



BROWARD COUNTY

Board of Rules & Appeals

One North University Drive, Suite 3500B, Plantation, Florida 33324

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

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

BOARD OF RULES AND APPEALS

MARCH 10, 2016

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

Present:

Ron Burr, Chair
Jeffrey Lucas, FM, CFI, CFEI
Daniel Lavrich, P.E.
John Famularo
Shalanda Giles Nelson
Robert A. Kamm, P.E.
John Sims
Kenneth Wynn, Vice Chair
Abbas H. Zackria, CSI
David Rice, P.E.
Steve Feller, P.E.
James Terry

Excused:

Bill Flett
Jeff Moral
Alberto Fernandez
David Tringo
Gregg D. D'Attile
Gary Elzweig, P.E.

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

Approval of Minutes

Mr. Lavrich made a motion to approve the October 08, 2015 meeting minutes. The motion was duly seconded, and the minutes were approved as submitted by unanimous vote of 12-0

CONSENT AGENDA

1. Certifications – Staff Recommended

Chairman Burr announced that there were two booklets of certifications, some from the January meeting and another one from March, and asked for 2 separate votes.

MR. LUCAS MADE A MOTION TO APPROVE ALL SUBMITTED CERTIFICATIONS FROM JANUARY, 2016, AND MR. ZACKRIA SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF 12 – 0.

MR. LUCAS MADE A MOTION TO APPROVE ALL SUBMITTED CERTIFICATIONS FROM MARCH, 2016, AND MR. ZACKRIA SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF 12-0.

Chairman Burr welcomed new members Mr. Terry, Master Plumber, and Mr. Kamm, Mechanical Engineer.

REGULAR AGENDA

2. Appeal #15-07 – 621 SE 6th Street, Fort Lauderdale

All speakers were sworn in.

Mr. Bill Dumbaugh, BORA Structural Code Compliance Officer, presented the appeal. He explained that the appeal consists of playground equipment that is likely completely constructed by this time. The Appellant lives behind the house where the playground equipment is located. The City of Fort Lauderdale Code Enforcement Division issued a citation for the playground equipment, as work that would require a building permit. Upon examination of the Building Code, the Building Official, John Travers, reversed that citation and closed the case stating that a permit was not required pursuant to the Building Code, Section 102.2, Exception L. Mr. Dumbaugh noted that this matter is only dealing with Building Code issues, not setbacks, easements, etc. Exception L clearly states swings and other playground equipment accessory to one or two-story family dwellings. Section 101.2 provides that the Building Code, Residential, shall apply to residential buildings, alterations, repairs, etc. and their accessory structures. This section is superseded by Section 102.1, which states when there is a conflict between a general requirement and a specific requirement, the specific one shall apply. Exception L is a specific requirement whereas Section 101.2 is general. Mr. Dumbaugh concluded by indicating it is staff's recommendation that the appeal be denied based on the specific requirement, Exception L.

Mr. Blaise Picchi, Appellant, advised that he lives directly behind the subject property. His backyard neighbors have constructed a substantial elevated structure. He described some of the dimensions and square footage. He was told by the code enforcement officer that it is clearly inside the 5-foot back and side setbacks. He contended that the structure violates Section 102.2, Exception L. Because the structure was built outside of the code and permitting and is supported entirely by stilts, he is concerned that it could cause damage to his house during a hurricane. Additionally because of its height and location, he believes the structure is an invasion of his privacy and the privacy of other backyard neighbors. He understood that his neighbors on both sides of his property support this appeal. The structure will have other uses once the children are grown. He believed the code has been misinterpreted and there has been an abuse of discretion by the Building Official. He reviewed the history of this matter wherein the City of Fort Lauderdale Code Enforcement Division and Assistant Building Official deemed permitting was

required, which was reversed by the Building Official.

Rhonda Hasan, Assistant City Attorney, City of Fort Lauderdale, indicated that the City would object to the conversations mentioned by the Appellant as they are heresay. Also, setbacks are completely irrelevant to this Board's purview. Speculation about future use and invasion of privacy are not matters for this Board. Finally, how treehouses are addressed in other parts of the state is not a matter for this Board and this appeal.

