

Broward County Board of Rules and Appeals Meeting Minutes

June 9, 2022

Broward County Governmental Center
115 S. Andrews Avenue, Room 422, Fort Lauderdale, FL
Time: 7:00 PM

Call Meeting to Order

Roll Call

Daniel Lavrich, Chair
Gregg D'Attile
Jeff Falkanger
Robert A. Kamm
Sergio Pellecer
Daniel Rourke
Dennis Ulmer
Derek A. Wassink
Abbas Zackria

A quorum was present.

Approval of Agenda

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

Approval of Minutes – May 12, 2022

Mr. Kamm made a motion and Mr. Falkanger seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 9-0.

CONSENT AGENDA

Certifications – Staff Recommended

TOWN OF DAVIE

DEARMES, ARTTIE, STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

CITY OF HALLANDALE BEACH

BOSTWICK, ALBERT, JR., ASSISTANT BUILDING OFFICIAL
SAUER, PHILIP, CHIEF STRUCTURAL INSPECTOR

TOWN OF HILLSBORO BEACH

PERDUE, K-MARON, ASSISTANT BUILDING OFFICIAL

CITY OF HOLLYWOOD

CATES, DUSTIN, FIRE INSPECTOR

CITY OF LIGHTHOUSE POINT

PERDUE, K-MARON, ASSISTANT BUILDING OFFICIAL

CITY OF MIRAMAR

BRITTON, BRUCE, FIRE CODE OFFICIAL

CITY OF PLANTATION

HURLBUT, CARMEN B., ASSISTANT BUILDING OFFICIAL

CITY OF POMPANO BEACH

BIALECKI, DAVID, FIRE INSPECTOR

CITY OF TAMARAC

STEGMAN, BENJAMIN J., MECHANICAL INSPECTOR (TEMPORARY 120-DAY)

CITY OF WILTON MANORS

GRANDE, CLAUDIO, BUILDING OFFICIAL

GRANDE, CLAUDIO, CHIEF STRUCTURAL INSPECTOR

SANCHEZ, ROMAN, ASSISTANT BUILDING OFFICIAL

COUNTYWIDE

CORREA, DONALD, ELECTRICAL INSPECTOR

CRUZ, JOHNNY, MECHANICAL INSPECTOR

CRUZ, JOHNNY, MECHANICAL PLANS EXAMINER

DENIS, IDERIS W., STRUCTURAL PLANS EXAMINER

FARDELMANN, DONALD C., STRUCTURAL INSPECTOR

FARDELMANN, DONALD C., STRUCTURAL PLANS EXAMINER

GHOLAMI, FARSHAD, STRUCTURAL PLANS EXAMINER

MENDOZA, PAMELA, STRUCTURAL PLANS EXAMINER – LIMITED

PENEVOLPE, ANTHONY, MECHANICAL PLANS EXAMINER

Mr. Zackria made a motion and Mr. Pellecer seconded the motion to approve the certifications as recommended. The motion carried by unanimous vote of 9-0.

REGULAR AGENDA

1. First 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, advised that this would allow individuals to take virtual classes for the entire 28-hour requirement. This topic was discussed at a recent Board of Rules and Appeals Open Discussion.

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

A motion was made by Mr. Kamm and seconded by Mr. D’Attile to approve the amendment on first reading. The motion carried by unanimous vote of 9-0.

2. Second Reading of Amendment to Florida Fire Prevention Code – Section F-103.5.3.2 – Limiting the Number of Times Fire Inspector Exam can be taken by an individual

- a. Staff Report

Mr. James DiPietro, Administrative Director, noted this is a second reading. A candidate may take the exam three times and if not successful the individual would be required to take a remedial class before being permitted to take the exam again.

- b. Board Questions – none
- c. Public Hearing

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

- d. Board Action

A motion was made by Mr. Pellecer and seconded by Mr. Falkanger to approve the amendment on second and final reading. The motion carried by unanimous vote of 9-0.

3. Second Reading of Amendment to Florida Fire Prevention Code – Section F-124.1, Uniform Generator Code – clarifying the types of facilities required to comply with the Uniform Generator Code

a. Staff Report

Mr. James DiPietro, Administrative Director, noted this is a second reading.

b. Board Questions

Mr. D'Attile questioned the purpose of removing board and care occupancy. Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, advised that this category was added in error. It is defined in NFPA 101 (board and care home). The board and care occupancy definition is not included in any statute that requires generator emergency power. Section 3.3.196.12 is in the appendix of NFPA 101 for other places in the country whereas here there is a generator law.

c. Public Hearing

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

d. Board Action

A motion was made by Mr. Kamm and seconded by Mr. Zackria to approve the amendment on second and final reading. The motion carried by unanimous vote of 9-0.

