



BROWARD COUNTY

Board of Rules & Appeals

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BOARD OF RULES AND APPEALS

MAY 14, 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

Al Fernandez

John Famularo

Shalanda Giles Nelson

Allan Kozich (arrived 7:58 p.m.)

Dan Lavrich

Jeff Lucas

Dave Rice

Dave Tringo

Ken Wynn

Abbas Zackria

Ron Burr - Chair

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

Special presentation – The Chair presented a service plaque to Board member Richard A. Smith for his 24 years of service with the Board.

Approval of Minutes

Mr. Tringo made a motion to approve the April 9, 2015 meeting minutes. The motion was seconded, and the minutes were approved as submitted.

CONSENT AGENDA

1. Certifications – Staff Recommended

Deerfield Beach – Kevin Donovan – Chief Structural Inspector

Fort Lauderdale – John San Angelo – Fire Plans Examiner

Parkland – Valentino Perez – Chief Electrical Inspector

Pembroke Pines – Edward Adach – Building Official

Countywide:

Daniel Cogdill – Electrical Plans Examiner

James McCully – Structural Plans Examiner

A MOTION WAS MADE BY MR. TRINGO TO APPROVE THE CERTIFICATIONS, AND WAS SECONDED BY MR. D'ATTILE.

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

REGULAR AGENDA

2. **Adoption of Revised Broward County Administrative Provisions to the 5th Edition (2014) Florida Building Code, (Chapter One) effective June 30, 2015**
 - a. Staff Report
 - b. Public Hearing
 - c. Board Action

Rolando Soto introduced the item. Mr. DiPietro added that we do this every three years, it is a routine process. Every three years we readopt Chapter One. We have 2 or 3 technical changes.

The Chair opened the Public Hearing.

Mr. Sergio Ascunce, Building Official from Hallandale Beach addressed the Board. (Submitted that the word shall be changed to may) Bill Dumbaugh commented. They did not have the resources. It is the requirement for the Building Official to send prior notification and allow a technical amendment. I offer that if you are unable to send timely notices, allow the status of the current permit to expire. Open permits have made incomplete and having expired for lack of activity. We should probably get the Building Official to accept an inspection request without the permit renewal process required by state code, allowing the city to return and obtain an inspection after years of inactivity is unfair. This lessens the effectiveness of the code. I submit that the word shall of section 105.3.1 and section 105.3.2.5 be changed to “may” to remove the notification of application and make it consistent with state code.

Staff Bill Dumbaugh commented – As you know, Staff reviewed all the comments that were submitted by the Building Officials and we looked at them very closely before they were brought to you this evening. This is one that Sergio did submit to us. We went over it in great detail and unanimously felt it was bad to add because, as you know, there is not good communication between a builder and a home owner. This notification requires the building department to notify the property owner when a permit is going to expire, and that was our concern, that the property owner got that notice. We believed it best for the property owners, if it was going to expire we would give them 30 days. That is why the staff chose not to submit it.

Claudio Grande City of Tamarac – Building Department – I agree with Mr. Dumbaugh. We can't leave it up to the contractors. It is our responsibility as Building Officials to notify. We have to have the ability to do that.

The Director asked staff Ken Castronovo to address one other technical change on page 63 of Chapter One. This allows a plan review person to request information from an engineer, address specific instances as far as health care, elevators. Board member, Mr. Rice noted that this is something the plan reviewer should be looking at; in plan review, this should be addressed. Mr. Castronovo informed the board he had circulated a memo to all the chiefs stating that an engineer has to sign and seal the letter. Mr. Castronovo stated that this would be discussed further in a committee meeting.

The Public Hearing was closed.

A MOTION WAS MADE BY MR. LAVRICH TO APPROVE THE AMENDMENTS AS SUBMITTED, MODIFIED AND PRESENTED, AND WAS SECONDED BY MRS. GILES NELSON.

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

The Director advised the Chair that we are going to lose our quorum, because one member has not arrived. Someone in the room went out of his way to be here, but needs to leave at 7:45 p.m. In light of this information I am going to recommend that we cover Item #4 which are all the technical amendments that we have adopted before. I want the audience to know that these are reoccurring Broward County Local Amendments, and we want to get these considered tonight because they will go into effect on June 30, 2015. After that, we can then return to Item #3. The Chair concurred.

Skip to Item 4B – Introduced by Director, Jim DiPietro. Every three (3) years the local amendments expire, basically water conservation amendments, and there are electrical safety amendments, and also Plumbing Appendix F. Some of them we have had for ten (10) years, some of them we have had for 2 or 3 years. The Electrical 15 volts, pool amendment, there has been a lot of publicity on this item and we passed that in both Dade and Broward back in September. The intent here is to roll over these existing amendments into the new code.

