

Broward County Board of Rules and Appeals Meeting Minutes

July 14, 2022
Time: 7:00 PM

Call Meeting to Order

Chairman Daniel Lavrich called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 p.m.

Roll Call

Daniel Lavrich, Chair
Stephen Bailey
Ron Burr
Jeff Falkanger
John Famularo
Shalanda Giles-Nelson
R. Art Kamm
Daniel Rourke
David Tringo – arrived at approximately 7:43 p.m. as noted below
Dennis Ulmer
Derek A. Wassink
Lynn E. Wolfson – arrived at approximately 7:21 p.m. as noted below
Abbas Zackria

A quorum was present.

Approval of Agenda

Mr. Ulmer made a motion and Ms. Giles-Nelson seconded the motion to approve the agenda as posted. The motion carried by unanimous vote of 11-0.

Approval of Minutes – June 9, 2022 Regular Meeting
June 14, 2022 Special Meeting

Mr. Famularo made a motion and Mr. Wassink seconded the motion to approve the June 9, 2022 minutes as submitted. The motion carried by unanimous vote of 11-0.

Ms. Giles-Nelson made a motion and Mr. Zackria seconded the motion to approve the June 14, 2022 minutes as submitted. The motion carried by unanimous vote of 11-0.

CONSENT AGENDA

Certifications – Staff Recommended

CITY OF PLANTATION
ZINGALE, FRANK, FIRE PLANS EXAMINER

CITY OF POMPANO BEACH
NEMETH, ATTILA I., STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

CITY OF WESTON
FRANKLIN, ROBERT, CHIEF STRUCTURAL INSPECTOR

COUNTYWIDE
BAIR, TRAVIS, PLUMBING INSPECTOR
MARTINEZ, JORGE, STRUCTURAL PLANS EXAMINER
McCARTY, MICHAEL A., STRUCTURAL PLANS EXAMINER
SARAGUSTI, JOSE, STRUCTURAL PLANS EXAMINER
SERA, RALPH, STRUCTURAL INSPECTOR

<https://zoom.us/j/93488504785?pwd=ejduSVZVQytZcEw3YWZxQjh2SEtWZz09> Mr. Bailey made a motion and Ms. Giles-Nelson seconded the motion to approve the certifications as recommended. The motion carried by unanimous vote of 11-0.

REGULAR AGENDA

1. Request of Mr. Tresselar Young, Sr. for an extension to close out open and ongoing permit through October 13, 2022.

- a. Staff Report

Mr. James DiPietro, Administrative Director, advised that Mr. Young received a 120-day certification in January. According to the Board rules he has six months to close open permits. This is a request for additional time to complete the process.

- b. Request of Mr. Young – not present

- c. Board Questions - none

- d. Board Action

A motion was made by Mr. Ulmer and seconded by Mr. Kamm to approve the extension to October 13, 2022 as requested. The motion carried by unanimous vote of 11-0.

2. First Reading of Amendment to Section 104.1.1, Appointment of Building Official, Chapter 1, 2020 Florida Building Code, 7th Edition, requiring physical presence during regular business hours at least one (1) day per week for municipalities greater than 1,000 persons but less than 10,000 persons and two (2) days per week during regular business hours for municipalities of 10,000 persons or greater effective April 1, 2023, that an application for permanent certification in more than two jurisdictions be reviewed on a case by case basis by the Board of Rules and Appeals and require that if the Board approves a certification, a notice will be sent to the appointing authority of each jurisdiction by the Board staff. Individuals currently qualifying more than two (2) jurisdictions are not required to obtain Board approval to maintain their current status until April 1, 2023. The City Manager of each jurisdiction shall be notified by BORA staff at any time that a Building Official/Chief Inspector is approved by the Board to serve more than one jurisdiction.

- a. Staff Report

Mr. James DiPietro, Administrative Director, advised that there are three changes proposed. He noted this item addresses building officials and Item 3 is the same but for chiefs. He summarized the three changes. The two smallest cities are exempt. After April, these requests will no longer be temporarily

approved by staff, but rather presented to the Board. Data on the percentage of work completed on the Building Safety Inspection Program is indicative of the need for more management being physically present. Staff has experienced difficulty in meeting with the chiefs. Broward County Charter provides for the Board of Rules and Appeals to monitor and oversee construction practices countywide.

b. Board Questions

Mr. Bailey asked why there is a distinction between cities depending on population. Mr. DiPietro indicated that there was a debate on this point and he felt either way would work. The importance is being resent every week during regular business hours. Mr. Bailey suggested it be revised to two days a week for all cities.

