

# Broward County Board of Rules and Appeals Meeting Minutes

May 11, 2023

Time: 7:00 PM

## Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1615942399>

Meeting ID: 161 594 2399

### I. Call Meeting to Order

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

### II. Roll Call

Daniel Lavrich, Chairman  
Gregg D'Attile, Vice Chairman  
Stephen P. Bailey  
Ron Burr  
Jeffrey Falkanger  
John Famularo  
R. Art Kamm  
Sergio Pellecer  
Daniel Rourke  
Dennis Ulmer  
Derek A. Wassink  
Lynn E. Wolfson (arrived during Item #2)  
Abbas H. Zackria

### III. Approval of Agenda

Dr. Barbosa requested that Item 1 be removed from the agenda.

Mr. D'Attile made a motion, and Mr. Falkanger seconded the motion to approve the agenda as noted. The motion was carried out by a unanimous vote of 12-0.

### IV. Approval of Minutes – April 13, 2023, Regular Meeting

Mr. Rourke made a motion, and Mr. Wassink seconded the motion to approve the April 13, 2023, minutes as submitted. The motion was carried out by a unanimous vote of 12-0.

### V. Public Comment (Except public hearing items on this agenda) - none

Public comments are limited to 3 minutes.

### VI. CONSENT AGENDA

#### 1. Certifications – Staff Recommended

##### **BROWARD COUNTY, UNINCORPORATED**

Vitorino Da Silva, Eric, Structural Inspector – Provisional

##### **CITY OF NORTH LAUDERDALE**

Camacho, Pablo, Chief Plumbing Inspector

##### **TOWN OF PEMBROKE PINES**

Heath, Matthew, Fire Inspector

## **CITY OF PLANTATION**

Calvert, Scott, Electrical Inspector – Temporary 120-day  
Forges, Bernard, Structural Plans Examiner – Provisional

## **CITY OF POMPANO BEACH**

Canizaro, James, Electrical Inspector – Temporary 120-day  
McCrary, Brian, Electrical Inspector – Temporary 120-day

## **CITY OF WEST PARK**

Guanche, Steve, Chief Electrical Inspector

## **COUNTYWIDE**

Diez, Orlando J., Structural Inspector  
Madic, Nebojsa, Electrical Inspector

Mr. D'Attile made a motion, and Mr. Falkanger seconded the motion to approve the certifications as recommended. The motion was carried out by a unanimous vote of 12-0.

## **VII. REGULAR AGENDA**

1. **Appeal 23-01 – Accent Closets Inc. and Pompano Beach Building Department** – removed from the agenda
  - a. Appeal Presentation
  - b. Staff Report
  - c. Board Questions
  - d. Board Action

2. **Second reading of revisions to Chapter 1, 2020 Florida Building Code, 7th Edition; Section 104.1.1, Appointment of Building Official, and Section 104.3, Appointment of Chief Electrical, Mechanical, Plumbing, and Structural Inspectors, eliminating the prescriptive requirement of physical presence during regular business hours at building departments and reinstating previously approved code language stating that the Building Officials and Chief Inspectors do not have to be personally present at the government department as long as he or she is available and can perform his or her duties.**

- a. Staff Report  
Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted that applications from individuals wanting to be certified for more than two building official or chief positions would be required to secure the Board of Rules and Appeals' approval.
- b. Board Questions – none
- c. Public Hearing  
There being no one wishing to speak, Chairman Lavrich closed the public hearing.
- d. Board Action  
Mr. D'Attile made a motion, and Mr. Pellecer seconded the motion to approve the code revisions as recommended on the second and final reading. The motion was carried out by a vote of 11-2. Mr. Burr and Mr. Ulmer voted no.

During the discussion of the motion, Dr. Ana Barbosa, Administrative Director, indicated if a member of the Board sees something happening in a city, they are encouraged to contact her, and she will discuss it with the building official. She went on to say that staff is trying to really work together with the cities.

3. **Second reading of proposed revision 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; changing the deadline from April 1, 2023, to the next recertification for individuals holding certifications issued by BORA for the permanent position of Building Official or Chief Inspector in more than two (2) jurisdictions.**

- a. Staff Report  
Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted that this is related to the previous code amendments. It has to do with individuals that are already certified and going through the recertification process. The same concept applies that more than two positions are required to be presented to the Board for approval.
- b. Board Questions – none
- c. Public Hearing  
There being no one wishing to speak, Chairman Lavrich closed the public hearing.
- d. Board Action  
Mr. D’Attile made a motion, and Mr. Zackria seconded the motion to approve the policy revision as recommended on the second and final reading. The motion was carried out by a unanimous vote of 13-0.

