**BROWARD COUNTY**

Board of Rules & Appeals

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[http://www.broward.org/codeappeals.htm](https://browardauthor/codeappeals.htm)

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**Board of Rules and appeals**

**November 13, 2014**

**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’Attile

John Famularo

Bill Flett

Dan Lavrich

Shalanda Giles Nelson

Jeff Lucas

Allan Kozich

Dave Rice

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. Kozich made a motion to approve the October 9, 2014 meeting minutes. The motion was seconded, and the minutes were approved as submitted.

**CONSENT AGENDA**

1. **Certifications – Staff Recommended**

**A MOTION WAS MADE BY MR. KOZICH TO APPROVE THE ITEM. THE MOTION WAS SECONDED BY MR. WYNN.**

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

**REGULAR AGENDA**

1. **Recommendation of the Certification Review Committee – Fire, to Retain the Firefighter Requirement for Fire Inspectors Certification**

Bryan Parks, Chief Code Compliance Officer – Fire, addressed the Board. Mr. Parks referred to a proposal from the Broward County City Managers Association requesting we remove the fire fighter’s certification criteria for inspector requirements in Broward County. In February we formed a Certification Review Committee for Fire. After a lengthy conversation, the committee voted 14 to 3 to keep the fire fighter certification. It was decided to have another meeting for the purpose of discussing the hours between fire fighter and fire inspector training. No recommendation has followed that meeting. Mr. Feller and the committee ask that you accept the committee’s recommendation.

The Chair opened the meeting up for public comment, having no public comment, the public hearing was closed.

**A MOTION WAS MADE BY MR. KOZICH TO APPROVE THE ITEM. THE MOTION WAS SECONDED BY MRS. GILES NELSON.**

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

1. **Staff Report Concerning Recommendations of the Florida E-permit Working Group (Continuation of Discussion from the BORA Meeting of October 9, 2014)**

Director, Mr. Jim DiPietro introduced the item to the Board. Mr. DiPietro referred to the last meeting where we entertained the discussion with Jeff Halsey, Director for the Broward County Pollution Prevention and Remediation and Air Quality Division, and in addition, is the chair of the Florida e-Permitting working group. The Board voted to send this back to staff to get their perspective. We have eliminated the entire discussion of electronic permitting standards. Mr. Halsey was advocating certain code changes to facilitate electronic permitting, which is no longer on the table. What remains is an optional uniform building permit application which does, in fact, need to meet the requirements. We would propose that this not be mandated in any city. Some cites volunteered to use this printed hard copy, and we have no objection. On that basis, I encourage you to agree to a Board Policy.

Board member Mr. Flett, believes that if we are going to do it, it should be mandatory for all cities. Staff Bill Dumbaugh pointed out that the problem with making this mandatory is every city that volunteers to use this is going to have something to attach to it. You will not be able to just use this form and get a permit. That’s the reason we made it voluntary, it’s a starting point.

Mr. Famularo added that some of the smaller cities are not equipped to do it financially. For that reason, we are not going to be able to mandate every city to do it.

Mr. D’Attile inquired as to whether the Board has the authority to make this mandatory. Mr. DiPietro suggested discussion with the Board attorney. Mr. Kozich concurred that we consult with the Board attorney and bring the item back at a later date.

Mr. Lucas suggested that we get the Building Officials to address the issue. At that time the Chair opened the meeting up for Public Comment. Pete Beaudoin, Building Official for the City of West Park addressed the Board. Mr. Beaudoin agreed that they have been trying to get this up and running for a number of years, and there seems to be a “home rule’ situation. Mr. Beaudoin agreed that we get together with the rest of the cities and get their input.

The Public Hearing was closed.

**A MOTION WAS MADE BY MR. ZACKRIA TO TABLE THE ITEM. THE MOTION WAS SECONDED.**

**THE MOTION PASSED WITH A VOTE OF 8 – 3.**

Dissenting votes:

Jeff Lucas

Dave Rice

Ron Burr

**MR. ZACKRIA MADE A MOTION THAT THE STAFF REFORMAT THE PROPOSAL AS A MANDATORY COUNTYWIDE PERMIT APPLICATION FORM AND BRING BACK FOR FURTHER CONSIDERATION. MR. KOZICH SECONDED THE MOTION.**

**THE MOTION PASSED WITH A VOTE OF 9 – 2.**

Dissenting votes:

Jeff Lucas

Ron Burr

1. **Request for Ratification of Administrative Director’s Appointment of Chief Code Compliance Officer – Electrical, Terms and Conditions of Appointment**

Director, Mr. DiPietro addressed Board and asked that the Board members who served on the screening panels abstain from the vote.

