Call to Order
Chairman Daniel Lavrich called a published meeting of the Broward County Board of Rules and Appeals to order at 7:10 p.m. The meeting was held in Room 422 of the Broward County Governmental Center East, 115 S. Andrews Avenue, Fort Lauderdale, Florida.

Present:
Daniel Lavrich, Chair
Stephen E. Bailey, Vice Chair
Ron Burr
Steven M. Feller
Robert Taylor
David Rice
Dennis A. Ulmer
Abbas H. Zackria

Approval of Minutes – April 11, 2019

Mr. Feller made a motion and Mr. Taylor seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 8-0.

CONSENT AGENDA

1. Certifications - Staff Recommended.

BROWARD COUNTY (UNINCORPORATED)
   FERNANDEZ, JOSE, MECHANICAL PLANS EXAMINER (TEMPORARY 120-DAY)
   TEDIM, JOSE, MECHANICAL INSPECTOR (PROVISIONAL)

CITY OF DEERFIELD BEACH
   GUENDJOIAN, ARMEN, CHIEF PLUMBING INSPECTOR

CITY OF FORT LAUDERDALE
   FIGUEROA, ROY G., PLUMBING PLANS EXAMINER
   PASQUARIELLO, JOSEPH, ASSISTANT BUILDING OFFICIAL

CITY OF MIRAMAR
   HILTON, ADAM, PLUMBING INSPECTOR (TEMPORARY 120-DAY)

TOWN OF PEMBROKE PARK
A motion was made by Mr. Feller and seconded by Mr. Burr to approve all submitted certifications. The motion passed by unanimous vote of 8-0.

REGULAR AGENDA

2. Item 2 - The Board will consider adopting Amendments to the Broward County Administrative Provisions (Chapter I), 6th edition (2017) Florida Building Code, Sections 104.1.3, 104.8.3, 104.10.1, 104.15.3 and 104.16.3, Powers and Duties of the Building Official, Assistant Building Official, Fire Code Official, Chief Inspector, Plan Examiner and Inspector, all relating to certifications standards of the Building Officials and the Structural Discipline. The effective date of these amendments listed is May 20th, 2019

   a. Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, suggested that Sections 104.16.3.1.5 and 104.16.3.1.6 be revised to delete “all phases of” so that it will read “…construction experience in the Structural discipline…” Chairman Lavrich indicated this was his suggestion to staff. He went on to explain it returns the language to the original version. The phase, all phases, is quite restrictive. Mr. Guerasio explained that essentially two paths that were inadvertently omitted during the Certification Standards Review Committee deliberations are being reinserted.

   b. Public Hearing

Chairman Lavrich opened the public hearing but there no one wishing to speak.

   c. Board Action
A motion was made by Mr. Zackria and seconded by Mr. Rice to approve the item as amended. The motion passed by unanimous vote of 8-0.

3. Item 3 – Building Code Amendment for 1st reading by title only.
   “The Board will consider adopting amendments to the Broward County Administrative Provisions (Chapter 1), 6th edition (2017) Florida Building Code, Section 105.2 Work exempt from permit, Subsections 105.2.E.Gas: 1, and F, Mechanical: 1, 2 and 3: to clarify exceptions for portable equipment, and 105.2.F.Mechanical: 5 to add exception for the replacement of thermostats”

   a. Staff Report

   Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, summarized the staff report. In response to Mr. Burr’s question, Mr. Soto clarified that under the Mechanical Section of 105.2 a permit for pool heating equipment continues to be exempt however plumbing and electrical permits are required. This language has been in the exemption section for clarity. He went on to also respond to a question concerning portable systems.

   b. If desired, Motion Scheduling Public Hearing for June 13, 2019

   Mr. Feller made a motion and Mr. Taylor seconded the motion approving the item as recommended including setting a public hearing for June 13, 2019. The motion passed by unanimous vote of 8-0.

4. Building Code Amendment for 1st reading by title only
   Proposed change to Broward County Administrative Provisions for the 2017 FBC (6th edition) Section 104.1.1.1, Appointment of an Interim Building Official to allow an Interim Building Official to be approved administratively, with certain conditions, for a period of 180 days instead of the current 90 days, and any additional period to be approved by the Board

   a. Staff Report

   Mr. James DiPietro, Administrative Director, summarized the staff report. He noted some history on occasions where requests were granted administratively.

   b. If desired, Motion Scheduling Public Hearing for June 13, 2019

   Mr. Feller made a motion and Mr. Zackria seconded the motion approving the item as recommended including setting a public hearing for June 13, 2019. The motion passed by unanimous vote of 8-0.

5. Proposed Broward County Uniform date Form for Residential Light Commercial Air Conditioning Replacements

   Chairman Lavrich noted that the agenda title for this item should indicate it is a data form.
a. Staff Report/Recommendation of the Mechanical & Smoke Control Committee

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, summarized the staff report. In response to Mr. Burr, Mr. DiPietro confirmed that this would be a countywide mandated form for a total of three now mandated.

b. Board Action

A motion was made by Mr. Feller and seconded by Mr. Zackria to approve the item as recommended. The motion passed by unanimous vote of 8-0.


a. Staff Report/Recommendation of the Mechanical & Smoke Control Committee

Mr. Rolando Soto, Chief Mechanical Compliance Officer, summarized the staff report.

b. Board Action

A motion was made by Mr. Feller and seconded by Mr. Rice to approve the item as recommended. The motion passed by unanimous vote of 8-0.

