



BROWARD COUNTY BOARD OF RULES & APPEALS
OCTOBER 8, 2020
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 7:11 p.m.

Present:

Daniel Lavrich, Chair
Ron Burr
Jeff Falkanger
Robert A. Kamm
Sergio Pellecer
David Rice
Daniel Rourke
Robert Taylor
James Terry
Dennis Ulmer

Mr. Rourke made a motion and Mr. Falkanger seconded the motion to approve the agenda as posted. The motion carried by unanimous vote of 10-0.

Approval of Minutes – September 10, 2020

Mr. Kamm made a motion and Mr. Taylor seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 10-0.

CONSENT AGENDA

1. Certifications - Staff Recommended.

BROWARD COUNTY

FERNANDEZ, JOSE, CHIEF MECHANICAL INSPECTOR

TOWN OF DAVIE

BARRETO-FRIE, KELLY, FIRE INSPECTOR
LECOUNT, WILLIAM, FIRE INSPECTOR

CITY OF HOLLYWOOD

BATTAGLIA, ALEXANDER, FIRE INSPECTOR
MONTELLANICO, HOLLY, FIRE PLANS EXAMINER

CITY OF POMPANO BEACH

CONGER, JASON R. , FIRE INSPECTOR
JEBOAM, CARPELO, ASSISTANT BUILDING OFFICIAL
MASSIE, JEFFREY L., CHIEF STRUCTURAL INSPECTOR

CITY OF WEST PARK

DILLON, BRIAN, BUILDING OFFICIAL

COUNTYWIDE

DE LA FE, GUSTAVO, MECHANICAL PLANS EXAMINER
DIAAZ-DELUCCA, EDUARDO R., STRUCTURAL INSPECTOR
DIAAZ-DELUCCA, EDUARDO R., STRUCTURAL PLANS EXAMINER
DEMARS, JAMES R., STRUCTURAL INSPECTOR
DEMARS, JAMES R., STRUCTURAL PLANS EXAMINER

Mr. Kamm made a motion and Mr. Falkanger seconded the motion to approve the certifications as recommended. The motion carried by unanimous vote of 10-0.

1a. **Request of Mr. Manuel Barrera for a 2nd extension of time with respect to the Board of Rules & Appeals Policy 18-02 relating to closing out of open and ongoing projects**

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, advised that staff recommends approval of the requested second extension. Mr. Barrera originally had 54 open permits; only five remain open. The five permits involve property owners who are non-responsive, refuse to sign a change of contractor or to allow an inspection. Mr. Barrera can explain why an extension date is not specified by staff.

b. Request of Manuel Barrera

Mr. Manuel Barrera was sworn in.

Mr. Barrera explained that several of the five permits that remain open will be turned over to the code enforcement division in the applicable municipality because the property owners are totally non-responsive. Unfortunately, he does not know how long this will take. One of the five will hopefully be resolved in the next couple weeks.

c. Board Action

In response to Chairman Lavrich, Mr. Soto suggested a period of 90 or 180 days. Mr. James DiPietro, Administrative Director, also suggested that the date of a Board meeting be specified.

Mr. Terry made a motion and Mr. Falkanger seconded the motion to grant an extension to the April 2021 Board meeting. The motion carried by unanimous vote of 10-0.

REGULAR AGENDA

2. **FBC 7th EDITION (2020) Formal Interpretation (#25) PVC pipes and fitting within plenums in the residential portion of R-2 and R-3 occupancies**

a. Recommendation of the Mechanical Smoke Control Committee

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted a cut and paste error in the staff report. It does not affect the interpretation. Historically the code does not require non-combustibles in the plenums of residential units. The amount of material that the PVC represents in the plenum is relatively small, so the Committee recommended this interpretation. He elaborated upon the limitations set forth in the interpretation.

- b. Board Questions – none
- c. If desired, motion adopting interpretation

Mr. Kamm made a motion and Mr. Falkanger seconded the motion to approve the interpretation as submitted. The motion carried by unanimous vote of 10-0.

