandatory." Staff opinion is that, where in this case the code sections of accessibility and emphasize that with words like the word "shall" and/or "must", the code shall be followed explicitly. Once again, staff supports the decision of the Building Official to require at least 50% of the proposed design meet the specific requirements of the previously cited code section. Staff is recommending denial of the appeal.

Questions from the Board: The accessibility code is part of the Florida Building Code. I think that is where this belongs, in my Staff Report, I concluded that I thought this was a variance request.

Mr. DiPietro noted that although we are not experts on this. If it is equivalent, you have authority over your jurisdiction, is it a true equivalency. But in terms of an exemption, or a variance, that is strictly on the state level, so this can be in either category depending on how you look at it.

The Chair directed the Appellant to come forward.

Mr. David Heuring was sworn in and addressed the Board. Mr. Heuring spoke on behalf of John Knox Village. This project is a 7 story, 144 bed, skilled nursing facility; it is a facility that has been more than 3 years in planning, including several months of research by residents and board members, including site visits to facilities around the country. All to meet and exceed standards to what is called a "greenhouse design," which is a national organization which promotes the well-being and living for elderly residents. In a nutshell, these standards promote residential design over the institutional design, and have been instrumental in affecting national code changes that today are in effect. The issues as stated are grab bars, or placement in the resident's bathroom, shower and rooms, and the requirement for the specific location of the toilet, away from the side wall. While the AHJ (Authority Having Jurisdiction, City of Pompano Beach, acknowledges that the code allows for put down grab bars and then ruled that Chapter 11 requires compliance in at least 50% of the rooms. What we are looking for is the remaining 50% to be able to all be the same. These code requirements have been in ANCI and the ADA through the FBC 2010 version of the code, and are without a doubt, an institutional standard, the owner again wishes to appeal so that all of the rooms can be designed and constructed for the recommended "greenhouse standards, they are more cognizant of resident elderly design for both single and patient assisted use. The appeal in Pompano Beach, AHJ ruling is based on alternative materials, specifically section 104.32, the Broward County Administrative Provisions which state that "an alternative that shall be approved, where the building official finds that design is satisfactory, and complies with the intent of the provisions of the code, and that the material method for the purpose intended that the least equivalent of that proscribed in the technical code, the quality, strength and effectiveness in durability and safety. In addition, sufficient evidence should be submitted to substantiate any claim regarding this alternative. In addition, in that same section 104.32, research reports shall also be submitted as valid research from approved sources. Lastly, the section allows accessibility in alternate designs and technologies providing access to and view ability of the facility for persons with disabilities. There is no doubt that a skilled nursing facility has residents in it that have to be able to use this facility. We submitted four (4) research reports and case studies, all four of these, in essence, recommend allowing the put down of grab bars (to promote residential design over institutional design because the rear grab bar, this rear grab bar is useless. Traditionally it was to allow space for the aid to assist the resident and access from both sides of the toilet.

The new 2014 code which just went into effect, has addressed these issues of residential based design versus the skilled nurses facility versus the institutional design, and now they allow such design. They understand that this building was reviewed under the 2010 building code, but the new code would allow this design in 100% of the units. In summary we hope to have a favorable recommendation from the Board to accept the appeal of the AHJ ruling on the design that proposed, and allow the resident the best use of this wonderful building.

We are making a decision to allow 50%, Board member, Abbas Zackria added that the code allows for not every single bathroom, and not every single fixture had to be ADA compliant. The code says 50% of have to be ADA compliant, the other 50%, you can do whatever you want. Therefore the 50% that don't have to be strictly ADA they are putting in the flip grab bars.

Mr. Miguel Nunez, the Building Official for the City of Pompano Beach provided the Board with the City's Response which is not allowing the 50%. It is my opinion as a building official that the intent of the building code, where it states that the building officials shall have no power.

MR. KOZICH MADE A MOTION TO DENY, AND TO SEND THE APPEAL TO THE FLORIDA BUILDING COMMISSION. MR. WYNN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 11 – 0.