Mr. DiPietro introduced the appointee, Ken Castronovo, to the Board. Mr. DiPietro went on to explain that this position became available with the retirement of Lou Marks, who moved out of the area. We advertised the position publically, and we had thirteen (13) candidates apply. We set up a screening committee of six individuals comprised by Board Member, Dave Rice, who chaired the panel, Jack Fisher, Building Official for Broward County and the City of Dania Beach, Bill Bender, Chief Electrical for the City of Pompano Beach, and two staff members, Bryan Parks, Chief Code Compliance Officer – Fire, and Rolando Soto, Chief Code Compliance Officer - Mechanical. Mr. DiPietro continued that Mr. Castronovo has very good professional experience. He currently serves as the Electrical Plans examiner for the City of Coral Springs, and also as Electrical Inspector. He has an extensive background in the private sector, as well. Mr. DiPietro covered some of the projects his company was involved in including the renovation of the Broward County Courthouse, all of his projects are listed in the agenda packet. Mr. Castronovo was one of the committee’s top two choices. We hope to draw on his extensive private sector experience. He will be a welcome and well balanced addition to our staff. For these reasons, I recommend the Board ratify his appointment.

**MR. LAVRICH MADE A MOTION TO APPROVE AND MR. KOZICH SECONDED THE MOTION. MR. RICE ABSTAINED AS HE WAS A MEMBER OF THE SCREENING PANEL.**

**THE MOTION PASSED UNANIMOUSLY.**

1. **Request for Ratification of Administrative Director’s Appointment of Chief Code Compliance Officer – Structural, Terms and Conditions of Appointment**

The Director, Mr. DiPietro, again addressed Board and introduced the appointee, Mr. Donald Fardlemann, Jr. to the Board. This opening came about when our longest serving staff member in history, Rusty Carroll, retired. Mr. Fardelmann is currently the Building Official and Chief Structural Inspector for the City of Oakland Park. Again we advertised extensively, and had seven applications that were submitted to a screening panel. The committee chair was Board member, Shalanda Giles Nelson, Ron Burr, BORA Chair, Michael Goolsby, our Miami-Dade County counterpart, Ted Fowler, Building Official for Cooper City, with staff members Bill Dumbaugh, Chief Code Compliance Officer – Structural, and Otto Viñas, Chief Code Compliance Officer - Plumbing. Mr. Fardlemann is a veteran of the system, and brings a wealth of knowledge to the positon. Among his other attributes, he is an elected official with the Central Broward Water Control District. He has a good feel for what I look for in our staff. He is sensitive to public needs, to enforcing the building codes strongly, and he has the finesse and the understanding to fit in well at the Board. For these reasons, I recommend the Board ratify his appointment.

**MR. KOZICH MADE A MOTION TO APPROVE AND MR. LAVRICH SECONDED THE MOTION. MRS. GILES NELSON AND CHAIR RON BURR ABSTAINED AS THEY WERE MEMBERS OF THE SCREENING PANEL.**

**THE MOTION PASSED UNANIMOUSLY.**

1. **Updates to Board of Rules and Appeals Policy #95-1, Pay Plan**

The Director, Mr. DiPietro addressed the Board and pointed out that this was a follow-up on a previous Board action. Mr. DiPietro referred to page 11 in the agenda packet, where you adopted the concept and some wording that after 10 to 11 years members of BORA may reach the top of the pay plan. I wanted to put that into the guidelines and regulations. We had an extensive discussion on the subject at the last meeting. Merit is listed, it is not automatic. I would recommend that you approve for that reason. I would recommend that the Board amend BORA Policy #95-1, Pay Plan by adding language stating “Employees on a merit basis may reach the top of their pay range between 10 and 11 years of service.

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

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

**7. Consideration of Merit Pay Adjustments for Staff, Effective October 12, 2014**

Mr. DiPietro addressed the Board once again and noted that the County’s union has settled for 2% and for the unclassified employees, they will get a 2% increase. We have functioned more in the past under a rule that we passed in July with the idea that people move up in the pay plan. From my own background from a number of years ago, the cities typically have steps, and maybe every couple of years they will move the pay plan by a couple of per cent and cost of living. Mr. DiPietro referred to the agenda packet and the highlighted areas regarding 3 individuals. I would like to make adjustments for the two new employees. There is a summary page of possible merit pay adjustments for seven Board of Rules and Appeals employees, reflecting the merit pay adjustment guidelines as authorized at the BORA meeting of July 10, 2014. The essence of this report is to ask that you approve these adjustments.

