

BOARD OF RULES AND APPEALS

OCTOBER 12, 2017

MEETING MINUTES

Call to order:

Chair Jeffrey Lucas called a published meeting of the Broward County Board of Rules and Appeals to order at 7 p.m. The roll was called and the following members were present:

Present:

Jeffrey Lucas, FM, CFI, CFEI, Chair
Kenneth Wynn, Vice Chair
Ron Burr
Jeff Falkanger
Robert A. Kamm, P.E.
Gregg D'Attile
David Rice, P.E.
John Sims
Abbas H. Zackria
Stephen E. Bailey, P.E.
Daniel Rourke
Robert Taylor
Dennis A. Ulmer

After the roll call, the presence of a quorum was announced by Chair Lucas.

Approval of Minutes – August 10, 2017

MR. D'ATTILE MADE A MOTION AND MR. FALKANGER SECONDED THE MOTION TO APPROVE THE AUGUST 10, 2017 MEETING MINUTES. THE MOTION CARRIED BY UNANIMOUS VOTE OF 14-0.

CONSENT AGENDA

1. Certifications – Staff Recommended

MR. D'ATTILE MADE A MOTION AND MR. FALKANGER SECONDED THE MOTION TO APPROVE ALL SUBMITTED CERTIFICATIONS. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

2. **Adoption of Revised Broward County Administrative Provisions to the 6th Edition (January 1, 2018) Florida Building Code, (Chapter One) effective January 1, 2018**

a. Staff Report

Mr. James DiPietro, Administrative Director, advised that the last edition of this code was three years ago. Every three years the Board of Rules and Appeals reissues its Chapter One, which are the administrative sections of the code and this agenda item is just that. One of the major differences between this chapter and that of the State is the State has nothing for certification standards. The Board's amendments also expire with each code cycle without re-adoption. A draft was sent to the building officials.

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, indicated that several recommendations from building officials have been included in this draft. The majority of the changes ~~is~~are to streamline, remove redundancies and stay close to the State's language. This draft has been reviewed by the Board Attorney with his recommended corrections included. The significant changes are listed in the backup to this item (page 4) attached.* Gold Coast School of Construction has submitted proposed amendments which are also included in the backup to this item.

Mr. Cris Fardelmann, Chief Structural Code Compliance Officer, highlighted significant changes in his presentation as follows. He referred to a change in Section 105.3.2.6 and has to do with determining the status of a permit. The language proposed is what most jurisdictions have been doing for a long time: "Work shall be considered to have commenced and be in active progress when the permit has received an approved inspection within 90 days of being issued..." This is proposed to resolve inconsistencies in how municipalities determine whether a permit was still active. The old code indicated that the work had to be continuously in progress fully manned.

Mr. Falkanger referred to a proposed change in Section 105.3.2.2 concerning requests for extensions. Mr. Fardelmann advised that the extension would have to be requested within one year, even as long as eleven months. If a job has not been active for ninety days and an inspection has not been made, the permit would expire in ninety days. The idea was to put it more in the hands of the building official, give people an option. Mr. Falkanger preferred the original language where an extension request had to be made before expiration.

Mr. Fardelmann referred to a change in Section 105.4.1.2 and noted language was revised to make it clear that the property owner and, or the permit holder are responsible for compliance with the Code. This is especially applicable for owner/builder permits.

Mr. Fardelmann referred to a change in Section 109.3.3.4, Double Fee: Work commencing before permit issuance, and noted it is in conformance with the Board's decision last year on an appeal. It provides for an amount up to double the fee totally at the discretion of the building official.

Mr. Falkanger referred to Section 107.2.4, Exterior wall envelope, and expressed concern about the number of items included. He felt it might be cumbersome. Mr. Fardelmann

indicated this is an attempt to better match up with the State code. This is their language. Mr. DiPietro noted that adoption of this change is optional. Mr. Fardelmann added that this section is altogether new. Mr. Zackria agreed with Mr. Falkanger. He could see how it could become a nightmare for designers.

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. FALKANGER TO DELETE ADDED SECTION 107.2.4, EXTERIOR WALL ENVELOPE ALTOGETHER.

b. Public Hearing

Chairman Lucas opened the public hearing for this particular amendment only.

Mr. Sanjeff Mengoli pointed out that product approval documentation has to be submitted for any exterior envelope. He suggested in the interest of consistency, the language be kept because it is already in the State Code. Mr. Falkanger clarified that product approval is addressed separately.

