Call to order:

Chair Daniel Lavrich called a published meeting of the Broward County Board of Rules and Appeals to order at 7:01 p.m. The roll was called and the following members were present:

Present:

Daniel Lavrich, P.E., Chair
Kenneth Wynn, Vice Chair
Jeffrey Lucas, FM, CFI, CFEI
Stephen E. Bailey, P.E.
Ron Burr
Gregg D’Attile (arrived momentarily)
Jeff Falkanger, AIA
Shalanda Giles-Nelson (arrived as noted)
David Rice, P.E.
Daniel Rourke
Robert Taylor
David Tringo
Dennis A. Ulmer

After the roll call, the presence of a quorum was announced.

Approval of Minutes

MR. TRINGO MADE A MOTION AND MR. LUCAS SECONDED THE MOTION TO APPROVE THE MARCH 8, 2018 MEETING MINUTES. THE MOTION CARRIED BY UNANIMOUS VOTE OF 12-0. MR. D’ATTILE WAS NOT PRESENT.

CONSENT AGENDA

1. **Certifications** – Staff Recommended

   MR. LUCAS MADE A MOTION AND SECONDED BY MR. TAYLOR TO APPROVE ALL SUBMITTED CERTIFICATIONS. THE MOTION PASSED BY UNANIMOUS VOTE OF 12-0. MR. D’ATTILE WAS NOT PRESENT.

2. **Rescheduling of the hearing date concerning the Broward County Board of Rules and appeals Complainant vs. John Madden, Respondent**
a. Reports of Hearing Officer and Administrative Director

Mr. Lucas abstained from discussion on this matter. A memorandum of voting conflict, dated April 12, 2018, was filed by Mr. Lucas and is attached to these minutes.

Mr. Charles Kramer, Board Attorney, reported that he was advised by opposing counsel that there was a problem with the April 17th date, that she would not be prepared. Opposing counsel requested a conference with the hearing officer. He then requested a May date and was advised that due to vacation scheduling and other personal matters they would not be available in May, June, July, August or September, but would be available in October. Based on due process grounds, it is now scheduled for October 22nd. Opposing counsel has suggested that the hearing may take two days where he would favor a period of two hours, but the respondent must be afforded due process.

Mr. D’Attile arrived during Mr. Kramer’s comments.

Mr. DiPietro, Administrative Director, noted it was a three-way conference call amongst the hearing officer, opposing counsel and Mr. Kramer. September is the only month that would not be possible because of one of the Board’s witnesses. Board members are being asked to be available on October 22 and possibly the following morning. Mr. Kramer indicated that the hearing officer has prepared an order with these dates as well as timelines for submittal of exhibits, witness lists, trial folders, etc. He went on to indicated that he has asked that any further discovery be terminated.

b. Board Action

MR. TRINGO MADE A MOTION AND MR. FALKANGER SECONDED THE MOTION TO APPROVE THE DATES AS SUBMITTED BY THE BOARD ATTORNEY. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

3. The Board will consider adopting Broward County Local Amendments to the Florida Fire Prevention Code, as follows: F-101 General, Section F-103, Fire Chief, Bureau of Fire Prevention, Fire Marshal, Fire Plans and Inspectors, Section F-108 Tents, Air-Supported Structures, Temporary Structures, Section F-110 High Pile Combustible Stock, Section F-111 Test Criteria for Mechanical Smoke Control Systems, Section F-112 Automatic Sprinklers Required, Section F-116 Flammable and Combustible Liquids, Section F-120 Fireworks and sparkler/Novelty Items, Section F-122 Mobile and Temporary Cooking Operations and Section F-123 Permanently Installed Cooking Exhaust Systems. The effective date for all amendments listed March 19, 2018.

a. Staff Report

Chairman Lavrich advised that he is requesting conceptual approval of the Board to take action to promote changes to the building code for the purpose of reducing water intrusion in structures during extreme wind events. Information in the agenda backup is a summary of his presentation made to the American Architectural Manufacturers Association
(AAMA). In his work relating to insurance investigations, he found there is a tremendous amount of water intrusion that occurred as a result of Hurricane Irma. He and the Administrative Director met with the Miami-Dade County Board of Rules and Appeals' director. The request is to form a committee to study these issues on a statewide basis hopefully under the jurisdiction of the Florida Building Commission. The committee would be comprised of code officials, designers, window and door manufacturers and AAMA. He went into some detail about the degree of testing for water intrusion compared to wind pressure. Installation and maintenance would also be part of the study. During Hurricane Irma, exterior wall assemblies leaked without there being structural damage. There is something wrong with the fact that a car can be designed to perform at 80 MPH in a rain storm with no water intrusion but not a structure. The Board is being asked to authorize a presentation of these issues to the Florida Building Commission with the attempt to form a committee.

In response to Mr. D'Attile, Chairman Lavrich explained if the velocity is doubled, the pressure raises four times, therefore it is based upon the pressures not velocity. Wind is tested to 150% of the pressure but only 15% relating to water intrusion.

Chairman Lavrich explained he would like authority to proceed on behalf of the Board. From a consumer advocate point of view, Mr. Ulmer felt it is an excellent idea.

b. Board Action

A MOTION WAS MADE BY MR. TRINGO AND SECONDED BY MR. FALKANGER TO ACCEPT CHAIRMAN LAVRICH’S PROPOSAL AS STATED. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

4. Director’s Report

Mr. James DiPietro, Administrative Director, explained his request is for the Board to accept the reports provided to the Board which will close two investigations. He explained the process with respect to investigations.

Mr. Cris Fardelmann, Chief Structural Code Compliance Officer, advised that an anonymous complaint, alleging that piles for a project were being improperly installed. He outlined staff’s actions in conducting the investigation and problems discovered. They found that there was not actually anything wrong with any of the piles. There were typographical errors, miscalculations, etc.

Mr. Falkanger was very impressed with staff’s investigatory process.

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, explained this anonymous complaint was about foundations of a project being under-sized. The calculations were in error. Revisions were made. Also, a concern was discovered with respect to the 8-inch column between the contemplated windows. Materials used however were found to satisfy the concern. Calculations were re-done and found to be satisfactory.
A MOTION WAS MADE BY MR. LUCAS AND SECONDED BY MR. FALKANGER TO ACCEPT THE REPORTS AND CLOSE THE TWO INVESTIGATIONS. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

5. **Attorney's Report** - none

6. **Committee Report** - none

7. **General Board Members Discussion** - none

8. **Public Comment (3-minute limit per person) and written communication** - none

9. **Adjournment**

Having no further business to go before the Board, the meeting adjourned at 7:32 p.m.

Daniel Lavrich, P.E. – Chair
WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting, and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

• You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)
APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER’S INTEREST

I, Jeffrey Lucas, hereby disclose that on April 12, 2018:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;

☒ inured to the special gain or loss of my business associate, John Madden;

☐ inured to the special gain or loss of my relative, ________________________;

☐ inured to the special gain or loss of ________________________, by whom I am retained; or

☐ inured to the special gain or loss of ________________________, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item #2 Rescheduling of John Madden Hearing.

I am named in the evidence as witness.

Y/12/18

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.