



BROWARD COUNTY BOARD OF RULES & APPEALS
MARCH 12, 2020
MEETING MINUTES

Call to Order

Chairman Daniel Lavrich called a published meeting of the Broward County Board of Rules and Appeals to order at 7:00 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
Ron Burr
Gregg D'Attile
John Famularo
Jeff Falkanger
Shalanda Giles-Nelson (arrived at Item 2)
David Rice
Daniel Rourke
Robert Taylor
Dennis Ulmer

Approval of Minutes – February 13, 2020

A motion was made by Mr. D'Attile and seconded by Mr. Taylor to approve the minutes as submitted. The motion carried by unanimous vote of 9-0.

CONSENT AGENDA

1. Certifications – Staff Recommended

UNINCORPORATED BROWARD COUNTY

CHIWARA, ANDREW, STRUCTURAL PLANS EXAMINER (PROVISIONAL EXPIRES JUN 17, 2020)

TOWN OF DAVIE

MAXFIELD, CHARLES, CHIEF ELECTRICAL INSPECTOR

CITY OF HOLLYWOOD

MARTINEZ, MICHAEL, FIRE INSPECTOR
TOWN OF LAUDERDALE-BY-THE-SEA
ADACH, EDWARD E., BUILDING OFFICIAL

VILLAGE OF LAZY LAKE
ATTAH, ADAM, BUILDING OFFICIAL

CITY OF MIRAMAR
DALEY, ANTOINE, FIRE INSPECTOR
SCHLEICHER, CHARLES, FIRE INSPECTOR

CITY OF PEMBROKE PINES
COVENEY, BRIAN, FIRE INSPECTOR

COUNTYWIDE

GARCIA, ERIC, MECHANICAL INSPECTOR
PICOTTE, ARTHUR J., JR., STRUCTURAL PLANS EXAMINER – LIMITED
REICHENBACH, RICHARD, ELECTRICAL PLANS EXAMINER
THOMAS, JAMES, STRUCTURAL INSPECTOR
VEGA, MANUEL A., STRUCTURAL INSPECTOR
VEGA, MANUEL A., STRUCTURAL PLANS EXAMINER
WANSOR, DOUGLAS, ELECTRICAL PLANS EXAMINER

A motion was made by Mr. Rice and seconded by Mr. Falkanger to approve all submitted certifications. The motion carried by unanimous vote of 9-0.

2. Request to approve the two-way communication enhancement services (RCES) Guidelines

- a. Recommendation of the Committee to Address Uniform Procedures for Installation of Bi-Directional Amplifiers (BDA)

Mr. Rice explained this is essentially about enabling first responders to talk to each other inside of a building. He reviewed information in a PowerPoint slide document that is attached to these minutes.

- b. Public Comment - none
- c. Board Action

In response to Mr. Burr, it was noted that training is the next step.

A motion was made by Mr. D'Attilie and seconded by Ms. Giles-Nelson to approve the guidelines as presented. The motion passed by unanimous vote of 10-0.

3. Request of Mr. Michael McCarty for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects

a. Staff Report

Mr. James DiPietro, Administrative Director, explained that Mr. McCarty is a design professional who has become an inspector. He has 180 days to close out existing jobs.

Ms. Giles-Nelson abstained from discussion and voting on this item.

Mr. Michael McCarty was sworn in.

Mr. McCarty explained that there have been delays in delivery of materials.

In response to Chairman Lavrich, Mr. McCarty indicated although the backup material provided to the Board indicates 30 outstanding permits, five have since been closed. He requested an additional three months (90 days from today's date). Mr. McCarty confirmed that these permits are all windows and doors. In response to Mr. Burr, Mr. McCarty advised that for the open permits in the Fort Lauderdale jurisdiction his supervisor is aware of them and it is understood he would not be involved in any associated inspections.

b. Board Action

A motion was made by Mr. Falkanger and seconded by Mr. Burr to grant a 90-day extension from March 12, 2020. The motion passed by a vote of 9-0. Ms. Giles-Nelson abstained. She filed a Memorandum of Voting Conflict that is attached to these minutes. *

4. Pay Adjustment for Don Perdue for Adminstrating the BORA Fire Examination per Code Section F-103.5.3.2

a. Staff Report

Mr. Bryan Parks, Chief Fire Code Compliance Officer, highlighted historical information in the staff report, noting that since 2015 the Board has hired Don Perdue to administer fire exams as required by the code. Because of the increased number of individuals seeking to become inspectors, five exam dates are offered annually over and above the two per year required by code. An increase in Mr. Perdue's fee from \$45 to \$60 is requested because staff would like Mr. Perdue to assume more duties. Previously electronic devices were allowed however abuses have been discovered. As such books will now be handed out at the test location. He enumerated everything being asked of Mr. Perdue in order to implement this change.

b. Board Action

Mr. D'Attile made a motion and Mr. Famularo seconded the motion to approve the pay adjustment as presented. The motion passed by unanimous vote of 10-0.