Mr. Rice recused himself from the vote due to a conflict of interest.

4. **Certification Issues Related to Deerfield Beach and Lighthouse Point Building Department**

Bill Dumbaugh, Chief Structural addressed the Board and explained that Norm Bruhn is certified as the Building Official in the City of Deerfield Beach and the City of Lighthouse Point , as of October 2, 1014, replacing John Donahue. In reviewing the staff employed by the City, Mr. Bruhn discovered that James Adderley, who was an employee, had been performing structural plan reviews from October of 2013 through December of 2014 without the proper certification from the Broward County Board of Rules and Appeals. Mr. Adderley was certified by BORA as a structural plans examiner. He was certified by Building Code Administrators in 1994, and has maintained these certifications. But he did not receive a certification by the Board of Rules and Appeals as a plans examiner. Mr. Bruhn relieved Mr. Adderley from his duties and immediately started reviewing all of the plans that Mr. Adderley had reviewed in both Deerfield Beach and Lighthouse Point. Mr. Bruhn and Mr. Bodine, who was the current Building Official in the Lighthouse sent me letters confirming that only minor paperwork errors were discovered. The plan review was never signed by Mr. Donahue; it never left his office. Staff's opinion is that Mr. Adderley should have realized that he was not certified as plans examiner because he did not receive the card. It is also the staff's opinion that both Mr. Adderley and Mr. Donahue should be subject to disciplinary actions for their negligent behavior. BORA set a precedence for the last two individuals who were guilty of this offense to attend BORA meetings and the staff unanimously agrees that this discipline be appropriate for Mr. Adderley. Staff suggests that Mr. Adderley be required to attend the next six (6) meetings unless he has a written excuse from Mr. James DiPietro to substitute a later meeting date due to a conflict of interest. Staff does not feel that this discipline is severe enough for Mr. John Donahue, however, Mr. Donahue no longer works as a building official in Broward County. Staff recommends that if Mr. Donahue would ever apply for certification of building official, this case should be given to the Probable Cause Committee prior to the Board vote on the certification. Mr. Bruhn as stated in his letter in the packet, says that he agrees with all staff recommendations.

MR. KOZICH MADE A MOTION TO APPROVE, AND MR. D'ATTILE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 12 – 0.

5. **Review and Requested Acceptance of Staff Report Concerning Glitch Changes to the Technical Amendments that were adopted by the Board of Rules and Appeals on May 9, 2015.**

Mr. DiPietro noted that we re-adopted amendments that were adopted around September of last year. Some dated back to March of 2012. We said very clearly that we were not changing anything. We were using the same words, bringing it up to date. We as staff made some errors in the agenda packet and clarified the errors. There are no changes from the laws we passed in 2012. We are asking you approve the staff report.

MR. KOZICH MADE A MOTION TO APPROVE, AND MR. LAVRICH SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 12 – 0.

6. **Authorization of Mr. Donald Perdue to Administer the Code Required Fire Certification Exams**
a. Staff Report
b. Board Action

Bryan Parks, Chief Fire Code Compliance Officer advised the Board that in early February of this year, Ernie Fontan, who has been our provider of our fire exam for a great number of years decided to retire. Mr. Fontan provided and manufactured the test, and graded the test, and then advised the Board. We usually test five (5) times per year, getting about 25 people. With Ernie's leaving he recommended that we contract with Don Perdue. Mr. Perdue is here this evening, and he is agreeable. Mr. Perdue has already provided one test, and I am greatly impressed with his feedback to the Board on percentages. I strongly recommend Mr. Perdue.

MR. LAVRICH MADE A MOTION TO APPROVE, AND MR. LUCAS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 12 – 0.

