Call to Order
Chairman Daniel Lavrich called a published meeting of the Broward County Board of Rules and Appeals to order at 7:00 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
Gregg D’Attile
Shalanda Giles-Nelson
Robert A. Kamm
Dennis Ulmer
David Rice
Jeff Falkanger
Daniel Rourke
Robert Taylor
Abbas H. Zackria

A service recognition plaque was presented to Jeff Lucas, a former Board member.

Approval of Minutes – November 14, 2019

Mr. Bailey made a motion and Ms. Shalanda Giles-Nelson seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 11-0.

CONSENT AGENDA

1. Certifications - Staff Recommended.

Broward County (Unincorporated)
Neiberg, Joel D., Structural - Limited (Temporary 120-Day)
St. Philip, Christianne, Fire Inspector

City of Cooper City
Long, Jeffrey C., Jr., Chief Electrical Inspector

City of Deerfield Beach
A motion was made by Mr. Rice and seconded by Mr. Taylor to approve all submitted certifications. The motion passed by unanimous vote of 11-0.

REGULAR AGENDA

2. Code amendment for 1st reading

   The Board to consider adopting Section 104.16.3.5 “Unit Masonry Certification Requirement” of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code.

   a. Staff report

   Mr. Ted Fowler, Chief Structural Code Compliance Officer, described the purpose of this amendment is to enhance knowledge of inspectors of reinforced unit masonry. This amendment would be effective July 1, 2020. The program cost would be absorbed by the Board.

   b. Board Action

   A motion was made by Mr. Zackria and seconded by Mr. Falkanger to pass this item on first reading. The motion passed by unanimous vote of 11-0.
Code Amendment for 2nd reading

“The Board will consider adopting Amendments to the Broward Local Fire Code Sections: New definitions (K thru U), Modifications Fire Marshal Certifications F-103.3.3, modifications Fire Plans Examiner Certification F-103.4.2 and F-121 Photovoltaic (PV) New code section F-124 Uniform Generator Code

a. Modifications Fire Marshal Certifications F-103.3.3, modifications Fire Plans Examiner Certification F-103.4.2 and F-121 Photovoltaic (PV) - Recommendation of the Fire Code Committee

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, indicated he is presenting the item in that Mr. Bryan Parks, Chief Fire Code Compliance Officer, was unable to attend this evening. He noted one typographical correction made since first reading to F-103.3.3.

b. New code section F-124 Uniform Generator Code - Recommendation of the Joint Fire Code and Electrical Committee

Mr. Castronovo noted in F-124.3.5, language will be added: “A piped natural gas is an allowable fuel source that meets the onsite fuel requirements under this rule.”

Mr. Kamm indicated that the Fire and Electrical Committees voted to put this language in F-124.3.2, where storage of fuel is addressed. Mr. Bailey concurred.

Mr. Zackria suggested clarifying language be added in F-103.4.2 for plan review by the Fire Plans Examiner of one and two family detached residential dwelling units where “may” is recommended. Mr. Charles Kramer, Board Attorney, believed the basis of the legal opinion issued relating to this had to do with the unit being used for a group home. He agreed some kind of qualifying language could be added.

As to a course of action for the amendment, Mr. Zackria preferred that the language be presented to the Board.

c. Public Hearing

d. Board Action

A motion was made by Mr. Kamm and seconded by Mr. Bailey to approve the addition of language to F-124.3.2 concerning natural gas. The motion passed by a vote of 11-0.

With respect to fire plan review of one and two family detached residential units, Mr. Bailey advised that on the committee level, they recommended those units would not be subject to plan review. The verbiage added was intended to provide power back to the building official to make the decision. Mr. Kramer suggested language to include plan review if the unit is designated as a group home. Mr. Bailey felt with such a change it should go back to the Fire Committee for their recommendation.

There was concern about other parts of the ordinance as to whether they should be delayed until F-103.4.2 is referred back to the Fire Committee for their recommendation. Mr. James DiPietro, Administrative Director, suggested not making the change at this time to F-103.4.2 and, as such, the Board may feel comfortable adopting the remainder.
A motion was made by Mr. Zackria and seconded by Mr. Bailey to approve the item without the amendment to F-103.4.2 (current code language). The motion passed by unanimous vote of 11-0. (The item is to go back to the Fire Committee with language recommended by the Board Attorney.)

Mr. Bailey indicated that the Fire Committee could be apprised of this action at their next meeting.

