

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JANUARY 17, 2008

Members Present: William Derrer, **Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes	Carmen Garcia
Juan Dalla Rizza, P.E.	Jesus Gomez
Rolando Diaz, P.E.	Herbert Gopman, P.E.
Mario R. Espineira, Jr.	John Kurzman
Chief Virgil Fernandez	Myron Rosner
Alfonso Fernandez-Fraga, P.E.	Enrique Salvador
	Edward Woodward

Members Absent: Richard Horton, **Vice-Chairman**
Gregory Pierce

Staff Present: Michael Goolsby, Acting Secretary to the Board
Eduardo Gonzalez, Assistant County Attorney
Nelly Nieves, Board Secretary

Court Reporter: Tina Settel, Official Reporting Services, LLC

The meeting commenced at 1:00 P.M.

MINUTES OF DECEMBER 13, 2007

Chairman William Derrer requested a motion to **approve** the minutes of the **December 13, 2007** meeting. A motion was made by Enrique Salvador and seconded by Rolando Diaz to accept the minutes.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Marriott Dolphin Mall Project, 11201 NW 12TH Street, Permit #2006-131372, Removal of Capri Engineering, Threshold Inspector

Mr. Derrer informed the Board that this appeal is **withdrawn** from the January 17th, 2008 hearing. The appellant and the Building Official were able to resolve the issues stipulated in the appeal.

(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 – TCO EXTENSION, PERMIT No. 2003076955, J. Arteaga

John Thompson was present for the Miami International Airport. Mr. Thompson stated that all inspections were performed and the TCO extension is needed to allow completion of entire project.

A motion was made by Enrique Salvador to accept the Building Official's recommendation to grant 90-days TCO extension. Rolando Diaz seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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EMERGENCY AGENDA

A motion was made by Rolando Diaz and seconded by Enrique Salvador to hear the Emergency Agenda. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

EMERGENCY TCO/TCC APPEALS

#1 – TCO EXTENSION, PERMIT No. 2002028727, E. Perez

Mr. Bob Riley was present for the Miami International Airport. Mr. Riley stated the entire NTD project has been reorganized and, therefore, continued request for TCO extensions will be necessary.

A motion was made and seconded by Enrique Salvador to grant a 90-day TCO Extension. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 – TCO EXTENSION, PERMIT No. 045002086, R. Bloomberg

Albert Gonzalez was present for Palm Court at 23rd Street, Ltd. Mr. Gonzalez explained, that due to an ongoing legal dispute with the General Contractor for the property, the completion for the project has been delayed.

A motion was made by Rolando Diaz and seconded by Enrique Salvador to accept the Building Official's recommendation to grant a 90-day TCO Extension. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for January 17, 2008

Jorge Gamoneda, Code Compliance Specialist, presented a list of individuals for Board review for **Re-Certification for 2008** along with the Inspector Tracking System Yearly Report.

Enrique Salvador directed the members to the **Inspector Tracking System 2008 Annual Report**.

Additionally, Mr. Salvador indicated that the following individuals are being recommended for **approval for New Certification for January 2008**:

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Alvarez, Angel M.	City of Hialeah	Roofing Inspector (Commercial)
	Town of Surfside	Roofing Inspector (Residential)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Boylan, Brian D.	City of Homestead	Chief Electrical Inspector
		Plans Examiner Electrical
De Zayas, Eduardo	City of Aventura	Plans Examiner Structural
Iglesias, Jose M.	City of South Miami	Building Inspector (Structural)
		Roofing Inspector (Residential)

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<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Jurado, Manuel R. Monzo, Rafael E.	City of Hialeah Gardens City of North Miami	Plans Examiner Mechanical Electrical Inspector Plans Examiner Electrical Chief Electrical Inspector
Naumann, Carlos A. Palacios, Jose	City of Opa Locka Village of Virginia Gardens City of Miami Springs	Plans Examiner Structural Plans Examiner Plumbing Plumbing Inspector Mechanical Inspector
Perez, Jan Pierre	City of Doral Town of Golden Beach	Plans Examiner Mechanical Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical
Prieto, Rosendo E.	City of Miami Beach	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential) Chief Mechanical Inspector
Regula, Ronald	Village of Pinecrest	Plans Examiner Mechanical Building Inspector (Structural) Chief Building Inspector Chief Plumbing Inspector
Rodriguez, Frank D. Rousseau, Jose M. Zeigler, James P.	City of Miami City of Miami Gardens City of Miami Beach	

A motion was made by Salvador Enrique to accept the listed individuals for Re-Certification for 2008 and **New Certification** for **January 2008**. The motion was seconded by Edward Woodward.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

Enrique Salvador stated the following individuals are being recommended for **Rejection** for **Re-Certification** for **2008**.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Lofton, Jennifer A. ("Failure to comply with Continuing Education Requirements")	City of Sunny Isles Beach	Building Inspector (Structural) Plans Examiner Building
Springer, David ("Failure to comply with Continuing Education Requirements")	City of Florida City	Building Inspector (Structural)

A motion was made by Edward Woodward to accept those recommend for **Rejection as noted for Re-Certification for January 2008**. The motion was seconded by John Kurzman.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

Non-Agenda:

Mr. Gamoneda asked that the following individuals be **added to the list of recommended individuals for Re-Certification for January 2008**:

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Lapica, Juan E.	North Miami	Building Inspector (Structural) Plans Examiner Building Plans Examiner (Structural)
Pena, Michel F. Del Pino, Carlos A.	Miami Beach Town of Cutler Bay	Building Inspector (Structural) Building Inspector (Structural)

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REPORT # 1 continues...

A motion was made by Salvador Enrique and seconded by Edward Woodward to **accept the addition** of the three(3) names to the **Re-Certification** list for **January 2008**:

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD INFORMATION

Michael Goolsby provided the Board status on the Hurricane Mitigation Retrofit Requirements. He advised the members that the Florida Roofing & Sheetmetal Contractors Association filed a Rule challenge and, as a result, some modifications were made. Many of those modifications were in line with the Board's interpretation in a ruling last year after the requirements became effective. Mr. Goolsby indicated that this was a validation of the work done by this Board. The modifications have been noted and accepted by the Florida Building Commission. However, the legislative Rule adoption process must take place and it is anticipated to be completed by February 18, 2008.

There being no further business, the meeting was adjourned at 1:17 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF FEBRUARY 21, 2008

Members Present: William Derrer, **Chairman** Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes	Herbert Gopman, P.E.
Juan Dalla Rizza, P.E.	John Kurzman
Chief Virgil Fernandez	Gregory Pierce
Alfonso Fernandez-Fraga, P.E.	Myron Rosner
Carmen Garcia	Enrique Salvador
Jesus Gomez	Edward Woodward

Members Absent: Rolando Diaz, P.E.
Mario R. Espineira, Jr.

Staff Present: Michael Goolsby, Acting Secretary to the Board
Eduardo Gonzalez, Assistant County Attorney
Nelly Nieves, Board Secretary

Court Reporter: Tanya Settel, Official Reporting Services, LLC

The meeting commenced at 1:05 P.M.

MINUTES OF JANUARY 17, 2008

Chairman William Derrer requested a motion to **approve** the minutes of the **January 17, 2008** meeting. A motion was made, seconded and carried to accept the minutes.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Second Moorings Condo; 1551 NE Miami Gardens Dr; Case No. 20080115335; Repair/Replacement of Door

Mr. Norman Wand, President of Second Moorings Condo, addressed the Board and described the property to the members. He informed the members that the garbage area door often needs to be repaired and the FBC 2004 Section 105.2.2 guidelines are consistent with the requirements for a permit exemption for this work. Further, Mr. Wand stated the removal of the door to perform repairs in order to maintain the same design does not affect the structure of the building nor egress requirements. He suggested the Building Department allow an annual permit, if necessary.

Mr. Flavio Gomez, Unincorporated Miami-Dade County Building Department, stated that the FBC 2004 Section 105.1 requires a permit application for an exterior door. He indicated to the members that, while the respondent describes the garbage area door as only a repair to an existing door, at the time of the repair permit the Building Department can evaluate and analyze the situation. He indicated that for example, the requirement of the exterior door to have a product Notice of Acceptance or to be fire rated would be determined at the time the permit is processed by the Building Plan Processor.

After some discussion and deliberation, a motion to deny the appeal was made and seconded. The motion carried by a vote of 13-2 with John Kurzman and Carmen Garcia opposing.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, Hotel St. Michel; Building Permit No. 06110201; Existing Historic Building

Mr. Wayne Dennis, an Architect, addressed the Board on the renovation project at Hotel St. Michel. Mr. Dennis informed the Board that the hotel had sustained hurricane damage two years ago and windows had to be replaced. As part of the restoration process, he indicated that they had to go to the Coral Gables Historical Building Board; received the permit and at final inspection, additional reinforcement was required. Mr. Dennis stated they went to the window manufacturer as well as got another structural engineer for an opinion, which Mr. Dennis read to the Board attesting that the installation was adequately reinforced.

Manuel Lopez, Building Official for Coral Gables, indicated that some of the details referred to by Architect do not reflect what is in the field and in his inspector report.

John Porfiri, City of Coral Gables Inspector, stated that this is a clay tile building and he randomly inspected some vertical, some horizontal, but could not see everything since some were covered up.

Building Code Compliance Staff Iqbal Shaikh, Senior Code Compliance Specialist, and Michael Goolsby, Chief Code Compliance Division, agreed with that Building Official that this was a level one alteration requiring compliance with Chapter 10 Section 1005.1.

After further discussion and deliberation, a motion was made by Alfonso Fernandez-Fraga to approve the appellant's appeal. The motion was seconded by Herbert Gopman.

The motion carried by a vote of 12-3 with Chief Virgil Fernandez, Jesus Gomez and Myron Rosner opposing.
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #3: APPEAL OF BUILDING OFFICIAL: City of Miami; 1060 Brickell Avenue; Egress Door/Requirements

Kevin Dunn, Architect for 1060 Brickell Avenue, addressed the Board on the installation of two in swing doors, which do not carry a Notice of Acceptance for water infiltration and impact. Mr. Dunn indicated that they were looking for some relief on the means of egress and structural envelope compliance as it relates to Chapter 16. In that regard, Mr. Dunn proposed the use of removal storm panels on those two locations. He indicated that there are very few aluminum inswing doors available. Further, Mr. Dunn referred to a letter of "Statement of Inspection" by the Special Inspector on the project stating the aluminum door manufacturer has submitted an application for product approval.

Joe Ferras, Building Official for City of Miami, stated that there is a have problem with the fact that these doors do not have Notice of Acceptance and because of this he brought it to the Board.

Ishaq Chanda, Product Control Examiner, informed the Board that it was their position that there are approved doors available, which may meet these conditions.

Eduardo Fernandez, Code Compliance Specialist, stated the department agrees with the Building Official that these doors are in violation of the Code Section 1012.1.2. and Section 2411.3.2.1. Mr. Fernandez suggested architect sit with Building Official to resolve.

Mr. Michael Goolsby, Code Compliance Division Chief, stated the shutter proposal was only for impact and not for wind and under review and not yet approved.

After much discussion, the appellant stated to the Board members that he will accept staff's recommendation to meet with the Building Official to resolve this issue and withdrew his appeal at this time.

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TCO/TCC APPEALS

#1 TCO EXTENSION, PERMIT No. 2003017623, J. Arteaga

John Thompson was present for the Miami International Airport. Mr. Thompson stated the request for extension related with to the phasing of the project with different areas which are all under the same permit.

A motion was made by Enrique Salvador and seconded to grant a 90-day TCO Extension.
The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#1 TCO EXTENSION, PERMIT No. 2003026424, J. Arteaga

John Thompson was present for the Miami International Airport. Mr. Thompson informed that the American Airlines Break Room is complete but work is progressing on the other portions of the project.