5. Board of Rules and Appeals' Policy 07-01 authorizing testing payment for the first attempt of an individual taking the BORA Fire Examination per Code Section F-103.5.3.2

a. Staff Report

Mr. James DiPietro, Administrative Director, noted for the high velocity hurricane zone examination the Board has approved of the Board paying for the first-time attempt by an applicant. This item is to request that the Board authorize the same for the fire examination. In response to Mr. D'Attile, Mr. Parks and Mr. DiPietro noted 2019 experience shows a cost of \$2,400 or about forty examinations. Mr. DiPietro noted the effective date proposed is April 1st.

a. Board Action

A motion was made by Ms. Giles-Nelson and seconded by Mr. D'Attile to approve the Board policy as presented. The motion passed by unanimous vote of 10-0.

6. **Director's Report** – none

7. **Attorney's Report**

Community Residential Homes – Sunrise Community, Inc.

Mr. Charles Kramer, Board Attorney, summarized a legal opinion he has issued on this topic. He noted the definition of community residential homes according to Florida Statute 419. They are not assisted living facilities. The Fire Code F-124 amendment would require an emergency standby generator that would provide lighting in the event of a fire and air conditioning in the event of a hurricane for example. Sunrise Community, Inc. has some twenty-five homes in Florida. They are objecting to providing a generator in each of them. He has garnered support of Goren Cherof Doody & Ezrol who are city attorneys in eleven municipalities. Sunrise Community is claiming because the siting provision provides such facilities be treated as a single-family residential unit this becomes discrimination against the handicapped by forcing them to provide emergency generators.

Mr. Kramer anticipated more community residential home businesses coming forward to object.

8. Committee Reports - none

9. General Board Member Discussion

Energy Committee

Mr. Rice noted that the Board is in the process of hiring an energy code compliance officer. He felt the Board should consider creating an energy committee that would provide some direction to the new position. Chairman Lavrich suggested Mr. Rice work with staff and come back to the Board with a recommendation.

Newsletter

Mr. Burr complimented staff on the quality of the newsletter.

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

11. Adjournment.

Having no further business to go before the Board, the meeting adjourned at 7:41 p.m.

A handwritten signature in cursive script that reads "D. L. Lavrich".

Daniel Lavrich, P.E. - Chair

BROWARD COUNTY BOARD OF RULES AND APPEALS

RADIO COMMUNICATIONS ENHANCEMENT SYSTEMS

BORA RCES GUIDELINES

2020-03-12

1.1

1.1 PURPOSE

A “ Two-Way Radio Communications Enhancement System” (RCES) gives fire departments and law enforcement a reliable in-building communication system without detrimentally impacting the surrounding community’s Public Radio Communication Systems.

The purpose of these guidelines is to provide the designers, manufactures, Installers, and FCC License Holders the tools to properly design, permit, install, and inspect a fully functional in-building communication enhancement system that meets the state and local codes for Broward County, Florida.

These are guidelines only and are not intended to be code items.

1.2 Background

Each municipality has a Public Emergency Two-Way Radio Communication System for use by the fire department and law enforcement. These Two-Way radio systems generally work in open spaces without problems. However these Two-Way radio systems do not always work inside buildings.

A Repeater or BDA system must be installed to solve the problem.

In 2015 a faulty BDA system took down communications in southeast Broward and northeast Miami-Dade counties.

BORA was contacted to evaluate the Codes. This committee was formed.

