

Broward County Board of Rules and Appeals Meeting Minutes

October 13, 2022

Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1611548189>

Meeting ID: 161 154 8189

I. Call Meeting to Order

Chairman Daniel Lavrich called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7 p.m.

II. Roll Call

Danial Lavrich, Chairman
Ron Burr
Gregg D'Attile
Jeff Falkanger (arrived at 7:15 p.m.)
R. Art Kamm
David Rice
Daniel Rourke
Robert Taylor
David Tringo
Dennis Ulmer

III. Approval of Agenda

Mr. Tringo made a motion and Mr. D'Attile seconded the motion to approve the agenda as posted. The motion carried by unanimous vote of 9-0.

IV. Approval of Minutes – September 8, 2022 Regular Meeting

Mr. D'Attile made a motion, and Mr. Rice seconded the motion to approve the September 8, 2022, minutes as submitted. The motion was carried out by a unanimous vote of 9-0.

V. Public Comment (Except public hearing items on this agenda) Public Hearing limited to 3-minutes each - none

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

BROWARD COUNTY SHERIFF'S OFFICE FIRE RESCUE

Di Lella, Gary, Fire Inspector
Goyochea, Danilo, Fire Plans Examiner

BROWARD COUNTY – NORTH LAUDERDALE

Juarez, Ernesto J., Mechanical Inspector – Provisional

CITY OF CORAL SPRINGS

Hayes, Thomas, Fire Plans Examiner
Melo, Vladimir, Structural Inspector – Temporary 120-Day

CITY OF HOLLYWOOD

Al-Imam, Richard, Chief Structural Inspector
Douglas, Jason, Fire Inspector
Gamboa Jr., Freddie, Fire Inspector

TOWN OF LAUDERDALE-BY-THE-SEA

Mansor, Simo, Structural Inspector – Temporary 120-Day

CITY OF LAUDERHILL

Marchese, Jacob, Fire Inspector

CITY OF NORTH LAUDERDALE

Jokho, Romeshwar, Electrical Inspector – Provisional

CITY OF PEMBROKE PINES

Rocco, Anthony, Fire Plans Examiner

CITY OF POMPANO BEACH

Cogdill, Danny Lee, Electrical Inspector – Temporary 120-Day

CITY OF WESTON

McNulty, Derek, Structural Inspector – Provisional

COUNTYWIDE

Carranza, Eduardo V., Structural Inspector
Carranza, Eduardo V., Structural Plans Examiner
Cuadra, Eduardo Inocente, Plumbing Inspector
Nerenberg, Eric Todd, Plumbing Plans Examiner
Thompson, Timothy A., Plumbing Plans Examiner

Mr. Tringo made a motion, and Mr. Taylor seconded the motion approving the certifications as recommended. The motion carried by unanimous vote of 8-0. Mr. Burr abstained from voting due to a conflict of interest. A Memorandum of Voting Conflict was filed by Mr. Burr and is attached to these minutes.

VII. REGULAR AGENDA

1. **Second Reading of proposed formal interpretation exempting solar panels from rooftop clearance requirements, Sections 1522.3, 1522.3.1, Chapter 1, Florida Building Code, 7th Edition (2020) – Recommendation of the Roofing Committee.**
 - a. Staff Report
Mr. Jack Morell, Chief Structural Code Compliance Officer, noted the second reading of this item that was recommended by the Roofing Committee. It allows for solar panels to not have to comply with height requirements of rooftop equipment.
 - b. Board Questions – none
 - c. Public Hearing
Chairman Lavrich opened the floor for a public hearing but there was no one wishing to speak.
 - d. Board Action
Mr. Kamm made a motion, and Mr. Rice seconded the motion approving the formal interpretation exempting solar panels from rooftop clearance requirements on final reading as recommended. The motion was carried out by a unanimous vote of 9-0.
2. **Second Reading of proposed Rooftop Affidavit to accompany all HVHZ re-roof uniform permit application submittals, Board Policy 22-02 – Recommendation of the Roofing Committee.**
 - a. Staff Report
Mr. Jack Morell, Chief Structural Code Compliance Officer, advised that this addresses permitting the reinstallation of rooftop equipment removed for re-roofing. The item is recommended by the Roofing Committee.
 - b. Board Questions – none
 - c. Public Hearing
Chairman Lavrich opened the floor for a public hearing but there were no comments.
 - d. Board Action
Mr. Tringo made a motion, and Mr. D’Attile seconded the motion approving the Rooftop Affidavit on final reading as recommended. The motion was carried out by a unanimous vote of 9-0.
3. **Second Reading of proposed formal interpretation – Paper Reduction, providing that Roof System Application Notice of Acceptance submittal only includes the product approval documentation that matches the installation criteria, Section 1512.2.1, Chapter 1, Florida Building Code, 7th Edition (2020) – Recommendation of the Roofing Committee.**
 - a. Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, advised that this interpretation makes the process less confusing and reduces the amount of product approval documentation required to be submitted. The item is recommended by the Roofing Committee.