A motion was made by Enrique Salvador and seconded to grant a 90-day TCO Extension.
The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for February 21, 2008

Jorge Gamoneda, Code Compliance Specialist, presented a list of individuals for Board review for New Certification of Building Official, Plans Examiners and Inspectors for February 2008.

The following individuals were being recommended for **approval** for **New Certification** for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Diaz, Lisandro	City of Miami Gardens	Plans Examiner Electrical (Res.)
Ensenat, Carlos	Village of Virginia Gardens	Plans Examiner Structural
Naranjo, Ismael	City of Miami Springs	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Perez, Jan Pierre	City of Opa Locka	Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical
Ramos, Claudio	City of Coral Gables	Chief Building Inspector
Reyes Jr., Albert	City of Coral Gables	Chief Electrical Inspector
Russell, Roy R.	City of Miami	Plumbing Inspector

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Continues...

REPORT # 1 Certification Subcommittee Report for February 21, 2008

Enrique Salvador directed the Board to the referenced list and made a motion to accept. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

The following individual is being recommended for **Rejection** for **Re-Certification** for **February 2008**.

INSPECTOR:

REPRESENTING:

DISCIPLINE:

Carranza, Eduardo V.

City of Miami Beach

Plans Examiner Building

("Applicant does not have the 5 years experience requirement with the CGC License, stipulated in the Miami-Dade County Code, Section 8-21.2(C)(3)")

A motion was made by Chief Virgilio Fernandez to accept the recommendation for rejection for re-certification of named individual. The motion was seconded

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT # 2 2008 Sunset Review Report

Kathy Charles, Director of the Building Code Compliance Office Policy, Operations and Board Administration, addressed the Board on this report stating that the Sunset Review has moved to a Bi-Annual Report. She indicated that this report covers calendar year 2006 and 2007 with the format remaining primarily the same from previous submissions. However, Ms. Charles stated that, because it is the Board's report to the Board of County Commissioners on the Board's activity, it is presented to the Board in order to allow for changes that the Board feels are appropriate.

The Chairman, William Derrer asked for an addition to item # 5: "Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created?" Mr. Derrer incorporated that the following language be added, "Additionally, the Board has requested modification to Chapter 8 to allow consideration of experience in certifying Code personnel" which is a proposed ordinance by Commissioner Barreiro. A motion was made by Thomas Utterback to accept the report as modified. Chief Virgilio Fernandez seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

There being no further business, the meeting was adjourned at 3:00 P.M.

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TCO/TCC APPEALS – Continues...

#3 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; North Terminal Development Program; Project No. B760A; Permit No. 2003076955; J. Arteaga

John Thompson was present for the Miami International Airport.

A motion was made by Mario Espineira and seconded by Enrique Salvador to grant a 90-day TCO Extension. The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

EMERGENCY AGENDA

TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport Hotel; NOV Repairs-North Side; Permit No. 2005-019389; A. Timothy

Anthony Timothy was present for the Miami International Airport Hotel.

A motion was made by Enrique Salvador and seconded by Rolando Diaz to grant a 90-day TCO Extension. The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for March 20, 2008

Jorge Gamoneda, Code Compliance Specialist, submitted a list of individuals for Board review for New Certification of Building Official, Plans Examiners and Inspectors for March 2008.

The following individuals were being recommended for **approval** for **New Certification** for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Blanco, Orlando L.	City of Aventura	Plans Examiner Structural
Good, William A.	City of Homestead	Mechanical Inspector Plans Examiner Mechanical
Pascual, Alejandro	City of Miami	Building Inspector (Structural)
Perez-Vichot, Manuel	Village of Virginia Gardens	Building Inspector (Structural) Plans Examiner Building
Velazco, René	City of Doral	Roofing Inspector (Commercial) Roofing Inspector(Residential)

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Continues...

REPORT #1: Certification Subcommittee Report for March 20, 2008

Enrique Salvador directed the Board to the referenced list and made a motion to accept. The motion was seconded by Rolando Diaz.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 2701 LeJeune Road – Office Building; 2004 FBC Section 1006; Fire Rated Passage

Mr. Jose Gonzalez, Vice-President of Flagler Development Group, addressed the Board on this matter regarding a fire rated passage. He indicated that he was seeking some relief from the Board. Mr. Gonzalez stated that they will meet the 2007 version of the Florida Building Code.

Mr. John Porfiri, Coral Gables Inspector, informed the Board that all discharge has to be through an exit enclosure. He commented that changes in the Code is the issue here. The old 2001 Code allowed for 50% discharge through the lobby and required at least 50% must exit directly to the outside through an exit enclosure. Mr. Porfiri stated that this was taken out in the 2004 Code and more specifically now requires a smoke proof enclosure to an exit passage way.

Kevin Carrier, Building Code Specialist, indicated that the appellant's building does not conform to the requirements of the 2004 Edition of the Florida Building Code for Enclosure Exits. He indicated that staff was in agreement with the Building Official that the appellant's building is not in compliance with the Florida Building Code Section 1019.1.8.1. Mr. Carrier further stated that the 2007 Edition of the Florida Building Code does have some exceptions that allow the main lobby area of the building to be in compliance as designed with the enclosure exits and exit discharge; as long as 1020.1.1, 1020.1.7.1 and 1024 are followed and accepted by the Building Official.

A motion was made by Enrique Salvador to deny the appeal. The motion was seconded by Rolando Diaz and open discussion continued.

Michael Goolsby, Code Compliance Division Chief, stated the Florida Building Code requires that the provision in effect at the time a building permit is applied for must apply to the building in its entirety. Additionally, Mr. Goolsby commented that a Code that is not yet in existence cannot be applied or enforced.

Mr. Porfiri advised the Board that an alternative approach had been offered to the appellant.

The Chairman stated an alternative is at the discretion of the Building Official and if some agreement is reached with the Building Official, then the Respondent does not need to come back before the Board.

At this time, the appellant, Mr. Gonzalez, withdrew his appeal.

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APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; Flagler Station Bldg.; 1300-10315 NW 112 Ave; Permit No. C2007186142; NFPA 101 Paragraph 7.2.2.2.1(A); Exception NFPA 202 Table 40.2.5.2.1; FBC Paragraph 1009.3 Exception (7) Roof Access Stairway/Roof Hatch

Mr. Jose Gonzalez, Vice-President of Flagler Development, addressed the Board stating the Building Official has requested a pop-out with a stair enclosure instead of a roof hatch. Mr. Gonzalez stated that two architects reviewed this matter concluding that the Code does not say it needs an enclosure at the top. Mr. Gonzalez emphasized to the Board that this stairway is merely being used to service equipment.

Mr. Flavio Gomez, Unincorporated Dade County Building Department, read to the members the opinion of the Building Official per FBC 2004 Section 1009.12, "buildings four stores or more in height, except those with a roof slope greater than 4:12, shall be provided with a stairway to the roof. Such stairway shall be marked at street and floor levels with a sign indicating that it continues to the roof." Mr. Gomez indicated this Code section does not offer any exceptions. Further he read "there is no relief from the requirements of Section 1009.12 if the roof is to be unoccupied or accessed only for maintenance". Mr. Gomez stressed the importance of compliance for fire department access during a fire event.

Mr. Gonzalez submitted photographs to the Board members of similar arrangements in their other buildings.

Kevin Carrier, Building Code Specialist, stated that the appellant is attempting to use the exception in FBC, Section 1009.3(7), Life Safety Code 101; 7.2.2.2.1(a) and Table 40.2.5.2.1; Industrial Equipment Access, to be accepted in lieu of conventional stair requirements.

After much discussion and deliberation, a motion was made by John Kurzman to approve. The motion died for lack of a second.

Another motion was then made by Rolando Diaz to deny and seconded by Enrique Salvador.
The motion carried by a vote of 12-1 with Mr. Kurzman opposing.
(For a verbatim version of the aforementioned item, refer to the transcript.)

NON-AGENDA DISCUSSION

Michael Goolsby advised the Board that the Crane Ordinance passed and wanted to congratulate Richard Horton on his efforts with the legislation. He also stated that these provisions were needed to provide safety in this area.

Additionally, Mr. Goolsby reminded the Board members of the young lady who appeared before them describing a tragedy in her family that was the result of carbon monoxide poisoning. He read provisions of the new regulation that will require these types of carbon monoxide alarm systems to be installed effective July 1, 2008.

BUILDING CODE AMENDMENTS

City of Miami Resolution; January 2, 2008 letter; FBC Section 105.4.1; Permit Intent/Application

Jose Ferras, Building Official for the City of Miami, presented a Resolution on behalf of the City of Miami Commission, the City Administration, and himself for the Board's assistance regarding a time limitation on permits. He further described the proposed amendment to the Florida Building code and Chapter 8. Mr. Ferras referenced a case that had previously come before the Board on December 18, 2003 regarding a 1997 residential building permit for 2351 SW 21 Street, that is still ongoing. Mr. Ferras commented that this case is listed on the agenda for discussion but that he has been advised that the case cannot be reheard.

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BUILDING CODE AMENDMENTS – continues...

Michael Goolsby, Code Compliance Division Chief, indicated that the proposed language relates to the Florida Building Code and Chapter 8, however, the referenced residence is under the South Florida Building Code.

Eduardo Fernandez, Code Compliance Specialist, addressed the Board and informed the members that the Building Code Compliance Office believes that the Florida Building Code has provision for this situation. Mr. Fernandez stated the Code calls for an approved inspection process and it is up to the Building Inspector to reject renewal of an expired permit.

Jacqueline Martinez, owner of the referenced property was present along with her fiance Joe Hernandez. Mr. Hernandez informed the Board that they live across the street from the property, keep it clean, grass-cut and that the reason for the delay is that they have been covering the cost of construction out-of-pocket. Further, Mr. Hernandez stated that they are entitled to call for partial inspection and the envelope is secure. Mr. Hernandez provided the Board members with current photographs of the residence and indicated they expect to be done this year.

Mr. Goolsby indicated the City has the ability to place a modification for the Building Code.

After some discussion and deliberation, a motion was made by Enrique Salvador to deny the request to adopt City of Miami Resolution. The motion was seconded by Thomas Utterback.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

DISCUSSION

Building Official Update: 2351 SW 31 Street; Progress of Construction

Jose Ferras, Building Official for the City of Miami, gave his update on this property during the course of his above-mentioned Resolution to requesting a Building Code Amendment. The referenced property owner was present and briefly addressed the Board on the status of the construction and expected time of completion. **No action was taken by the Board** as a discussion item.

There being no further business, the meeting was adjourned at 2:58 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF APRIL 17, 2008

Members Present: Richard Horton, **Vice-Chairman** Thomas Utterback, **Sergeant at Arms**
J. Robert Barnes Herbert Gopman, P.E.
Juan Dalla Rizza, P.E. John Kurzman
Rolando Diaz, P.E. Gregory Pierce
Alfonso Fernandez-Fraga, P.E. Myron Rosner
Jesus Gomez Enrique Salvador

Members Excused: William Derrer, **Chairman**
Mario R. Espineira, Jr.
Chief Virgil Fernandez
Edward Woodward

Members Absent: Carmen Garcia

Staff Present: Michael Goolsby, Acting Secretary to the Board
Eduardo Gonzalez, Assistant County Attorney
Nelly Nieves, Board Recording Secretary

Court Reporter: Elaine Dahan, Official Reporting Services, LLC

The meeting commenced at 1:20P.M.

