



BROWARD COUNTY BOARD OF RULES & APPEALS
MAY 13, 2021
MEETING MINUTES

Call to Order

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

Present:

Daniel Lavrich, Chair
Stephen E. Bailey, Vice-Chair
Ron Burr
Gregg D'Attile
Jeff Falkanger
John Famularo
Shalanda Giles-Nelson
David Rice
Robert Taylor
Daniel Rourke
Dennis Ulmer

A quorum was present.

Mr. Taylor made a motion and Mr. Famularo seconded the motion to approve the agenda as amended with respect to the year dates in Item 4. The motion carried by unanimous vote of 11-0.

Approval of Minutes – March 11, 2021

Mr. D'Attile made a motion and Mr. Rice seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 11-0.

CONSENT AGENDA

1. Certifications - Staff Recommended.

BROWARD SHERIFF'S OFFICE

BERGER, PETER, FIRE INSPECTOR

CITY OF COCONUT CREEK

MALONEY, MELINDA, FIRE INSPECTOR

CITY OF FORT LAUDERDALE

POURJI, FARBOD, STRUCTURAL INSPECTOR (120-DAY TEMPORARY)

CITY OF LAUDERHILL

LILLIE, LAURA, FIRE PLANS EXAMINER

NEWMAN, MATTHEW, FIRE PLANS EXAMINER

CITY OF HOLLYWOOD

GRIMSLEY, MEGHAN, FIRE INSPECTOR

CITY OF MIRAMAR

SILVIO, ANTHONY, FIRE PLANS EXAMINER

CITY OF NORTH LAUDERDALE

CANFIELD, BRIAN S., CHIEF MECHANICAL INSPECTOR

CITY OF PLANTATION

BERGER, BRIAN, PLUMBING INSPECTOR (120-DAY TEMPORARY)

HURLBUT, CARMEN B., CHIEF STRUCTURAL INSPECTOR

CITY OF TAMARAC

SMILEN, GERALD, JR., CHIEF STRUCTURAL INSPECTOR

CITY OF WESTON

COX, REGINALD A., CHIEF STRUCTURAL INSPECTOR

COUNTYWIDE

CONTRERAS, RAFAEL A., JR., STRUCTURAL INSPECTOR

GRANBERG, WILLIAM HENRY JR., MECHANICAL INSPECTOR

LORENZO, ROGELIO, PLUMBING INSPECTOR

LORENZO, ROGELIO, PLUMBING PLANS EXAMINER

MARTINEZ, JORGE, STRUCTURAL INSPECTOR

PRICE, EVERETT DAVID III, ELECTRICAL PLANS EXAMINER

SANCHEZ, ARNULFO, STRUCTURAL INSPECTOR

SANCHEZ, ARNULFO, STRUCTURAL PLANS EXAMINER

SHRAMKO, PETER JOHN, STRUCTURAL INSPECTOR

TORRES, ZEBULUN, MECHANICAL PLANS EXAMINER

Mr. D'Attile made a motion and Mr. Rice seconded the motion to approve the certifications as recommended. The motion carried by unanimous vote of 11-0.

REGULAR AGENDA

1a. Request by City of Sunrise Building Official to extend Interim Chief Plumbing Inspector Mr. Edward McGann appointment for a second 90-day extension.

a. Staff Report

Mr. James DiPietro, Administrative Director, explained this is a request for an additional 90-day extension above the 90-days granted administratively by policy. He suggested it be to July 8th, the date of a Board meeting if one is scheduled.

b. Request of Christopher Augustin

Mr. Christopher Augustin, Building Official, requested the extension be calculated from today (August 11th) as interviews are still in progress and the hiring process will take some time. Mr. DiPietro indicated if the additional time is approved, August 12th would be the normal meeting date of the Board. If the Board does not meet on August 12th, it could be extended administratively until a meeting is held.

c. Board Action

Mr. Bailey made a motion and Mr. Falkanger seconded the motion to grant the extension to August 12, 2021. The motion carried by unanimous vote of 11-0.

1b. Extension Request by the city of Parkland regarding Mr. Alejandro Corrales to obtain his GC license.

a. Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, explained in April of 2020, Mr. Corrales applied for standard inspector certification. Section 104.16.3.1.2 of Chapter 1 of the

Florida Building Code Broward County Amendments provides requires applicants to acquire a G.C. license by exam within one year. The Building Official has requested a 120-day extension. Section 113.12.1 grants this Board authority to interpret the provisions of the Code for a special case if it appears that the Code does not definitely cover the point raised or that the intent is not clear or that there is ambiguity in the wording, but it shall have no authority to grant variances where the Code is clear and specific. As such, staff recommends denial of this request based on Section 104.16.3.1.2.