John Travers, Building Official, City of Fort Lauderdale, advised that when he visited the subject property, the owner voluntarily ceased work on the structure until the Board has reached a decision. Any zoning issue would be addressed the City. He explained that from his review of the Building Code, he did not believe he has authority to classify this structure and require permitting and inspections on it. Essentially, there is not enough clarification in the Building Code to accurately classify it. He disputed the Appellant's claim that the structure's height is 20 feet. He measured it at 13 feet 8 inches. He requested clarification or a change to Section 102.2 to clearly define a playhouse or treehouse and make it either exempt or require it for permitting. Furthermore there is not clear guidance on accessory structures in general.

There was deliberation by the Board as to safeguards, permitting, classification and following the code as well as a brief rebuttal by the Appellant.

A MOTION WAS MADE BY MR. FELLER TO DENY THE APPEAL, AND WAS SECONDED BY MS. GILES NELSON. THE MOTION FAILED BY A VOTE OF 8 - 4 WITH THE FOLLOWING VOTES: Mr. Terry, Mr. Rice, Mr. Lavrich, Mr. Zackria, Mr. Wynn, Mr. Sims, Mr. Kamm and Mr. Famularo.

A MOTION WAS MADE BY MR. FELLER TO APPROVE THE APPEAL, WHICH WAS DULY SECONDED. THE MOTION PASSED BY A VOTE OF 7-5 WITH THE FOLLOWING YES VOTES: Mr. Kamm, Mr. Sims, Mr. Wynn, Mr. Zackria, Mr. Lavrich, Mr. Rice and Mr. Terry.

Mr. Feller believed that the Board owes the building officials direction of how the property owner could correct the situation. In response to a question on further appeal rights, Mr. DiPietro, Administrative Director, advised that both sides to an appeal have a right to further appeal and it is so indicated on a notice provided.

A MOTION WAS MADE BY MR. ZACKRIA DIRECTING THE BOARD STAFF TO PRESENT A DRAFT CODE AMENDMENT, WHICH WAS DULY SECONDED. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

Mr. Lavrich felt that it is clear this does not fall within the exception language of the Building Code and that any type of structure needs to comply with the Building Code. Ms. Hasan did not believe it is clear and felt the City of Fort Lauderdale will likely have

to request an interpretation from the Board. Chairman Burr requested staff provide definitions clarifying the difference between equipment and structure.

3. **Proposed Amendment to Chapter One of the Building Code, Establishing new section 118 Entitled “Two-way Radio Communication Enhanced Public Safety Signal Booster Systems”**

- a. Recommendation of the Ad Hoc Committee to address uniform procedures for installation of bi-directional amplifiers

Mr. David Rice, Chairman of the Ad Hoc Committee to address uniform procedures for installation of bi-directional amplifiers, presented the Committee’s recommendation to amend Chapter One Administrative Provisions to the 5th Edition of the Florida Building Code. He explained that the purpose for the amendment is that the Broward County Administrator, Bertha Henry, requested assistance in resolving interferences issues involving the County’s public safety radio system which is used by first responders in fire suppression. He further explained how the interference sources were pinpointed in Aventura and Hallandale Beach. A contractor that installed communication boosting systems (bi-directional amplifiers) did not follow the codes. This ad hoc committee was formed to gather community input. The committee composition included representation from six municipalities and Broward County. The purpose of the amendment is to define jurisdiction, set design requirements for review, establish permit documentation and system notification. Installation contractors of bi-directional amplifiers (BDA’s) would be required to notify the proper authority. Use of BDA’s, a new technology, will be growing nationwide. Fire chiefs and fire marshals are working to bring awareness to architects and city planning and zoning review boards for incorporating BDA system requirements in the building design.

b. Public Hearing

Chairman Burr opened the public hearing.

Thomas DiBernardo, City of Sunrise Fire Chief and representing the Broward County Fire Chiefs Association, expressed support of the Committee’s recommendation.

Jose DeZayas, Broward County Communication and Technology, expressed support of the Committee’s recommendation. Given it is in its infancy, he requested it be revisited in six months. Mr. Rice advised that the Committee has not been disbanded; a revisit is their intention.

John Preston, City of Oakland Park Division Fire Chief and representing Broward County Fire Marshals, expressed support of the Committee’s recommendation.