Mr. Zackria pointed out if a structure was to be used as an assisted living facility, it would be reclassified as a separate occupancy. Mr. Kramer agreed. That being the case, Mr. Zackria did not think there is a conflict.

4. **Request of Mr. James Hollingsworth for an extension of time with respect to the Board of Rules and Appeals Policy 18-02**

   a. **Staff Report**

Ms. Giles-Nelson abstained from discussion and voting on this item. She filed a Memorandum of Voting Conflict that is attached to these minutes.

Mr. James DiPietro, Administrative Director, summarized the Policy 18-02 concerning people becoming inspectors who have open permits under their license and the timeline available for those permits to be closed out that ultimately involves the Board granting an extension of time if necessary and they deem appropriate.

Mr. James Hollingsworth was sworn in.

Mr. Hollingsworth noted contract language in his practice specified that services ended at the time the permit was issued and anything beyond that point was to be considered as additional services. The estimated completion dates on the list of active projects provided to the Board as backup to this item. These dates are related to the construction completion that extends quite a bit beyond the direct architectural services he provided.

Mr. Hollingsworth confirmed for Chairman Lavrich that as the architect he does not have control over how long a project takes in that he is not building it. Only the Samter residence in Hollywood has not been issued a permit. It is now in plan review and there are comments to which he will be addressing. In response to Mr. Zackria, Mr. Hollingsworth confirmed that X-2 Storage in Cape Coral is completed.

Mr. Hollingsworth estimated he may need an additional two weeks to close out the Samter residence project. He confirmed that he could be called to answer questions relative to his design while the projects are being constructed which could continue for a year. He went on to note that the estimated completion dates on the list he provided is construction completion. However, construction times have since been extended.

He requested a one-month extension. He could not say with certainty how long it would be possible that questions could be raised to him about design. Mr. Bailey concluded he could consequently be providing architectural services in that form for an additional year.

In response to Mr. D’Attile, Mr. Hollingsworth indicated he was previously granted 6 months. Some discussion ensued as to current policy and practice. There was agreement to grant a 6-month extension and if there are still issues after that period of time, Mr. Hollingsworth should come back to the Board. In response to Mr. DiPietro, Mr. Hollingsworth confirmed that No. 14 Turner residence in Lighthouse Point, No. 15 Moss 26 St Office Building in Wilton Manors and No. 18 X-2 Storage in Cape Coral are completed with no on-call. Mr. DiPietro felt it is helpful to know the number is lessening.
b. Board Action

Mr. D’Attile made a motion and Mr. Falkanger seconded the motion approve a 180-day extension for projects not completed. The motion passed by a vote of 10-0. Ms. Giles-Nelson abstained. Chairman Lavrich requested that Mr. Hollingsworth submit within the next week a revised listing to the Board’s office of projects 100% closed and those still open. Mr. DiPietro advised that the 180 days would be counted from today.

5. “The Board to consider adopting Policy 20-01, in reference to retrofit window & door replacements, to be in effect, mandatory on July 1st, 2020

a. Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, reviewed information in his memorandum to the Board, dated January 9, 2020, highlighting the reason for the proposed new policy. During discussions leading up to this evening, there was advocacy for a uniform permit application. However, such application already exists. In the alternative, a window and door schedule and that information would be used in the permitting process. This policy would require all municipalities utilize a uniform window and door retrofits schedule effective July 1, 2020. The information presented to the Board this evening would be sent to all municipalities.

b. Board Action

Mr. Falkanger made a motion and Mr. Zackria seconded the motion approve the policy (schedule) as recommended. The motion passed by unanimous vote of 11-0.

6. 40-Year Building Safety Inspection Program Updates

a. Staff Report and Working Group Recommendations

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, reviewed the updates to the code and policy contained in his memorandum to the Board, dated January 9, 2020, including that the program would be renamed to Broward County Building Safety Inspection Program. He noted that docks, parking garages and guardrails not previously specified have been added. Some amendments use Miami-Dade County language. A correction to the electrical safety inspection report form is recommended but not shown in the draft provided to the Board, changing “structure” to “electrical system”.

Chairman Lavrich emphasized that as it indicates under general considerations, these are recommendations and are not intended to supplant proper professional judgment.

Mr. John Travers, Building Official, City of Fort Lauderdale, commented on the title change and went on to note one item, being the confusion that was associated with the old forms offering only two options: 1) code compliant or 2) needs repair. Miami-Dade language of “good” or “needs repair” was substituted. It allows the professional discretion to make an assessment as to whether the structure or electrical systems are safe to continue to be used. The goal of the revisions is to be user-friendly.