There being no one else wishing to speak, the public hearing was closed.

c. Board Action

Mr. Zackria felt that this language is unnecessary because it is addressed in other parts of the code. Mr. Fardelmann recalled staff's thinking that this language would be an aide to plan examiners.

THE MOTION PASSED BY A VOTE OF 12-1, WITH MR. D'ATTILE VOTING NO.

a. Staff Report

Continuing with the staff report, Mr. Fardelmann referred to Section 110.15, Building Safety Inspection Program, and noted the exemptions were essentially reorganized to be in one location.

Mr. Fardelmann referred to Section 111.3, Temporary/Partial Certificate of Occupancy. He noted that there are a lot of problems with temporary certificates of occupancy. In an effort to assist building officials, the language specifying a period of ninety days was removed and language was added, giving the building official authority to set a time period.

Mr. Zackria referred to Section 105.4.1.2, concerning compliance with the code being the responsibility of the property owner and, or the permit holder. He felt the permit holder should be the only responsible person. Mr. Fardelmann pointed out the notation of Florida Statutes 553.781, 489 and 162 adds other people that technically by statute are liable. The "and, or" was used because there will not be an owner and contractor in every situation. Mr. Zackria was concerned it opens the door for not pinpointing who is responsible. Mr. Charles Kramer, Board Attorney, agreed with Mr. Zackria and pointed out there may be a situation where the property owner and contractor are at odds. They do have the right to make a determination contractually as to who is responsible. Mr.

Zackria preferred that “or” be removed, even though the individuals could delegate the responsibility to one party or the other. Mr. Kramer was concerned with “and” because it is then the responsibility of both unless otherwise contracted away. You may get an innocent party with no knowledge of what was done and suddenly it is their problem too. However, it could also happen with the old language. Mr. D’Attile supported that it be the permit holder. He questioned how the homeowner would know about code compliance, which is the purpose of hiring a contractor. Mr. Burr cited an example in the swimming pool construction industry, noting if the homeowner removes requires child safety features after inspection but before the permit is closed, the contractor has no way of knowing. Consequently, he felt it should be the property owner and the contractor. He agreed “or” should be removed. Chairman Lucas felt it should be “and” also because the contractor could go out of business, etc.

Mr. DiPietro noted if the base document is approved by the Board, procedurally Chapter 1 can be amended at any time in the future.

Mr. Kramer preferred that “and” because of the contractual right. Mr. DiPietro recommended “or” be removed now and any other changes can be made at the next meeting at the Board’s discretion.

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. D’ATTILE TO DELETE “or” FROM SECTION 105.4.1.2.

Chairman Lucas opened the floor for public comment concerning Section 105.4.1.2 amendment only. There was no one wishing to speak.

THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

Mr. Taylor referred to Section 111.3, Temporary/Partial Certificate of Occupancy, and wanted to provide a definitive time frame for a temporary certificate of occupancy to remain open. A general discussion ensued about the variety of circumstances that could arise. Mr. Zackria wanted to give flexibility to the building official. There was no objection to Mr. Zackria’s suggestion.

With regard to Sections 112.2.1, Energizing Systems, and 112.1, Connection of Service Utilities, Mr. Bailey thought that 112.2.1 should not be deleted because the electrical system is connected and energized after receipt of the certificate of occupancy. In fact 112.1 should be clarified to reflect the same wording and then 112.2.1 could be deleted. There is some redundancy but 112.1 needs clarification language added. It is untrue to say it is illegal to connect because the system has to be connected before securing a certificate of occupancy. Mr. Bailey felt “energized” should be added to 112.1. At Chairman Lucas’ suggestion, there was consensus to direct staff to review this language and present the re-draft to the Board.

A MOTION WAS MADE BY MR. BAILEY AND SECONDED BY MR. FALKANGER TO NOT DELETE SECTION 112.2.1, ENERGIZING SYSTEMS, AND WORK WITH STAFF TO REVISE THE LANGUAGE.

Chairman Lucas opened the floor for public comment concerning Section 112.2.1 only. There was no one wishing to speak.

THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

With regard to Section 112.3, Authority to Disconnect Service Utilities, Mr. Rourke suggested that in addition to the Fire Chief, the following officials should be listed: Fire Marshall, Fire Code Official or duly authorized representative. Chairman Lucas suggested Fire Chief or his designee.

A MOTION WAS MADE BY MR. ROURKE AND SECONDED BY MR. ULMER TO ADD “or duly authorized designee” TO “Fire Chief” IN SECTION 112.3, AUTHORITY TO DISCONNECT SERVICE UTILITIES.