3. **FBC 7th EDITION (2020) Formal Interpretation (#26) Location of permanently installed residential standby generator's exhaust**

- a. Recommendation of Mechanical Smoke Control Committee

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted that the Committee recommends this interpretation. The current code does not address residential standby generators. The residential code refers the reader to the mechanical code which has very little on generators refers to NFPA 37 which only says to discharge to a safe location. A safe location could have varying meanings to people. The objective is to achieve consistency throughout the county. Some options are provided.

- b. Board Questions – none
- c. If desired, motion adopting interpretation

Mr. Kamm made a motion and Mr. Falkanger seconded the motion to approve the interpretation as submitted. The motion carried by unanimous vote of 10-0.

**Code amendments for 2nd reading Public Hearing
(applies to items Nos. 4,5,6,7,8, 9,10, 11 and 12)**

4. **Amendment to the 7th Edition Florida Building Code (2020) effective December 31st, 2020, Chapter One Administrative provisions**

- a. Staff Report (available for questions)
- b. Board Questions – none
- c. Public Hearing

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

- d. If desired, motion amending Chapter One

Mr. Kamm made a motion and Mr. Ulmer seconded the motion to adopt the amendment as recommended. The motion carried by unanimous vote of 10-0.

5. **Amendments to 7th Edition Florida Building Code (2020) – Plumbing, Section 604.4, effective December 31st, 2020**

- a. Staff Report (available for questions)
- b. Board Questions – none
- c. Public Hearing

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

- d. If desired, motion adopting responses to State required questions for adopting technical amendments

Mr. Kamm made a motion and Mr. Rourke seconded 1) acknowledging the Board's review of answers to the State of Florida's questions and adopting those answers. The motion carried by unanimous vote of 10-0.

- e. If desired, motion amending the Building Code

Mr. Terry made a motion and Mr. Falkanger seconded the motion to adopt the amendments to 7th Edition Florida Building Code (2020) – Plumbing, Section 604.4. The motion carried by unanimous vote of 10-0.

6. **Amendments to the 7th Edition Florida Building Code (2020), Residential Table P2903.2 Design of Building Water Distribution System, effective December 31st, 2020.**

- a. Staff Report (available for questions)
- b. Board Questions – none
- c. Public Hearing

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

- d. If desired, motion adopting responses to State required questions for adopting technical amendments

Mr. Taylor made a motion and Mr. Rourke seconded 1) acknowledging the Board's review of answers to the State of Florida's questions and adopting those answers. The motion carried by unanimous vote of 10-0.

- e. If desired, motion amending the Building Code

Mr. Burr made a motion and Mr. Falkanger seconded the motion to adopt the amendments to 7th Edition Florida Building Code (2020) – Residential Table P2903.2 Design of Building Water Distribution System. The motion carried by unanimous vote of 10-0.

7. **Amendments to the 7th Edition Florida Building Code (2020) Plumbing Appendix F, Proposed Construction Building Codes for Turf and Landscape Irrigation Systems, effective December 31st, 2020.**

- a. Staff Report (available for questions)
- b. Board Questions – none
- c. Public Hearing

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

- d. If desired, motion amending the Building Code

Mr. Terry made a motion and Mr. Pellecer seconded the motion to adopt the amendments to 7th Edition Florida Building Code (2020) – Plumbing Appendix F, Proposed Construction Building Codes for Turf and Landscape Irrigation Systems. The motion carried by unanimous vote of 10-0.

8. **Amendments to the upcoming Florida Mechanical Code (FMC) 7th Edition (2020), Section 307.2.1 and Florida Plumbing Code (FPC), Section [M] 314.2.1 “Condensate disposal”, effective December 31st, 2020.**

- a. Staff Report (available for questions)
- b. Board Questions – none
- c. Public Hearing

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

- d. If desired, motion adopting responses to State required questions for adopting technical amendments

Mr. Rice made a motion and Mr. Falkanger seconded 1) acknowledging the Board’s review of answers to the State of Florida’s questions and adopting those answers. The motion carried by unanimous vote of 10-0.

- e. If desired, motion amending the Building Code

Mr. Taylor made a motion and Mr. Rourke seconded the motion to adopt the amendments to Florida Mechanical Code 7th Edition Florida Building Code (2020) – Section 307.2.1 and Florida Plumbing Code – Section [M]314.2.1 “Condensate disposal”. The motion carried by unanimous vote of 10-0.