We will ask for 2 votes in re-enacting these amendments. We will start with Item 4B, Residential, and Water Supply System. We ask for two votes: one on the questions and answers that the State of Florida requires, and the second vote, the motion will be to pass the amendment. Staff will give a one minute report on each item. We will start will Item B.

4B) Amendments to the 5th Edition Florida Building Code (2014) – Residential, Section P2903, Water Supply System

Chief Code Compliance Officer, Plumbing, Otto Vinas introduced the item.

The Chair opened the Public Hearing

First speaker – Representative for Division Director Dr. Jurado – Broward Water Conservation Program – “On behalf of our division we fully support the changes, particularly in respect to rising sea levels and their impact on the environment.”

Public Hearing was closed.

A MOTION WAS MADE BY MR. LUCAS TO APPROVE THE QUESTIONS, AND WAS SECONDED BY MR. FAMULARO.

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

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

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

4C) Amendment to 5th Edition Florida Building Code (2014) – Plumbing, Section 604 Design of Building Water Distribution System

Mr. Vinas introduced the item, approved the questions, and recommended we adopt the item.

The Public Hearing was opened, having no speakers, the Public Hearing was closed.

A MOTION WAS MADE BY MR. LUCAS TO APPROVE THE QUESTIONS, AND WAS SECONDED BY MR. D’ATTILE. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.

A MOTION WAS MADE BY MRS. GILES NELSON TO APPROVE THE AMENDMENTS, AND WAS SECONDED BY MR. D’ATTILE.

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

4D) Amendments to 5th Edition Florida Building Code (2014) Plumbing Appendix F, Proposed Construction Building Codes for Turf and Landscape Irrigation Systems

Otto Vinas addressed the item. The Florida Building Code does not require any questions and answers when adopting these amendments.

The Public Hearing was opened, having no speakers, the Public Hearing was closed.

MOTION WAS MADE BY MR. LAVRICH TO APPROVE THE AMENDMENTS, AND WAS SECONDED BY MR. LUCAS.

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

4E) Amendments to 5th Edition Florida Building Code (2014) – Plumbing Section [M] 314, Condensate Disposal and Mechanical Section 307, Condensate Disposal

Chief Mechanical Staff Rolando Soto addressed the item. Mr. Soto recommended the amendments.

The Public Hearing was opened, having no speakers, the Public Hearing was closed.

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

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

A MOTION WAS MADE BY MR. LAVRICH TO APPROVE THE AMENDMENTS, AND WAS SECONDED BY MR. TRINGO.

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

4F) Amendments to the 5th Edition Florida Building Code (2014) – Mechanical, Section 908 Cooling Towers, Evaporative Condensers and Fluid Coolers

Chief Mechanical Staff Rolando Soto addressed the item. Mr. Soto recommended the amendments.

The Public Hearing was opened, having no speakers, the Public Hearing was closed.

A MOTION WAS MADE BY MR. LAVRICH TO APPROVE THE QUESTIONS, AND WAS SECONDED BY MR. TRINGO.

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

A MOTION WAS MADE BY MR. LAVRICH TO APPROVE THE AMENDMENTS, AND WAS SECONDED BY MR. D'ATTILE.

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

4G) Amendments to 5th Edition Florida Building Code (2014) – Building Section 454.2.16 Electrical, and – Residential, Section E4206.4 Underwater Luminaries

The Chair opened the Public Hearing

John Travers – Building Official for Fort Lauderdale. I was previously a Chief Electrical Inspector for the City of Hialeah. The wording being proposed here on limiting the voltage on underwater lighting was something that we had in South Florida Building Code many years ago. With the adoption of the Florida Building Code that transferred through to the pool section 424, part one, did not make it to part 2 on private pools in the recent rash of problems concerning the use of 120 volts, even though it is protected. Sometimes that protection is either removed or it does not work properly, so this is a very important portion of the

protection of people who are using pools. I urge the Board to continue approving the item.

The Public Hearing was closed

A MOTION WAS MADE BY MR. D'ATTILE TO APPROVE THE QUESTIONS, AND WAS SECONDED BY MR. TRINGO.

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

A MOTION WAS MADE BY MR. LUCAS TO APPROVE THE AMENDMENTS, AND WAS SECONDED BY MR. TRINGO.