Chairman Lucas opened the floor for **public comment** concerning Section 112.3 only. There was no one wishing to speak.

THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

Mr. Sanjeev Mangoli, Assistant Director of Gold Coast School of Construction, requested the Board to consider suggested changes to the building code to be consistent with the Florida statutes. He referenced various sections of Chapter 471, 489 and 1013 further detailed in his letter of September 26, 2017 provided the Board, relating generally to self-certifying drawings and submitting permits without having to have the sign and seal of an engineer or architect for contractors ~~(attached)~~. * He noted that Florida statute gives authority to the building official in many sections to accept or reject plans. It would be helpful if Broward County Chapter 1 of the building code was consistent with Florida statute. Broward County is the only county that mandates an architect or engineer under Section 107.3.4.0.3.

Mr. Claudio Grande, Building Official, City of Tamarac, noted that Broward has always been in the lead in having stronger codes since the high velocity hurricane code was established in 2002 when the unified Florida Building Code went into effect. Higher standards were maintained in Broward and Dade via the high velocity zone. Both Broward and Dade have the same requirements concerning submittal of plans for residential. He questioned why such a change as presented should be approved in that it removes responsibility from the architects and engineers who have the professional knowledge to design a house and give it to a contractor. He drew attention to the effectiveness of the code in Broward where structures withstood recent Hurricane Irma different than other parts of Florida where contractors are allowed to design homes. He opposed the request.

Mr. Mangoli noted that Florida Statute 489.115 clearly provides requirements relating to wind load calculations. He referred to remodeling and interior buildouts and commented that even if the architect has signed, the building officials request the engineer to sign and seal. Contractors are licensed professionals.

Mr. Pete Beaudoin, Calvin Giordano & Associates, Building Official, City of Lighthouse Point, Chief Mechanical and Chief Plumbing, indicated there are a lot of teardown and rebuild of multi-~~million-dollar~~ million-dollar single family homes in Lighthouse Point, and they never see the general contractors on the jobs. He opposed the request. General contractors sub everything out and it is difficult to reach them.

Mr. Sean Flanigan, Chief Structural Inspector, City of Coconut Creek, Broward County Builders Association, opposed the request. Architects and engineers are design professionals. Contractors are construction professionals. Design belongs to the architects and engineers. He referred to the rationale section of the proposed amendment on page 119 of the backup relating to replacement of windows from non-impact to impact resistant, and stated that a design professional is not required. It is therefore not relevant. With respect to enclosing a patio into a sun room, it is changing the building envelope location. He felt such a change should be handled by design professionals.

Mr. Bill Tracy, Building Official, City of Parkland, felt structural elements such as the building envelope, should be left in the hands of the design professional. Things like garage door change-outs, changing out windows, do not require a design professional because the products have a notice of acceptance, have been tested and usually far exceed the envelope requirements of the existing building. It is possible to drill down on calculations so that a design professional is not needed, i.e. kitchen renovation. For redecorating a home, he does not think there should be a cap for non-structural elements. Structural and building elements should be left in the hands of the design professional. Raising the limits is a step in the right direction. It would be helpful to give the building official discretion to assign values. One example is a \$80 per square foot countertop which could alone be \$30,000.

There being no one else wishing to speak, Chairman Lucas closed the public hearing.

a. Staff Report

Mr. Fardelmann noted that these sections of Chapter 1 were review twice by staff and as a group, there was no consensus to make any change.

c. Board Action

Chairman Lucas supported passing the code as proposed and direct staff to meet with these individuals and address their concerns perhaps through the committee process.

A MOTION WAS MADE BY MR. BURR AND SECONDED BY MR. ZACKRIA TO ACCEPT ALL PROPOSED CHANGES AND AMENDMENTS AND DIRECT STAFF TO FURTHER INVESTIGATE WHETHER THE BOARD SHOULD PROCEED WITH CHANGES NOT CURRENTLY SUPPORTED BY STAFF.

b. Public Hearing

Chairman Lucas opened the floor for public comment, but there was no one wishing to speak.

THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

3. Amendments to the 6th Edition Florida Building Code (2017) effective January 1, 2018

A) Summary

Mr. James DiPietro, Administrative Director, indicated that technical amendments can only be done twice a year. He noted the committee reviews that took place. He delineated the requirements for approval of technical amendments.