**MR. LAVRICH MADE A MOTION TO APPROVE AND MRS. GILES NELSON SECONED THE MOTION.**

**THE MOTION PASSED UNANIMOULY WITH A VOTE OF 11 – 0.**

**8.** **Consideration of Director’s Pay Adjustment Effective, October 12, 2014**

Chairman, Mr. Burr referred to a letter from the Director, and said this will explain what we are going to discuss. Pursuant to the Board of Rules and Appeals pay plan, it is respectfully requested that the Board approve of a merit increase for the Administrative Director to be at the top of the pay plan retroactive to October 12, 2014. The Chair added that he conducted a performance appraisal for the Director on September 26, 2014. The Chair recommended that the Director be at the top of the pay plan retroactively as of October 12, 2014. Two items to vote on here, pursuant to Board policy all employees merit a 2% anniversary one-time bonus which would be due on January 3, 2015 for the Director.

During the great recession, there were furlough days representing a loss of $14, 850.00 in salary. The Director’s history over the last 15 years, as well as his leadership highlight the reasons I recommend the Board approve this pay adjustment.

**MR. LAVRICH MADE A MOTION TO APPROVE AND MR. KOZICH SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**MR. LAVRICH MADE A MOTION TO APPROVE AND MR. RICE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**9. 2015 Board Meeting Calendar**

**MR. KOZICH MADE A MOTION TO APPROVE AND MR. D’ATTILE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**10**. **December Holiday Work Schedule**

**MR. KOZICH MADE A MOTION TO APPROVE AND MR. WYNN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**13. Committee Report (Certification Review – Building) Proposed Updates of Building Certification Standards for Discussion**

Staff member, Bill Dumbaugh addressed the Board. Almost two years ago, we had some questions about our certification level, and we had the certification review date met for almost two years, with that in mind, I am working on some possible changes. Mr. Dumbaugh proceeded to go over the changes with the Board. What we are looking for first, is a motion to accept the report, and then, secondly, a motion on what to do with it, our recommendation would be to have a public hearing in January. What we did first, the major change, is to separate in our code the chief position, from the plans examiner. They have always been combined and it’s always been confusing. So we made two separate qualification listings, so that it is very clear if you want to be a chief, you have to have this qualification, if you want to be a building official, you have to have that qualification. The second one we did is we allowed for experience to be combined. That was never done before, and now by combining the experience, you lower the total number of years that’s required for most of the positions. For a chief it’s actually lowered from 10 years to 8 years. For the plans examiner, it’s lowered from 10 years to 7 years. So we are going to let some people move up in our profession a little bit quicker. We need some younger blood in here. Within the combined experience, the added requirement of 1 year experience of plans examiner qualifies as chief. That was never there before. We added the journeyman classification to be eligible for the position in the mechanical and plumbing trades. This mirrors a lot of what Dade County’s requirements are, and again, it’s going to help get some new people into the profession.

In the mechanical trade we added a Class B license and that will be called a limited inspector or a limited plans examiner. And it would be someone in the mechanical. We allow School Board experience to be acceptable in mechanical and plumbing trades, and we have allowed for 1 year School Board for the structural discipline.

There are some minor changes where we have cleaned up the language in all the disciplines, just for clarity. We have created a new code section for plans examiner in all the disciplines. We renumbered many existing code sections. We removed the word “architect”, architects are not specialized in discipline as engineers are. We want to know, before we certify them, if they have any active permits out there.

Mr. Lavrich noted the code used to say registered engineer, and it should say licensed professional engineer. The Director agreed that any place we see that we will make that substitution.

**MR. LAVRISH MADE A MOTION TO ACCEPT THE REPORT AND THE MOTION WAS SECONDED BY MR. ZACKRIA. THE MOTION PASSED UNANIMOUSLY.**

**MR. KOZICH MADE A MOTION TO BRING THE ITEM BACK FOR A PUBLIC HEARING. THE MOTION WAS SECONDED BY MR. LAVRICH. THE MOTION PASSED UNANIMOUSLY.**

Having no further business to go before the Board, the meeting adjourned at 8:30 p.m.



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Ron Burr – Chair