MINUTES OF MARCH 20, 2008

The Vice-Chairman, Richard Horton, began the meeting and brought to the Board's attention a correction to the referenced minutes. Specifically, he indicated that under the heading of Building Code Amendments on Page 5 sentence after fourth paragraph the text "as a local technical amendment" have been deleted. Mr. Horton then requested a motion to **approve** the minutes of the **March 20, 2008** meeting as amended. A motion was made by Gregory Pierce and seconded by John Kurzman to accept the minutes. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; MDAD Project No. H010A/B315A South Terminal Program; Permit No. 2003028830; J. Gonzalez

Gary Abernathy was present for Miami International Airport.

A motion was made by Gregory Pierce and seconded by Thomas Utterback to grant a 90-day TCO Extension. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

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REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; South Winds Condominium; Permit No. 2007056735; Manuel Blanco

Michael Goolsby, Code Compliance Division Chief, commented he felt these appeals (Appeal # 1 and Appeal # 2) were improper for the Board. He stated that these appeals were based on a Fee Sheet Application within the Unincorporated Miami Dade County Building Department and was not a matter governed by the Building Code. Therefore, these appeals were outside the purview of the Board.

The Chairman asked for the Assistant County Attorney's opinion.

County Attorney Eduardo Gonzalez indicated that the issue appears to be solely regarding the Electrical Fee Sheet Application and does not involve an issue that is governed under the Board's jurisdiction as outlined in Chapter 8. Additionally, he stated that an appeal should be filed by an aggrieved person.

Mr. Gomez asked the respondent, Mr. Manuel Blanco to identify himself and his relationship to the issue.

Mr. Blanco indicated that he was a unit owner at the permitted property.

Mr. Gomez stated this was not an issue of fee on a Fee Schedule Application but there appears to be a concern about a permit category that the appellant is objecting to even though the Building Official accepted the category.

Mr. Blanco addressed the Board again and stated the issue is not about fee, but it is about the proper permit category used. He then described what work the Electrical Contractor actually performed.

A motion was made by Thomas Utterback that this appeal was improperly before this Board. The motion was seconded by Alfonso Fernandez-Fraga.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; South Winds Condominium; Permit No. 2008017709; Manuel Blanco

Manuel Blanco addressed the Board stating the Fee Schedule showed six outlets, which is submitted as part of the recent documents; but, in fact indicated that there were at least 16 installed and therefore he believed only six were inspected.

Mr. Victor Lombardi, Electrical Division Acting Director of Miami-Dade County Building Department, informed the Board that whatever was installed was inspected.

Mr. Diaz stated this is an issue between respondent and the Building Department.

Mr. Diaz made a motion that this appeal is improperly before this Board.

The motion was seconded and **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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REPORT: Certification Subcommittee Report for April 2008

Jorge Gamoneda, Code Compliance Specialist, submitted a list of individuals for Board review for New Certification of Building Official, Plans Examiners and Inspectors for April 2008.

The following individuals were being recommended for **approval** for **New Certification** for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Alvarez, Angel M.	Town of Miami Lakes	Building Inspector (Structural)
Arronte, Miguel T.	City of Miami Gardens	Plans Examiner Building
Baez, Jesus J.	Village of Pinecrest	Roofing Inspector (Commercial)
Bazerman, Stuart	Miami-Dade County	Building Inspector (Structural)
		Plans Examiner Building
Donovan, Kevin J.	Town of Surfside	Building Inspector (Structural)
		Plans Examiner Building
Eisen, Jaime M.	Town of Bay Harbor Islands	Plans Examiner Structural
Fernandez, Mariano V.	City of Miami Gardens	Plans Examiner Structural
Good, William A.	City of Homestead	Chief Mechanical Inspector
Perez, Jan Pierre	City of Sweetwater	Chief Mechanical Inspector
		Mechanical Inspector
		Plans Examiner Mechanical
Piñon, Raul A.	Village of Pinecrest	Building Inspector (Structural)
		Plans Examiner Building
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Saez, Jose A.	City of Sweetwater	Mechanical Inspector

Mr. Goolsby directed the Board to the referenced list and requested a motion to accept. A motion was made by Rolando Diaz and seconded by Myron Rosner to approve those listed for new certification.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Goolsby then informed the Board that the following individual is being recommended for **Rejection** for **Re-Certification** for 2008 for lack of a mechanical license. A motion was made by Rolando Diaz and seconded by Gregory Pierce to deny his re-certification.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Hernandez, Orlando R.	Village of El Portal	Plans Examiner Mechanical
		Plans Examiner Mechanical (Res.)

(“Applicant must be certified as a Miami-Dade County Master General Mechanical or a Florida CILB Mechanical Contractor for at least one year”)

There being no further business, the meeting was adjourned at 1:40 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF MAY 15, 2008

Members Present: William Derrer, **Chairman**
Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes
Juan Dalla Rizza, P.E.
Rolando Diaz, P.E.
Mario R. Espineira, Jr.
Chief Virgil Fernandez
Alfonso Fernandez-Fraga, P.E.

Jesus Gomez
Herbert Gopman, P.E.
John Kurzman
Gregory Pierce
Enrique Salvador

Members Excused: Myron Rosner
Edward Woodward

Members Absent: Carmen Garcia

Staff Present: Richard Seavey, Assistant County Attorney
Michael Goolsby, Acting Secretary to the Board
Nelly Nieves, Board Recording Secretary

Court Reporter: Tanya Settel, Official Reporting Services, LLC

The meeting commenced at 1:14 P.M.

MINUTES OF APRIL 17, 2008

Mr. Derrer requested a motion to **approve** the minutes of the **April 17, 2008** meeting. A motion was made by Chief Virgil Fernandez and seconded by Enrique Salvador to accept the minutes. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; 23799 S.W. 162 Avenue; Permit Requirements/Non-Residential Farm Building; Florida Statute Section 604-50; Augusto Maxwell

Mr. Derrer informed the Board that the appellant requested that this appeal be **deferred** from the May 15th, 2008 hearing. (Letter indicating deferral request is on file.)
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; Siegel Gas, Inc., 7400 N.W. 30 Avenue; Staircase Ancillary FBC Railroad; Building Permit Exemption; FBC Section 102.2(b); Michael Marrero

Mr. Derrer informed the Board that the appellant requested that this appeal be **continued** from the May 15th, 2008 hearing. (Letter indicating continuance request is on file.)
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #3: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; New Hope Missionary Baptist Church; 1881 N.W. 103 Street; Code of Miami Dade County; Parking Lot Lighting; Ord. #96171, Section 8C-3; Pastor Randall Holts

(Mr. Alfonso Fernandez-Fraga recused himself from this appeal item and left the room.)

Bishop Randall Lee Holts, Senior Pastor of New Hope Baptist Church, addressed the Board stating that they were asking for an exception on the candle lighting requirement. He explained that they are building a 3,000 square foot addition to the existing facility. Further, Mr. Holts stated that 75 to 80 percent of their operation takes place in the daylight time. Additionally, Mr. Holts informed the Board members that the property is gated and they have security surveillance surveilling the parking lot area. Mr. Holts concluded by asking that everything else be considered and that they be allowed to proceed with their addition without having to enhance the parking lot lighting. Mr. Holts commented that otherwise it would place an undue burden on the Church.

Victor Lombardi, Acting Electrical Division Director for Miami-Dade County Building Department, addressed the Board. Mr. Lombardi stated that there are no exceptions in Chapter 8 (c) (3) of the Code which exempts compliance with this level of illumination.

The Assistant County Attorney Richard Seavey referred the Board members to the excerpt from the Dade County Code on illumination which groups parking lots. Mr. Seavey stated that the Church is in Group A, assembly-type structure, and read that section of the ordinance on the lighting requirements.

Further discussion among the members took place as to what constitutes an open parking lot.

Michael Goolsby, Chief Code Compliance Division, informed the Board that they had looked at the issue of "open", as it relates to parking lots and came up with three scenarios. Mr. Goolsby stated that in each of the scenarios, he believes this situation fails. Those scenarios are: open to the sky; open to the public and enclosed.

Oriol Haage, Code Compliance Specialist, pointed out to the Board that this section of the Code does not look at expansion of a property or new property. He explained that this area is retroactive to existing properties and you would have to look at it as it stands right now.

Mr. Goolsby commented that this Illumination Ordinance is based on the concept of safety for the public.

After much discussion and deliberation a motion was made by Thomas Utterback to deny the appeal. The motion was seconded by Enrique Salvador.

The motion **carried by a vote of 12-1 with Mario Espineira opposing.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #4: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; Miami International Airport Terminal Roof; Permit No. 2007-077831; Roofing Application of SPF; FBC RAS 109, RAS 111, RAS 109-A; Tim McKeon

Mr. Derrer informed the Board that the appellant requested that this appeal be **withdrawn** from the May 15th, 2008 hearing. (Letter indicating withdrawal request is on file.)

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #5: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; South Winds Condominium; 9300 West Flagler Street; Permit No. 2008017709; NEC/AC Disconnect Switch and Connection; Manuel Blanco

Mr. Derrer informed the Board that the appellant requested that this appeal be **deferred** from the May 15th, 2008 hearing. (Letter indicating deferral request is on file.)

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD DISCUSSION: Electronic Plans Submittal, Unincorporated Dade County, Building Department

The Board Secretary Nelly Nieves informed the Chairman and the Board members that the Building Department requested that this item be **deferred** from the May 15th, 2008 hearing.
(For a verbatim version of the aforementioned item, refer to the transcript.)

EMERGENCY TCO/TCC APPEAL

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, Project No. 739G; C-D Infill Ramp Interior Finish; Permit No. 2003-01763; Juan Carlos Arteaga.

A motion was made by Enrique Salvador and seconded by John Kurzman to grant a 90-day TCO Extension. The motion carried unanimously.
(For a verbatim version of the aforementioned item, refer to the transcript.)

NON-AGENDA DISCUSSION re: Certification

Enrique Salvador asked for a Sub-Committee meeting to commence at 10:00 A.M. next month, June 19 with the Certification Sub-Committee for the purpose of clarifying and interpreting the licensure requirements under Chapter 8 for Chief Mechanical Inspector and Mechanical Plan Examiners. Mr. Salvador informed the members that there are 23 mechanical specialty categories to review and the experience holding a license for the purpose of certification. John Kurzman volunteered for the review. Mr. Salvador stated he will notify and contact the members to assist with this workshop.

After some deliberation, the Board ruled at this meeting that the required years of experience before applying for Chief Mechanical Inspector and Mechanical Plan Examiners can be considered under either: Miami-Dade Construction Trades Qualifying Board (CTQB) Mechanical Specialty Contractor Certification or the Florida Construction Industry Licensing Board (CILB) Contractor Certification as an A/C "A" or A/C "B" Class. Further, that the applicant at the time of the certification application hold a certification as a Master General Mechanical Contractor License issued by the CTQB or be certified as a Mechanical Contractor by the CILB.

REPORT:
Certification Subcommittee Report for May 2008

Jorge Gamoneda, Code Compliance Specialist, submitted a list of individuals for Board review for **New Certification of Building Official, Plans Examiners and Inspectors** for May 2008.