B) Amendments to 6th Edition Florida Building Code (2017) – Residential Section P2903, Water Supply and Distribution

1. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, reviewed the staff report of October 12, 2017, provided to the Board.

A typographical error was noted on the agenda for this item. The effective date is January 1, 2018, not 2017.

2. Public Hearing

Chairman Lucas opened the floor for a public hearing but there was no one wishing to speak.

3. If desired, motion adopting response to State required questions for adopting technical amendments

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. TAYLOR TO ACCEPT THE QUESTION RESPONSES PROVIDED ON THIS ITEM. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

4. If desired, motion amending the Building Code

A MOTION WAS MADE BY MR. D'ATTILE AND SECONDED BY MR. ZACKRIA TO AMEND THE BUILDING CODE AS DESCRIBED ABOVE. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

C) Amendments to 6th Edition Florida Building Code (2017) – Plumbing, Section 604, Design of Building Water Distribution System

1. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, reviewed the staff report of October 12, 2017, provided to the Board.

2. Public Hearing

Chairman Lucas opened the floor for a public hearing but there was no one wishing to speak.

3. If desired, motion adopting response to State required questions for adopting technical amendments

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. D'ATTILE TO ACCEPT THE QUESTION RESPONSES PROVIDED ON THIS ITEM. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

4. If desired, motion amending the Building Code

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. D'ATTILE TO AMEND THE BUILDING CODE AS DESCRIBED ABOVE. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

D) Amendments to 6th Edition Florida Building Code (2017) – Plumbing Appendix F, Proposed Construction Building Codes for Turf and Landscape Irrigation Systems

1. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, reviewed the staff report of October 12, 2017, provided to the Board.

2. Public Hearing

Chairman Lucas opened the floor for a public hearing but there was no one wishing to speak.

3. If desired, motion adopting response to State required questions for adopting technical amendments - unnecessary

4. If desired, motion amending the Building Code

A MOTION WAS MADE BY MR. D'ATTILE AND SECONDED BY MR. SIMS TO AMEND THE BUILDING CODE AS DESCRIBED ABOVE. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

E) Amendments to 6th Edition Florida Building Code (2017) – Plumbing Section [M]314.2.1, Condensate Disposal and Mechanical Section 307, Condensate Disposal

1. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, reviewed the staff report of October 12, 2017, provided to the Board.

2. Public Hearing

Chairman Lucas opened the floor for a public hearing but there was no one wishing to speak.

4. If desired, motion amending the Building Code

A MOTION WAS MADE BY MR. D’ATTILE AND SECONDED BY MR. TAYLOR TO AMEND THE BUILDING CODE AS DESCRIBED ABOVE. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

3. If desired, motion adopting response to State required questions for adopting technical amendments

A MOTION WAS MADE BY MR. D’ATTILE AND SECONDED BY MR. ZACKRIA TO ACCEPT THE QUESTION RESPONSES PROVIDED ON THIS ITEM. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

F) Amendments to 6th Edition Florida Building Code (2017) – Mechanical, Section 908 Cooling Towers, Evaporative Condensers and Fluid Coolers

1. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, reviewed the staff report of October 12, 2017, provided to the Board, specifically relating to Mechanical.

2. Public Hearing

Chairman Lucas opened the floor for a public hearing but there was no one wishing to speak.

4. If desired, motion amending the Building Code

A MOTION WAS MADE BY MR. D’ATTILE AND SECONDED BY MR. ZACKRIA TO AMEND THE BUILDING CODE AS DESCRIBED ABOVE. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

3. If desired, motion adopting response to State required questions for adopting technical amendments

A MOTION WAS MADE BY MR. BURR AND SECONDED BY MR. SIMS TO ACCEPT THE QUESTION RESPONSES PROVIDED ON THIS ITEM. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

F) Amendments to 6th Edition Florida Building Code (2017) – Mechanical, Section 908 Cooling Towers, Evaporative Condensers and Fluid Coolers – Section 908.3

1. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, reviewed the staff report of October 12, 2017, provided to the Board, specifically relating to Section 908.3.

2. Public Hearing

Chairman Lucas opened the floor for a public hearing but there was no one wishing to speak.