Mr. Charles Kramer, Board Attorney, explained in his conversations with the Building Official, it was pointed out that they were expecting a response from the Department of Business and Professional Regulation's Construction Industry Licensing Board (CILB) on Mr. Corrales license application. However, his application was red flagged as some documents were not in order. Moreover, the Board does not have the authority when the Code is clear, even though Mr. Corrales is well qualified.

b. Request for extension

Mr. Bill Tracy, Building Official, City of Parkland, noted that last year when COVID-19 occurred, the Building Code Administrators and Inspectors Board (BCAIB) extended provisional licenses from one to two years. He mistakenly made the assumption that the one-year period to acquire a G.C. license was also extended. In order to obtain the license, Mr. Corrales has to pass five exams which he has done. He received his standard inspector license from BCAIB. The issue is with CILB. Mr. Corrales has the qualifications, however there were some miscommunications which have now been corrected. An extension to June 10 is requested.

c. Board Action

Mr. D'Attila made a motion and Mr. Falkanger seconded the motion to grant the extension to June 10, 2021. As noted Mr. Falkanger later withdrew his second but Mr. Bailey offered a second to the motion.

In response to Mr. Rice, Mr. Kramer explained the statute is clear and unfortunately there is no option for flexibility. Mr. Tracy advised that Mr. Corrales is assisting with paperwork in the office and has not made any inspections since his provisional expired. He elaborated upon the overload and demand for inspections at this time. He confirmed for Mr. Kramer that if Mr. Corrales is not permitted to continue as an inspector there is no life, health, safety or property danger to the citizens of Parkland. The current staff is capable of keeping up with the level of inspections for the short-term.

Mr. James DiPietro, Administrative Director, indicated that he supports Mr. Kramer based upon the code. He does not feel an extension is the correct course of action.

Mr. Falkanger withdrew his second to the motion.

Mr. Tracy responded to Chairman Lavrich's questions concerning Mr. Corrales' qualifications and experience. His provisional certification expired two weeks ago. Mr. DiPietro confirmed that if one does not secure their G.C. license within the provisional certification period of time, the individual fails to qualify to be certified to perform. Mr. Jack Morell, Chief Structural Code

Compliance Officer, indicated that Mr. Corrales meets the other requirements but lacks only the G.C. license. Mr. DiPietro added that once Mr. Corrales obtains his G.C. license, staff can temporarily approve his application for certification that would allow him to perform inspections until the next meeting of the Board when a final decision is made. This is already a routine practice. In further response to Chairman Lavrich, Mr. DiPietro indicated that Mr. Corrales may apply for certification at any point in time when he has obtained the G.C. license.

Although he understood that the staff and Board Attorney cannot grant an extension, Mr. Bailey pointed out that the code provides that the Board may interpret the provisions of the code to cover a special case. Mr. Corrales has already been working for a period of time. He is qualified to perform as an inspector. As such, Mr. Bailey seconded Mr. D'Attile's motion.

Mr. Morell noted that Section 113.12.1 continues to say that the Board shall have no authority to grant variances where the code is clear and specific.

Mr. D'Attile indicated that his motion would only authorize Mr. Corrales to perform the same duties he has been performing for the past year. Mr. Bailey believed this is a special case because of the COVID circumstance.

In response to Mr. Taylor, Mr. Kramer did not believe that the Board would incur any liability if it approved an extension of time.

Because the staff can approve Mr. Corrales' certification application temporarily at any point in time, Ms. Giles-Nelson pointed out that there is no need for the Board to act beyond its authority.

The motion was defeated by a vote of 9-2, with Mr. D'Attile and Mr. Bailey voting yes.

1c. Request by the City of Hollywood City Manager to extend Interim Building Official appointment of Russell Long for a second 90-day period.

a. Staff Report

Mr. James DiPietro, Administrative Director, noted this would be the replacement for Mr. Dean Decker who passed away untimely. The request is for an extension to July 5th, but he recommended if the Board chooses to grant the request, it coincide with a meeting date, that being July 8th.

b. Request for extension

Mr. Shiv Newal-Dass, Director of Development Services, indicated that the City of Hollywood has decided to offer Mr. Long this position on a permanent basis and is in the process of finalizing an offer to him. He anticipated finalization by Human Resources in the next couple weeks.

c. Board Action

Mr. Falkanger made a motion and Ms. Giles-Nelson seconded the motion to approve extension as noted to July 8, 2021. The motion passed by a unanimous vote of 11-0.

1d. Request by City of Tamarac Building Official to extend Interim Mechanical Chief appointment of Roman Sanchez for a second 90-day period.

Mr. James DiPietro, Administrative Director, indicated that this item has been withdrawn by staff as it is no longer needed.

1e. Update of Mr. Manuel Barrera efforts to close out open permit to comply with Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects.

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted that Mr. Barrera has been before the Board on two occasions on this matter. There is now only one open permit remaining. The Miami-Dade Building Department has notified the property owner that if she does not cooperate with Mr. Barrera, a lien will be placed on the property. Staff recommends that this matter be closed as Mr. Barrera has done everything possible. If there is any change in the circumstances, staff will notify the Board.