The following individuals were being recommended for **approval** for **New Certification** for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Calderin, Juan F. Castillo, Orestes	City of Miami Town of Cutler Bay	Mechanical Inspector Electrical Inspector Plans Examiner Electrical
De Young, Darrell G.	Town of Bay Harbor Islands	Electrical Inspector Plans Examiner Electrical
Figueroa, Frank P.	Village of Key Biscayne	Plans Examiner Plumbing Plumbing Inspector
Gioia, Paul A.	City of Opa Locka	Building Official

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REPORT: Certification Subcommittee Report for May 2008

Monzo, Rafael E.	City of Miami Beach	Electrical Inspector Plans Examiner Electrical Mechanical Inspector
Sariego, Jorge L.	Village of Pinecrest	Plans Examiner Building Building Inspector (Structural)
Singh, Narinder	City of Miami Beach	Roofing Inspector (Commercial) Roofing Inspector (Residential)
Tarafa, Rene F.	City of South Miami	Plans Examiner Building Mechanical Inspector
Zuñiga, Juan F.	City of Sunny Isles Beach	

A motion was made by John Kurzman and seconded to approve those listed for new certification.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

The following individual is being recommended for **Rejection** for **Re Certification** for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Sariego, Jorge L.	Town of Miami Lakes	Plans Examiner Mechanical

(“Applicant lacks the five years experience under the Mechanical Contractor license as required by Chapter 8, Section 21.3).

A motion was made by Enrique Salvador and seconded by Chief Virgil Fernandez to **approve** his re-certification as the result of the non-agenda discussion.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

There being no further business, the meeting was adjourned at 2:05 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JUNE 19, 2008

Members Present: William Derrer, **Chairman**
Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes
Juan Dalla Rizza, P.E.
Rolando Diaz, P.E.
Mario R. Espineira, Jr.
Chief Virgil Fernandez
Alfonso Fernandez-Fraga, P.E.

Carmen Garcia
Jesus Gomez
Gregory Pierce
Myron Rosner
Enrique Salvador
Edward Woodward

Members Excused: Herbert Gopman
John Kurzman

Staff Present: Eduardo Gonzalez, Assistant County Attorney
Michael Goolsby, Acting Secretary to the Board
Nelly Nieves, Board Recording Secretary

Court Reporter: Tanya Settel, Official Reporting Services, LLC

The meeting commenced at 1:12 P.M.

MINUTES of May 15, 2008

Mr. Derrer requested a motion to **approve** the minutes of the **May 15, 2008** meeting. A motion was made and seconded to accept the minutes.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; 23799 S.W. 162 Avenue; Permit Requirements/Non-Residential Farm Building; Florida Statute Section 604-50; Augusto Maxwell

Mr. Derrer informed the Board that the appellant withdrew his appeal.
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; Siegel Gas, Inc., 7400 N.W. 30 Avenue; Staircase Ancillary FBC Railroad; Building Permit Exemption; FBC Section 102.2(b); Michael Marrero

Mr. Derrer informed the Board that the appellant requested that this appeal be **continued** from the June 19, 2008 hearing.
(For a verbatim version of the aforementioned item, refer to the transcript.)

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APPEAL #3: APPEAL OF BUILDING OFFICIAL: Village of Pinecrest; Sheet Metal Roofing Tech Inc. 11600 SW 68th Street; Metal Roof Slope 1 1/2 X 12

Bruce Popowski of Sheet Metal Roofing Tech Inc. indicated that he was appealing the denial of a roof permit application for the re-roofing and installation of a metal roof where the slope is 1 ½ x 12. Mr. Popowski stated they were looking for a resolution to allow them to install this product.

Building Official Leo Llanos explained that, per the 2004 FBC, the metal roof does not meet the minimum slope requirements as shown in table R4402.4.2.

The homeowner, Steve Miller, was present and advised the Board that he has been living with leaks for the past 10 years and would like to have a solid roof.

Various Board members had concerns with Section 1515 of the High Velocity Hurricane Zones – Performance Requirements as it pertains to weatherproofing, uplift and fire rating. Information was provided on product approval requirements addressing those areas.

After much discussion and deliberation a motion was made by Gregory Pierce and seconded to reverse the decision of the Building Official on the permit to allow the installation.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

NOA QUALITY ASSURANCE APPEAL #1

Robert Frankel, attorney for Zion Tile Corporation (“Zion”), indicated that he was appealing the Building Code Compliance Office – Product Control Division’s Notice of Proposed Action for removal of a Notice of Acceptance (“NOA”). Mr. Frankel addressed the Board and briefed them on his client’s business practice of 20 years indicating that what happened was an oversight. He stated that non-conforming roof tile was mistakenly picked up from the Zion facility by a truck driver instead of the compliance tile and installed at a job site without any intent to misrepresent and/or deceive anyone. Mr. Frankel apologized for the confusion and asked that this decision not be sustained and the product approval be allowed to be maintained. Further, Mr. Frankel informed the Board that Zion has nine (9) other Notice of Acceptances. He also indicated that Zion has revised their Quality Assurance Plan and offered to present a video of Zion’s facility showing the new measures they have taken so that this would not happen again. Additionally, Mr. Frankel stated his client takes responsibility and want to be given an opportunity to correct the roof work, at their expense, where the wrong tile was used.

Jaime Gascon, Chief of Product Control Division, advised the Board that there is no problem with their other nine (9) products. However, he stated that based on a complaint, the division is seeking to revoke the Notice of Acceptance for non-compliance. Mr. Gascon informed the Board that a revised section of their Quality Assurance Plan document was provided but not accepted as a partial submission.

Michael Goolsby, Chief of Code Compliance Division, stated to the Board members that based on Administrative Order 10-3 the department has the authority to rescind an NOA. However, the real issue is whether the Quality Assurance Plan has the appropriate preventive measures in place to avoid this sort of occurrence.

After much discussion and deliberation, a motion was made by Tom Utterback for suspension of NOA until acceptable Quality Assurance Plan submitted. The motion was seconded by Myron Rosner.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, Project 741E/739F "D" Extension; Permit No. 2002028727; Enrique Perez.

John Thompson was present representing the Miami-Dade Aviation Department. The Chairman noted that the Building Official's recommendation was for 90 days, however, the Fire Department is limiting to 30 days. Mr. Thompson stated need 90 days.

A motion was made by Rolando Diaz and seconded to grant a 30-day TCO Extension.
The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, Project 739H D-Connector Finish; Permit No. 2003026424; Juan Carlos Arteaga.

John Thompson was present representing the Miami-Dade Aviation Department.

A motion was made by Edward Woodward and seconded by Enrique Salvador to grant a 90-day TCO Extension.
The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

#3 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, Project 747G AA Aircraft Maintenance; Permit No. 2006112852; Juan Carlos Arteaga.

John Thompson was present representing the Miami-Dade Aviation Department.

A motion was made by Rolando Diaz and seconded by Gregroy Pierce to grant a 90-day TCO Extension.
The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT:

Certification Subcommittee Report for June 2008

Jorge Gamoneda, Code Compliance Specialist, submitted a list of individuals for Board review for **New Certification of Building Official, Plans Examiners and Inspectors** for June 2008.

The following individuals are being recommended for **approval** for **New Certification** for 2008.

INSPECTOR:

Agbenohevi, Emmanuel K.
Annese, Richard
Ashraf, Syed M.
Blanco, Luis A.
Castañeda, Julio
Castillo, Orestes
Castrodad, Eladio

REPRESENTING:

City of Miami Gardens
Town of Medley
City of North Miami
City of Miami Beach
City of Miami Springs
Village of Palmetto Bay
City of North Bay Village

DISCIPLINES:

Plans Examiner Building
Plans Examiner Building
Plans Examiner Structural
Plans Examiner Mechanical
Mechanical Inspector
Electrical Inspector
Building Inspector (Structural)
Plans Examiner Building
Plans Examiner Structural

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REPORT: Certification Subcommittee Report for June 2008

INSPECTOR:

Citarella, Victor J.
Corcuera, Gonzalo
Deso, Jr., David

Gioia, Paul A.
Gomez, Justo E.
Izquierdo, Gilberto E.

REPRESENTING:

City of South Miami
City of Doral
City of Hialeah
City of Miami Springs
City of North Bay Village
City of Miami Beach
City of Miami

DISCIPLINES:

Building Official
Plans Examiner Mechanical
Plans Examiner Mechanical
Mechanical Inspector
Chief Building Inspector
Chief Mechanical Inspector
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Plans Examiner Building
Plans Examiner Structural
Building Inspector (Structural)
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Plans Examiner Mechanical
Mechanical Inspector
Plans Examiner Mechanical
Plans Examiner Mechanical (Res.)
Plans Examiner Structural

Llanos, P.E., Leo

Village of Palmetto Bay

Reyes, Rene

City of Doral

Rodriguez, Alberto
Saez, Jose A.
Salazar, Manuel A.

City of Miami
Village of Key Biscayne
City of Coral Gables

Valdes, Robert L.

City of Miami Beach

A motion was made by Enrique Salvador and seconded by Edward Woodward to approve those listed for new certification.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

NON-AGENDA DISCUSSION re: Certification

Enrique Salvador notified the Board members that a Sub-Committee meeting is scheduled for Thursday, July 17, 2008 to commence at 10:00 A.M. with the Certification Sub-Committee for the purpose of clarifying and interpreting the licensure requirements under Chapter 8 for Chief Mechanical Inspector and Mechanical Plan Examiners. Mr. Salvador informed the members that there are 23 mechanical specialty categories with prerequisite experience holding a license for the purpose of certification that need to be reviewed. Mr. Salvador then asked volunteers to assist with this workshop.

BOARD DISCUSSION

ELECTIONS – Board Chairperson and Vice-Chairperson

A motion was made by Richard Horton and seconded by Gregory Pierce to nominate William Derrer for Chairman.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

A motion was made by Gregroy Pierce and seconded by Tom Utterback to nominate Richard Horton for Vice-Chairman.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

There being no further business, the meeting was adjourned at 2:30 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JULY 17, 2008

Members Present: Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes	Carmen Garcia
Juan Dalla Rizza, P.E.	Herbert Gopman
Rolando Diaz, P.E.	John Kurzman
Mario R. Espineira, Jr.	Gregory Pierce
	Enrique Salvador

Members Excused: William Derrer, **Chairman**
Alfonso Fernandez-Fraga, P.E.
Jesus Gomez
Myron Rosner
Edward Woodward

Members Absent: Chief Virgil Fernandez

Staff Present: Eduardo Gonzalez, Assistant County Attorney
Michael Goolsby, Acting Secretary to the Board
Nelly Nieves, Board Recording Secretary

Court Reporter: Tanya Settel, Official Reporting Services, LLC

The meeting commenced at 1:29 P.M.

MINUTES of JUNE 19, 2008

Mr. Horton requested a motion to **approve** the minutes of the **June 19, 2008** meeting. A motion was made by Gregory Pierce and seconded by Tom Utterback to accept the minutes.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables; 2020 Ponce De Leon Blvd; Application No. 08036082; FBC Section 103.7 Sprinkler Heads; Melissa Tapanes Llahues

Mr. Horton informed the Board that this appeal was withdrawn by the appellant.

(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, MDAD Project No. H010A South Terminal Program, CM @ Risk; Permit No. 2003028830; Juan Gonzalez.

Gary Abernathy was present representing Dade Aviation Consultants.

A motion was made by Enrique Salvador and seconded by Tom Utterback to grant a 90-day TCO Extension.

The **motion carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; MDAD Project No. H010A South Terminal Program, CM @ Risk; Permit No. 2003009007; Juan Gonzalez.

Gary Abernathy was present representing Dade Aviation Consultants.

Continues...

#2 TCO EXTENSION

A motion was made by John Kurzman and seconded by Tom Utterback to grant a 90-day TCO Extension.
The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

#3 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, MDAD Project No. H010A South Terminal Program, CM @ Risk; Permit No. 2002109076; Juan Gonzalez.

Gary Abernathy was present representing Dade Aviation Consultants.
A motion was made by Enrique Salvador and seconded by Robert Barnes to grant a 90-day TCO Extension.
The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

#4 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, MDAD Project No. H010A South Terminal Program, CM @ Risk; Permit No. 2002109071; Juan Gonzalez.