4. If desired, motion amending the Building Code

A MOTION WAS MADE BY MR. D'ATTILE AND SECONDED BY MR. FALKANGER TO AMEND THE BUILDING CODE AS DESCRIBED ABOVE. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

3. If desired, motion adopting response to State required questions for adopting technical amendments

A MOTION WAS MADE BY MR. KAMM AND SECONDED BY MR. ULMER TO ACCEPT THE QUESTION RESPONSES PROVIDED ON THIS ITEM. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

G) Amendments to 6th Edition Florida Building Code (2017) – Building Section 454.2.16 Electrical (Swimming Pool Lighting Low Voltage), and – Residential, Section E4206.4 Underwater Luminaries

1. Staff Report

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, reviewed the staff report of October 12, 2017, provided to the Board, specifically relating to Section 454.2.16.

2. Public Hearing

Chairman Lucas opened the floor for a public hearing but there was no one wishing to speak.

4. If desired, motion amending the Building Code

A MOTION WAS MADE BY MR. RICE AND SECONDED BY MR. D'ATTILE TO AMEND THE BUILDING CODE AS DESCRIBED ABOVE. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

3. If desired, motion adopting response to State required questions for adopting technical amendments

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. SIMMS TO ACCEPT THE QUESTION RESPONSES PROVIDED ON THIS ITEM. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

G) Amendments to 6th Edition Florida Building Code (2017) – Building Section 454.2.16 Electrical (Swimming Pool Lighting Low Voltage), and – Residential, Section E4206.4 Underwater Luminaries – Section E4206.4

1. Staff Report

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, reviewed the staff report of October 12, 2017, provided to the Board, specifically relating to Section E4206.4.

2. Public Hearing

Chairman Lucas opened the floor for a public hearing but there was no one wishing to speak.

4. If desired, motion amending the Building Code

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. SIMMS TO AMEND THE BUILDING CODE AS DESCRIBED ABOVE. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

Mr. James DiPietro, Administrative Director, provided some history concerning this matter pertaining to both Broward and Miami-Dade counties. He noted that when the Florida Building Code was introduced this was lost. Both counties reinstated the higher safety standard of 14 volts.

3. If desired, motion adopting response to State required questions for adopting technical amendments

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. SIMMS TO ACCEPT THE QUESTION RESPONSES PROVIDED ON THIS ITEM. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

4. Proposed 6th Edition Florida Building Code (2017) Formal Interpretations, effective January 1, 2018

a. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, reviewed the staff report of October 12, 2017, provided to the Board.

Public Comment

Chairman Lucas opened the floor for public comment, but there was no one wishing to speak.

b. Board Action

In response to Mr. Kamm's question why cooking appliances used for commercial purposes was stricken, Mr. Vinas explained there is apparently a conflict with the new code about to be published.

A MOTION WAS MADE BY MR. BURR AND SECONDED BY MR. TERRY TO APPROVE ALL INTERPRETATIONS EXCEPT NOS. 11 AND 14 AS RECOMMENDED BY STAFF. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

5. **Interpretation of Chapter I, Section 118 – Two way radios Communication Enhanced Public Safety Signal Booster System, recommended by the Joint Electrical and BDA Ad-Hoc Committee**

a. **Staff Report**

Mr. Rice, Chair of Joint Committee (BDA Ad Hoc and Electrical), provided an overview of this topic. The interpretation will make it clear that a licensed professional engineer will specify the brand and model number of the bi-directional amplifier (BDA), the antenna and the component parts and that the engineer will sign for and be responsible for the system. There is no UL listing available for BDA systems. The code provides that the building official approves the systems and the question arose as to the basis for approvals. With this ~~interpretation~~interpretation, the building official can rely on the engineer. Also, UL is in the process of establishing a committee to develop a listing for BDA systems. Once UL develops a standardization, this formal interpretation will then be rescinded.

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, noted delay and difficulties with jobs because the approval process was not agreed upon and lack of information for the inspectors.

Mr. Zackria asked about guidelines. Mr. Castronovo was concerned about referencing engineer with no specificity. He plans to recommend to the chief electrical engineers to inquire who would be the assigned engineer on each job. Mr. Rice added that the guidelines in the original language indicate that the engineer should have expertise in this specific area.

b. **Board Action**

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. D'ATTILE TO APPROVE THE INTERPRETATION AS RECOMMENDED EFFECTIVE OCTOBER 13, 2017 THROUGH DECEMBER 31, 2017. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. D'ATTILE TO APPROVE THE INTERPRETATION AS RECOMMENDED EFFECTIVE JANUARY 1, 2018 FOR THE UPCOMING CODE CYCLE. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

6. **Broward County Charter Review Commission Infrastructure Subcommittee Update**

a. **Administrative Director's Report**

Mr. James DiPietro, Administrative Director, noted that there is a proposal that the County Commission would handle certifications. Numerous building officials as well as contractors spoke before the Charter Review Commission Subcommittee on two occasions. Chairman Lucas led the discussion on those two occasions. As a result, the Subcommittee changed their vote. A final decision will be made in November. Staff strongly supports that professionals, that is the Board of Rules and Appeals' membership, handle these types of matters. He would like the Board has choices concerning this matter. Option A would be to not get involved. Option B would be to vote to oppose the idea of the County Commission establishing certification criteria. Option C would be to support the idea of the County Commission establishing certification criteria. With a Board vote, it gives staff stronger marching instructions.

