



BROWARD COUNTY BOARD OF RULES & APPEALS

OCTOBER 10, 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 7:00 p.m. after which the Board received ethics, sunshine and public records training. 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
Gregg D'Attile
Ron Burr
Robert A. Kamm
Abbas H. Zackria
Daniel Rourke
David Rice
Robert Taylor
Steven M. Feller
Jeff Falkanger

Approval of Minutes – September 12, 2019

Mr. Feller made a motion and Mr. D'Attile seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 10-0.

Mr. Feller made a motion and Mr. Taylor seconded the motion to approve the agenda as modified, deleting Items 4, 5 and 6 requested by staff. The motion carried by unanimous vote of 10-0.

Ethics, Sunshine and Public Records Training – presented by Rocio Blanco Garcia, Board Certified in City, County & Local Government, Office of the County Attorney

CONSENT AGENDA

1. Certifications - Staff Recommended.

BROWARD COUNTY SHERIFF'S OFFICE

CHAVEZ, IVAN, FIRE INSPECTOR

CITY OF CORAL SPRINGS

HELLER, JOHN, CHIEF STRUCTURAL INSPECTOR

CITY OF DEERFIELD BEACH

RICH, DALE W., ASSISTANT BUILDING OFFICIAL

CITY OF FORT LAUDERDALE

VERA, ANDRES L., CHIEF MECHANICAL INSPECTOR

MCCARTY, MICHAEL, STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

CITY OF HALLANDALE BEACH

CHARLES, JACK-LUIS JR., FIRE PLANS EXAMINER

CITY OF LIGHTHOUSE POINT

LONG, ANTONIO, FIRE INSPECTOR

CITY OF MIRAMAR

ARNAIS, CARLOS, FIRE INSPECTOR

CITY OF NORTH LAUDERDALE

MARTINEZ, RODOLFO, CHIEF STRUCTURAL INSPECTOR

CITY OF POMPANO BEACH

RADA, MICHAEL, BUILDING OFFICIAL

COUNTYWIDE

BRINA, ANTONIO, STRUCTURAL INSPECTOR

BRINA, ANTONIO, STRUCTURAL PLANS EXAMINER

CHIN-SANG, DAVE C., MECHANICAL PLANS EXAMINER

CRUZ-VELLON, JOSE, PLUMBING PLANS EXAMINER

GIBBONS, ANDRELL, STRUCTURAL PLANS EXAMINER

GRANBERG, JR., WILLIAM, PLUMBING PLANS EXAMINER

HOWLAND, LESTER, STRUCTURAL PLANS EXAMINER

ROSINSKI, CHRISTOPHER J., PLUMBING PLANS EXAMINER

SMILEN, GERALD, STRUCTURAL PLANS EXAMINER

TRANA, JAN, PLUMBING PLANS EXAMINER

A motion was made by Mr. Feller and seconded by Mr. Falkanger to approve all submitted certifications. The motion passed by unanimous vote of 10-0.

REGULAR AGENDA

2. Code amendments for 1st reading

a. "The Board will consider adopting amendments to Sections 107.3 and 110.3 of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code regarding Photovoltaic Inspections and Plan Review Guidelines"

a. Recommendation of the Structural and Electrical Joint Committee

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, advised that currently there are no guidelines for photovoltaic which is growing in the county and nationwide.

b. Board Action

A motion was made by Mr. Feller and seconded by Mr. Rice to approve this item on first reading. The motion passed by unanimous vote of 10-0.

- b. "The Board will consider adopting amendments to Sections 104.1 thru 104.16.3.3 of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code, impacting certification standards

- a. Recommendation of the Certification Standards Review Committee

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, advised that this is to clarify standards, remove duplicative language. A new path has been added with respect to roofing inspector: 1) ten years as someone in the trade and 2) five years in a supervisory position. Another category has been added for limited structural plans examiner because those individuals would be qualified for everything up to three stories. In general, there is alignment with the mechanical, electrical and plumbing (MEP) so to speak.

Chairman Lavrich noted that this was approved by the Certification Standards Review Committee. There was a question about the terms "authority having jurisdiction AHJ" and "appointing authority". It was referred to the Board Attorney. For the building official and assistant building official, the term would be appointing authority and AHJ for everything else.

Mr. James DiPietro, Administrative Director, indicated that the changes recommended by the Board Attorney have not been made.

A motion was made by Mr. Feller and seconded by Mr. D'Attilio to pass this item on first reading with the recommended modifications. The motion passed by unanimous vote of 10-0.