Gary Abernathy was present representing Dade Aviation Consultants.
A motion was made by Gregory Pierce and seconded by Tom Utterback to grant a 90-day TCO Extension.
The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

#5 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, MDAD Project No. H010A South Terminal Program, CM @ Risk; Permit No. 2002108242; Juan Gonzalez.

Gary Abernathy was present representing Dade Aviation Consultants.
A motion was made by Enrique Robert Barnes and seconded by Gregory Pierce to grant a 90-day TCO Extension.
The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT:

Certification Subcommittee Report for July 2008

Jorge Gamoneda, Code Compliance Specialist, submitted a list of individuals for Board review for **New Certification of Building Official, Plans Examiners and Inspectors for July 2008**.

The following individuals are being recommended for **approval** for **New Certification** for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Bender, Donald H.	Town of Cutler Bay	Plumbing Inspector
Bistolfi, Juan A.	City of Miami Beach	Plans Examiner Building
Castrodad, Eladio	City of Aventura	Plans Examiner Building
		Plans Examiner Structural
Fernandez, Daniel R.	Village of Pinecrest	Electrical Inspector
		Plans Examiner Electrical
Fernandez, Ulises A.	City of Hialeah	Roofing Inspector (Commercial)
		Roofing Inspector (Residential)

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REPORT: Certification Subcommittee Report for July 2008

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Gutkin, Leonard	Town of Bay Harbor Islands	Electrical Inspector
Mantilla, Evelio	City of Hialeah	Plans Examiner Electrical
		Building Inspector (Structural)
		Plans Examiner Building
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
McConachie, Richard L.	City of Miami Beach	Building Inspector (Structural)
		Building Official
		Plans Examiner Building
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Moreno, Gerardo A.	City of Coral Gables	Electrical Inspector
		Plans Examiner Electrical
Rodriguez, Jesus R.	City of Sweetwater	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)

A motion was made by Enrique Salvador and seconded by Robert Barnes to approve those listed for new certification. The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

The following individual is being recommended for **Rejection** for **New Certification** for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Rodriguez, Jorge M.	Miami Shores Village	Roofing Inspector (Commercial)

(Applicant does not have roofing experience documented on resume or Roofing Supervisory experience).

Jorge Gamoneda informed the members that Mr. Rodriguez had submitted documentation of experience.

A motion was made by Enrique Salvador and seconded by John Kurzman to **approve** listed individual for **New Certification**.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

NON-AGENDA INFORMATION re: Certification

- Enrique Salvador notified the Board members that a Sub-Committee meeting met this morning, Thursday, July 17, 2008 (pre-full Board) at 10:00 A.M. with the Certification Sub-Committee for the purpose of clarifying, modifying and/or interpreting the licensure requirements under Chapter 8 for Chief Inspectors and Plan Examiners in the categories of Plumbing, Mechanical and Electrical.
- Jorge Gamoneda presented a revised Application for Building Official, Plans Examiner and Inspector. A motion was made by Enrique Salvador and seconded by Rolando Diaz to accept modifications to application. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES and APPEALS

NON-AGENDA INFORMATION continues...

- Re-Instatement of Miami-Dade County **NOA No. 07-0306.16** effective July 18, 2008 – **Zion Tile Corporation** Alhambra Handmade Barrel Clay Tile – Colombia.
Zion Tile Corp has met the Quality Assurance minimum requirements, as conditioned by the Board of Rules and Appeals at the meeting of June 19, 2008 for suspension.
- , presented to the Board members a new hire, Stephen Pizzillo, Code Compliance Officer, Building. Mr. Goolsby informed the members that Mr. Pizzillo is the President of the South Florida's Building Officials Association. The Board welcomed Mr. Pizzillo.

NON-AGENDA TUTORIAL PRESENTATION

Michael Goolsby: Re: **Special Building Inspector – Chapter 8 Section 8-22**

A motion was made by Gregory Pierce and seconded by Tom Utterback to hear the tutorial presentation from staff.
The motion **carried unanimously**.
(*No verbatim version of the aforementioned tutorial presentation was taken.*)

There being no further business, the meeting was adjourned at 1:43 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF SEPTEMBER 18, 2008

Members Present: William Derrer, **Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes	Carmen Garcia
Juan Dalla Rizza, P.E.	Herbert Gopman
Rolando Diaz, P.E.	John Kurzman
Chief Virgil Fernandez	Gregory Pierce
Alfonso Fernandez-Fraga, P.E.	Edward Woodward

Members Excused: Richard Horton, **Vice-Chairman**
Jesus Gomez
Enrique Salvador

Members Absent: Mario R. Espineira, Jr.
Myron Rosner

Staff Present: Eduardo Gonzalez, Assistant County Attorney
Michael Goolsby, Acting Secretary of the Board
Nelly Nieves, Board Recording Secretary

Court Reporter: Tanya Settel, Official Reporting Services, LLC

The meeting commenced at 1:11 P.M.

MINUTES of JULY 17, 2008

Mr. Derrer requested a motion to **approve** the minutes of the **July 17, 2008** meeting. A motion was made by John Kurzman and seconded by Gregory Pierce to accept the minutes.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport Hotel; NOV Repairs – North Side Permit No. 2005019389; Anthony Timothy.

Anthony Timothy was present representing TGSV Enterprises, Inc.
A motion was made by Edward Woodward and seconded by Rolando Diaz to grant a 90-day TCO Extension.
The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; MDAD Project No. 737E/737G; Permit No. 2001111801; Juan Gonzalez.

Daniel Frankel was present representing Parsons-Odebrecht J.V.
A motion was made by Chief Virgil Fernandez and seconded by Rolando Diaz to grant a 90-day TCO Extension.
The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

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REPORT: Certification Subcommittee Report for September 2008

Jorge Gamoneda, Code Compliance Specialist, submitted a list of individuals for Board review for New Certification of Building Official, Plans Examiners and Inspectors for **September 2008**.

The following individuals were being recommended for approval for New Certification for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Abia, Esin D.	City of Opa Locka	Building Official
Blanco, Orlando L.	City of South Miami City of Sweetwater	Plans Examiner Structural Plans Examiner Structural
Castañeda, Julio	Village of Virginia Gardens	Mechanical Inspector Plans Examiner Mechanical Plans Examiner Mechanical (Res.)
Erdozain, Jack	City of Sunny Isles Beach	Building Inspector (Structural)
Fernandez, Mariano V.	City of Miami	Building Official
Figueroa, Andres B.	City of South Miami	Chief Building Inspector
Gadea, Eleazar	City of Sunny Isles Beach	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Good, William A.	City of Florida City	Mechanical Inspector Plans Examiner Mechanical
Militello, Juan J.	City of Sweetwater	Building Inspector (Structural)
Naumann, Carlos A.	Town of Medley	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Ozuna, Jose D.	Town of Surfside	Building Inspector (Structural) Plans Examiner Building
Pessoa, Donovan H.	City of Opa Locka	Building Inspector (Structural) Plans Examiner Building
Rodriguez, Jorge M.	City of Miami Gardens Miami Shores Village	Roofing Inspector (Commercial) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Rodriguez, Raul V.	City of Aventura	Building Official
Salazar, Manuel A.	City of Sweetwater	Chief Mechanical Inspector

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Continues...

REPORT: Certification Subcommittee Report for September 2008

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Viqar, Arshad	City of Opa Locka	Building Inspector (Structural) Chief Building Inspector Plans Examiner Building Plans Examiner Structural
Willis, Henry L.	Town of Cutler Bay	Chief Building Inspector
Witzen, Walter D.	City of Miami Beach	Electrical Inspector

A motion was made by John Kurzman and seconded by Rolando Diaz to approve those listed for new certification.

The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

The following individuals are being recommended for **Rejection for New Certification** for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Pessoa, Donovan H.	City of Opa Locka	Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner Structural

(There is no resume to determine applicant's experience. Need verification of five years experience in the roofing industry and holding a current license from the State of Florida as a registered Architect or Engineer. (P.E. Structural is required after March 1st 1993 per November 13, 2003 BORA interpretations, Mr. Pessoa P.E. Civil License date is 02/18/94.)

Viqar, Arshad	City of Opa Locka	Roofing Inspector (Commercial) Roofing Inspector (Residential)
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(Need applicants resume showing five years of roofing experience.)

Mr. Daniel Abia, Director of the City of Opa-Locka, appeared on behalf of both Donovan Pessoa and Arshad Vigar. Mr. Abia stated he was very familiar with both individuals who have been in roofing for a very long time. After some discussion and deliberation, a motion was made by John Kurzman and seconded by Tom Utterback to approve Arshad Vigar for new certification due to his Professional Engineer status in the categories of structural plans examiner, building plans examiner and building inspector and approved for new certification Donovan Pessoa in the categories of building inspector structural and plans examiner, building, but denied both Donovan Pessoa and Arshad Viqar for roofing inspector commercial and roofing inspector residential.

The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

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Minutes of the Meeting of September 18, 2008
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NON-AGENDA INFORMATION

- Michael Goolsby, Chief Code Compliance Division, updated the Board on the illegal contractor issue. He indicated that the fugitive, Lazaro Joel Herrera, has been apprehended and his trial is scheduled for December 15, 2008, with 256 counts.
- Chairman William Derrer, asked for an update on the Crane Ordinance implementation. Assistant County Attorney Eduardo Gonzalez stated the crane ordinance litigation is still on going and that a preliminary injunction enjoining parts of the court order is still in effect. Further, Mr. Gonzalez stated that the County has appealed that preliminary injunction. Additionally, both sides have moved for a final judgment on the matter and this is still pending before the Judge.
- Michael Goolsby advised the Board that Frank Vecin, with the Miami-Dade Police Department, is also a General Contractor and has been certified in the past by the Building Code Compliance Office as a County at Large Inspector. Mr. Goolsby stated the purpose was so that Mr. Vecin could assist inspectors if they run into any problem and in this way, he can serve as a police witness. Mr. Goolsby requested that the Board recertify him as a **Building Inspector at Large** having all the necessary qualifications. A motion was made by Gregory Pierce and seconded by Roland Diaz to recertify **Frank Vecin** as a Building Inspector.
The **motion carried unanimously**
(For a verbatim version of the aforementioned item, refer to the transcript.)

There being no further business, the meeting was adjourned at 1:36 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF OCTOBER 16, 2008

Members Present: William Derrer, **Chairman**
Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes	Herbert Gopman
Juan Dalla Rizza, P.E.	John Kurzman
Chief Virgil Fernandez	Gregory Pierce
Alfonso Fernandez-Fraga, P.E.	Enrique Salvador
Carmen Garcia	Paul L. Smith
Jesus Gomez	Edward Woodward

Members Excused: Rolando Diaz, P.E.
Mario R. Espineira, Jr.
Myron Rosner

Members Absent:

Staff Present: Eduardo Gonzalez, Assistant County Attorney
Michael Goolsby, Acting Secretary of the Board
Yvonne D. Bell, Board Recording Secretary

Court Reporter: Tina Settel, Official Reporting Services, LLC

The meeting commenced at 1:10 P.M.

MINUTES of SEPTEMBER 18, 2008

Mr. Derrer requested a motion to **approve** the minutes of the **September 18, 2008** meeting. Mr. Horton indicated that a correction needed to be made to the September minutes, which reflected him as present at the meeting, when he was excused. With incorporation of the revision, Mr. Pierce moved to accept the minutes and Mr. Woodward seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA:

NOA APPEAL #1: NOA #07-3813; 327 Menores Avenue, Appeal of Notice of Removal

Aldo Busto was present and advised the members that he was appealing Item No. 2 of the One-Time Product approval for 327 Menores Avenue. Mr. Busto informed the members that the property was constructed in 1988, with a flat concrete roof, which has since been removed. Mr. Busto expressed that cost is a factor and he would like to install the original roof to this property.

