

Broward County Board of Rules and Appeals Meeting Minutes

January 9, 2025

Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1618776512>

Meeting ID: 1618776512

I. CALL MEETING TO ORDER

Chairman D'Attile called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 PM.

II. ROLL CALL

Gregg D'Attile, Chairman
Ron Burr, Vice Chairman
Eduard Badiu
Stephen Bailey
Peter Deveaugh
John Famularo
R. Art Kamm
Sergio Pellecer
Daniel Rourke
Robert Taylor
Dennis Ulmer
Derek Wassink
Abbas Zackria

Dr. Ana Barbosa, Administrative Director, introduced new Board members, Dr. Eduard Badiu and Mr. Peter Deveaugh.

III. APPROVAL OF AGENDA

Mr. Deveaugh made a motion, and Mr. Taylor seconded the motion to approve the agenda as posted. The motion was carried out through a unanimous vote of 11-0.

IV. APPROVAL OF MINUTES – January 9, 2025, Board Meeting

Mr. Rourke made a motion, and Mr. Famularo seconded the motion to approve the November 14, 2024, minutes as submitted. The motion was carried out through a unanimous vote of 11-0.

V. PUBLIC COMMENT (Except public hearing items on this agenda) - none

Public comments are limited to 3 minutes.

Ms. Annette Ben-Habib referred to Section 314.2.1 (Florida Building Code). She pointed out that more energy use occurs with the introduction of an additional pump. She proposed an alternative that would balance energy and water savings by allowing an exception in situations where the water collected from the condensation capture system would be essentially negligible to the tower. If the condensation from the coolant coils and evaporators is less than 10% of the total capacity of the tower and the equipment is removed and the equipment is no greater than 65000 BTU, it could be considered an exception. If no piece of equipment on the cooling tower system is 10% or more, less than 65000 BTU and the tower is far from the furthest piece of equipment, the loop becomes very long which would mean that a condensation capture system would not be required. As an example, a residential tower of thirty stories would have an additional 400-500 feet of piping plus the pump which could cause condensation. For a residential tower with no piece of equipment more than 5 tons, the condensation is less than 1/100 of a percent. More water may be used to flush the lines on a regular basis than is actually saved.

Chairman D'Attila asked that Ms. Ben-Habib contact the Administrative Director so that her amendment idea could be presented to the Mechanical Committee and ultimately the Board for consideration.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

CITY OF COCONUT CREEK

Jean-Louis, Stevenson, Assistant Fire Marshal

CITY OF FORT LAUDERDALE

Linarte, Maurico A., Electrical Inspector (Temporary 120-Day)

TOWN OF HILLSBORO BEACH

Correa, Donald R., Chief Electrical Inspector

CITY OF HOLLYWOOD

Mackinnon, Norman, Mechanical Inspector (Temporary 120-Day)

Ramos, Moises, Fire Inspector

Zagales, Charles, Mechanical Inspector – Limited (Temporary 120-Day)

CITY OF MIRAMAR

Perez, Jose M., Mechanical Plans Examiner (Provisional)

CITY OF OAKLAND PARK

Moss, Samantha, Fire Inspector

CITY OF PARKLAND

Hurtado, Roberto, Electrical Inspector (Temporary 120-Day)

CITY OF PLANTATION

Gaskell, David, Fire Plans Examiner

CITY OF POMPANO BEACH

Canizaro, James T., Electrical Plans Examiner (Provisional)

Mascot, Alexander, Fire Inspector

COUNTYWIDE

Cogdill, Danny Lee, Electrical Plans Examiner

Hernandez, Alejandro Alfonso, Plumbing Plans Examiner

Kohn, Jordan Tal, Structural Plans Examiner

Monier, Claudio Ruben, Structural Plans Examiner

Nowalk, Adrian, Structural Plans Examiner

Paiva, Luiz A., Structural Inspector

Partagas, Juan, Structural Plans Examiner

Santiago, Rollin, Structural Inspector

Santiago, Rollin, Structural Plans Examiner

Seijo Montes, Francheska Enid, Structural Inspector

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Thoner, Robert, Jr., Electrical Plans Examiner

Mr. Zackria made a motion, and Mr. Famularo seconded it, to approve the certifications as recommended. The motion was carried out by a unanimous vote of 13-0.

VII. REGULAR AGENDA

1. Jason Douglas Upgrade to Fire Plans Examiner

a. Staff Report

Mr. Bryan Parks, Chief Fire Code Compliance Officer, noted that Mr. Douglas is short a few months' work experience to qualify for an upgrade to plans examiner. After reviewing his previous work experience for non-governmental, he found that Mr. Douglas is very knowledgeable. Staff does not oppose an upgrade to fire plans examiner at this time.

b. Board Questions - none

c. Board Action

Mr. Deveaugh made a motion, and Mr. Taylor seconded the motion to approve the upgrade to fire plans examiner. The motion was carried out through a unanimous vote of 13-0.

2. Second Reading of Amendments to Chapter 1, Section 104.16.3 Certification of Structural Inspector and Section 104.15.3 Certification of Roofing Inspector, Florida Building Code, 8th Edition (2023)

a. Staff Report

Dr. Ana Barbosa, Administrative Director, noted this amendment passed first reading on November 14th and is presented this evening for public hearing.

b. Public Hearing

Chairman D'Attile opened the floor for a public hearing but there was no one wishing to speak.

c. Board Questions - none

d. Board Action

Mr. Burr made a motion, and Mr. Kamm seconded the motion, to adopt the amendment on second and final reading. The motion was carried out through a unanimous vote of 13-0.