Chairman Lavrich noted the program is about safety, not code compliance.

Mr. Zackria noted some format errors needed and drew attention to page 36.

b. Board Action
Mr. Falkanger made a motion and Mr. D’Attile seconded the motion to approve the program updates (Policy 05-05) as recommended. The motion passed by unanimous vote of 11-0.

7. **Policy that allows the Board of Rules and Appeals to fund the cost of foreign credential evaluation by an approved evaluator authorized by the Florida Department of Education to determine the educational equivalency in the United States not to exceed $1,200 per applicant**
   
   a. **Staff Report**
   
   Mr. James DiPietro, Administrative Director, explained the proposal is to adopt the State’s program and pay for the evaluation. It would be offered as a service to cities. If there is a neutral third party determining the equivalency, it helps the individual. The building official would be responsible for making a written request.

   Mr. D’Attile thought the idea is excellent, but preferred to have an annual Board consideration of the policy. Mr. Falkanger favored 50% reimbursement. Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, pointed out with full payment, the Board has control over choice of the evaluator. Nevertheless Mr. Zackria also preferred 50% reimbursement. Mr. Taylor suggested establishing a maximum dollar value of $5,000 for the first year.

   b. **Board action**
   
   Several amendments were offered and accepted during the Board’s discussion that are reflected below.

   Mr. D’Attile made a motion and Mr. Taylor seconded the motion to approve for a maximum of $6,000 for a one-year program expiring in 2020 with 50% cost sharing up to a maximum of $600 per candidate. The motion passed by a vote of 11-0.

8. **Election of Officers**
   
   a. **Board Nominations**
   
   b. **Election of Chair and Vice-Chair**

   Mr. Bailey nominated Daniel Lavrich as chair for an additional year. There were no other nominations. Mr. Lavrich accepted the nomination.

   Mr. Rice nominated Stephen Bailey as vice-chair for an additional year. There were no other nominations. Mr. Bailey accepted the nomination.

   c. **Passing the Gavel - unnecessary**

9. **Director’s Report**

   Permit Application Documentation Required by Town of Davie & Water Heater Changeouts
Mr. James DiPietro, Administrative Director, noted a written staff report in the agenda packet raised by Mr. D’Attile (Town of Davie). Also, there is a report concerning water heater change outs addressed at a Joint Plumbing and Electrical Committee meeting (August 14, 2019).

10. **Attorney’s Report**

**Electronic Notarial Documents**
Mr. Charles Kramer, Board Attorney, advised that with House Bill 409, new law was passed. It has to do with notarization which would include the uniform building permit application. The State of Florida has approved electronic presence before a notary with some special training. All notarial documents must reflect a line indicating whether the person appeared before the notary electronically and the format used. He is in the process of looking into whether this would apply to the uniform building permit application. The application may need to be revised.

**Contractual-Employment Conflicts by Board Member; Broward County Staff Memorandum of January 6, 2020**
In response to Mr. Falkanger’s question, Mr. Kramer indicated that the memorandum does not appear to have been written by an attorney. He believes it applies to County employees. He elaborated that there is a common sense aspect as to whether it would interfere with a Board member’s duties. A complete written opinion is forthcoming.

Director’s Report continued

**Publication of Local Fire and Building Codes by Municipal Code Corporation**
Mr. DiPietro noted that that printed copies of the local Fire and Building Codes prepared by Municipal Code Corporation have been provided to the Board this evening. There are several improvements and more to follow with the goal of a more professional looking document. As amendments are adopted, updates to these documents will be provided.

11. Committee Reports - none

12. General Board Member Discussion

**Solar Panels and Reroofing Maintenance**
Ms. Giles-Nelson noted that solar panels take up at least 60-70% of a roof. For reroofing, the panels have to be removed and then replaced. She questioned if this should be included as rooftop mechanical equipment; who should be performing the inspections and is there a method where the panels would not have to be removed for a reroofing. This is an additional cost that is going to escalate for homeowners that who are increasingly going to be on fixed incomes. A general discussion ensued wherein Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, advised that most reputable solar companies will not install new panels if the roof is over ten years old. There should be roofing and solar inspections for any reroofing. For example, the bolts have to be torqued according to the manufacturer’s specification. There is a UL listed bracket that eliminates screwing into trusses. The live load on the panels are part of the calculation on the electrical plans. The removal and reinstall is quick.