Mr. Jaime Gascon, Chief, Product Control Division, commented that in 2007 the appellant submitted a proposal for a tile roof system to be used over a sloped concrete deck. He explained that the concrete deck must be free of ridges and he is concerned with weathering and ageing. In conclusion, Mr. Gascon further advised that the Building Department also conducted inspections at this property.

Mr. Pierce asked if the underlayment was upgraded, and if so, would this take care of any concerns regarding weathering. He then remarked that he has seen this type of roof system before, particularly prior to Hurricane Andrew. Mr. Pierce further remarked that the National Roofing Association Repair Manual could be utilized.

Mr. Kenny Everett, Roofing Code Compliance Specialist, commented that there are fishmouths and buckles on the mopped felt and the inspector could not inspect what was under the felt as well. He further added that the roof was rejected for a number of reasons.

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After further discussion, Mr. Pierce moved to grant the appeal that the roof system complies with the One-Time Approval Notice of Acceptance, conditionally upon successful uplift testing of affected areas. Chief Fernandez seconded the motion.

The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA: TCO/TCC APPEALS

#1-4 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; Permit Nos. 2003009007, 2002108242, 2002109071, 2002109076; Juan A. Gonzalez.

A motion was made by Chief Fernandez to grant a 90-day extension for all four (4) permits mentioned above. Mr. Barnes seconded the motion.

The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

#5 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; North Terminal Development, C-D Infill Interior Finish, MDAD Project No. 739A, Permit No. 2003053471; Juan Carlos Arteaga.

A motion was made by Chief Fernandez and seconded by Enrique Salvador to grant a 90-day TCO Extension.

The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

#6 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; North Terminal Development, Project No. 739H-D Connector Finish, Permit No. 2003026424; Juan Carlos Arteaga.

A motion was made by Chief Fernandez and seconded by Enrique Salvador to grant a 90-day TCO Extension.

The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

EMERGENCY AGENDA: TCO/TCC APPEALS

#1 TCO EXTENSION, City of Miami; Espirito Santo Plaza; 1395 Brickell Avenue; Permit No. 01-5010199; N. Patrick Range.

Mr. Patrick Range was present on behalf of Espirito Santo Plaza.

A motion was made by Chief Fernandez seconded by Enrique Salvador to grant a 90-day TCO Extension.

The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 TCO EXTENSION, City of Miami; Espirito Santo Plaza; 1395 Brickell Avenue; Permit No. 02-5016046; N. Patrick Range.

Mr. Patrick Range was present on behalf of Espirito Santo Plaza.

A motion was made by Chief Fernandez and seconded by John Kurzman to grant a 90-day TCO Extension.

The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

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REPORT: Certification Subcommittee Report for October 2008

Enrique Salvador directed the members to the **Certification Report** for **New Certification of Building Official, Plans Examiners and Inspectors for October 2008**. He stated that the following individuals were being recommended for approval for New Certification for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Alvarez, Elio	City of Miami Gardens	Plans Examiner Electrical
Blanco, Luis A.	Town of Cutler Bay	Mechanical Inspector
		Plans Examiner Mechanical
Bruhn, Norman J.	Miami Shores Village	Building Inspector (Structural)
		Building Official
		Chief Building Inspector
Castillo, Orestes	City of Miami Gardens	Plans Examiner Building
De Jonge, David A.	City of Miami Beach	Plans Examiner Electrical
		Plans Examiner Plumbing
		Plumbing Inspector
Ferrer, Manuel	City of Aventura	Mechanical Inspector
		Plans Examiner Mechanical
		Plans Examiner Plumbing
	Town of Cutler Bay	Plumbing Inspector
		Mechanical Inspector
		Plans Examiner Mechanical
		Plans Examiner Plumbing
		Plumbing Inspector
Flingos Jr., Thomas P.	Town of Miami Lakes	Chief Electrical Inspector
		Electrical Inspector
		Plans Examiner Electrical
Fraley, Jimmy L.	City of Sweetwater	Building Inspector (Structural)
		Roofing Inspector (Residential)
		Mechanical Inspector
González, Carlos A.	City of Miami Beach	Chief Plumbing Inspector
Hernández, Rafael	Town of Miami Lakes	Building Inspector (Structural)
McCann, Richard J.	City of Miami Beach	Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Building Inspector (Structural)
		Roofing Inspector (Commercial)
Medina, Erick	City of Miami Beach	Roofing Inspector (Residential)
		Chief Building Inspector
Naranjo, Ismael	Town of Miami Lakes	Plumbing Inspector
Perez, Freddy E.	City of Miami Beach	Electrical Inspector
Poirier, Jr., Raymond J.	City of Miami Gardens	Plans Examiner Electrical
		Chief Mechanical Inspector
Regula, Ronald	City of South Miami	Plans Examiner Mechanical
		Mechanical Inspector
Sariego, Jorge L.	City of Miami Beach	Building Inspector (Structural)
Uman, Stephen D.	Town of Surfside	Building Official

Upon review, Mr. Salvador moved to grant the above-mentioned individuals New Certification and Mr. Kurzman seconded the motion.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES and APPEALS
Minutes of the Meeting of October 16, 2008
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EMERGENCY AGENDA:

#1 APPEAL OF BUILDING OFFICIAL: City of Miami Beach; 605 Lincoln Road; FBC Section 105.1, 105.3, 105.3.1; Issuance of Permit/Owner Builder Permit; John Westley

Rhonda Montoya-Hasan, Senior City Attorney of the City of Miami Beach, indicated to Board that the City was prepared to go forward with the appeal today.

Mr. John Westley was present on behalf of "All for the Earth" and proceeded to inform the members that this is a non-profit organization seeking to obtain an owner builder permit. Mr. Westley commented that the organization purchased this property in January 2008 with a restaurant incorporated into the design. He indicated that the property is now going to be used as a demonstration project area for use of wind, solar and energy. Mr. Westley remarked that the project is less than \$75,000 and this type of non-profit protection is in the Statute.

Michael Goolsby, Chief, Code Compliance Division commented that under Section 489.103(f) work must be valued \$75,000 or less. Mr. Goolsby then advised the Board if that is the area of Mr. Westley's appeal then the Board would not have jurisdiction on this matter.

Ms. Montoya-Hasan remarked that the initial application was submitted by the prior owner in 2006. She indicated that the permit is expired and the organization now wants to add additional repairs. Mrs. Montoya-Hasan directed the members to an email from Mr. Bill Tejada clarifying that *a corporation/foundation may not pull an owner/builder permit as contemplated under the statute*. She further added that the renovations far exceed \$100,000 and the cost is expected to increase. Mrs. Montoya-Hasan concluded that the City offered to reinstate the permit under a new contractor.

Mr. Utterback explained to Mr. Westley that they could not obtain a permit under an owner/builder. He further explained that they needed a general contractor and the work must be performed under that contractor's license.

Upon further discussion, Mr. Salvador moved to affirm the Building Official's decision to deny the applicant an owner builder permit. Mr. Woodward seconded the motion.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

There being no further business, the meeting was adjourned at 2:05 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF NOVEMBER 20, 2008

Members Present: William Derrer, **Chairman**
Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes
Juan Dalla Rizza, P.E.
Mario R. Espineira, Jr.
Chief Virgil Fernandez
Alfonso Fernandez-Fraga, P.E.
Jesus Gomez
Carmen Garcia

Herbert Gopman
John Kurzman
Gregory Pierce
Myron Rosner
Edward Woodward

Members Excused: Paul L. Smith

Members Absent: Rolando Diaz, P.E.
Enrique Salvador

Staff Present: Eduardo Gonzalez, Assistant County Attorney
Michael Goolsby, Acting Secretary of the Board
Nelly Nieves, Board Recording Secretary

Court Reporter: Tanya Settel, Official Reporting Services, LLC

The meeting commenced at 1:04 P.M.

MINUTES of October 16, 2008

Mr. Derrer requested a motion to **approve** the minutes of the **October 16, 2008** meeting. Mr. Horton moved to accept the minutes and Mr. Utterback seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA:

APPEAL # 1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach; 810 Euclid Avenue; Chapter 8-11(f)(ii)(1) Recertification of Buildings/Single-Family Residence; Harry Cherry.

Appellant was present and informed the Board he was withdrawing his appeal.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL # 2: APPEAL OF BUILDING OFFICIAL: City of Miami; 244 Biscayne Blvd; 2001 FBC Mechanical Section 401.5.1 Ventilation/Intake Openings; Permit # 05-5013643; Julio Diaz.

Julio Diaz, Fullerton Architects representing 244 Biscayne Boulevard, addressed the Board and stated there is nothing in the Code that prevents units from being in proximity to a generator room. Mr. Diaz commented that he agrees that the 2001 FBC Mechanical Chapter 4 Ventilation, Section 401.5.1 (Intake Openings) is applicable, but disagrees with the Building Official's interpretation. Mr. Diaz further stated that the Section does not refer specifically to windows, but states that "fresh air intakes shall not be located closer than ten(10) feet from any chimney or vent outlet".

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APPEAL # 2
Continues...

Idania Garcia Chief Building Inspector on behalf of the City of Miami Building Official, Mariano Fernandez, responded on this issue. Ms. Garcia stated she did not have time to review this case and requested a postponement.

The Chairman William Derrer requested Building Code Compliance Office staff's opinion.

Pete Quintela, Mechanical Code Compliance Specialist, informed the Board that he had visited the jobsite and the generator exhaust pipe discharge distance to the closest opening was ten(10) feet. Mr. Quintela stated based on Code, it is Staff's opinion that the appellant is in compliance.

After some discussion and deliberation, a motion was made by Alfonso Fernandez-Fraga to approve the appeal with the recommendation appellant install carbon monoxide detectors in the condo units adjacent to the generator discharge. The motion was seconded by Herbert Gopman.

The motion carried by a vote 13-2 with John Kurzman and Chief Virgil Fernandez opposing.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL # 3: APPEAL OF BUILDING OFFICIAL: City of Miami; 55 SE 6th Street; FBC 1714.5.2.1; Doors in Interior Stair Walls; Sherri Gutierrez.

Sherri Gutierrez of Arquitectonica addressed the Board on referenced appeal looking for a ruling with respect to egress doors from the parking garage into the stair walls. Ms. Gutierrez informed the Board that the doors installed meet the requirement for fire per NFPA but do not nor need a Notice of Acceptance. However, she stated that the Building Official has informed them that the doors installed will require compliance with FBC Chapter 16 – Wind Pressures. Further, Ms. Gutierrez stated that the requirement for a Notice of Acceptance should be waived as the true “exterior walls” of garage in its design and components meet the requirements of the wind tunnel report.

The Chairman William Derrer asked whether this was an open or closed garage.

Ms. Gutierrez responded by stating that the garage was naturally ventilated and that, in total, 30% open.

The Chairman requested to hear from the City of Miami.

Idalia Garcia, on behalf of the City of Miami Building Official stated that she was not familiar with case. She indicated she would refer to the Building Code Compliance Staff Jaime Gascon on Notice of Acceptance requirements.

Igbal Shaikh, Building Code Compliance Specialist, addressed the Board. Mr. Shaikh informed the Board that the doors in the stair walls are sufficiently far enough away from the exterior walls, so as not to require design as an exterior door. He indicated the doors must however be designed to meet wind pressure established in the wind tunnel report.

Michael Goolsby, Chief of Compliance Division, asked Staff to address the prior question of whether this is an open structure.

Mr. Shaikh responded it cannot be defined as an open structure because each wall has to have 80% of opening. He stated it is a partially enclosed structure.