- c. "The Board will consider proposed changes to Broward County Administrative Provisions for the 2017 FBC (6th Edition), Section 105 Permits, Subsection 105.3.2 Time Limitation, 105.3.2.5.1 due to changes to Florida Statute (FS) 553.79 that became effective October 1, 2019"

- a. Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, advised that with staff's review of the legislation that passed and impacted the Administrative Chapter. This was one change that impacted the Administrative Chapter. It is recommended "shall send a written notice of expiration" be inserted instead of "may".

- b. Board Action

A motion was made by Mr. Feller and seconded by Mr. Falkanger to pass this item on first reading as recommended. The motion passed by unanimous vote of 10-0.

- 3. Code Amendment for 2nd reading to include Public Hearing

“The Board will consider adopting amendments to the Broward Local Fire Code Sections: Modifications Fire Marshal Certification F-103.3.1, F103.3.2, F-103.3.3, F103.3.4, F-103.3.5 and new F-103.4.3.4 and new F-103.4.3.5”

a. Staff Report

Mr. Bryan Parks, Chief Fire Code Compliance Officer, reviewed information in his memorandum to the Board, dated October 10, 2019. He explained that this is clarifying language along with new sections to incorporate educational classes to reduce the number of years of experience and enable individuals to advance faster (from Inspector to Fire Code Official).

b. Public Hearing

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

c. Board Action

Mr. Feller made a motion and Mr. Rice seconded the motion approve the item on final reading as recommended. The motion passed by a vote of 10-0.

4. Formal Interpretation “Required signatures on the Broward County Uniform Permit Application” – withdrawn
5. Formal Interpretation for the Swimming Pool Safety Act FS 51527, Chapter I, 110.3A, #24, a.3 – withdrawn
6. Requested ratification of the Administrative Director’s recommended appointment for the Chief Energy Code Compliance Officer position – withdrawn
7. Request of City of Plantation to extend the code specified maximum period of service of the Interim Chief Structural position, for approximately 60 days, pending a city decision to make a permanent appointment

a. Written Request

Mr. James DiPietro, Administrative Director, explained the code provides for an interim status of 90 days for a chief position. An extension was requested by the City of Plantation which he granted administratively on a one-time basis for 30 days. The City has requested another extension which would need to be considered by the Board. He noted that the code provides for a 180-day extension with respect to a building official. He would be concerned with another extension if this request is granted because there is no precedent.

b. Board Action

A motion was made by Mr. Feller and seconded by Mr. Falkanger to approve a 60-day final extension from September 30 to December 6, 2019 for Adnan Ezzeddine. The motion passed by unanimous vote of 10-0.

8. Director's Report
9. Attorney's Report

John Madden vs. Broward County Board of Rules and Appeals - Mr. Kramer noted that he is still awaiting a response from the 17th Circuit, Court of Appellate Review.

Legal Advisory Opinion as to allocation of funding for ORCAT and fees for permitting of Bi-Directional Amplifier Systems – June 13, 2018

Mr. James DiPietro, Administrative Director, indicated that about a year ago staff and the Board Attorney met with County administrative staff. The opinion finds that Board of Rules and Appeals' (BORA) funds should not be used for this purpose. Last year the County was interested in moving in that direction but BORA staff and the Board Attorney were able to squash it. This week the County raised the idea of a BORA user fee relating to permitting of bi-directional amplifier systems. He went on to share some of the points made in this recent discussion with County staff. He indicated that he is inclined to consider recommending a user fee in order to provide the desired level of service in bi-directional amplifier system plan review.

Mr. Charles Kramer, Board Attorney, pointed out that the County's original concept to fund something that was not contemplated in the creation of the Board of Rules and Appeals was about money. Because the Board of Rules and Appeals is a specifically created legislative body, others are not entitled to its resources. The County attorneys agreed with his opinion.

Mr. Bryan Parks, Chief Fire Code Compliance Officer, explained that bi-directional amplifier system plans are required to be submitted to ORCAT for review and comment. Before the system goes live, ORCAT must perform an inspection. From this point it goes to the municipality for another review where ORCAT sign-off is required. It is an unfunded mandate. This would be about providing a funding source. He noted that the inspection process could easily involve four or five occasions; requiring perhaps half a business day.

10. Committee Reports - none
11. General Board Member Discussion - none
12. Public Comment (3-minute limit per person) and written communications.- none
13. Adjournment.

Having no further business to go before the Board, the meeting adjourned at 8:12 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