1.3 Codes and Requirements for Broward County

Florida Statute FS 633.202(1) adopts FFPC

Florida Statute FS 633.202(18) pertains to high rise buildings

Florida Building Code FBC, Broward County Edition Chapter 1, (2017)

Florida Fire Prevention Code (FFPC) 2017

NFPA 70 (NEC) 2014

NFPA 72 Fire Alarm (2013, 2016, 2019)

NFPA 1221 Communications (2016, 2019)

1.4 Authorities Having Jurisdiction (AHJ)

1. Chief Electrical Inspector	NFPA 70
2 Fire Official	NFPA 72, NFPA 1221
2. Broward County Elevator Inspection	FBC 30 ASME A17-1
4. FCC License Holder	Broward County (RECS), Coral Springs, Fort Lauderdale Plantation, Hollywood
5. Building, Structural Inspector	FBC

1.6 Installation

The installation shall be completed by a qualified Electrical Contractor or fire Alarm Contractor. Contracting shall be in compliance with the State of Florida Electrical Contractor's Licensing Board (ECLB). The board is presently considering a code change.

1.7 Permitting

Record drawings, signed and sealed by a qualified Professional Engineer, shall be submitted to each AHJ for plan review and approval.

1.8 Inspections

The contractor shall coordinate all inspections as required by the AHJs.

Note: Never energize the system, for any reason, without first passing the FCC AHJ's initial inspection.

Part 2 Recommended Checklists for AHJs

2A.1



2A.1.1 NFPA 72 (2013) Plan Review - Fire

6. Floor plans showing device locations, fire rated enclosures, conduit runs, and propagation modeling, etc. **(NFPA 1) (NFPA 1-1.7.12 (NFPA 72-7.4))**

13. Pathway Survivability... **(NFPA 72-12.4)**

15. Riser coaxial cables shall be routed through a 2-hour rated enclosure **(NFPA 72-24.3.6.8.3)**

2A.1.3 NFPA 72 (2013) Plan Review - Elevator

A variance shall be obtained from the Broward County Elevator Inspection Services...

(ASME A17.1)

2A.1.4 Plan Review – Building (Structural)

1. Structural design calculations for antenna mast, if Applicable **(FBC BC 107.3.5)**
2. Attachment and roof penetration details **(FBC BC 107.3.5)**
3. Floor plans showing fire-rated enclosures... **(FBC BC 107.3.5)**

Plan Review – FCC AHJ (License Holder)

8. Grounding and mounting details... (**IEEE 1692, TIA 569, TIA 607**)

Part 3. Additional Information Attachments

3.1

3.2 FCC AHJ (License Holder) Additional Requirements

1. The FCC AHJ (License Holder) does not fall under the direction of the Broward County Board of Ruled and Appels. Each FCC AHJ (License Holder) has specific requirements and guidelines that shall be followed.

3.3 OSHA Standards and NRTLs

A) All products shall be approved by the AHJ (**NFPA 72, NFPA 70**)

Listed Products

B) OSHA Standards written by UL Inc (UL.org)

C) OSHA NRTLs: Companies approved by OSHA to Test, List and Label products.

About 18 companies in the US that includes UL LLC (UL.com)

D) Listed vs non-Listed products

3.8 Lightning Protection

B) Systems installed under NFPA 1221 (2016,2019) Shall have lightning protection that complies with NFPA 780. (NFPA 1221.9.6.3)

3.9 Cables, Raceways and Pull Boxes

3.14, 3.15

3.10 Coaxial Cables, Plenum Rated

The feeder and riser coaxial cables shall be rated as plenum cables (**NFPA 72-24.3.6.8.1.1**)

3.11 Cables, Pathway Survivability

Riser Coaxial Cables shall be rated as riser cables and routed through a 2-hour-rated enclosure.

(NFPA 72-24.3.6.8.3)

There is no definition of a Riser cable in the NFPA 72 code.

Eleven (11) experts in the field were contacted for a definition. Eleven different definitions were given. We now define a “Riser Cable” as a “Backbone Cable” (from NFPA 1221 (2019) definitions.

3.17, 3.18

3.16 Elevator Cabs

Does the first responder's two-way radio have to work in an elevator cab?

Yes

Summary

The Industry needs a set of Guidelines to follow to provide “Life Safety” compliant communication system for the first responders working inside a building.

Next Step

Training

Classroom

On-Line

Monthly Meetings

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Nelson, Sheldene Giles</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Broward County Board of Rules & Appeals
MAILING ADDRESS 2250 NW 28 St	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Oakland Park</i>	COUNTY <i>Broward</i>
DATE ON WHICH VOTE OCCURRED <i>3/12/2020</i>	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> 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

I, Shelanda Giles Nelson, hereby disclose that on March 12, 20 20 :

(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, Mike McCarty ;
- 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:

Mike McCarty is a CD-worker.

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.

3/12/2020
Date Filed

Shelanda D. 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.