Jaime Gascon, Chief of Product Control, stated that the doors are in-swing and the impact can be excluded as a requirement for these doors, since they are protected by exterior walls. He stated that the question then is whether these doors need to meet the pressure since this has been considered a partially enclosed area.

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A motion was made by Herbert Gopman to approve the appeal. The motion was seconded by Ricahrd Horton.
The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEARANCE re: Ideris W. Denis; Certification of Inspector; City of North Miami Beach.

Dale Lee, Retired Building Official of City of North Miami Beach, was present on referenced subject as well as the new Building Official Philip R. Azan.

Myron Rosner recused himself from this item. Mr. Rosner left the room during this discussion as advised by the Assistant County Attorney.

Mr. Goolsby, presented some background to the Board members stating that Mr. Ideris Denis performed hundreds of inspections without an Inspector Certification in the City of North Miami Beach. Mr. Goolsby stated he would like to see Board instruct the Building Official to re-validate those inspections and provide the Board monthly progress reports. Further, Mr. Goolsby stated that the Building Code Compliance Office would provide oversight.

After some discussion, a motion was made by John Kurzman to accept the recommendation of Michael Goolsby and request that the City of North Miami Beach Building Official report monthly to the Board on the inspections progress. The motion was seconded by Chief Fernandez-Fraga.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

EMERGENCY AGENDA: TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; MDAD Project No. 739G C-D Infill Ramp Interior Finish; Permit No. 2003017623; Juan Carlos Arteaga.

Julio Davalos was present on behalf of Miami International Airport.

A motion was made by John Kurzman and seconded by Gregory Pierce to grant a 90-day TCO Extension.
The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; MDAD Project No. 49, 739F and 741E North Terminal Development; Permit No. 2002028727; Juan Carlos Arteaga.

Bob Riley was present on behalf of Miami International Airport.

A motion was made by Herbert Gopman and seconded by Chief Fernandez to grant a 90-day TCO Extension.
The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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REPORT: Certification Subcommittee Report for November 2008

Edward Woodward directed the members to the **Certification Report** for **New Certification of Building Official, Plans Examiners and Inspectors for November 2008**. He stated the individuals listed were being recommended for approval:

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Ashraf, Syed M.	Town of Golden Beach	Plans Examiner Structural
Azan, Philip R.	City of North Miami Beach	Building Inspector (Structural) Building Official Plan Examiner Building
Castrodad, Eladio	Town of Cutler Bay	Plans Examiner Structural
Diaz, Lisandro	City of Sweetwater	Electrical Inspector Plans Examiner Electrical (Res.)
Febles, Pedro L.	Town of Cutler Bay	Electrical Inspector
Ferrer, Manuel	Village of El Portal	Chief Mechanical Inspector Chief Plumbing Inspector
Fulmer, George A.	City of Hialeah	Roofing Inspector (Commercial) Roofing Inspector (Residential)
<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Levy, Ronald M.	City of Miami Beach	Plans Examiner Plumbing (Res.)
Medina, Erick	City of Opa Locka	Roofing Inspector (Commercial)
Poirier, Jr., Raymond J.	City of Miami Beach	Electrical Inspector
Porfiri, John R.	City of South Miami	Plans Examiner Building
Rivas, Angel R.	City of North Bay Village	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)
Viqar, Arshad	City of Opa Locka	Roofing Inspector (Commercial) Roofing Inspector (Residential)

A motion was made by Chief Fernandez and seconded by Gregory Pierce to accept those individuals listed for new certification.

The **motion carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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Continues...

REPORT: Certification Subcommittee Report

The following individual is being recommended for **Rejection** for **New Certification** for 2008.

INSPECTOR:

Denis, Ideris W.

REPRESENTING:

City of North Miami Beach

DISCIPLINES:

Building Inspector (Structural)
Roofing Inspector (Residential)

**(Applicant does not hold any of the required Certifications as stated in Chapter 8; Section 8-23(b).
(No roofing experience is reflected on the resume. Fails to comply with Chapter 8; Section 201.2(d)(3)(dd)
for certification as residential roofing).**

A motion was made by Chief Fernandez and seconded by Gregory Pierce to reject named individual.
The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

The following individual is being recommended for **De-Certification** for 2008.

INSPECTOR:

Moreno, Gerardo A.

REPRESENTING:

City of Coral Gables

DISCIPLINES:

Plans Examiner Electrical

(Has not obtained his Provisional Electrical Plans Examiner License nor does he possess a Standard Examiner License from the Department of Business and Professional Regulation).

A motion was made by Chief Fernandez and seconded by Gregory Pierce to de-certified named individual.
The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

There being no further business, the meeting was adjourned at 1:50 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF DECEMBER 18, 2008

Members Present: William Derrer, **Chairman**
Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes
Rolando Diaz, P.E.
Alfonso Fernandez-Fraga, P.E.
Carmen Garcia
Herbert Gopman
John Kurzman
Myron Rosner
Enrique Salvador
Edward Woodward

Members Excused: Juan Dalla Rizza, P.E.
Mario Espineira, Jr.
Chief Virgilio Fernandez
Jesus Gomez
Paul L. Smith

Members Absent: Gregory Pierce

Staff Present: Eduardo Gonzalez, Assistant County Attorney
Michael Goolsby, Acting Secretary of the Board
Nelly Nieves, Board Recording Secretary

Court Reporter: Tanya Settel, Official Reporting Services, LLC

The meeting commenced at 1:15 P.M.

MINUTES of November 20, 2008

Mr. Derrer requested a motion to **approve** the minutes of the **November 20, 2008** meeting. Mr. Gopman moved to accept the minutes and Mr. Utterback seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD INFORMATION

Michael Goolsby, Chief of Code Compliance Division, informed the Board members that the department will be commencing a 4 day, 10-hours a day workweek schedule beginning January 5, 2009, with the office closing on Fridays.

Board member Herbert Gopman recused himself from Appeal Items Nos. 1 and 3. Mr. Gopman left the room during those discussions as advised by the Assistant County Attorney.

REGULAR AGENDA:

APPEAL # 1: APPEAL OF BUILDING OFFICIAL: City of North Miami; Keystone Harbor Club; 13155 Ixora Court; Process No. P8-760; Existing Building/Generator Installation; 2004 FBC Existing Volume; Sections 507.2.1; 903; 202; 304; 607; John Buerosse.

Mr. John Buerosse, the Engineer on this project, addressed the Board stating that since his submission he has met with the Building Official John Jackson to discuss details and the calculations submitted to support generator on two

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APPEAL # 1

steel beams above the roof slab. He stated that several discussions have taken place in an effort to resolve this issue. Mr. Buerosse indicated that a recommendation was made to use an importance factor of 1.0 instead of .77 and he agreed.

John Jackson, Building Official City of North Miami, stated that during their meeting the appellant still disagreed with compliance on FBC 1522.3.1. Mr. Jackson asked to be provided details of how steel beams will be anchored and supported by the existing CBS wall and the slab.

Mr. Mendi Ashraf, P.E., Structural Plans Examiner for the City of North Miami, stated that the slab needed to be checked and cannot be accepted unless calculations are included because the Engineer's drawings shows equipment on roof slab.

Iqbal Shaikh, P.E., Senior Code Compliance Specialist, addressed the Board indicating that the classification of this work is under FBC Section 304.1 Alteration Level 2 "installation of any additional equipment" as well as FBC Section 607 Structural and FBC Table 1522.3. Mr. Shaikh stated that the installation as presented will not work since there needs to be a 2 feet clearance.

After some discussion and deliberation, a motion was made by Richard Horton to uphold the Building Official's decision regarding FBC Sections 304.1 and 607. The motion was seconded by Myron Rosner.

The Board reversed the decision of the Building Official on the application of Section 1522.3 indicating that compliance with Section 1522.3 is not required as there is no roof covering in place.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL # 2: APPEAL OF BUILDING OFFICIAL: City of Coral Gables; 2701 LeJeune Road Office Bldg; Rooftop Scuppers/Fire Resistance; Corner Guardrail Height; 2004 FBC Sections 1514.4.2 and 714.4; Bruce Brosch.

Mr. Juan Poleo, with Flagler Development Group representing 2701 LeJeune Road Office Building, addressed the Board on stating there are two(2) separate items to this appeal: rooftop scuppers and corner guardrail height. Mr. Poleo informed the Board that the rooftop scuppers have been reconsidered after further research and discussions with the Building Official and the appellant will comply. In terms of the corner guardrail, Mr. Poleo stated the building has been completed and the corner guardrail height is 4 feet, while the Code requires 5 feet and they are asking the Board for an exception indicating to have an 8 foot height to the ceiling. Mr. Poleo advised the Board that their architect is also present.

Mr. John Porfiri, Building Inspector for the City of Coral Gables and on behalf of Building Official Manuel Lopez stated that this appeal relates to 2004 FBC Section 714.4 Impact Protection. He indicated that the columns in the building are reinforced concrete with re-bar and have a concrete cover, which is the fire protection that is built into the concrete design of the structure. Mr. Porfiri explained that the referenced Code section specifically refers to protecting the concrete cover from coming off and exposing the re-bar to softening with exposure to heat. However, Mr. Porfiri related that the Building Official was open to the Board's review on this issue.

Kevin Carrier, Fire Code Compliance Specialist, provided a power point presentation on the case and that fire protection covering of a structural member is subject to impact damage from moving vehicles, the handling of merchandise or other activities. In addition, he pointed out that corner guards shall protect the fire protection covering but cannot be less than 5 feet from the finished floor and staff concurs with the Building Official. Mr. Carrier also indicated that the Building Official is open to the Board for an equal alternative because the vehicle limitation of this parking garage is less than 8 feet.

Michael Goolsby, Chief of Code Compliance Division, cautioned that "an alternative" is at the sole discretion of the Building Official and the Board, by itself, cannot establish an alternative.

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APPEAL # 2

Alfonso Fernandez-Fraga read to the Board members FBC Section 714.4 on height requirement of Fire Protective Coverings for structural members.

Mr. Fernandez-Fraga made a motion to grant the appeal as the application of this Section 714.4 does not pertain to the conditions for this project. The motion was seconded by Myron Rosner.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL # 3: APPEAL OF BUILDING OFFICIAL; City of Sunny Isles Beach; Trump Royale; 18201 Collins Avenue; Impact Loading/Safeguard Railings; FBC Sections 1617; 1617.4.6; 1617.4.6.3; 1015; 1608.2; 2405.5; Mark Hutchinson.

Jose Suarez, The Siegel Suarez Architectural Partnership representing Royale Florida Enterprises Inc. and developers of Trump Royale, addressed the Board stating they are appealing the Building Official's interpretation of FBC Section 1617 High Velocity Hurricane Zones Special Load Considerations specifically subsection 1617.4.6.3. Mr. Suarez stated that while they agree that Section 1617 applies to the components of the exterior of a building, they disagree with the application of this Section to the interior components of a building. He presented to the members the Code references and Sections regarding guardrails namely Sections 1015; 1608.2 and 2405.5, which they felt in their research applied to these interior glass railings.

Mendi Ashraf, P.E., consultant for the appellant, stated the complete envelope is taken care of for High Velocity. However, he indicated that for the interior elements, Section 1617 High Velocity need not be applied. Additionally, Mr. Ashraf stated that he spoke to the manufacturer and received a certification regarding safety testing.

Clay Parker, Building Official for the City of Sunny Isles Beach, explained that the Section in question 1617.4.6.3 is not referring to wind load, it is kinetic energy. Mr. Parker stated, therefore, whether inside or outside it is about impact not wind load and proceeded to introduce his Structural Plans Examiner, Jaime Eisen.

Jaime Eisen informed the Board that ANSI Z97.1 referred to in Section 1617.4.6.3 is based on protection against people going through glass as a safeguard and therefore must be tested.