- b. Board Questions – none
- c. Public Hearing
Chairman Lavrich opened the floor for a public hearing but there were no comments.
- d. Board Action
Mr. Ulmer made a motion, and Mr. Rourke seconded the motion approving the formal interpretation for rooftop system application product approval documentation submittal on final reading as recommended. The motion was carried out by a unanimous vote of 9-0.

4. Second Reading of updated Uniform Permit Matrix for Solar Thermal and Solar Electric Installations – Recommendation of the Roofing Committee - Policy 09-02.

- a. Staff Report
Mr. Jack Morell, Chief Structural Code Compliance Officer, explained that each applicable code section was listed in the matrix. Removing the code section references will eliminate the need to revise the matrix with each code cycle. The item is recommended by the Roofing Committee.
- b. Board Questions – none
- c. Public Hearing
Mr. Falkanger arrived at 7:15 p.m. at this point in the meeting. Chairman Lavrich went on to open the floor for a public hearing but there were no comments.
- d. Board Action
Mr. Tringo made a motion, and Mr. D’Attile seconded the motion approving the Uniform Permit Matrix for Solar Thermal and Solar Electric Installations on the final reading as recommended. The motion was carried out by a unanimous vote of 10-0.

5. Second Reading of staff’s proposed revision to Broward County Amendments (Chapter 1), Florida Building Code (FBC) 7th Edition (2020), Section 105.18, Demolition, to provide consistency with HB 423 of 2022 that created subsection (25)(a) of Florida Statute 553.79 providing that a local government may not prohibit or restrict demolition permits for single-family residential structures located in flood hazard areas.

- a. Staff Report
Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, explained that this second reading is to add the Florida statute reference to the building code.
- b. Board Questions
In response to Mr. D’Attile, Mr. Soto advised that the date shown is when the State law was adopted.
- c. Public Hearing
Chairman Lavrich opened the floor for a public hearing but there were no comments
- d. Board Action
Mr. Rice made a motion, and Mr. Falkanger seconded the motion approving the building code amendment to Section 105.18 on the final reading as recommended. The motion was carried out by a unanimous vote of 10-0.

6. Second Reading of staff’s proposed revision to Broward County Amendments (Chapter 1), Florida Building Code (FBC) 7th Edition (2020), Section 111.1.1, Use and Occupancy to provide consistency with HB 423 of 2022 that amended Florida Statute 553.791(13), requiring the local building official to issue a certificate of occupancy or certificate of completion within a certain number of days after receipt of certain information, including the payment of all outstanding fees; providing that a certificate of occupancy or certificate of completion is automatically granted and issued, and the permit application closed, under certain circumstances; requiring the local building official to provide a written certificate of occupancy or certificate of completion within a specified time.

- a. Staff Report
Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, clarified that the July 1st date shown in the agenda backup materials is that of the State law effective date.
- b. Board Questions – none

- c. Public Hearing
Chairman Lavrich opened the floor for a public hearing but there were no comments.
- d. Board Action
Mr. D'Attile made a motion, and Mr. Rice seconded the motion approving the building code amendment to Section 111.1.1 on final reading as recommended. The motion was carried out by a unanimous vote of 10-0.

7. First Reading of proposed revisions to the Broward County Uniform Data Form for Residential and Light Air Conditioning Replacements, Board Policy 19-02.

- a. Staff Report
Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, advised that the Mechanical Committee approved this item. The revisions are minor in addition to new efficiency requirements that will be effective in January. It has been made easier for customer use. Dr. Ana Barbosa, Administrative Director, concurred that this is a cleanup of an existing form and includes the upcoming new efficiency requirements.
- b. Board Questions
Mr. D'Attile clarified for Mr. Kamm that forms are accepted even though existing equipment data may not be available.
- c. Board Action
Mr. D'Attile made a motion, and Mr. Falkanger seconded the motion approving revisions to the uniform data form for residential and light air conditioning replacements on the final reading as recommended. The motion was carried out by a unanimous vote of 10-0.

