

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JANUARY 20th, 2011

Members Present: William Derrer, *Chairman* Richard Horton, *Vice-Chairman*
Thomas Utterback, *Sergeant at Arms* J. Robert Barnes
Rolando Diaz Mario Espineira, Jr.
Alfonso Fernandez-Fraga Carmen Garcia
Jesus Gomez John Kurzman
Gregory Pierce Juan Dalla Rizza, P.E.
Enrique Salvador Chief Paul L. Smith
Edward Woodward

Members Excused: Chief Virgilio Fernández Herbert Gopman
Myron Rosner

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

Court Reporter: Fernando Subirats, Apex Reporting Group

The meeting commenced at 1:10 P.M.

MINUTES of December 16, 2010

Mr. Horton requested a motion for the approval of the **December 16, 2010** meeting minutes. A motion was made by Gregory Pierce to accept the minutes. 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 Miami, Miami Arts Museum, 1075 Biscayne Boulevard, Florida Plumbing Code 2007 and 2009 Supplements Section 1107.2, Plan No. 100010312, Secondary Roof Drainage

Mr. John Banks, Handel Architects, indicated that he was appealing the requirement that all secondary/emergency roof drains discharge at the lowest above grade level. He further commented that the discharge locations are above grade and are visible to maintenance personnel. Mr. Banks replied that they consider these proposed design to be equivalent to the use of scuppers discharging adjacent to the building's enclosure, which would be permitted for emergency drainage under the same section of the code.

Mr. Derrer inquired about the drainage and asked to describe or identify where it will drain.

Mr. Banks described that it will drain at the secondary platform and then to the garage, which is porous. Through distribution of diagram, he went on to add that the building has unique overhangs. In keeping with the design of the building, everything was concealed; therefore, the mechanical ductwork is a challenge. Mr. Banks further added that, as it is now, the Building Official is questioning two of the drainage locations.

Mr. Mariano Fernandez, Building Official, City of Miami, remarked that Section 1107 requires that the secondary drain is to be above grade in the secondary position. Mr. Fernandez added that the scupper is a secondary means that would be acceptable, but is not being utilized by the appellant.

Mr. Barnes asked the Building Official which areas concerned him about how the drainage is designed.

Mr. Fernandez replied that the area of concern is near the planter, which would be in compliance if they could visualize the water discharging clearly.

Mr. Banks replied that in the future they would consider raising the soffit.

Upon further discussion, it became apparent that Building Official Mariano Fernandez and Mr. Banks could work together to address the areas specifically. Therefore, Mr. Banks withdrew his appeal in order to work with Mr. Fernandez regarding the secondary roof drainage at the Miami Art Museum.

REGULAR AGENDA - TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. B313A, Permit No. 2002108242, Juan Gonzalez

Juan Gonzalez was not present at the hearing.

A motion was made by Gregory Pierce 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, South Terminal Program, MDAD Project No. B312A, Permit No. 2003009007, Juan Gonzalez

Juan Gonzalez was not present at the hearing.

A motion was made by Gregory Pierce 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.)

#3 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. A155S, Phase 3, Permit No. 2003009071, Juan Gonzalez

Juan Gonzalez was not present at the hearing.

A motion was made by Gregory Pierce 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.)

#4 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. A155S, Part B, Permit No. 2002109075, Juan Gonzalez

Juan Gonzalez was not present at the hearing.

A motion was made by Gregory Pierce 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.)

#5 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. A155S, Part A, Permit No. 2002109076, Juan Gonzalez

Juan Gonzalez was not present at the hearing.

A motion was made by Gregory Pierce 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 – CERTIFICATION SUBCOMMITTEE – January 2011

Enrique Salvador directed the members to the **approval** for **Re-Certification of Building Official's/Plans Examiners and Inspectors for 2011**.
(See Attached Inspector Tracking System Applicants per year Report.)