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

5. Proposed 5th Edition Florida Building Code (2014) Formal Interpretations, effective June 30, 2015

Mr. DiPietro addressed the item and pointed out that this item is a rollover of all existing amendments. There are 2 additions in total. They are both mechanical and recommended by the Mechanical Committee. Chief Mechanical Code Compliance Officer, Rolando Soto gave a brief explanation.

A MOTION WAS MADE BY MR. LAVRICH TO APPROVE, AND WAS SECONDED BY MR. D'ATTILE.

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

Note: The Director noted that the quorum issue has been resolved and we will resume with Item #3.

3. Consideration of Amendments to the Administrative Provision to the 5th Edition (2014) Florida Building Code to revise Section 105.3.0.2 provide for a Uniform Building Permit Application and to include the Uniform Building Permit Application as Appendix A, effective June 30, 2015. The form would become mandatory on January 1, 2016

Mr. DiPietro addressed the item and explained that it first came to us as a concept for a uniform building permit application. There are a number of speakers in the audience on both sides of the issue that will advocate for and against this concept. Back in October, we were approached by Jeff Halsey, who has a working group of private and public people who are advocating both electronic permitting and a uniform building permit application. When you considered this topic in October, the Board felt it was too soon and involved too many issues to put on the table at once. The Board returned the item to us. I have met with Mr. Halsey and we split, we took e-Permitting off the table. We have brought the uniform building permit application back to the Board, and the Board by an 8 – 3 vote said they like the concept. I bring it back to you again tonight, in a form that you can vote upon. Bill Dumbaugh and I recommended to the Chairman that the best way to do this would be to bring in all the Building Officials, so we invited every Building Official in Broward County. We have had a very wide participation. It has been a healthy process. The Building Officials did what we asked them to do, which was to provide a form. They complied and gave us a form, but they did vote against implementing the form. I also want to put on the record that our uniform building permit form as matter of fact and law, we have one united permit application form for roofing, which is not only in Broward, but Dade as well. We've had that for more than a decade. Next and finally, Mr. DiPietro informed the Board that he had an email at 4:01 p.m. this afternoon from a planning director, Tammy Reed, Planning Director from North Lauderdale, who had just seen the item online. The individual requested the item be tabled until they have an opportunity to review. However, if the Building Officials are not talking to their planning directors, we cannot be responsible for that.

I have one final comment on the implementation. In the event that you choose to adopt this form, I would ask the Building Officials to suggest a fair way to implement the form. We agreed by a strong consensus that it would

be six (6) months. During the six month period, if you adopt this, from July to December, the cities can use their existing forms, and on January 1, 2016 it would become mandatory.

Questions from Dan Lavrich – Should we send this back to committee? It sounds like there is still some descending feelings on this form. Rather than adopting it tonight, Mr. DiPietro noted that we have the option to consider this at a later date. You may want to make a decision after the public hearing. In terms of the technical part, the form is perfected, in my opinion. The form is in its final state.

Dave Tringo – Are we going to force the city to adopt a form, then yes, we need to ask the City Manager to concur and get a majority.

Abbas Zackria noted that in the past we had debated optional versus mandatory, which way are we going at this point? Mr. DiPietro explained that if we pass it as it appears in the agenda packet, it will become mandatory on January 1, 2016.

Gregg D’Attile – discussed the form and made the observation that no one is ever going to agree 100% with all of the municipalities, so let’s adopt it now and amend it later. The cities have seven (7) months to do the changeover.

OPEN PUBLIC HEARING

1. Dave Rosenof – City Commissioner for the City of Parkland, I am a State certified general contractor, and I am incoming President of the Broward League of Cities. My initiative as President of the League, is something called “Building Broward.” My intention is to find best practices for all cities for all of these kinds of administrative issues, and I think this is a great first step. I believe there is hesitation, maybe if we make it voluntary a little bit longer, but I strongly want to support this amendment. I think it is a great first step that we all start doing things alike, and the Broward League of Cities strongly supports it.

Board member, Dave Rice asked Mr. Rosenof to confirm that he was speaking primarily as a representative of the League, and he said he was.

2. Carol Bowen with Associated Builders and Contractors. We are here in support of the Uniform Building Permit Application. We are supportive of an initiative that helps streamline the systems, if it offers a clear viewpoint. It is my understanding that what we are really talking about is getting started, and that everyone will adopt the uniform building permit application. They need more documentation. We think that offering the same form across the board helps companies with how they manage a project. We also believe that one of the biggest benefits would be to small businesses. They can be overwhelmed by the sheer number of occupancies and the difference between them when they go from department to department. This is a positive move and a helpful move. It is for those reasons that we support the adoption.