4. Second Reading of Changes to Section 101.2 Definitions, Chapter 1, 2020 Florida Building Code, 7th Edition Adding Definitions for "accredited school" and "practice".

a. Staff Report

Mr. James DiPietro, Administrative Director, noted that the definitions will now be alphabetized in addition to these two definitions being added.

a. Board Questions – none

b. Public Hearing

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

c. Board Action

A motion was made by Mr. Wassink and seconded by Mr. Falkanger to approve the amendment (Version 2) on second and final reading. The motion carried by unanimous vote of 9-0.

5. Second Reading of amendment to Board of Rules and Appeals Policy 95-02, Rules and Regulations, Article 5, Section 1, by adding language to allow for meetings to be held on a virtual basis via Zoom or other electronic media.

a. Staff Report

Mr. James DiPietro, Administrative Director, indicated **

b. Board Questions - none

c. Public Hearing

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

d. Board Action

A motion was made by Mr. D'Attile and seconded by Mr. Zackria to approve the amendment on second and final reading. The motion carried by unanimous vote of 9-0.

6. Board Determination as to whether all meetings will be held in-person or virtually

a. Staff Report

Mr. James DiPietro, Administrative Director, confirmed this action would solidify which way meetings would be typically held. In order to make a change, it would be put on the agenda for a vote.

b. Board Questions

In response to Mr. Zackria, Mr. Charles Kramer, Board Attorney, also confirmed that any change in format would have to be determined by a Board vote for public notice purposes. Mr. Zackria felt it should be at the Chairman's discretion. Mr. Burr agreed. Some discussion ensued wherein Mr. Zackria commented that if there is a problem going forward, it could be addressed at that time. Mr. Kramer indicated that the public notice language in the Sunshine Law simply indicates there should be due notice. There is no defined period of time.

c. Board Action

A motion was made by Mr. Zackria and seconded by Mr. Falkanger 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 9-0.

7. Update concerning the Building Safety Inspection Program audits for 2019, 2020 and 2021

a. Report of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed information provided in the agenda backup, noting that every building is now in process.

b. Board Questions - none

c. Board Action – not necessary

8. Director's Report

Mr. James DiPietro, Administrative Director, advised that the list of properties for the 2022 Building Safety Inspection Program was sent to the cities ahead of schedule. Roughly thirteen jurisdictions and Broward County have already sent out notices to the properties.

9. Attorney's Report

Mr. Charles Kramer reported on an issue with Mr. Peter Shramko who was petitioning through the judicial system to be approved as a plans examiner has now been approved by the Board.

10. Committee Reports - none

11. General Board Member Discussion

Administrative Director Search

Chairman Lavrich advised that 120 applications were received. The Screening Committee met on May 24th and selected four finalists. A special Board meeting has been set for June 14th to interview and select a new director.

Statewide Building Safety Inspection Program – Senate Bill 4-D

Chairman Lavrich advised that this statewide program has some requirements are different and some are more restrictive than the Broward County program. As a result the Board will be reviewing this new law and revising the Broward County provisions to incorporate the State's more restrictive requirements. Miami-Dade County has been reviewing its program for some time and just recently adopted requirements in the State's program. The Board will be reviewing the Miami-Dade County newly adopted requirements. The objectives of the review will be: 1) to implement changes that comply with the new State law; 2) try to parallel Miami-Dade's new requirements as much as possible in order for there to be consistency between the two counties; 3) revise the current program formatting which is contained in the Board's Policy 05-05 and referenced in Chapter 1 of the Florida Building Code; 4) revise language in Chapter 1 so that it is clear that the inspection program is contained in Policy

05-05. All changes will be presented for a Board vote. None of the changes are related to the collapse of Chaplain Towers because the cause of the collapse is not yet known.

Collapse of Chaplain Towers – Meeting of Committee Established by National Institute of Standards and Technology (NIST)

Chairman Lavrich reported that the Committee has not yet determined the cause.

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

13. Adjournment

There being no further business, the meeting adjourned at 7:55 p.m.

A handwritten signature in black ink, appearing to read "D. L. Lavrich". The signature is written in a cursive, flowing style.

Daniel Lavrich, P.E. - Chair