Mr. Salvador moved to remove Mr. John Berry from the rejection list for Re-Certification for 2011 and add him to the **approval** for **Re-Certification** for 2011. Mr. Diaz seconded the motion. The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

Chairman Derrer then requested a motion to accept the **full report for Re-Certification for 2011 as amended to add Mr. Berry**. Mr. Diaz moved to accept and Mr. Salvador seconded the motion. The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

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Mr. Salvador then directed the members to the listed individuals being recommended for **rejection** for **Re-Certification** for 2011:

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Berry, John T.	City of Miami Beach	Building Inspector – Structural Building Inspector Residential
<i>(“Failure to comply with Continuing Education Requirements”)</i>		
Crews, Joseph W.	City of Aventura	Building Inspector – Structural Inspector – Commercial Roofing Inspector – Residential Roofing Plans Examiner Building
	Town of Cutler Bay	Building Inspector – Structural Inspector – Commercial Roofing Plans Examiner Building
	Village of El Portal	Building Inspector – Structural Inspector – Commercial Roofing Inspector – Residential Roofing Plans Examiner Building
<i>(“Failure to comply with Continuing Education Requirements”)</i>		
Granados, Humberto E.	City of Homestead	Electrical Inspector
<i>(“Failure to comply with Continuing Education Requirements”)</i>		
Yocum, David B.	City of Hialeah	Electrical Inspector Plans Examiner Electrical
	City of Miami Springs	Electrical Inspector Plans Examiner Electrical
<i>(“Failure to comply with Continuing Education Requirements”)</i>		

Mr. Salvador then moved to **reject Mr. Joseph W. Crews** for **Re-Certification for 2011**. Mr. Crews is missing 16 hours of continuing education. Mr. Diaz seconded the motion.

The **motion carried unanimously**.

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

Mr. Salvador further moved to **reject Mr. Humberto Granados** for **Re-Certification for 2011**. Mr. Granados is missing 8 hours of continuing education. Mr. Diaz seconded the motion.

The **motion carried unanimously**.

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

Mr. Salvador then advised the members that **Mr. David Yocum** member is missing 12 hours of continuing education.

Michael Goolsby, Division Director-Board and Code Administration, remarked that Mr. Yocum has four-(4) accredited hours with the State. However, there are a minimum of 12 hours administered through the department, which are missing.

Mr. Yocum informed the members that he provides no excuses for not ensuring that his continuing education courses were in place. However, he would like to take them as soon as they are available and whatever the board recommends, he is more than willing to complete. Mr. Yocum also informed the members that he works part-time with two-(2) municipalities and he would like to continue working until April, when the hours will be available.

Upon some discussion, Mr. Pierce acknowledged that Mr. Yocum serves on the Construction Trades Qualifying Board, thus they should provide the five-(5) hours needed for compliance. Mr. Kurzman seconded the motion.

Mr. Derrer clarified that Mr. Yocum in fact has four-(4) hours remaining on his continuing education requirements after accounting for eligible hours.

(Mr. Kurzman then withdrew his second on the motion made by Mr. Pierce therefore, the motion dies for lack of second.)

After further discussion, Mr. Diaz moved to extend Mr. Yocum’s certification status on a temporary basis thru the next Board of Rules and Appeals meeting of **May 19, 2011**. The Board also accepted the six-(6) hours from Mr. Yocum’s attendance service as a member of the Construction Trades Qualifying Board “B” Division. Mr. Pierce seconded the motion.

Eduardo Gonzalez, Asst. County Attorney advised the members that in motion it should be noted that Mr. Yocum’s certification did not lapse and his current certification continues until updated.

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Mr. Diaz amended his motion to add that Mr. Yocum's certification does not lapse and his current certification is valid through May pending the attendance of the continuing education hours required.

The **motion carried unanimously.**

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

Mr. Salvador then added that the following individuals are being recommended for **approval** for **New Certification** for 2011.

INSPECTOR:

**Alvarez, Reiner
Errickson, Spencer P.
Gomez, Rene
Good, William A.
Perez, Jan Pierre**

REPRESENTING:

City of Aventura
Unincorporated Miami-Dade
City of North Bay Village
City of Miami Beach
City of North Miami

DISCIPLINES:

Mechanical Inspector
Building Inspector – Structural
Electrical Inspector
Mechanical Inspector
Mechanical Inspector
Plan Examiner Mechanical

Mr. Salvador moved to **accept** the above-mentioned for New Certification for 2011 and Mr. Pierce seconded the motion. The **motion carried unanimously.**

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

Mr. Salvador then added that the following individual is being recommended for **rejection** for **New Certification** for 2011.

