



BROWARD COUNTY BOARD OF RULES & APPEALS JUNE 13, 2019 MEETING MINUTES

Call to Order

Chairman Daniel Lavrich called a published meeting of the Broward County Board of Rules and Appeals to order at 7 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
Jeffrey Lucas
Ron Burr
Gregg D'Attile
Shalanda Giles-Nelson
Robert A. Kamm
Daniel Rourke
Dennis A. Ulmer
Jeff Falkanger
Robert Taylor

After the roll call, the presence of a quorum was announced.

Approval of Minutes - May 9, 2019

A motion was made by Mr. Lucas and seconded by Mr. Kamm to approve the minutes as submitted. The motion carried by unanimous vote of 11-0.

CONSENT AGENDA

1. Certifications - Staff Recommended.

BROWARD COUNTY SHERIFF'S OFFICE

JULIANO, MARC A., FIRE INSPECTOR

CITY OF COCONUT CREEK

ALMAS, MARCELO DESOUSA, STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

TOWN OF DAVIE

SANTANA, MONICA, FIRE INSPECTOR

CITY OF HOLLYWOOD

GUTIERREZ, ALBERTO, CHIEF STRUCTURAL INSPECTOR

NARAINÉ, CINDY, FIRE INSPECTOR
VILLAGE OF LAZY LAKE
MESA, MICHEL, BUILDING OFFICIAL
TOWN OF PEMBROKE PARK
NUNEZ, MIGUEL, CHIEF STRUCTURAL INSPECTOR
CITY OF WEST PARK
GREENBAUM, DAVID, BUILDING OFFICIAL
COUNTYWIDE
BUNDY, DAVID, PLUMBING PLANS EXAMINER
CIMAGLIA, STEPHEN T., ELECTRICAL PLANS EXAMINER
FAHEY III, JOHN "JACK", STRUCTURAL PLANS EXAMINER
HOEKSTRA, DONALD P., II, PLUMBING PLANS EXAMINER
MCCULLY, MATTHEW, LIMITED STRUCTURAL INSPECTOR
MORENO, ROBERTO, ELECTRICAL INSPECTOR
MORENO, ROBERTO, ELECTRICAL PLANS EXAMINER
NICHOLS, JEROME L., MECHANICAL INSPECTOR

A motion was made by Mr. Lucas and seconded by Mr. Bailey to approve all submitted certifications. The motion passed by unanimous vote of 13-0.

REGULAR AGENDA

1. (a) Request for Mr. Dale W. Rich to be certified as an Assistant Building Official for Hillsboro Beach, FL

All individuals testifying were sworn in.

a. Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, summarized the staff report. He believed he meets the intent of the code in operating as a general contractor. He noted that he will be presenting this section of Chapter 1, 104.1.3.1.2, to the Certification Standards Review Committee for a recommendation to clarify the language. He responded to technical questions posed by the Board.

b. Public Hearing

Mr. Steve Mitchell, Building Official, Town of Hillsboro Beach, concurred with Mr. Guerasio's position. Mr. Rich has the necessary experience.

c. Board Action

A motion was made by Mr. Falkanger and seconded by Mr. Lucas to approve the request as recommended. The motion passed by unanimous vote of 11-0.

2. Code amendment for 2nd reading and public hearing

The Board will consider adopting amendments to the "Broward County Administrative Provisions (Chapter 1), 6th edition (2017) Florida Building Code," "Section 105.2 Work exempt from permit", Subsections "105.2, E. Gas:1 and F." "Mechanical: 1, 2, and 3" to

clarify exceptions for portable equipment, and “5.2.F. Mechanical: 5” to add exceptions for the replacement of thermostats.

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, summarized the staff report. This amendment was approved by the Mechanical and Smoke Control Committee by a vote of 11-1. It would be effective June 24th.

b. Public Hearing

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

c. Board Action

A motion was made by Mr. Taylor and seconded by Mr. Kamm to approve the item as recommended on second and final reading. The motion passed by unanimous vote of 11-0.

3. Code amendment for 2nd reading and public hearing

Proposed change to “Broward County Administrative Provisions for the 2017 FBC (6th edition) Section 104.1.1.1 Appointment of an Interim Building Official” to allow for an Interim Building Official to be approved administratively, with certain conditions, for a period of 180 days instead of the current 90 days, and any additional period to be approved by the Board

a. Recommendation of the Administrative Director

Mr. James DiPietro, Administrative Director, noted this has been done administratively in the past and with this amendment extensions will be a Board action.

b. Public Hearing

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

c. Board Action

A motion was made by Mr. Bailey and seconded by Mr. Falkanger to approve the item as recommended on second and final reading was amended to delete the word, “full” before “Board of Rules and Appeals”. The motion passed by unanimous vote of 11-0.