There being no one else wishing to speak, Chairman Burr closed the public hearing.

c. Board Action

A MOTION WAS MADE BY MR. RICE TO APPROVE THE AMENDMENT, WHICH WAS DULY SECONDED. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

Mr. Lavrich referred to the term, 'stamped submittal', in Sections 118.1.4 and 118.2, and suggested it be revised to "sealed submittal".

THE MOTION WAS AMENDED BY UNANIMOUS VOTE TO INCORPORATE THE SEALED SUBMITTAL TERMINOLOGY.

There was an understanding that the Committee would reconvene in six months to review whether the process is working properly.

4. **Local Amendment to the Florida Building Code 5th edition (2014) Mechanical-(FBC-M) Chapter 9, Section 908 Cooling Towers, Evaporate Condensers and Fluid Coolers and FBC-M, Chapter 15, Referenced Standards; adopting Section 7.2.1 of ASHRAE 188-2015**

a. Request of Staff and Mechanical Committee Chair

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, presented the Committee amendment recommendation. This amendment has to do with trying to prevent the spread of Legionellosis and help designers and code officials with equipment siting and potential issues reflected in Section 7.2.1 of 188-2015, American Society of Heating, Refrigerating and air-Conditioning Engineers, Inc. (ASHRAE).

b. Public Hearing

Chairman Burr opened the floor for public comment but there was no one wishing to speak.

c. Board Action

1. Motion adopting answers to State of Florida required questions.

A MOTION WAS MADE BY MR. LUCAS TO APPROVE THE SUBMITTED ANSWERS, WHICH WAS DULY SECONDED. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

2. Motion adopting Code Amendments.

A MOTION WAS MADE BY MR. LUCAS TO APPROVE THE AMENDMENT, WHICH WAS DULY SECONDED. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

5. **Modification of Chapter One Administrative Provision to the Florida Code 5th Edition (2014) Section 104.18 Training Requirements from the current 32 hours, in a biennial period, to 28 hours**

a. Request of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed the training requirement hours historically to 1984. He noted that in recent years Miami-Dade County has reduced their training requirements to 16 hours every two years. The State of Florida requires 14 hours. He recommended an adjustment of the hours to 28 which would be the highest in the state.

b. Public Hearing

Chairman Burr opened the floor for public comment but there was no one wishing to speak.

c. Board Action

After some discussion about the number of hours and information in the agenda packet of research conducted to arrive at the recommendation, the following motion was made.

A MOTION WAS MADE BY MR. LAVRICH TO APPROVE THE AMENDMENT, WHICH WAS DULY SECONDED. THE MOTION PASSED BY A VOTE OF 11-1 WITH Mr. ZACKRIA VOTING NO.

6. **Local Amendments to the Florida Fire Prevention Code 5th Edition (2014) to add new section F-103.2.9.5 Cooking Exhaust Systems, renumbering existing sections, amending F-103.4.3 Certification of a Fire Plans Examiner, amending F-108 Tents, Air Supported Structures, Temporary Structures and Uses, Amending Section F-112 Automatic Sprinkler required, and adding new Section F-122 Mobile and Temporary Cooking Operations.**

a. Request of Fire Code Committee

Mr. Bryan Parks, Chief Fire Code Compliance Officer, presented the Committee amendment recommendation. He advised that the fire marshals submitted (5) proposed code amendments which has been reviewed by the Fire Code Committee and approved unanimously. Section 103.2.9.5, concerning cooking exhaust systems, provides for an inspection report and photos taken prior and after cleaning. Section 103.4.3.3, concerning fire plans examiners, changes the number of years required to be a certified fire inspector from three to four, which coincides with the State. There is a typographical error in Section F-105.2, 7, where "(7)" should be removed. It was also noted that the parenthesis around F-105.2, 13 and 14 should be removed. Regarding the temporary paint spraying process of marine vessels within membrane

enclosures, he explained this topic was raised some time ago by the boating industry and issues at that time were brought into compliance by alternate means. The issue went to the National Fire Prevention Association (NFPA) which was addressed and will be reflected in the next code cycle. The Committee has recommended that a reference be incorporated now for Broward County as reflected in Section F-108.1.2. The recommendation is for a new standard above what has been adopted statewide. He indicated that former Board Member Alan Kozich initiated a code provision concerning automatic sprinklers that was adopted by the Board (2007). Water supplies throughout the county has since been upgraded and Mr. Kozich now believes language in Section F-112, Automatic Sprinklers Required, is no longer needed. It is addressed under engineering criteria by the NFPA and the Florida Administrative Code for engineers. There is one paragraph added for systems to be engineered as it relates to drought conditions. Mr. Zackria drew attention to a typographical error on page 13, Section F-112.1d), "drought condition water supply design criteria." should be deleted. Mr. Parks concluded the presentation by noting provisions being added to Section F-122, concerning food trucks, that come close to what the NFPA is working toward at this time.