In response to Mr. Zackria, Mr. DiPietro indicated that this change has no impact on the plans examiners and inspectors. If there is only one individual on staff for a particular discipline, it must be a chief. He went on to cite an instance where a municipality changed private companies for plans examining staffing. During the time the two companies argued about financial matters, plans examining stopped and consequently the public was not served. Mr. Zackria asked about municipalities being engaged in development of this change. Mr. DiPietro advised that the agenda is sent to all building officials and fire code officials for every meeting. There will be notice for the upcoming public hearing.

Ms. Wolfson arrived at 7:21 p.m. during discussion of this item.

Mr. Burr noted that his business was held up for several weeks while a change was being made between two organizations. He felt a two-day a week requirement is generous. He pointed out the 1 ½ year struggle of the Board for municipalities to fully comply with the Building Safety Inspection Program. Perhaps better supervision would be a positive. The role of the Board of Rules and Appeals is to make building departments strong.

Mr. Zackria felt the Board has to do a better job of having the players at the table during development of the amendment. He was concerning about staff recruitment shortages.

c. Board Action

A motion was made by Mr. Burr and seconded by Mr. Ulmer to approve the amendment on first reading. The motion carried by a vote of 11-1. Mr. Zackria voted no.

- 3. First Reading of Amendment to Section 104.3, Appointment of Chief Electrical, Mechanical, Plumbing and Structural Inspectors, Chapter 1, 2020 Florida Building Code, 7th Edition, requiring physical presence during regular business hours at least one (1) day per week for municipalities greater than 1,000 persons but less than 10,000 persons and two (2) days per week during regular business hours for municipalities of 10,000 persons or greater effective April 1, 2023, that an application for permanent certification in more than two (2) jurisdictions be reviewed on a case-by-case basis by the Board of Rules and Appeals and require that if the Board approves a certification, a notice will be sent to the appointing authority of each jurisdiction by the Board staff. Individuals currently qualifying more than two (2) jurisdictions are not required to obtain Board approval to maintain their current status until April 1, 2023. The City Manager of each jurisdiction shall be notified by BORA staff at any time that a Building Official/Chief Inspector is approved by the Board to serve more than one jurisdiction.**

a. Staff Report

Mr. James DiPietro, Administrative Director, provided examples showing the need for this amendment. In one city there is one individual who is the building official and chief, and the building official and chief in a second city, and chief in a third city. In another city one individual is the building official, and the assistant

building official in a second city, and the assistant building official and a chief in a third city. There are three more similar examples.

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

A motion was made by Mr. Famularo and seconded by Mr. Burr to approve the amendment on first reading. The motion carried by a vote of 11-1. Mr. Zackria voted no.

During discussion of the motion, Mr. Zackria clarified that he does not have any issue with the concept. He was concerned about notice to the cities with respect to implementing these changes.

4. First Reading of Amendment to Board Policy #16-01, Reduction of Paperwork for Building Officials and Chief Inspectors seeking to serve in multiple jurisdictions or moving from one jurisdiction to another within a biennial certification period - The amendment discloses the requirement that any application for permanent certification in more than two jurisdictions will be reviewed on a case by case basis by the Board of Rules and Appeals. Individuals currently qualifying more than two (2) jurisdictions are not required to obtain Board approval to maintain their current status until April 1, 2023. The City Manager of each jurisdiction shall be notified by BORA staff at any time that a Building Official/Chief Inspector is approved by the Board to serve more than one jurisdiction.

- a. Staff Report

Mr. James DiPietro, Administrative Director, explained this change is simply to specify a two-jurisdiction limitation. This policy also provides for notice to the City Manager that the individual is working in multiple jurisdictions.

- a. Board Questions
- b. Board Action

A motion was made by Mr. Burr and seconded by Mr. Famularo to approve the amendment as presented on first reading. The motion carried by a vote of 11-1. Mr. Zackria voted no.

5. First Reading of Modification of Certification Application for the position of Building Official or Chief Inspector to add a disclosure for the jurisdiction where he or she is currently employed.

- a. Staff Report

Mr. James DiPietro, Administrative Director, noted the associated applications for building official and chief would be revised to follow the new process.

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

A motion was made by Mr. Rourke and seconded by Mr. Kamm to approve the application amendments on first reading. The motion carried by unanimous vote of 12-0.

6. Second Reading of Amendment to Section 104.18, Recertification of Building Departments and Building Code Inspection Enforcement Personnel, Chapter 1, 2020 Florida Building Code, 7th

Edition, removing limits to number of online classes acceptable to comply with 28-hour required contact hours.

- a. Staff Report

Mr. James DiPietro, Administrative Director, noted this would allow all classes to be taken virtually. It is the final Board vote.

Mr. Tringo arrived at 7:43 p.m. during this item.

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

A motion was made by Mr. Ulmer and seconded by Mr. Wassink determining that Board meetings will be held virtually with the chairman being given the authority to modify and schedule a meeting in person at his discretion. The motion carried by unanimous vote of 13-0.