Chairman Lucas indicated that the Subcommittee meetings arose quickly and there was not time to hold an emergency meeting of the Board. They proceeded with certifications remaining with the Board of Rules and Appeals – Option B.

Mr. Rice commented that from his statewide experience, Broward County has the best inspection process. It speaks to the safeness of structures in this county. He stressed the importance when considering hurricanes that hit in this area. Mr. Ulmer emphasized the importance of having professionals in the field being responsible for certifications and the process. He did not think any other entity could do a better job. Mr. Falkanger felt the current system works very well and he is confident with staff's certification recommendations.

Public Comment

Chairman Lucas opened the floor for public comment.

Mr. John Travers, Building Official, City of Fort Lauderdale, emphasized the need for the Board of Rules and Appeals and its staff to function autonomously without the fear of political repercussion or interference from County agencies or the County Commission. They do not understand the Board does and that the members are appointed because of their expertise.

There was no one else wishing to speak.

b. **Board Action**

A MOTION WAS MADE BY MR. BURR AND SECONDED BY MR. ULMER DIRECTING STAFF TO FOLLOW OPTION B, OPPOSE THE IDEA OF THE COUNTY COMMISSION ESTABLISHING CERTIFICATION CRITERIA. THE MOTION PASSED BY UNANIMOUS VOTE OF 13-0.

7. **Discussion of the idea of requesting the reinstatement of the previously existing State of Florida “My Safe Florida Home” Program**

a. **Administrative Director’s Report**

Mr. James DiPietro, Administrative Director, reviewed the information in his memorandum of October 12, 2017, provided the Board, outlining the program that was available some ten years ago to better protect homes against hurricanes. This item is recommending the Board consider promoting the program, requesting the League of Cities and County Commission to include it on their request list to the State Legislature. He elaborated upon the potential insurance savings. Because the Board has never requested the County Commission or League to take a political action, he wanted to bring this fact to the Board’s attention. With the Board’s approval, he would send a letter and the agenda memorandum to the County Administrator and the League Executive Director.

b. **Board Action**

A MOTION WAS MADE BY MR. ZACKRIA AND SECONDED BY MR. RICE DIRECTING STAFF TO FORWARD A LETTER TO THE COUNTY COMMISSION AND LEAGUE OF CITIES OUTLINING THE REQUEST DESCRIBED ABOVE.

The following discussion took place before the vote was taken. Mr. DiPietro responded to the question of funding, indicating that it would be State funds and the State would have to determine a funding source. Some discussion ensued as to the State process. Mr. D’Attile pointed out that with the Board of Rules and Appeals not being a political board together with the concept of keeping certifications within its purview together with the cost, he opposed the idea.

THE MOTION FAILED BY A VOTE OF 8-5, WITH MR. FALKANGER, MR. KAMM, MR. TAYLOR, MR. BAILEY, MR. ULMER, MR. ROURKE, MR. D’ATTILE AND MR. BURR VOTING NO.

8. **2018 Board Meeting Schedule**

a. **Staff Report**

Mr. James DiPietro, Administrative Director, indicated with approval of the schedule, it will be posted on the Board’s website and appeal deadlines will be established.

b. **Board Action**

A MOTION WAS MADE BY MR. BURR AND SECONDED BY MR. FALKANGER TO APPROVE THE 2018 MEETING SCHEDULE. THE MOTION

PASSED BY UNANIMOUS VOTE OF 13-0.

9. **Director's Report** - none

10. **Attorney's Report** - none

11. **Committee Report** - none

12. **General Board Member Discussion**

Mr. Burr thanked the Administrative Director for providing the report on corruption in land use and building regulation (U.S. Department of Justice). He felt the report is useful in that it explains the Board's purpose.

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

14. **Adjournment**

Having no further business to go before the Board, the meeting adjourned at 8:56 p.m.

Jeffrey Lucas, FM, CFI, CFEI – Chair