3. Sergio Ascunce – Building Official for the City of Hallandale Beach. Thinks the form is very simple. It underlines information that already exists. However, change is difficult and being taken out of our comfort zone is a challenge. It is inconceivable to think that all forms can be incorporated into one form. It is understood that supplemental forms will be necessary as they are today. I encourage the Board to adopt.

3. Mason Jackson – I am the CEO from CareerSource Broward, and we help businesses find talent,

we help job seekers find jobs. We – the big picture, we are in a global competition for jobs. Locally in Florida and Palm Beach and Miami-Dade, in the State with other cities like Jacksonville and Orlando, nationally, with Boston and Dallas, San Francisco, Atlanta, and even internationally. We cannot afford not to be competitive. This is about quality of life, it's about having the kind of industry and diversity here – It's about jobs. We want lots of jobs, but we want good jobs, highly skilled and highly paying jobs. We only have redevelopment opportunities. We have to compete on quality of life, and easy, predictable, governmental processes. This leads us to streamlining permitting. The single app tonight is a step in that direction. This is about making Broward more business friendly. We need to set aside past differences, to set aside your need for autonomy in the name of coordination and collaboration, and help this County become smoother, smarter faster in order to compete economically. We ask everyone to take on this job which in this case means “jump on board.”

4. John Travers – Building Official for the City of Fort Lauderdale. His only recommendation is to recognize that every municipality will have different needs. Mr. Travers continued that he would like to see this on the form. (Mr. DiPietro commented that these items were already on the form, at the bottom of page 4, and he agreed with Mr. Travers).

5. Pete Beaudoin – from Calvin Giordano with the cities of Lighthouse Point and Deerfield. Mr. Beaudoin stated that he thought a single application would be great thing, but he would like to wait. There are cities that still have the old ways of doing things. The process can be improved, but we should not pass it tonight.

6. Claudio Grande – Building Official for the City of Tamarac – Mr. Grande worked on the committee with 11 against and 2 in favor; he was one of the parties in favor of bringing this to the Board. At this point, it has become very condensed, very complicated and confusing. Any contractor can go on-line. I understand that it's a good thing, but as a city, we have not had any complaints. Mr. Grande continued that he did not see the benefit of a new application, thinks that we need more time, because it could cause more problems.

7. Tom Schubert – BO for the City of Coral Springs. He was on the Ad Hoc Committee. It's a good form, but it does not streamline the process. If each city has to collect additional information, it will be causing more grief going forward. Mr. Schubert stated that we are a couple of years away, and recommended we postpone or deny.

8. Dean Decker – President of BOAF and the Building Official for the City of Lauderdale Lakes. Mr. Decker said he doesn't think the form streamlines anything. He emphasized that each city has unique information. Our association is willing to work closely with the League of Cities. This permit application will not help the process.

9. Dan O'linn – Building Official for Unincorporated Broward County and the Airport. Mr. O'linn said the form should move forward; there is no reason to slow it down, so let's select one of the forms and use it. There can be a supplemental page if necessary.

10. Steve Bassett – Member Florida Building Commission and the e-Permitting Task Group. I am not here to say we should adopt it or not adopt. We are looking at what Broward County does, and

Broward still seems to be the leader in the State.

11. Steve Pizzillo – Former Building Official for the City of Parkland. Mr. Pizzillo also sat the Ad Hoc Committee, and thinks the addendums will drive everyone crazy, and it will not solve the problem. Forms on line are easy to download. Mr. Pizzillo recommended we act as Palm Beach County, and make the form optional.

12. Richard Smith – Former Board Member – As a previous board members of twenty-four (24) years, and I have heard this batted around for years, and I charge you now, to approve this. You have the League of Cities to approve this, and they are representing the mayors of every city in this town. That’s what is happening in our business. We are becoming progressive. Approve it and get uniformity going. I urge you to approve this.

13. Ms. Mink from BOMA (Building Owner Management Association) – International and national company. From a commercial standpoint, recommends approval.

PUBLIC HEARING CLOSED

Mr. DiPietro recommended a friendly amendment based upon the public comments, that the effective date of the mandatory form be changed to the end of March.

A MOTION WAS MADE BY MR. KOZICH TO APPROVE AND TO ALLOW THE OLD FORMS TO BE USED THROUGH MARCH 31, 2016, AND WAS SECONDED BY MR. LAVRICH.