Mr. Parks responded to the Board's questions concerning food trucks.

b. Public Hearing

John Preston, City of Oakland Park Division Fire Chief and representing Broward County Fire Marshals, advised that all of the amendments have been thoroughly vetted and the Broward County Fire Marshals fully support them.

With there being no one else wishing to speak, Chairman Burr closed the public hearing.

c. Board Action

Mr. Parks responded to additional questions concerning food trucks. Mr. Lucas added that currently cities are addressing the matter individually and the amendment will bring uniformity throughout the county.

A MOTION WAS MADE BY MR. ZACKRIA TO APPROVE THE AMENDMENTS, WHICH WAS SECONDED BY MR. SIMS. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

7. **Request of Mr. Michael H. Peter to be certified as a Mechanical Inspector and Structural Inspector with the City of Wilton Manors**

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, presented staff's report on Mr. Peter's application for certification as a mechanical inspector. Five years of

construction experience in a supervisory capacity is required. A three-year credit is possible if one has a Bachelor degree in Engineering, Architecture or Building Construction. Mr. Peter is requesting this credit. The report of evaluation of education credentials submitted by Mr. Peter indicated his Bachelor degree was not the equivalent of the U.S. degree of Bachelor of Science in Mechanical Engineering earned at an ABET accredited program at a regionally accredited institution of higher education in the United States. Mr. Peter took additional credit hours at Palm Beach State College and became a professional engineer. In conclusion, staff does not believe the three-year credit could be granted as they do not have clear evidence that his degree is equivalent to one issued in the United States or by an ABET school. From tax information furnished, staff calculated they may recommend construction experience of 3 years and 7 or 8 months. This means if the Board grants the educational credit for a Bachelor degree, he could apply for one license but not for two. Also Mr. Peter has been working as a contractor in multiple disciplines and as such staff had problems selecting one which is another decision the Board needs to make.

Mr. Cris Fardelmann, Chief Structural Code Compliance Officer, indicated that the situation with structural is almost identical to that outlined by Mr. Soto.

Mr. James DiPietro, Administrative Director, explained that this is a matter for the Board to decide in that staff does not have that authority.

b. Michael H. Peter request

All speakers were sworn in.

Cosmo Tornese, Building Official, City of Wilton Manors, delineated the multiple licenses held by Mr. Peter. He explained that Mr. Peter took additional credit hours in order to qualify to take the professional engineering examination which he passed. When the professional engineers' board allowed Mr. Peter to take the exam, they accepted his foreign degree and the courses he took as equivalent to an engineering degree by a U.S. school. He believed that board's position should be relied upon. With respect to staff's claim that the W-2 documentation does not support five years of construction experience, he advised that Mr. Peter had his own business for a little over five years and used his general contractor, mechanical and plumbing licenses for permit qualifying. Mr. Peter supervised during that period of time and he contended that there is no time frame dictated for each discipline. Mr. Peter submitted a letter from the Village of North Palm Beach, showing his employment as a Senior Inspector for North Palm Beach from October 20, 2014 to September 4, 2015. For the last six months, Mr. Peter has been working for CAP Government and the City of Boynton Beach. There are many types of documentation supporting his permitting activities over the years. Mr. Peter recently submitted additional documentation and Mr. Tornese said that they have not had an opportunity to meet with staff on that documentation. He does not agree with staff's credit of a partial year when he worked for the full year in 2015. Furthermore, Mr. Peter took and passed the HVHZ

competency exam. Mr. Peter has received a temporary certificate for an inspector in mechanical and structural disciplines and a plans examiner from Miami-Dade County.