Mr. James DiPietro, Administrative Director, advised that Mr. Barrera is not present this evening because there has been a death in his family. If the Board intends to deny this request, it would be appropriate to reschedule to a time when Mr. Barrera could be present.

b. Request for extension

Mr. John Travers, Building Official, City of Fort Lauderdale, expressed support for Mr. Barrera, and indicated that he looks forward to Mr. Barrera continuing with the City of Fort Lauderdale.

c. Board Action

Mr. Soto elaborated upon the circumstances with the one remaining open permit and the need according to policy for a vote of the Board to close the matter.

Mr. D'Attile made a motion and Mr. Falkanger seconded the motion to accept Mr. Barrera's report and declare this matter closed as recommended. The motion carried by unanimous vote of 11-0.

2. Special Inspectors Form Advisory

a. Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, explained this change is based on the Board Attorney's opinion that the owner's signature is not required. Also spacing on the form was adjusted to accommodate the permit holder's signature and date as well as the special inspector's seal and date.

- b. Board questions - none
- c. Public Hearing - none
- d. Board Action

Mr. Ulmer made a motion and Mr. Burr seconded the motion to approve the recommended special inspector form modifications to be used countywide. The motion carried by unanimous vote of 11-0.

Chairman Lavrich noticed that this item was slated for a public hearing and asked if that is correct. Mr. James DiPietro, Administrative Director, indicated that the agenda shows this item as a public hearing although it is not. He suggested comment from the public be entertained. Mr. Charles Kramer, Board Attorney, concurred.

Chairman Lavrich opened the floor for public comment but there was no one wishing to speak. A re-vote was taken, and the motion carried by unanimous vote of 11-0.

3. **Survey with respect to Electronic Permitting throughout Broward County.**

- a. Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, highlighted the presented information in the survey. Chairman Lavrich noted that this information will be reviewed by the Ad-Hoc Committee on this topic, and he will discuss it later in the meeting.

- b. Board Discussion - none
- c. Board Action – report was accepted

4. **Fiscal Year 22 Budget (October 1, 2021 – September 30, 2022).**

- a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, indicated this is generally a no-change budget. The small cities grant from fiscal year 2021 continues in this budget for the same amount of \$60,000 for eight potential cities at \$7,500. He anticipates that the reserves will increase some \$291,000 by September 30th for a reserve of more than \$8.8 million which is very high. If the economy was to crash the Board could operate for 2-3 years without any income. He noted some minor fluctuations in various categories. The capital account dropped 50% as staff completed book buying services for the beginning of the new code cycle and a two-year furniture project.

- b. Board Discussion

Mr. DiPietro responded to Mr. Burr's question about vehicles.

- c. Public Comment

Mr. John Travers, Building Official, City of Fort Lauderdale, appreciated that the Board has a reserve.

- d. Board Action

Mr. D'Attile made a motion and Mr. Falkanger seconded the motion to approve the Fiscal Year 2022 budget as presented. The motion carried by unanimous vote of 11-0.

5. **Requested pay adjustment for two employees.**

- a. Recommendation of Administrative Director.

Mr. James DiPietro, Administrative Director, advised that this adjustment is for the Board's two lowest paid employees, Brianna Curry and Maria "Pat" Kong. He highlighted some of their accomplishments.

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

Mr. D'Attile made a motion and Mr. Rice seconded the motion to approve the adjustment as recommended. The motion carried by unanimous vote of 11-0.

- 6. **Director's Report** - none
- 7. **Attorney's Report** - none
- 8. **Committee Report** - none
- 9. **General Board Member Discussion**

Florida Building Code, Section 706.8.1, Mitigation Requirements to Retrofit Roof to Wall Connections

Ms. Giles-Nelson advised that she brought to staff's attention ambiguity in Section 706.8.1 of the Florida Building Code. A response should be coming forward soon to the Board.

Ad-Hoc Committee Regarding Electronic Permitting Throughout Broward Countywide Governmental Jurisdictions

Chairman Lavrich indicated that he appointed a steering committee to clarify the scope of issues to be addressed by the ad-hoc committee. The steering committee decided upon a title for the ad-hoc committee as shown and acknowledged that the Board of Rules and Appeals does not have jurisdiction regarding certain areas in cities, Broward County and the State. Therefore, the Committee's work will be limited to the city building departments in Broward County. Chief Structural Code Compliance Officer Jack Morell conducted an initial survey regarding permitting practices of cities throughout the county. An additional survey is going out that will ask more direct questions. The results will be studied by the Ad-Hoc Committee. Specific issues that will be discussed include types of permit applications conducted online, methods of e-permit submissions, collection of permit fees, and enhancement e-permitting countywide.

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

Virtual Board Meetings

Mr. John Travers, Building Official, City of Fort Lauderdale, advocated for continuing virtual Board meetings. He noted that public participation seems to have increased with this format. Chairman Lavrich favored the format. The Board Attorney has opined that there is no prohibition to continuing with the virtual format. If there is no objection from the membership, it will be continued.

11. **Adjournment**

There being no further business, the meeting adjourned at 8:31 p.m.

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

Daniel Lavrich, P.E. - Chair