9. **Amendments to the upcoming Florida Mechanical Code (FMC) 7th Edition (2020), Section 908 “Cooling Towers, Evaporative Condensers and Fluid Coolers”, subsection 908.3 “Location” effective December 31st, 2020.**

- a. Staff Report (available for questions)
- b. Board Questions

Mr. Falkanger noted a spelling error for “breeding”.

- c. Public Hearing

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

- d. If desired, motion adopting responses to State required questions for adopting technical amendments

Mr. Falkanger made a motion and Mr. Pellecer seconded 1) acknowledging the Board's review of answers to the State of Florida's questions and adopting those answers. The motion carried by unanimous vote of 10-0.

- e. If desired, motion amending the Building Code

Mr. Rice made a motion and Mr. Terry seconded the motion to adopt the amendments to Florida Mechanical Code 7th Edition Florida Building Code (2020) – Section 908.3 “Cooling Towers, Evaporative Condensers and Fluid Coolers”, Subsection 908.3 “Location”. The motion carried by unanimous vote of 10-0.

10. **Amendments to the upcoming Florida Mechanical Code (FMC) 7th Edition (2020), Section 908.8 “Cooling Towers, Evaporative Condensers and Fluid Coolers”, effective December 31st, 2020.**

- a. Staff Report (available for questions)
- b. Board Questions – none
- c. Public Hearing

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

- d. If desired, motion adopting responses to State required questions for adopting technical amendments

Mr. Rourke made a motion and Mr. Falkanger seconded 1) acknowledging the Board's review of answers to the State of Florida's questions and adopting those answers. The motion carried by unanimous vote of 10-0.

- e. If desired, motion amending the Building Code

Mr. Taylor made a motion and Mr. Kamm seconded the motion to adopt the amendments to Florida Mechanical Code 7th Edition Florida Building Code (2020) – Section 908.8 “Cooling Towers, Evaporative Condensers and Fluid Coolers”. The motion carried by unanimous vote of 10-0.

11. **Amendments to 7th Edition Florida Building Code (2020) - Building Section 454.1.4.1 and 454.2.16 Electrical, effective December 31st, 2020**

- a. Staff Report (available for questions)
- b. Board Questions – none
- c. Public Hearing

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

- d. If desired, motion adopting responses to State required questions for adopting technical amendments

Mr. Falkanger made a motion and Mr. Rice seconded 1) acknowledging the Board's review of answers to the State of Florida's questions and adopting those answers. The motion carried by unanimous vote of 10-0.

- e. If desired, motion amending the Building Code

Mr. Taylor made a motion and Mr. Terry seconded the motion to adopt the amendments to 7th Edition Florida Building Code (2020) – Section 454.1.4.1 and 454.2.16 - Electrical. The motion carried by unanimous vote of 10-0.

12. **Amendments to 7th Edition Florida Building Code (2020) - Building Section Residential, Section R4501.16 Underwater Luminaries, effective December 31st, 2020**

- a. Staff Report (available for questions)
- b. Board Questions – none
- c. Public Hearing

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

- d. If desired, motion adopting responses to State required questions for adopting technical amendments

Mr. Terry made a motion and Mr. Falkanger seconded 1) acknowledging the Board's review of answers to the State of Florida's questions and adopting those answers. The motion carried by unanimous vote of 10-0.

- e. If desired, motion amending the Building Code

Mr. Taylor made a motion and Mr. Rourke seconded the motion to adopt the amendments to 7th Edition Florida Building Code (2020) – Building Section Residential R4501.16 Underwater Luminaries. The motion carried by unanimous vote of 10-0.

13. **Amendment to 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, within a biennial certification period”**

- a. Staff Report

Mr. James DiPietro, Administrative Director, explained this is only clarification of an existing policy that allows simplified paperwork for individuals moving from one city to another. This amendment is to make clear that the State of Florida, Chapter 71-575 affidavit along with a letter from a city official is required.

- b. Board Questions – none
- c. If desired, motion adopting responses to State required questions for adopting technical amendments

Mr. Falkanger made a motion and Mr. Taylor seconded the motion to amend Policy 16-01 as recommended. The motion carried by unanimous vote of 10-0.