The Board asked various questions to which both Mr. Peter and Mr. Tornese responded. As to experience credit, Mr. Soto drew attention to Code Section 104.3.2 specifies mechanical engineering as to education.

A MOTION WAS MADE BY MR. FELLER TO APPROVE THE EXPERIENCE CREDIT OF 3 YEARS FOR A BACHELOR DEGREE IN ENGINEERING, ARCHITECTURE OR BUILDING CONSTRUCTION, WHICH WAS SECONDED BY MS. GILES NELSON . THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

c. Board Action, Mechanical Inspector Application

The Board discussed points relating to experience needed for the mechanical discipline with staff as well as proof of issued mechanical permits. Mr. Fardelmann noted that the Board should take into consideration that Mr. Peter is requesting a certification in mechanical as well as structural. Mr. Soto explained because Mr. Peter was working with several licenses at the same time, staff does not know whether the period of time should be parsed amongst disciplines or applied concurrently for both disciplines.

A MOTION WAS MADE BY MR. ZACKRIA TO APPROVE A MECHANICAL INSPECTOR CERTIFICATION FOR MICHAEL PETER, WHICH WAS SECONDED BY MR. LUCAS. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

d. Board Action, Structural Inspector Application

Staff responded to the Board's questions for the following motion. The Board further discussed the experience documentation, and the requirement including dividing amongst the two disciplines.

A MOTION WAS MADE BY MR. ZACKRIA TO APPROVE A STRUCTURAL INSPECTOR CERTIFICATION FOR MICHAEL PETER, WHICH WAS SECONDED BY MR. LUCAS. THE MOTION FAILED BY A VOTE OF 7-5 WITH THE FOLLOWING NO VOTES: Mr. Terry, Mr. Rice, Mr. Lavrich, Mr. Feller, Mr. Wynn, Mr. Sims And Chairman Burr.

Mr. Lavrich saw the issue as not with practice, but rather with staff being able to verify supervisory experience. There was a brief rebuttal by Mr. Tornese.

8. Modification of Chapter One Administrative Provision to the Florida Code 5th Edition (2014) Regarding Section 105.3 through 105.3.1, concerning who can apply for a Building Permit

- a. Request of the Ad-Hoc Committee to determine the efficiency of the permitting process in Building Departments in Broward County

Mr. Cris Fardelmann, Chief Structural Code Compliance Officer, presented staff's report and that of the Ad Hoc Committee on Voluntary Building Permit Guidelines. He explained the purpose is to improve the process of getting a permit in process. The code would be amended to allow an owner or authorized agent of an owner or qualifier to submit a permit application. However, the qualifier is still required before the permit could be issued.

- b. Public Hearing

Chairman Burr opened the floor for public comment but there was no one wishing to speak.

- c. Board Action

A MOTION WAS MADE BY MR. FELLER TO APPROVE THE AMENDMENT, WHICH WAS SECONDED BY MS. GILES NELSON. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

9. **Board Policy # 16-02 entitled "Guidelines and Information for Voluntary use by Building Departments throughout Broward County concerning the processing of building permits"**

- a. Request of the Ad-Hoc Committee to determine the efficiency of the permitting process in Building Departments in Broward County

Mr. Dan Lavrich, Chairman of the Ad Hoc Committee on Voluntary Permit Guidelines, explained the charge of the Committee was to improve the permit processing procedure countywide. He presented the Committee's recommendation of a voluntary policy to permit processing procedure (Board Policy #16-02). It is titled Voluntary Building Permitting Guidelines for Use in Broward County. He requested the Board accept the Committee's report and request that the building officials in Broward County voluntarily adopt the procedures or at least use them as a model.

- b. Board Action

A MOTION WAS MADE BY MR. ZACKRIA TO APPROVE THE POLICY AND REQUEST IT BE DISTRIBUTED TO ALL BUILDING OFFICIALS IN BROWARD COUNTY, WHICH WAS DULY SECONDED AND PASSED BY UNANIMOUS VOTE OF 12-0.

