

BROWARD COUNTY

# Board of Rules & Appeals

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

## BOARD OF RULES AND APPEALS

SEPTEMBER 8, 2016

MEETING MINUTES

### Call to order:

Chair Jeffrey Lucas called a published meeting of the Broward County Board of Rules and Appeals to order at \* p.m. He introduced a new member of the board, Danial Rourke. The roll was called and the following members were present:

### Present:

Jeffrey Lucas, FM, CFI, CFEL, Chair

Ron Burr

Gregg D'Attile

Shalanda Giles Nelson

Bill Flett

Robert Kamm, P.E.

Danial Lavrich, P.E.

David Rice, P.E.

Daniel Rourke

John Sims

James Terry

Kenneth Wynn, Vice Chair

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

### Approval of Minutes

Mr. Lavrich made a motion and Ms. Giles Nelson seconded the motion to approve the March 8, 2016 meeting minutes as submitted. The motion carried by unanimous vote of 12-0.

## CONSENT AGENDA

### **1. Certifications – Staff Recommended**

Chair Lucas noted a revision and one addition for the City of Wilton Manors that was provided to the Board.

**MR. LAVRICH MADE A MOTION AND MS. GILES NELSON SECONDED THE MOTION TO APPROVE ALL SUBMITTED CERTIFICATIONS AS REVISED. THE MOTION PASSED BY UNANIMOUS VOTE OF 12 - 0.**

## REGULAR AGENDA

2. **Local Amendments to the 2014 Florida Building Code – 5<sup>th</sup> Edition – Chapter I to Section 102.8 Existing mechanical equipment, Section 105.3.0.2 Application Form and Section 105.15 Opening Protection to reflect state legislation (House Bill 535) which became effective July 1<sup>st</sup> 2016.**

a. Staff Report

Mr. Rolando Soto, BORA Chief Mechanical Code Compliance Officer, noted staff's recommendation is to

b. Public Hearing

c. Board Action

**A MOTION WAS MADE BY MR. LAVRICH AND SECONDED BY MR. TERRY TO TABLE ITEM 1a. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.**

3. **Formal Interpretation of the Code Amendments to the Florida Building Code 5<sup>th</sup> Edition (2014) Broward County Administrative Provisions, Section 102.2 in reference to “playground equipment”, “playhouses” and “treehouses”**

a. Staff Report

Mr. Cris Fardelmann, BORA Chief Structural Code Compliance Officer, noted that this matter was before the Board at their last meeting where the Board upheld the Appellant. In the process, staff was directed to develop clarifying language for the code. At that time the Board came to the conclusion that this has to do with structures not equipment. Proposed language presented to the Board today has been reviewed by staff and the Board's attorney. In Paragraph L, the term, equipment, is proposed to be changed to apparatus and examples have been added as well. Two additional paragraphs are proposed, Paragraphs M and N, for playhouse and treehouse structures. Paragraphs M and N set forth criteria. If not met, a permit would be required.

Chair Lucas opened the floor for a public hearing.

Rhonda Hasan, City of Fort Lauderdale City Attorney's Office, asked about pre-manufactured playhouses that far exceed the criteria in Paragraphs M and N. She also asked about a hybrid of the two.

There was no one else wishing to speak.

Mr. Fardelmann indicated that these points were discussed by staff and they concluded those points should rest with the building official. Mr. D'Attile believed if

it does not meet the criteria, it would need a permit regardless of whether or not it is premanufactured. Board Attorney Charles Kramer concurred with Mr. Fardelmann that the categories are as-written, whether commercial, homemade or hybrid.

Mr. Lavrich objected to the idea of exempting from the building code. He pointed out the danger of children climbing on something that is fourteen feet above ground level. There is also windstorm danger. He was totally opposed to Paragraphs M and N. He suggested it be referred to committee for further examination. Mr. D'Attila noted the criteria of 64 square feet with respect to permitting. Mr. Lavrich pointed out the language indicates one would not have to comply with the building code. This takes away from a strong building code.