During discussion of the above motion, Mr. Lucas questioned including the word, “full” for approval of a request by the Board. Mr. DiPietro felt it would be clearer to remove the word, “full” so as not to confuse with alternates, etc.

4. Recommendation of Mr. David Rosenof on behalf of the Broward County League of Cities to discuss uniform permit applications and certificates of completion on miscellaneous projects throughout Broward County relating to building code permitting submittals

Mr. David Rosenof, representing Broward League of Cities, noted that four years ago he addressed the Board concerning a uniform building permit application for Broward County that was adopted and has been a success. There has been work on standardizing permit applications for roofing and air conditioner change-outs. This evening he is requesting standardization county-wide for hot water heater change-outs and windows. Also, he is suggesting that when a homeowner applies for a building permit, they are advised that a certificate of completion is required. This will provide a more informed way of doing business and eliminate lingering open permits.

Chairman Lavrich suggested the three items be referred to the appropriate committees as follows: window replacements and methodology for certificates of completion to the Structural Committee; and water heater replacements to the Plumbing Committee.

A motion was made by Mr. Ulmer and seconded by Mr. D'Attile to refer the uniform permit application and certificate of completion requests to the Structural and Plumbing committees as noted above and amended to provide that the committees meeting and bring their recommendations to the Board at their January meeting. The amended motion passed by unanimous vote of 11-0.

During discussion of the above motion, Mr. D'Attile requested a six-month timeline for all committee work to be completed and presented to the Board.

In response to Mr. Bailey, Mr. Rosenof indicated there are perhaps five permit applications in the county and he would recommend working to combine their best features into one. Mr. Guerasio indicated staff would collect the applicable applications from the municipalities and use this as a starting point.

5. Updating of job description for the title of Administrative Director.
Consideration of changing the pay range. If the pay range is increased, discussion and possible action concerning granting of pay increase

Mr. James DiPietro, Administrative Director, highlighted what has been done in the last few months with respect to every job description, pay range and compensation. The pay range shown in the information provided to the Board was independently developed by Broward County's Human Resources Manager for the Compensation Services Section. The job description itself is twenty years out-of-date.

Mr. Bailey questioned indicating that "Masters degree preferred" in the Minimum Education and Experience Requirements. Mr. DiPietro clarified that the text is essentially the same as the existing job description with updated headings. The

previous heading was “Desirable Experience”. Mr. Burr suggested “Minimum” be deleted from the heading. Mr. D’Attile believed the terminology is quite standard.

A motion was made by Mr. Lucas and seconded by Mr. D’Attile relating to the position of Administrative Director: 1) updating the job description contained in the agenda backup; 2) increasing the pay range to \$102,639-\$163,811 (3.9%) and 3) increasing the current pay 3.9% to \$163,811, effective May 5, 2019. The motion passed by unanimous vote of 11-0. (Job description attached)

6. Director’s Report

Mr. James DiPietro, Administrative Director, noted that according to the recently adopted Board policy, all committees will meet by the end of the year.

7. Attorney’s Report

John Madden vs. Broward County Board of Rules and Appeals

Mr. Charles Kramer, Board Attorney, provided an update on the John Madden matter. He drew the Board’s attention to his letter to the Board, dated May 24, 2019, provided that indicates Mr. Madden filed a second reply brief. He contended that Mr. Madden’s argument continues to be defective. He anticipated to hear from the court next month.

Advisory Opinion as to Proposed Changes to the Local Fire Code Including Proposed General Provisions F124.3 and all Other Proposed Changes which may Impact the Florida Building Code, Broward County Version

Mr. Kramer drew attorney to his advisory opinion provided with the agenda backup. The building officials and building departments of the municipalities are enforcing agencies. The Board of Rules and Appeals is the only governing body and the body that makes the decisions.

Mr. James DiPietro, Administrative Director, indicated there is something that will be coming forward from the fire marshals relating to generators at ACLF (assisted congregate living facilities). In the process, the question was raised as to whether there must be uniformity.

8. Committee Report - none

9. General Board Members Discussion

Chairman Lavrich thanked everyone for the condolences he received concerning the passing of his father.

10. Public Comment (3-minute limit per person) and written communications

Mr. Peter Beaudoin, Building Official, City of Lighthouse Point, discussed the issue of water heater replacements and uniform permit applications. He hoped that input from the electrical inspectors will be a part of the process.

10. Adjournment.

Having no further business to go before the Board, the meeting adjourned at 7:49 p.m.

A handwritten signature in cursive script, reading "D. L. Lavrich".

Daniel Lavrich, P.E. - Chair