10. **Board Policy #16-01 entitled Reduction of Paperwork for Building Officials, Assistant Building Officials and Chief Inspectors seeking to serve in multiple jurisdictions, or moving from one jurisdiction to another, within a biennial**

certification period.

a. Request of Administrative Director

Mr. James Dipietro, Administrative Director, presented staff's recommendation of Board Policy #16-01. This relates to people who are already certified and wish to move from one location to another in the county for management positions such as building official or chief. It could be accomplished without an application, but rather an official notice from the municipality. If the person has already been on the Board's agenda and certified, there is really no need for additional documentation.

b. Board Action

A MOTION WAS MADE BY MR. ZACKRIA TO APPROVE THE POLICY, WHICH WAS SECONDED BY MR. SIMS. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

11. Formal Interpretation Section 808.1.1.1 of the 5th Edition (2014) of the Florida Building Code relating to ceiling grid support for light fixtures

a. Staff Report

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, presented staff's recommendation for a formal interpretation. This has to do with the proper supporting of ceiling light fixtures and grids and uniformity throughout the county. There are variations in the installations that cause delays and costs that are avoidable. Section 808.1.1 of the Building Code requires that the support system design be provided by the manufacturer or the design professional however this requirement has not been consistently practiced. A formal interpretation will eliminate field design questions and result in an efficient, timely project. This interpretation was approved by the Electrical Committee on December 10th, 2015. The interpretation includes three types of installations.

b. Public Comment

Chairman Burr opened the floor for public comment but there was no one wishing to speak.

c. Board Action

A MOTION WAS MADE BY MR. SIMS TO APPROVE THE FORMAL INTERPRETATION, WHICH WAS SECONDED BY MR. FELLER. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

It was noted that the interpretation would be effective March 10th, 2016.

12. Adoption of Updated Certification Forms

a. Request of Administrative Director

Mr. James DiPietro, Administrative Director, advised the objective is to reduce paperwork and redundancy. There are currently two forms, one for the city manager as to intent of hire and one for the building official. The recommendation is to combine into one form.

b. Board Action

A MOTION WAS MADE BY MR. SIMS TO APPROVE THE CERTIFICATION FORMS UPDATE, WHICH WAS DULY SECONDED AND PASSED BY UNANIMOUS VOTE OF 12-0.

13. Pay Plan for Board of Rules and Appeals employees, effective January 3, 2016, after considering similar actions implemented by the County Commission for County employees. Pay changes as specified per individual not exceeding 2% of base pay, effective January 3, 2016

a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, referred to Recommendation #1 and advised that it has been four years since the pay plan has changed. The County has conducted a twenty-year review of its pay plan and made a great number of changes. With respect to the Director, Chief Code Compliance Officer-Engineer and Chief Code Compliance Officer, the ranges would be adjusted to the nearest upward step in the new County pay plan. With respect to the Administrative Coordinator II and Board Tech I (Administrative Secretary), the ranges would be adjusted to match those positions in the new County pay plan. Recommendation #1 is to fit the Board of Rules and Appeals' job titles into the County pay plan.

Mr. DiPietro explained that when a Chief Code Compliance Officers are hired, they must qualify as a chief, but there is an expectation that they are paid as a building official. Recommendation #2 has to do with giving the Code Compliance Officers an incentive to secure the State building official certification in order to reach 97% or higher on the Code Compliance Officer pay range.

Mr. DiPietro noted that Recommendation #3 is an across-the-board pay adjustment for every position except his and the reason is that there is insufficient space left in that pay range.

Mr. DiPietro advised that if approved by this Board, the recommended effective date would be January 3rd, matching the date used by the County. He reviewed survey information contained in the agenda background materials for this item. Over the years, the percentage difference between the Administrative Director pay in relation to Code Compliance Officers has been reduced to minimize any possible conflict of

interest. He said that he would like to look into whether the County has an independent opinion which could then be presented to the Board. Recommendation #1 combines the Chief Code Compliance Officer and Chief Code Compliance Officer-Engineer positions for pay purposes. Also, he indicated that it is his intention to revise/update job descriptions and present them for the Board's approval at some point in the future, which would likely not involve compensation. He reviewed the County's new pay plan and how the Board of Rules and Appeals' employees compare. He clarified for the Board that Recommendation #2 would not apply to Fire.

b. If desired, motion to adopt revise Pay Plan, Recommendation #1

Mr. DiPietro responded to the Board's question concerning the effective date, indicating the recommendation is to follow what was done for all Broward County employees - retroactive to January 3, 2016