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

20. Adjournment.
Having no further business to go before the Board, the meeting adjourned at 8:35 p.m.

Daniel Lavrich, P.E. - Chair
FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME
Nelson, Shalanda Gales

MAILING ADDRESS
2250 NW 20 St

COUNTY
Broward

CITY
Oakland Park

DATE ON WHICH VOTE OCCURRED
1/9/20

NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Broward County Board of Rules & Appeals

THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:

☐ CITY
☐ COUNTY
☐ OTHER LOCAL AGENCY

NAME OF POLITICAL SUBDIVISION:

MY POSITION IS:
☐ ELECTIVE ☑ APPOINTIVE

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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)
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

1. Shalanda G. Nelson, hereby disclose that on January 1, 2020:

(a) A measure came or will come before my agency which (check one or more)
   __ inured to my special private gain or loss;
   √ inured to the special gain or loss of my business associate, James Hollingsworth;
   __ 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 subsidiary, or sibling 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:

Mr. Hollingsworth has requested an extension of time to allow his Architect’s license to be used for capital gain in the private sector while maintaining employment with the City of Fort Lauderdale. Mr. Hollingsworth is a co-worker upon which my vote may affect financially.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1/9/20
Date Filed

Shalanda G. Nelson
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.
November 8, 2019

Broward County Board of Rules and Appeals
1 N University Drive, Suite 3500-B
Plantation, FL 33324-2038

Attn: Michael Guerasio

Re: UPDATE - Active Projects
   James M. Hollingsworth, RA
   AR 0013919

Dear Mr. Guerasio:

The completion status of the projects listed below, which are being completed under my previous company and license, have been updated with my notes in red. These projects are being serviced only as necessary to fulfill contractual obligations. Upon completion of these projects, no new or additional projects will be undertaken.

FT. LAUDERDALE

1. SUNRISE HARBOR FITNESS CENTER – Permit # 18092739
   estimated completion 12/2019  NO CHANGE

2. MITO OCEAN RESIDENCE – Permit # 19051733
   estimated completion 08/2019  REVISED 01/2020

3. DURHAM APARTMENT – Permit # 18100322
   estimated completion 10/2019  REVISED 12/2019

4. KNOTEK DUPLEX – Permit # Pending
   estimated completion 12/2019  NO CHANGE

5. PARAMOUNT APARTMENT – Permit #
   estimated completion 09/2019  REVISED 01/2020

6. KAVANA SHOWROOM – Permit # 18112158
   estimated completion 12/2019  NO CHANGE

7. MORRISON RESIDENCE – Permit # 19052179
   estimated completion 10/2019  REVISED 03/2020

8. PLANAKIS RESIDENCE – Permit # 18060512
   estimated completion 12/2019  NO CHANGE

HOLLYWOOD

9. WOLF RESIDENCE – Permit # Pending
   estimated completion 12/2019  REVISED 05/2020

2208 NE 26 Street

Ft. Lauderdale, FL 33305-1538

T. 954.630.1398 F. 954.630.1399
10. MONTAGUE RESIDENCE – Permit # B18-104259
   estimated completion 11/2019  NO CHANGE
11. SAMTER RESIDENCE – Permit # Pending
   estimated completion 12/2019  REVISED 06/2020

MIAMI SHORES
12. CEPERO RESIDENCE – Permit # Pending
   estimated completion 12/2019  REVISED 05/2020

SUNRISE
13. STEP N DANCE STUDIO – Permit # 19-00004017
   estimated completion 10/2019  REVISED 12/2019

LIGHTHOUSE POINT
14. TURNER RESIDENCE – Permit # 19-0270
   estimated completion 12/2019  COMPLETED

WILTON MANORS
15. MOSS 26 ST OFFICE BUILDING – Permit # WM18-001243
   estimated completion 10/2019  COMPLETED

MIAMI BEACH
16. GONZALES RESIDENCE – Permit # BR1802670
   estimated completion 12/2019  REVISED 03/2020

MIAMI
17. PHD RESIDENCE – Permit # BD17-014508-001
   estimated completion 12/2019  REVISED 03/2020

CAPE CORAL
18. X-2 STORAGE – Permit # Pending
   estimated completion 10/2019  COMPLETED

Please do not hesitate to contact me should you have any questions or require any additional information.

Sincerely,

James M. Hollingsworth
James M. Hollingsworth, RA
AR 0013919
jamesh@hr-arc.com

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Ft. Lauderdale, FL 33305-1538
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