INSPECTOR:

Guzman, Robert A.

(Applicant does not demonstrate the minimum experience level of 5 years in the roofing industry as required by the Code of Miami-Dade County, Section 8-21.2(g)(7))

REPRESENTING:

City of Sunny Isles Beach

DISCIPLINES:

Inspector – Commercial Roofing

Mr. Salvador moved to **reject** the above-mentioned for New Certification for 2011 and Mr. Diaz seconded the motion. The **motion carried unanimously.**

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

PUBLIC PRESENTATIONS

---None---

NON-AGENDA INFORMATION

Chairman William Derrer informed the members that they should be prepared to hold elections at the next hearing for the Chairman and Vice-Chairman positions.

Mr. Goolsby also informed the members that **Wednesday, February 9, 2011** has been selected for the **Electrical, Mechanical and Plumbing (ELMEPL)** Joint Subcommittee to address "**Cooling Tower Systems**." Mr. Goolsby reminded the members that this discussion was heard at the December 2010 meeting and will be addressed in a joint setting with the Broward County Board of Rules and Appeals members and staff.

Yvonne Bell, Board Secretary, provided the names of the seated members on the Miami Dade County Board of Rules and Appeals (ELMEPL) Joint Subcommittee.

There being no further business, the meeting adjourned at 1:45 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF FEBRUARY 17th, 2011

Members Present: Richard Horton, *Vice-Chairman* Thomas Utterback, *Sergeant at Arms*
J. Robert Barnes Mario Espineira, Jr.
Carmen Garcia Jesus Gomez
John Kurzman Juan Dalla Rizza, P.E.
Enrique Salvador Chief Paul L. Smith
Herbert Gopman Chief Virgilio Fernández

Members Excused: William Derrer, *Chairman* Rolando Diaz
Alfonso Fernandez-Fraga Gregory Pierce
Myron Rosner Edward Woodward

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

Court Reporter: Tanya Settel, Apex Reporting Group

The meeting commenced at 1:10 P.M.

MINUTES of JANUARY 20TH, 2011

Mr. Horton requested a motion for the approval of the **January 20th, 2011** meeting minutes. A motion was made by Enrique Salvador to accept the minutes. The motion was seconded by Thomas Utterback.

The **motion carried unanimously.**

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

REGULAR AGENDA - TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; Miami Intermodal Center, Rental Car Facility, Permit No. 2003039152, Gary L. Donn

Rick Amaro was present and informed the members that they are working with a master permit (the build out portion). He explained that they have a report by an Engineer and an approval by the Fire Department.

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.)

REPORT #1 – CERTIFICATION SUBCOMMITTEE – February 2011

Enrique Salvador then directed the members to the listed individuals being recommended for **Re-Certification** for **2011**:

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Annese, Salvatore D.	City of Miami Springs	Building Inspector – Structural
Kolovrat, John	Town of Medley	Building Inspector – Structural
		Roofing Inspector – Commercial
		Roofing Inspector – Residential
		Plans Examiner Building
Reed, Edwin W.	Town of Medley	Building Inspector – Structural
		Roofing Inspector – Commercial
		Roofing Inspector – Residential
		Plans Examiner Building

Mr. Salvador then moved to **approve** those above-mentioned for **Re-Certification** for **2011**. Chief Virgil Fernandez seconded the motion.

The **motion carried unanimously.**

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

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Certification Subcommittee cont...

Mr. Salvador then added that the following individuals are being recommended for **approval** of **New Certification** for 2011.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Cronin, John C.	City of Miami Springs	Plans Examiner Plumbing Plumbing Inspector
Hall, John T.	City of Miami Springs	Electrical Inspector Plans Examiner Electrical
Melchor, Alfredo M. Perez, Angel L.	Village of Pinecrest City of Miami Springs	Building Inspector – Structural Electrical Inspector Plans Examiner Electrical
Siaba, Hiram G. Travers, John T.	Town of Miami Lakes City of Miami Springs	Building Inspector – Structural Electrical Inspector Plans Examiner Electrical
Vidal, Rafael L.	City of Sunny Isles Beach	Building Inspector – Structural

Mr. Salvador then moved to **approve** those above-mentioned for **Re-Certification** for **2011**. Chief Virgil Fernandez seconded the motion.