7. Approval of Contract for Employment of New Administrative Director for the Board of Rules and Appeals

- a. Report of Administrative Director

Chairman Lavrich noted Dr. Ana Barbosa was selected at the Board's special meeting on June 14, 2022. This is a 37-month contract terminating on September 30, 2025. Her first day will be August 22, 2022 for an annual salary of \$145,000 and vehicle allowance of \$5,400. The present director's employment will end on the close of business on September 30, 2022. Mr. James DiPietro, Administrative Director,

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

A motion was made by Ms. Giles-Nelson and seconded by Mr. Rourke approving the employment contract for Dr. Ana Barbosa as presented. The motion carried by unanimous vote of 13-0.

Dr. Barbosa thanked the Board for this opportunity and indicated she is looking forward to serving as long as possible.

8. Fiscal Year 2023 Budget (October 1, 2022 – September 30, 2023).

Mr. James DiPietro, Administrative Director, discussed the reserve level at this time including the levels dating back for 2020 and implications of a recession. If the reserves continue to increase into next year, the Board should consider a rate reduction in October of 2023 or thereafter.

Chairman Lavrich opened the floor for comment from the public but there was no one wishing to speak.

A motion was made by Mr. Bailey and seconded by Mr. Tringo approving the budget as presented. The motion carried by unanimous vote of 13-0.

9. Update Concerning the Building Safety Inspection Program (BSIP) Audits for 2019, 2020 and 2021 and the status of the BSIP for Program Year 2022

- a. Report of Administrative Director

Mr. DiPietro, Administrative Director, advised that there are now twenty-two cities that have sent out notices for 2022. There is new information in the report with respect to properties going to special magistrate or code enforcement board. Staff is still conducting audits as to whether the correct number of buildings were identified in each city.

- b. Board Questions - none
- c. Board Action – The report was accepted.

10. Director's Report - none

11. Attorney's Report - none

12. Committee Reports - none

13. General Board Member Discussion

Mr. Famularo discussed a proposed code amendment for roofing to allow peel-and-stick directly to the deck where previously there was thirty-pound under-layment installed. The peel-and-stick is stuck directly to the plywood. A lot of the roofing industry is opposed to this amendment. It will create issues when re-roofing is needed. The peel-and-stick is stuck directly to the plywood. Mr. Zackria commented he was involved in a recent re-roof where the peel-and-stick had been put directly on the deck. It was a difficult situation that required a new sheet of plywood on top. There was no way to verify the condition of the plywood. Chairman Lavrich pointed out that increases the deadload.

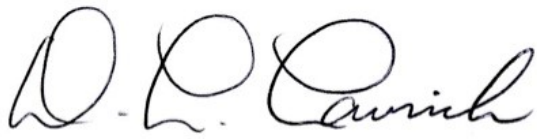
Statewide Building Safety Inspection Program – Senate Bill 4-D

Chairman Lavrich indicated this bill was signed into law by Governor DeSantis and it applies to threshold condominium and cooperative buildings. He elaborated upon the differences with the Broward County Building Safety Inspection Program that will, as a result, be revised. The more restrictive requirements of the state law will be incorporated. Most of the changes that have been included in Miami-Dade County's newly adopted program will probably be included in the Broward County Program. Proposed changes will include the major changes required by 4-D. Buildings reaching thirty years and every ten years thereafter unless the building is within three miles of the coastline which in such case it would be twenty-five years of age would be inspected., but only condominiums and co-ops twenty-five years of age would have to meet the twenty-five year requirement. It would be required that all inspections on threshold buildings be performed by a licensed professional engineer that is qualified in the design of structural or electrical systems on building of a similar size and character of the building they are inspecting. Also structural inspections on threshold buildings be performed by professional engineers certified by the State of Florida as special inspectors under the Threshold Law. In order to maintain consistency, it would be desirable to parallel all new requirements of Miami-Dade County. BORA's (Board of Rules and Appeals) Policy #05-05 formatting will likely be revised for more clarity. Chapter 1, Section 110.15, of the Florida Building Code to clearly define the Building Safety Inspection Program along with BORA Policy #05-05. He indicated he hopes to bring a final draft to the full Board at the August meeting for first reading.

Chairman Lavrich indicated that he has been appointed to an existing building inspection work group set forth by the Florida Building Commission to comment on 4-D to the Florida Legislature. The first meeting was today. He will keep the Board up to date on the progress of the work group.

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

15. **Adjournment** - There being no further business, the meeting adjourned at 8:11 p.m.

A handwritten signature in cursive script, appearing to read "D. L. Lavrich". The signature is written in black ink on a white background.

Daniel Lavrich, P.E. - Chair