7. **Proposed 5th Edition Florida Building Code (2014) Formal Interpretation regarding the Energy Conservation Code, Window Replacement**

Bill Dumbaugh provided the staff report to the Board. We are nine days into the 5th Edition Florida Building Code, and this energy efficiency code has caused a great deal of concern. Half of the people in the audience are here on this issue alone. The Building Code says, if you read 101.4.8 “the building is exempt and all of the components that go in that building would be exempt.” That is what the Formal Interpretation says, and that is what I am asking you vote on this evening.

It will be a couple of months before the Florida Building Commission comes up with a decision. This Formal In would be the rule for Broward County and for Miami-Dade.

Mike Goolsby – Board & Code Administration – Division Director in Miami-Dade has talked to all the building officials in Miami-Dade, and they all agree. He will get his board to vote on it next week. Fred Dudley - if you are going to replace one window. That is what the Formal Interpretation says, and what I am asking you to vote on this evening.

THE MEETING WAS OPENED TO PUBLIC COMMENT

- 1) Tom Metzger from Eurotech in Oakland Park, Florida – We have spent the last couple of months in test laboratories dealing with the thermal characteristics on the impact windows and doors.
- 2) Sergio Ascunce – Building Official for Hallandale Beach. This is a compilation of two codes, Florida Amendments and the I-Codes. If you remove the Florida specifics, there are no conflicts. The I-Codes do not define the 30%, however, we do need to deal with the Florida specific as well. There is opportunity for this Board to interpret what is a renovated building, and whether or not it includes windows. In the definition that Bill Dumbaugh read, it says that a residential or non-residential building undergoing alterations that varies or changes insulation, HVAC Systems, water heating systems, or exterior envelope position provided the estimate cost of renovation exceeds the 30%. It is not a renovated building and it is exempt. There is room for interpretation.
- 3) Larry Nydock – Window and Art. The average person will have a large problem absorbing the extra cost, so what energy savings are you really gaining. The other issue is that there will be problems with condominium buildings around the ocean where the buildings are partially done. The windows will have a reflective cast to them. We are all looking for clarification.
- 4) Pio Ieraci – Galt Mile Community Association – 28 high rise buildings on the beach, 16,000 residents. The cost to our owners would be exorbitant. We urge you to adopt this language.
- 5) Dean Decker – President of the Broward County Building Officials. I have called all of the building officials and they are all against it.
- 6) Edwin Morris – East Coast Windows and Doors
- 7) Joseph Sandstrom – Axis Window and Glass

Mr. Dumbaugh clarified that the exemption is from the Energy Code only, the exemption does not apply to the building code. These windows still have to meet all the requirements of the building code as far as impact, etc.

MR. ZACKRIA MADE A MOTION TO APPROVE, AND MR. D’ATTILE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 12 – 0.

8. Expired Permit Issue, Request of the City of Coral Springs, Building Official

Mr. DiPietro requested more time as he and attorney need more time on this issue, and asked to extend the existing policy to the end of October. Mr. DiPietro told the Board we will bring this back no later than the October meeting for a vote.

MR. LAVRICH MADE A MOTION TO APPROVE, AND MR. KOZICH SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 12 – 0.

9. Request to Add One Additional Governmental Appointee to the Electrical Committee, Amendment to Board Policy #05-01, Entitled, Representation on the Board of Rules and Appeals Standing Committee and Appointment Guidelines

MR. KOZICH MADE A MOTION TO APPROVE, AND MR. TRINGO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 12 – 0.

10. Recommendation to Adopt a Board Policy 15-02 Entitled, Delegation by Board of Rules and Appeals to the Administrator Director of the Board's Authority to Obtain Goods and Services up to and including \$4,000.00, per Year per Vendor for the Purpose of Funding of Duties as contemplated under the Florida Building Code, Special Act 71-575, and Broward County code 9.02 and to Assist Carrying Out those Duties as Reasonable and as Legislatively Contemplated.

MR. KOZICH MADE A MOTION TO APPROVE, AND MR. ZACKRIA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF 12 – 0.

Adjournment

Having no further business to go before the Board, the meeting adjourned at 9:45 p.m.



Ron Burr – Chair