14. **Invitation to participate in the Clean Energy Technical Group for the Broward County 2020 Climate Change Action Plan (CCAP) update**

a. Staff Report

Mr. James DiPietro, Administrative Director, advised that the Board has been requested by the Broward County Environmental Planning and Community Resilience Division to participate in this group and it is past practice to bring such requests to the Board as staff time will be necessary. He wanted the Board to be aware that this is a different mission than that of the Board of Rules and Appeals. If acceptable to the County, he would assign the Chief Energy Code Compliance Officer to serve. He confirmed for the Chairman that the Board's role would be advisory.

b. Board Questions

In response to Mr. Falkanger, Chairman Lavrich referred to information in the backup provided having to do with the Division's five-year comparison. Mr. DiPietro noted that the County may ask the Board for proposed energy code changes. He felt the Board should try to help although there could be some conflict in that their mission is different.

c. If desired, motion adopting responses to State required questions for adopting technical amendments

Mr. Terry made a motion and Mr. Rice seconded the motion to authorize participation. The motion carried by unanimous vote of 10-0.

15. **Director's Report**

Mr. James DiPietro, Administrative Director, noted that the Board's fiscal year 2021 budget was approved by the County. One item in that budget is a small city grant program of \$7,500 on a reimbursement basis to assist with e-permitting. It would facilitate communications between the municipality and the County. He will present at the next meeting if possible proposed regulations on the application process.

16. **Attorney's Report**

Mr. Charles Kramer, Board Attorney, advised that he was asked to report on the effect of the Governor's Executive Order 20-69 (governmental bodies requiring a quorum could meet remotely) ending November 1st. Although the Board would have to meet in person, there are no rules concerning establishing a physical quorum for advisory committees. The Sunshine Law would still apply, and as such, posting of notices would be required and provision for public attendance remotely. He noted case law from Miami-Dade County.

17. **Committee Report**

Energy Ad Hoc Committee - Mr. Rice advised that the newly created Energy Committee is underway in that membership has been established and staff is working to set the first meeting date.

BDA (Bi-Directional Amplifier) Committee – Mr. Rice noted that installation of the County's new communications system has caused several problems with buildings. He was aware of two buildings preparing to open without the BDA system properly functional. One was a school. He is concerned about engineering practices. He felt this matter should be looked into. A Committee meeting will likely be held in the next month or so.

Chairman Lavrich noted that once the Ad Hoc Energy Committee is fully organized, the Board will be asked to establish it as a standing committee.

18. **General Board Members Discussion**

Chairman Lavrich suggested the Board create an open discussion Zoom meeting that would occur bi-monthly mid-afternoon or whatever might be appropriate. No formal Board business would be conducted. It may help to clarify the Board's purpose/mission and provide a forum to address questions via an informal dialogue. Target groups initially could be: 1)building departments, 2)city managers, 3)Broward League of Cities, 4)Greater Fort Lauderdale Alliance, 5)Building Officials and Inspectors Association, 6)architect and engineer groups such as FSCA, ASCE, AIA, 7)contractor groups, 8)general public and any other interest groups. Each meeting could perhaps have a theme but still be open for general discussion. Perhaps interested parties could submit questions or topics in advance. He suggested a time limit of one hour.

Mr. Ulmer thought from a consumer advocate point of view, it is a great idea to better inform the general public about the building code. Mr. Burr felt it is a great idea. It could be advertised in the newsletter. He suggested building officials be encouraged to bring forward issues they may have. Mr. Terry noted a meeting of that format has already been set by Mr. Vinas, Chief Plumbing Code Compliance Officer, with the Plumbing Contractors Association. He also felt it is a great idea.

Chairman Lavrich indicated if the Board wishes, he would be willing to serve another year as chair. There was no objection.

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

20. **Adjournment**

There being no further business, the meeting adjourned at 7:58 p.m.

A handwritten signature in black ink, appearing to read "D. L. Lavrich". The signature is fluid and cursive, with the first name "D." and last name "Lavrich" clearly legible.

Daniel Lavrich, P.E. - Chair