Michael Goolsby, Chief of Code Compliance Division, commented that the High Velocity Hurricane Zone is nothing more than a term used and is not limited to Hurricane or a geographic area. He further added that these were provisions that were incorporated in the South Florida Building Code, but are not limited to wind load. Mr. Goolsby indicated that the prime issue in this appeal was the safeguards.

After much discussion and deliberation, a motion was made by Myron Rosner to deny the appeal. The motion was seconded by Enrique Salvador.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL # 4: APPEAL OF BUILDING OFFICIAL; City of North Miami Beach; 29 NE 137th Street; Owner Building Permit; FS 489.103(7) and FS 489.103(7)(a); Ida Cabezas.

Chairman informed the Board members that the appellant withdrew her appeal via letter.

(For a verbatim version of the aforementioned item, refer to the transcript.)

EMERGENCY AGENDA: APPEAL

APPEAL #1; APPEAL OF BUILDING OFFICIAL; City of Miami Beach, 1023 Lincoln Road; Grease Trap; 2004 FBC – Plumbing Section 101.3 Intent; Section 301.7 Exception and ASME A112.14.3-2000; Jackie Weiner.

Engineer Masoud Sanaie of Designer Professionals appeared along with Cede Davis, representing the owners, to request that the Board consider approval of a 75 GPM Grease Interceptor device located outside of the building. Mr. Sanaie stated that the reason they considered the Thermaco “Trapzilla” device was the knowledge that this model has been used and approved in another location in Miami-Dade County. Mr. Sanaie explained that construction activity in the site adjoining the restaurant damaged the existing grease interceptor and created a hardship and challenge to resolve quickly.

Building Official Richard McConachie informed the Board that Silver Plumbing installed in parallel two Trapzilla Grease Traps without first securing a permit. Mr. McConachie introduced his Plumbing Inspector James Ziegler for further explanation.

James Ziegler, Chief Plumbing Inspector for the City of Miami Beach, stated this issue falls under FBC Section 1003.5 and, based on this section, grease interceptor has to have a minimum capacity of 750 gallons, which it does not meet. Additionally, Mr. Ziegler indicated when installed outside it needs to comply with Rule 64E-6 of the Florida Administration Code.

Stanley Sirota, Service Manager for Silver Plumbing, addressed the Board on the issue of commencing the installation without having obtained a permit. Mr. Sirota stated that due to the emergency situation the installation was commenced but with every intention of obtaining the required permit after the fact.

Jorge Gamoneda, Plumbing Code Compliance Specialist, stated staff opinion concurs with the decision of Building Official as to the need for compliance of FBC Section 1003.5.

A motion was made by Myron Rosner to deny the appeal and it was seconded by Rolando Diaz.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INTERPRETATION

#1 Richard McConachie, Building Official, City of Miami Beach; Miami-Dade County Code – Chapter 8 Section 8-4(d)(2); Section 8-12(e)(3) Fee Assessment for Large/Unusual Projects.

Building Official for the City of Miami Beach Richard McConachie and City of Miami Beach Attorney Rhonda Montoya-Hasan asked the Board for guidance regarding referenced Section of Chapter 8 as to Collection of Fees for Large/Unusual Projects based on their submission of three(3) specific questions presented on this subject.

Various Board members commented and agreed that large and unusual projects may differ depending on the municipality and, therefore, no one classification or definition can be used to describe “Large/Unusual” in general that would satisfy the various municipalities.

Pete Quintela, Code Compliance Specialist, provided staff with a written opinion in response to address three(3) questions as follows:

- (1) Is the intent to define other project beyond those listed in ordinance for “large and unusual” projects, such as stadiums, airports and water treatment plants? Response: These structures referenced are for illustration.
- (2) Who is the person responsible for the interpretation of “large and unusual”? The Building Code Compliance Office or the Building Official? Response: The Building Official.

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#1 INTERPRETATION

- (3) Could the Board of Rules and Appeals provide guidance so that all municipalities may collect and set these fees in a uniform manner? Response: The intent is to allow discretion and latitude on the part of the Building Officials within the various jurisdictions understanding that some areas may be small village communities or large urban centers.

The Board agreed with Staff's written opinion excluding from their acceptance the on verbiage "vagueness" and "lack of code guidance" at the advice of Assistant County Attorney, Eduardo Gonzalez.

The motion to accept this interpretation as amended was made by Tom Utterback and seconded by Richard Horton.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 Richard McConachie, Building Official, City of Miami Beach; Miami-Dade County Code – Chapter 8 Section 8-4(d)(2) Section 8-11(f); 40 Year Recertification of Buildings.

Building Official for the City of Miami Beach Richard McConachie and City of Miami Beach Attorney Rhonda Montoya-Hasan asked the Board for clarification regarding referenced Section of Chapter 8 as it relates to the ability of Architects/Engineers to certify buildings for which they have some interest in the building or a direct or close relationship with the owner.

The Chairman William Derrer commented he felt there was no ethical issue and/or conflict of interest.

Alfonso Fernandez-Fraga stated Engineers must abide by a Code of Ethics as a condition of their license and moved to accept. The motion was seconded by John Kurzman.

The motion carried by a vote of 11-1 with Herbert Gopman opposing.

(For a verbatim version of the aforementioned item, refer to the transcript.)

DISCUSSION: Subcommittee Assignment – Solar Energy Systems

Michael Goolsby, Chief of Code Compliance Division, asked the Board to establish a Subcommittee to look at issues regarding the installation of Solar Thermo and Solar Electric. Mr. Goolsby stated that this Subcommittee would bring in members of the industry, manufacturers, Building Officials and other stakeholders. Further, Mr. Goolsby added that this idea came about by a local elected official through the Major's Office in an effort to get going with Solar Energy initiatives throughout Miami-Dade County. Additionally, Goolsby informed that Broward County's Board of Rules and Appeals has agreed to participate in this Subcommittee.

A motion was made by Richard Horton and seconded by Robert Barnes to establish requested Subcommittee. **Participating Members:** Horton, Barnes, Fraga, Pierce, Garcia, and Utterback to meet in **January 2009** along with Broward County participants.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Goolsby stated they would alternate meeting locations between Dade and Broward County.

Board member Myron Rosner left the meeting at 3:10 pm.

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REPORTS:

#1 REPORT: Philip Azan, Building Official, City of North Miami Beach, Re-Validation Inspection Status.

Michael Goolsby, Chief of Code Compliance Division, presented a handout to the members on the timeline progression of the Building Officials' Certification within the City of North Miami Beach.

Building Official of the City of North Miami Beach Philip Azan addressed the Board stating that he officially started his position on November 10, 2008. He reported that they have discovered additional problems. Mr. Azan informed that he was notified that Plans Examiner Steve Pizzillo's license was revoked in 2004 and never reinstated. Mr. Azan stated, that unfortunately he had to report that over a period of time, Mr. Pizzillo and/or his computer password, had logged-in with several hundred entries of approved plans review resulting in permits issued. As a result of this new development of an unlicensed plans examiner, Mr. Azan stated he was unable to provide a complete report on the re-validation of inspections by the unlicensed inspector. However, he indicated he is working with the City Manager to obtain a private firm for consulting services and would return in January to inform the Board of an established method to proceed particularly on the roofing inspections.

Mr. Derrer asked whether the City has determine anything on the issue of compensation to the homeowner.

Mr. Azan stated that those matters were under discussion.

Michael Goolsby advised the Board members that there is an ongoing investigation by the State of Florida Department of Professional Regulation.

#2 REPORT:

Certification Subcommittee Report for December 2008

Enrique Salvador directed the members to the **Certification Report for New Certification of Building Official, Plans Examiners and Inspectors for December 2008**. He stated the individuals listed were being recommended for approval:

INSPECTOR:

REPRESENTING:

DISCIPLINES:

Castañeda, Julio
Coiffman, Bernardo L.
Fraley, Jimmy L.
González, Robert J.

Village of Virginia Gardens
City of Sunny Isles Beach
City of Sweetwater
Town of Surfside

Chief Mechanical Inspector
Building Inspector (Structural)
Plumbing Inspector
Mechanical Inspector
Plans Examiner Mechanical

Hernandez, Rafael

City of South Miami

Plans Examiner Plumbing
Plumbing Inspector
Electrical Inspector

Licitra, Salvatore T.

Town of Surfside

Plans Examiner Electrical
Plans Examiner Structural
Mechanical Inspector
Building Inspector (Structural)
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Plans Examiner Building

Naumann, Carlos A.
Reboiro, Manuel A.
Rivas, Angel R.

City of North Bay Village
City of North Miami
City of North Miami Beach

Roofing Inspector (Residential)
Electrical Inspector
Plans Examiner Electrical
Plans Examiner Building
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Building Inspector (Structural)

Rosenkoff, Gilbert
Ruiz, Robert J.

City of North Miami Beach
City of North Bay Village

Tornese, Cosmo
Wagoner, Peter R.

City of Aventura
Village of El Portal
City of North Miami Beach

Zeltsman, Brian

City of Miami Beach

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REPORT: Certification Subcommittee Report for December 2008

A motion was made by Enrique Salvador to accept the recommendation for approval of the individuals listed for new certification. The motion was seconded by John Kurzman.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

The following individuals are being recommended for **Rejection for New Certification** for 2008.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Gigler, Richard R.	Town of Surfside	Plans Examiner Plumbing Plans Examiner Plumbing (Res.) Plumbing Inspector

Applicant does not meet the requirements.

For Inspector he needs: (aa) at least five years of field experience as a Certified Journeyman Plumber or Master Plumber issued by the Miami-Dade County Construction Trades Qualifying Board; or, (bb) at least five years of field experience as a State Certified Plumbing Contractor issued by the Florida Construction Industry Licensing Board.

For Plans Examiner he needs: (aa) a Master Plumber having held a certification issued by the Miami-Dade County Construction Trades Qualifying Board for a period of at least five years and having five years of field experience under that certification, (bb) a State Certified Plumber Contractor having held a certification by the Florida construction Industry Licensing Board for a period of at least five years and having five years of field experience under that certification, (cc) a Florida licensed Professional Engineer having obtained a license pursuant to examination in the mechanical discipline and having had five years of field experience under that license.

For Plans Examiner Residential he needs: (aa) at least five years of field experience as a Certified Journeyman or Master Plumber, certified by the Miami-Dade County Construction Trades Qualifying Board and having worked as a Master Plumber for a minimum of one year within the areas of jurisdiction of this Chapter; or (bb) having been certified as a plumbing contractor by the Florida Construction Industry Licensing Board with five years of field experience under that license, and having worked as a Plumbing Contractor for a minimum of one year within the areas of jurisdiction of this Chapter. (His State Standard Inspector License does not show Plumbing as his qualification.)

Mr. Gigler was present. After some consideration, a motion was made by Salvador Enrique and seconded by Tom Utterback to approve Mr. Gigler for Plans Examiner Plumbing and Plans Examiner Plumbing (Residential) but denied for Plumbing Inspector.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Zeltsman, Brian	City of Miami Beach	Plans Examiner Building

(Mr. Zeltsman is not eligible as a Building Plans Examiner, he does not have the 5 years of practice with the Architect License require by Chapter 8, Section 8-21.2(c); Mr. Zeltsman was registered as an Architect on January 11, 2006.)

A motion was made by Richard Horton and seconded to deny Mr. Zeltsman as a Building Plans Examiner

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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INFORMATION – 2009 Meeting Dates for the Board of Rules and Appeals; 2009 Formal Hearing Dates for the Board of Rules and Appeals

The calendar dates for 2009 were accepted by the members.

There being no further business, the meeting was adjourned at 3:20 P.M.