A MOTION WAS MADE BY MR. FELLER TO APPROVE RECOMMENDATION #1, WHICH WAS SECONDED BY MS. GILES NELSON. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

c. If desired, motion adopting additional requirements for Building Code Compliance Officer to exceed 97% on new Pay Plan, Recommendation #2

A MOTION WAS MADE BY MR. SIMS TO APPROVE RECOMMENDATION #2, WHICH WAS DULY SECONDED AND PASSED BY UNANIMOUS VOTE OF 12-0.

d. If desired, motion authorizing individual specified pay increases, Recommendation #3

A MOTION WAS MADE BY MR. LUCAS TO APPROVE RECOMMENDATION #3, WHICH WAS DULY SECONDED AND PASSED BY UNANIMOUS VOTE OF 12-0.

14. Amendment to BORA Policy # 95-1 changing the existing requirement for the hiring pay range not to exceed the 30% above the minimum rate to be changed to not exceed 50% above the minimum rate.

a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, presented the reasoning for the recommended policy amendment.

b. Board Action

A MOTION WAS MADE BY MR. FELLER TO APPROVE THE POLICY AMENDMENT, WHICH WAS DULY SECONDED AND PASSED BY UNANIMOUS VOTE OF 12-0.

15. Amendment to BORA Policy # 95-01 providing that, for employees hired after

March 1, 2016, on a merit basis, they may reach the top of their pay range between 13 and 14 years of service (replacing the existing policy of 10 to 11 years of service to reach their maximum pay)

a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, presented the reasoning for the recommended policy amendment, noting that the pay range had expanded in some cases from 48.3% to 59.6%, therefore an increase in the number of years to reach top pay would be appropriate.

b. Board Action

A MOTION WAS MADE BY MR. FELLER TO APPROVE THE POLICY AMENDMENT, WHICH WAS SECONDED BY MR. ZACKRIA. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

16. Discussion concerning the National Electrical Code (NEC) 2017-Implementation date.

a. Staff Report

Mr. James DiPietro, Administrative Director, presented the reasoning he is seeking the Board's decision of whether to ask the Florida Building Commission to take steps to ensure that the National Electrical Code 2017 is used as a base code instead of NEC 2014 as part of the Florida Building Code 6th Edition (2017) which is scheduled to be effective in January of 2018. The request would be submitted by letter of the Board Chair.

Mr. Rice noted that Florida is behind in adopting a more current electrical code. He strongly supported making this request and the Board taking a leadership role.

b. Board Action

A MOTION WAS MADE BY MR. FELLER TO AUTHORIZE THE REQUEST BE MADE TO THE FLORIDA BUILDING COMMISSION AS PRESENTED, WHICH WAS SECONDED BY MR. SIMS. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

17. Board Policy #16-03 entitled, December Holiday Work Schedule

a. Request of Administrator Director

Mr. James DiPietro, Administrative Director, recommended that the Board adopt Policy #16-02 and make permanent a December Holiday work Schedule that has been present in one form or another for almost twenty years, allowing employees to work a reduced number of hours around the Christmas and New Year holidays.

b. Board Action

A MOTION WAS MADE BY MR. FELLER TO APPROVE THE POLICY, WHICH WAS SECONDED BY MR. LAVRICH. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.

18. Director's Report

Mr. James DiPietro, Administrative Director, explained that the Board's agenda packet contains two letters that essentially highlight for the Board examples of building department monitoring that is done and quietly handled by staff.

19. Attorney's Report

20. Committee Report

21. General Board Discussion

22. Public Comment

23. Board Nominations and Election of 2016 Chair and Vice-Chair, Effective February 2016

MR. FELLER NOMINATED MR. LUCAS FOR CHAIR AND MR. LAVRICH SECONDED THE MOTION. THERE WERE NO OTHER NOMINATIONS. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF 12-0.

MR. LUCAS NOMINATED MR. WYNN FOR VICE CHAIR AND MR. SIMS SECONDED THE MOTION. THERE WERE NO OTHER NOMINATIONS. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF 12-0.

Adjournment

Having no further business to go before the Board, the meeting adjourned at 9:18 p.m.

A handwritten signature in black ink, appearing to read "Ron Burr", with a large, stylized initial "R" and "B".

Ron Burr – Chair