7. Recommendation to Approve Fiscal Year 2020 Budget Request (October 1, 2019 – September 30, 2020)

a. Report of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed his report. He recommended approval of a new Energy Code Compliance Officer position and a requested total budget of $2,213,879.

b. Board Discussion

Discussion ensued concerning the Energy Code Compliance Officer position including recruitment and how this role would work with the building departments as well as training.

c. Public Comment

There was no one wishing to speak.

d. If desired, Motion Approving Fiscal Year 2020 Recommended Budget
A motion was made by Mr. Feller and seconded by Mr. Zackria to approve the recommended 2020 fiscal year budget at $2,213,879 that includes a new position of Energy Code Compliance Officer. The motion passed by unanimous vote of 8-0.

e. If desired, Motion Authorizing Fee Reduction (20%) to $.52 from Present $.65 per $1,000 of Construction Value Effective 10/1/2019

A motion was made by Mr. Ulmer and seconded by Mr. Zackria to authorize the recommended fee reduction. The motion passed by unanimous vote of 8-0.

f. If desired, Motion Amending Board Policy 17-03 Related to Book Loan Program to Add the Title of Building Code Administrator.

A motion was made by Mr. Feller and seconded by Mr. Rice to amend Policy 17-03 as recommended. The motion passed by unanimous vote of 8-0.


a. Staff Report

Ms. Jonda Joseph, Administrative Specialist, summarized the staff report. Mr. Zackria recommended also publishing the Board’s policies, appeals, clarifications, and forms. In other words, information that does not necessarily get incorporated into Chapter 1.

b. Board Action

A motion was made by Mr. Zackria and seconded by Mr. Ulmer to approve the item as recommended. The motion passed by unanimous vote of 8-0.

During discussion of the motion, Mr. James DiPietro, Administrative Director, explained the initial effort will focus on the base documents. Forms are currently on the website. Results of the Board’s actions are also on the website under the title of action agenda. Perhaps the website should be reviewed.

9. Proposed Agreement with International Association of Electrical Inspectors to Provide Two Training Classes.

a. Staff Report

Mr. James DiPietro, Administrative Director, summarized the staff report. He noted that there is no additional cost for additional people. On a space available basis, staff would like to also offer the classes to contractors at no cost.

b. Board Action
A motion was made by Mr. Rice and seconded by Mr. Feller to approve the item as recommended. The motion passed by unanimous vote of 8-0.

Mr. Feller suggested also inviting engineers to participate.

10. Updating Job Descriptions for the Titles of Chief Code Compliance Officer (CCCO) and Structural Engineer. Consideration of Changing the Pay Range for the Titles of CCCO and Structural Engineer. Discussion and Possible Action Concerning Granting of Pay Increase for the Current CCCO Staff (5 people)

a. Report and Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, summarized his report. He indicated that according to the proposal, new hires would be required to possess a state building code administrator license so that they would be viewed as an equal in their conversations with municipal building departments.

Questions were raised about current staff and whether they would be required to secure a state building code administrator license. Mr. DiPietro advised it would not be mandated for existing staff. Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, also responded by elaborating on the Chief Energy Code Compliance Officer position experience requirement and the potential candidate pool. Mr. Rice raised concern about the number of qualified applicants based on the experience criteria. Mr. DiPietro indicated the experience factor could be accomplished administratively. If necessary, the job description could be amended. Mr. Zackria recommended the state building code administrator license requirement be removed. Mr. DiPietro noted that individuals who do not possess the license are not eligible to go beyond 97% of the pay range based on a Board policy adopted in 2016. Nevertheless, he would not be opposed to removing the requirement. Mr. Rice suggested it be specified as a preference instead of a requirement.

There was consensus approval to revise the first sentence of Minimum Education and Experience Requirements, to delete “shall” and at the beginning, add “It is preferred…”.

Mr. DiPietro indicated upon further contemplation and considering information from Miami-Dade County, he would like to change his recommendation concerning the percentage pay increase for the existing chief code compliance officers to 7.5% if the Board approves a 7.5% pay range adjustment for the positions of chief code compliance officer and structural engineer.

b. If desired, Motion Adopting Updated Job Descriptions for the Titles of CCCO and Structural Engineer

A motion was made by Mr. Zackria and seconded by Mr. Feller to approve the job descriptions as revised and delineated above. The motion passed by unanimous vote of 8-0.
c. If desired, Motion Adopting Change in Pay Range for the Positions of CCCO and Structural Engineer effective May 5, 2019

A motion was made by Mr. Feller and seconded by Mr. Zackria to adjust the pay ranges based on Option 1 at 7.5%. The motion passed by unanimous vote of 8-0.

d. If desired, Motion Adopting Pay Increases for the Current CCCO Staff (5 people) effective May 5, 2019

A motion was made by Mr. Rice and seconded by Mr. Feller to approve pay increases of 7.5% effective May 5, 2019 as recommended. The motion passed by unanimous vote of 8-0.

11. Director’s Report - none

12. Attorney’s Report

Mr. Charles Kramer, Board Attorney, provided an update on the John Madden case, indicating in summary that the judge found no basis for Mr. Madden’s reply brief. By late June, early July he anticipated receiving a final ruling.

13. Committee Report - none

14. General Board Member Discussion

Brief comments relating to the rate reduction and presentation to the County Commission.

15. Public Comment (3-minute limit per person) and written communications.- none


Having no further business to go before the Board, the meeting adjourned at 8:41 p.m.

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Daniel Lavrich, P.E. - Chair