8. Proposed Voluntary Residential A/C Replacement Inspection Checklist.

- a. Staff Report
Dr. Ana Barbosa, Administrative Director, explained that this is an easy voluntary checklist to assist with not missing any parts of the process and cites applicable code sections.
- b. Board Questions
Dr. Barbosa responded to Mr. D'Attile's question, explaining that while this checklist is voluntary, she felt it appropriate to present to the Board anything that would be going out by the Board of Rules and Appeals to all of the building officials.
- c. Board Action
Mr. Tringo made a motion, and Mr. Rice seconded the motion with a voluntary residential A/C replacement inspection checklist as recommended. The motion was carried out by a unanimous vote of 10-0.

9. First Reading of proposed revisions to Broward County Amendments (Chapter 1), Florida Building Code (FBC) 7th Edition (2020), Appendix A, Broward County Uniform Building Permit Application.

- a. Staff Report
Dr. Ana Barbosa, Administrative Director, listed formatting changes that were made including that the form was expanded to two pages. It now indicates a signature should be provided by the property owner or a qualified contractor. The notary block was improved. Cities were complaining about being rejected because of the electronic notary process that was put into place. For those having electronic applications, this form can be used for the notary.
- b. Board Questions – none
- c. Board Action
Mr. Falkanger made a motion and Mr. Taylor seconded the motion approving revisions to Appendix A, Broward County Uniform Building Permit Application on the first reading as recommended. The motion was carried out by a unanimous vote of 10-0.

10. Discussion concerning Board meeting start times – Request of Board Member, Gregg D'Attile.

- a. Report of Board Member Gregg D'Attile
Mr. D'Attile indicated that his thinking was that since people no longer have to drive downtown to the meeting, it might be possible to start the meetings at 6 p.m. so that the meeting could adjourn a little earlier. Mr. Ulmer was concerned that there could be a quorum issue if people were stuck in afternoon traffic. Mr. Falkanger commented that if the meeting convened at 6 p.m. and went a little long, it would interrupt dinner. By starting at 7 p.m., it allows for everyone to have dinner before the meeting.

- b. Board Questions - none
- c. Board Action – none

11. Update Concerning the Building Safety Inspection Program (BSIP) – Summary of Notices Sent and Inspection Reports Received for 2019, 2020 and 2021.

- a. Report of Administrative Director
Dr. Ana Barbosa, Administrative Director, advised that the surveys are 100% finished. The next grouping will be forthcoming.
- b. Board Questions - none
- c. Board Action - unnecessary

12. Director's Report - none

13. Attorney's Report

Office of Inspector General Report

Mr. Charles Kramer, Board Attorney, discussed his response to the Inspector General's questions about three of the Board's investigations (2900 Riomar; 1919 SE 10 St; and 1415 NW 62 St). He clarified that the Board of Rules and Appeals was unaware and had nothing to do with the NW 62 Street case until the OIG inquired. The Riomar and SE 10 Street cases were presented to the Board. No disciplinary action was to be taken. The Board's staff reviewed the OIG report in detail. The OIG thought there were some irregularities with the fire code issues. A phone discussion was held with the chief investigator. It was determined that there was some misunderstanding on permitting and that permits cannot be accepted unless there are complete master plan drawings. The biggest issue the OIG raised was the lack of communication between building and planning departments. In order to come to some finalization, staff will go over and supplement staff's reports on Riomar and SE 10 Street to address fire issues. They will also review NW 62 Street, although this has to do with the Broward Sheriff's Office, which is not in the Board's jurisdiction. Hopefully it will be finalized within the next sixty days.

Virtual Inspections Lawsuit – Inspected.com

With reference to a lawsuit against the Board of Rules and Appeals and the City of Hollywood concerning virtual inspections, Mr. Kramer explained that their claim was that those new statutes enacted this year allowed for virtual inspections in all disciplines by camera. In reality, structural inspections cannot be performed virtually. Further, Broward County has the administrative authority to make its own rules regarding how inspections will be performed. The ruling was successful for the Board of Rules and Appeals. Inspected.com would be required to use the Board's appeal process.

14. Committee Reports - none

15. General Board Member Discussion

Chairman Lavrich announced the upcoming Open Discussion on Tuesday, October 18th.

16. Adjournment – The meeting adjourned at 7:55 p.m.



Daniel Lavrich, P.E. - Chair