3. Formal Interpretation #24 Update Retrofit of Windows, Doors, Garage Doors, and Shutters FBC Existing Building, Alteration Level

a. Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, explained that this is a housekeeping amendment. Two door types were inadvertently placed under the overhead garage door category and needs to be moved to the all-roof types category.

b. Board Questions - none

c. Board Action

Mr. Wassink made a motion, and Mr. Famularo seconded the motion, to approve the recommended update to Formal Interpretation #24. The motion was carried out by a unanimous vote of 13-0.

4. Formal Interpretation #35 Update to 2020 National Electrical Code, Article 555.5 and 555.9

a. Staff Report

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, explained this formal interpretation is a clarification. The 2017, Code allowed voltage in boatyards up to 1000. The amendment in 2020 was intended for safety but the language was faulty. It required an engineer to supervise the job for anything above 250 volts. Most boats in Fort Lauderdale exceed 250 volts. The 2026 proposed language indicates systems shall not exceed 600 volts phase to phase. Section 555.9 is proposed to be added: "Documentation of the engineered electrical design of the pier distribution system shall be provided upon request of the AHJ." He noted that Mr. Gary Loftis, P.E., brought this change to his attention.

b. Board Questions

In response to Chairman D'Attile concerning Section 555.9, the word, "engineered" was deleted at the suggestion of Mr. Bailey. Mr. Bailey noted that there was considerable discussion by the Electrical Committee.

c. Board Action

Mr. Bailey made a motion, and Mr. Deveaugh seconded the motion, to approve the recommended update to Formal Interpretation #35 as amended to delete "engineered" from Section 555.9 and "Engineering" from Section 555.9 title. The motion was carried out by a unanimous vote of 13-0.

5. Administrative Director Annual Leadership Performance Review

a. Staff Report

Dr. Ana Barbosa, Administrative Director, drew attention to the Leadership Performance Review provided with the agenda that was completed by Chairman D'Attile. This year staff was considered for a merit increase of 1 – 3 percent. .

b. Board Questions - none

c. Board Action

Mr. Bailey thought the review was well done.

Dr. Barbosa responded to Mr. Zackria's question about what the County provided to employees this year and indicated there was an across the board \$2,600 and employees were also eligible for 3% if they met expectations. She has granted a cost-of-living increase to staff separate from merit. The County grants the same amount to all employees that meet expectations. She chose a different approach to give more feedback to staff. Chairman D'Attile indicated it is a 1 – 3 percent merit and 4 percent cost-of-living.

Mr. Bailey made the following grammatical corrections. Item 7 – change "into" to "in"; and Item 12a – eliminate one "not".

Mr. Burr made a motion, and Mr. Bailey seconded the motion, to approve a 3 percent merit increase. The motion was carried out by a unanimous vote of 13-0.

6. 2025 Board Elections

Dr. Ana Barbosa, Administrative Director, advised that Mr. Lavrich was unable to log into the meeting, but he wanted to nominate Art Kamm for the Chair position. Mr. Zackria seconded the nomination. Mr. Kamm accepted the position. It passed by unanimous vote of 13-0. Mr. Kamm was elected Chair.

Mr. Deveaugh nominated Mr. Bailey for the Vice Chair position. Mr. Zackria seconded the nomination. Mr. Bailey accepted the position. It passed by unanimous vote of 13-0. Mr. Bailey was elected Vice Chair.

7. Director's Report

Dr. Barbosa noted that the Certification Standards Review Committee and an Ad Hoc Committee will be convened this month.

Dr. Barbosa announced that individuals who pass the fire inspector examination will receive a notice from the Board of Rules and Appeals requesting their authorization for BORA to inform the cities within Broward County that they have passed the examination. It is a recruiting tool. The program will start with the next exam on January 17th.

Dr. Barbosa announced that the new ASHRAE books now available will be provided free of charge to Building Officials and Board members who request them.

Dr. Barbosa advised that Hollywood invited her to serve on a panel along with two senators to look at the Structural Integrity Reserve Study (SIRS). The SIRS Program will accept BORA's Building Safety Inspection Program (BSIP) report which could save condominium associations thousands of dollars.

8. Attorney's Report

Mr. Charles Kramer noted that BORA was sued last April 30th on five counts attempting to overthrow a lot of BORA's authority. A hearing was held on November 18 at which the court granted BORA's motion to dismiss. The court gave the plaintiff thirty days to file an amended complaint. The filing deadline was not met. There is a case management hearing set for February 3rd where he will move to dismiss.

9. Committee Reports

10. General Board Member Discussion

Mr. Ulmer announced that former chairman of BORA, Chief Jeffrey Lucas, is retiring. A retirement celebration will be held at Fire Station #2 on Monday, January 13th, at 9 AM.

Chairman D'Attile introduced the idea of changing the time of the BORA meetings to earlier in the day. Mr. Kamm suggested a lunch hour time.

Dr. Barbosa indicated a suggestion was made to her that the Board meet one or two times a year or quarterly in person. Mr. Wassink agreed and pointed out that there is a disconnect with online virtual meetings. Mr. Zackria suggested staff survey the Board members and report the results at the next meeting.

11. Adjournment

The meeting adjourned at 7:56 PM.

A handwritten signature in blue ink that reads "Scott A. Kamm". The signature is written in a cursive style with a large initial 'S'.

Chairman