**4. Second reading of proposed revisions to Section 110.15, Building Safety Inspection Program, Chapter 1, 2020 Florida Building Code, 7<sup>th</sup> Edition and Policy #05-05, Building Safety Inspection Program.**

- a. Staff Report  
Mr. Kenneth Castronovo, Chief Electrical Code Compliance Officer, explained that this policy was revised in 2022, after which some questions arose. An ad-hoc committee formed to develop the policy revisions presented this evening. This matter is being brought forward now in order to prepare and delay the regular information mailing.
- b. Board Questions  
Mr. Bailey noticed in the minutes of the last meeting that subsequent to the meeting he attended, a decision was made to remove thermal imaging from the testing. In the meeting that he attended in person, everyone, including himself, felt the single most important thing that could be done on an old electrical system is to test the integrity of the connections of the electrical system, which is done through infrared testing. He did not see how the electrical testing could be considered proper without this test. Dr. Barbosa indicated that the recommendation came from a company that does infrared testing, stating that it is specific testing. The engineer of record would be responsible for determining if required for a building. If it was included in the policy, then everyone would have to do it. Mr. Bailey advised that any electrical system that is tested and does not include infrared testing of the cable connections is not properly tested. He noted that he is a professional electrical engineer, and this is his opinion to the Board.

Chairman Lavrich questioned why this was not discussed at the first reading, and Mr. Bailey noted he was not able to attend that meeting. Further Mr. Bailey indicated that at the committee meeting that he chaired all of the members agreed with him that infrared testing is probably the single most important testing component of any electrical system. He was not copied on the ad hoc committee meeting minutes. It should be required.

Mr. D’Attile agreed with Mr. Bailey on the importance of such testing.

- c. Public Hearing  
There being no one wishing to speak, Chairman Lavrich closed the public hearing.
- d. Board Action  
Mr. Zackria made a motion, and Mr. Falkanger seconded the motion to approve the code and policy revisions as recommended on the second and final reading. The motion was carried out by a vote of 9-4. Mr. Bailey, Mr. Burr, Mr. D’Attile, and Mr. Rourke voted no.

During the discussion of the motion, Mr. Burr questioned why the change from thirty to twenty-five years for all properties. Mr. Zackria advised that there is a three-mile separation line mandated by the State that is a distinction between the twenty-five and the thirty. The ad hoc committee felt that there is no way to distinguish or even determine which properties are within that three-mile line. The committee decided to set everything at twenty-five. If there are problems with a building, those problems would be caught earlier, and the cost would be less over the long run.

Mr. Zackria advised that thermal imaging was discussed at length and the committee concluded it was an unnecessary burden to require it of every single building. The committee left this decision to the engineer of record or the inspector conducting the building safety program inspection.

Mr. Bailey advised that a professional engineer could perform hot-spot testing. Also, he did not think it was appropriate to make such a code change because of a hurry.

Mr. Burr agreed with Mr. Bailey that this was being rushed. He felt it is unfair to people in buildings beyond the three-mile line. He believed the three-mile line determination should be left to the cities. He felt this was the easy way out and he was opposed to it.

Mr. Charles Kramer, Board Attorney, advised that as an administrative amendment, this is entirely in the hands of the Board and what the Board is doing is perfectly acceptable.

The roll was called, and the vote is reflected above.

**5. Director's Report**

Dr. Barbosa advised that she has met with all of the building officials and will be sending the Board a report that looks at their top three issues and seeks the Board's recommendation on going forward.

Dr. Barbosa also drew attention to the upcoming code amendments this year.

**6. Attorney's Report**

Mr. Charles Kramer, Board Attorney, advised that he has not heard back from the appellate panel with respect to the Plantation Inn case. The Board's brief for the virtual inspections is due to the Fourth District Courts of Appeals on June 5.

**7. Committee Reports - none**

**8. General Board Member Discussion**

Chairman Lavrich thanked everyone for their help while he was away and particularly Mr. D'Attilio and Dr. Barbosa.

**9. Adjournment**

There being no further business, the meeting adjourned at 7:30 p.m.



Daniel Lavrich, P.E., Chairman