THE MOTION PASSED WITH A VOTE OF 11 – 1. Descending vote – Mr. Lucas

6. Recommendation to Approve the Core Fiscal Year 2016 Budget (October 1, 2015 – September 30, 2016)

Administrative Director, Mr. DiPietro addressed the Board. In one sense this is a routine matter. Mr. DiPietro continued to go over the numbers and noted that our expenses have declined over the years, while revenues have gone up. Basically the County gives us a certain amount of money, and there is some negotiating. We agreed with them and I ask you to accept core operating budget they have provided. Mr. DiPietro referred the Board to the agenda packet and explained that the numbers indicated revenue will exceed expenses for at least the next 5 years. Before the Great Recession, expenses were at \$1.8 million, in FY08 and FY09. And then down to \$1.6 million in FY15. In FY16 expenses are budgeted at \$1,531,540. To give a fair comparison I point you to page 4 where we have salaries and benefits. There’s a total personal service, worker’s compensation and insurance. Our current year is \$1.125 and the new year is FY16 forecast to be \$1.122, a reduction that is significant. Part of that change is due to having a smaller staff. We have ten (10) staff now, where before the great recession we had twelve (12). Also, noted was the change in the State Pension Plan which now requires an employee contribution.

Our reserves are now up to \$1.7 million, as contrasted to three (3) years ago, we had no reserves. I projected that we are going to add \$450,000 to reserves. There is no expectation for any rate increases for the foreseeable future.

A MOTION WAS MADE BY MR. TRINGO TO APPROVE, AND WAS SECONDED BY MR. ZACKRIA.

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

7. **Partnership Proposal – Water Smart Broward and the Broward County Board of Rules and Appeals**

Otto Vinas, Chief Plumbing Code Compliance Officer presented a report to the Board. A proposal from Water Smart Broward and the Board of Rules and Appeals has been approved. Consisting of Broward County Recreation Department, the Children’s Service Council of Broward County, Swim Central and the Board of Health Department in Broward County. I have met Linda Oleson from the Health Department, and she is looking forward to working with us. They really enjoyed our brochures. There have been some minor changes to the Swimming Pool Safety brochure regarding color and format.

Mr. Lavrich commented that the flyer turned out beautifully. It was very well done. Mr. Lavrich inquired as to how they were being distributed, and Mr. Vinas answered they were sent to all of the Building Officials and local pool companies, and pool supply companies, who are giving them out to their customers.

A MOTION WAS MADE BY MR. KOZICH TO APPROVE, AND WAS SECONDED BY MRS. GILES NELSON. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 12 – 0.

8. **Director’s Report**

Mr. DiPietro referred to a letter of request from Bertha Henry, that we adopt a local amendment to the Florid Building Code allowing the County staff to sign off on the configuration of bi-directional amplifiers. It most likely committee to address this issue would be the Electrical and Fire Committees. In Ms. Henry’s letter she refers to police and fire communication in her request, problem discovered from buildings located in the City of Aventura and the City of Hallandale Beach. We want to get more expertise into the conversation by creating a working group. Dave Rice explained that about four weeks ago communications between fire and police went down between these two cities. A lot of the buildings that we have in the County now have bi-directional amplifiers, which is basically a radio station installed in the high rise to give first responders better communications inside a building. The amplifiers started broadcasting ten (10) times the amount of sound. In one case, they hired a private contractor and flew in a helicopter, and pinpointed one of the buildings, and then sent the Sheriff’s Department in to close the building down. This is a serious problem and it has to be addressed. Mr. Rice continued that his recommendation is that we send this to an Electrical Committee. This is covered in NFPA 72, Fire Alarm Systems. Jeff Lucas, pointed out that police and fire are the end users. If we do put together a committee, it should be an ad hoc committee. We should allow the radio people to be a part of it, there are many radio people with a lot of expertise. Mr. DiPietro agreed to assemble an ad hoc committee.

On another matter, Mr. DiPietro wished to go on the record. About five weeks ago, it was well publicized that the Office of Inspector General did an investigation on employees with the City of Fort Lauderdale concerning building code and flood zone issues. There was a major report issued and the Office of the Inspector General said they are going to turn it over to the State of Florida, and over to the Broward County Board of Rules and Appeals because some of the individuals discussed in the report were certified, and we are reviewing that situation now.

As a final item, we would like to put the old Florida Building Codebooks on line and allow the public to access them through our website, at no cost as a public service. Assuming there is no objection we will proceed to implement that program.

13. Adjournment

Having no further business to go before the Board, the meeting adjourned at 9:03 p.m.

A handwritten signature in black ink, appearing to read "Ron Burr". The signature is stylized with a large, looping initial "R" and a long, horizontal flourish extending to the right.

Ron Burr – Chair