Discussion ensued about the variations in playground apparatus/equipment and when a swing set, for example, is expanded into a playhouse complex. Mr. Lavrich felt structures should comply with the building code.

b. Board Action

**A MOTION WAS MADE BY MR. FLETT AND SECONDED BY MR. FAMULARO TO REFER ITEM 2 TO THE STRUCTURAL COMMITTEE. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.**

3. **Request to Approve the Fiscal Year 2017 Recommended Budget (October 1, 2016 to September 30, 2017)**

a. Report of Administrative Director

Mr. James DiPietro, Administrative Director, presented the report for the proposed 2017 budget outlined in his memorandum of June 9, 2016 to the Board. He advised that the proposed operating budget amount is \$1,600,510 which has been allotted by the County as a core allocation. It is also requested that the Board re-establish an administrative assistant position that previously existed. Since 2012 reserves have grown from zero to \$2,601,430. The position would be effective Fiscal Year 2017. He went on to draw attention to the history of municipal fee revenue which have grown to over \$2 million. There is minimal change in operating expenses from last year. There is a capital expense outlay request to replace twenty year old chairs, computer hardware and a ten year old vehicle. The County furnished all salary information.

b. Public Comment

Chair Lucas opened the floor for public comment but there was no one wishing to speak.

c. If desired, motion approving Fiscal Year 2017 recommended budget

**A MOTION WAS MADE BY MR. LAVRICH AND SECONDED BY MR. FLETT TO APPROVE THE RECOMMENDED FISCAL YEAR 2017 BUDGET AS PRESENTED. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.**

**4. Board of Rules and Appeals Staff Participation in Committees and Sub-Committees of the Greater Fort Lauderdale Alliance**

a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, explained that this organization focuses on creating, attracting, expanding and retaining high-wage jobs and capital investment in high-value targeted industries. It is a public/private partnership. BORA staff are becoming more and more involved with their meetings. He felt the Board should consent to where staff is devoting significant time. He recommended approval.

Jack Bennings, Director of Workforce Services for Career Source Broward, explained he has been out-sourced to the Alliance and serves as their Director of Workforce Development. He also serves as a liaison for the Permitting Action Team. He went on to explain that the Alliance works with all municipalities in Broward County. The Alliance's main focus is job growth. The Permitting Action Team is about making permitting business-friendly. The goal is to have all Broward cities designated as "platinum" which means their permitting is electronic. He requested the Board's support.

D.K. Mink, chair of the Permitting Action Team, explained their goal is to streamline permitting. The County's e-permitting team has been brought under the Alliance and go forward with a larger leadership role. They want to involve the County, BORA and the League of Cities. She elaborated upon their collaborative effort. She requested authorization for the Administrative Director or Cris Fardelmann, Chief Structural Code Compliance Officer to attend their meetings. She also requested BORA representation on the electronic permitting subcommittee.

b. Board Action

**A MOTION WAS MADE BY MR. LAVRICH AND SECONDED BY MR. RICE TO AUTHORIZE BORA ADMINISTRATIVE DIRECTOR AND STAFF TO PARTICIPATE IN COMMITTEES AND SUBCOMMITTEES OF THE GREATER FORT LAUDERDALE ALLIANCE. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0.**

**5. Director's Report**

Mr. James DiPietro, Administrative Director, drew attention to information provided to the Board that was submitted to the Charter Review Commission at their request. He described the Charter Review Commission's process. The new charter would go

to the electorate in 2018 and would be effective for ten years. Historically BORA has had very little contact with the Charter Review Commission. He drew attention specifically to the Commission's review form in the Board's agenda packet that speaks of BORA's purpose on Page 3, citing both Florida Law and Broward County Charter. BORA ensures inspectors have no conflict of interest.

6. **Attorney's Report**

Mr. Charles Kramer, Board Attorney, indicated in July of 2015, an appeal by Dayve Co., Inc. was denied by the Board. Dayve then filed a petition for writ of certiorari. The court upheld BORA's decision.

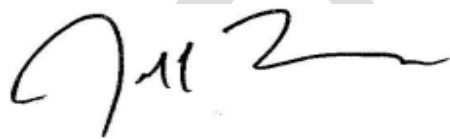
7. **Committee Report** – none

8. **General Board Discussion** – none

9. **Public Comment** – none

10. **Adjournment**

Having no further business to go before the Board, the meeting adjourned at 7:50 p.m.



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Jeffrey Lucas, FM, CFI, CFEI – Chair