The **motion carried unanimously**.

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

Mr. Salvador continued and mentioned that the following individuals were provided the opportunity to report to **Certification Subcommittee** to address their certification status:

INSPECTORS

Crews, Joseph W. – was scheduled to appear before the Certification Subcommittee to discuss his Certification as Building Inspector – Structural, Inspector – Commercial Roofing, Inspector – Residential Roofing and Plans Examiner Building for the cities of Aventura, Cutler Bay and El Portal.

Granados, Humberto E. – was scheduled to appear before the Certification Subcommittee to discuss his Certification as Electrical Inspector for the City of Homestead.

Mr. Salvador informed the members that these individuals, who were on the agenda, last month were not present for this morning's Certification Subcommittee as well. Based on no further information, Mr. Salvador then moved to **deny Mr. Crews** and **Mr. Granados** certification. Chief Fernandez seconded the motion.

The **motion carried unanimously**.

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

REPORT #2 – ZERO BLEED COOLING TOWERS/Florida Statute Chapter 553

Mr. Goolsby provided the members with a synopsis of the Joint Subcommittee that was held with Broward County BORA staff, stakeholders, industry and other interested parties. He commented that the item was proposed as a water conservation measure by Dr. Jennifer Jurado, PhD, Director, Natural Resources Planning & Management Division, as well as, Steve Bassett, who spoke in support of the initiative. Mr. Goolsby then mentioned that Board Member Alfonso Fernandez-Fraga made a PowerPoint presentation, which urged the members to move with caution on this issue, as there were not a lot of scientific reports to justify such implementations at this time. Mr. Goolsby went on to state that, upon hearing audience participation, only one person was in support and thirteen others were in opposition of the proposed initiative. The Subcommittee determined that there were better ways to attain water conservation than zero bleed, thus recommending not pursuing this initiative at this time. However, he indicated the Subcommittee did want to consider viable water conservation initiatives in the future.

Rafael Palacio informed the members that he is a Professional Engineer and agreed with the outcome of the Subcommittee, as water treatment is an issue, but he did not support the 25-cycle recommendation. Mr. Palacio concluded that conserving the condensate is the correct path to take, but they should follow the proper procedures through code review in order to achieve this initiative.

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BOARD DISCUSSION: CHAIRPERSON AND VICE CHAIRPERSON ELECTIONS 2011

Mr. Salvador moved to nominate Mr. Horton and Mr. Gomez seconded the motion.

At this time, Assistant County Attorney Eduardo Gonzalez advised the members that in the Chairmanship position a board member could serve no more than three-(3) one-(1) year terms. He mentioned that as it stands now, Mr. Horton, Mr. Utterback and Mr. Derrer have reached their limit in this capacity.

Mr. Utterback stated that he thought the provision included verbiage referencing a “*gap or lapse*” of time served in the seated position referring to consecutive terms.

Mr. Gonzalez replied that the code is clear, however, he would provide additional research. He further replied that while it clearly mentions the Chairmanship position, Chapter 8 does not specify time limits on the Vice-Chairman appointment.

Mr. John Kurzman reminded the board that the individuals in question have put in a lot of time and service to this Board and have been doing a wonderful job. Mr. Kurzman urged that this item be tabled until a legal opinion is rendered on this provision of the Code. Mr. Barnes seconded the motion.

The **motion carried unanimously.**

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

NON-AGENDA BOARD DISCUSSION: BOARD MEMBER CARMEN GARCIA

Board Member, Carmen Garcia requested discussion on the plans review process for demolition of structures. She informed the members that the Unincorporated Building Department is requiring that they first advise or apply for future work on the project at time of demolition. Mrs. Garcia suggested that proper procedures and applicable code needed to be made known to the construction community.

Mr. Horton responded to Mrs. Garcia’s inquiry commenting that Unincorporated Dade County is not allowing partial demolition of an interior space and explained that they must demolish back into the shell condition then obtain the building permit for subsequent work and start from a clean shell space.

Mrs. Garcia replied that the demolition permit was still not being released and she would like further discussion on this topic and requested information on this issue at the next available hearing.

PUBLIC PRESENTATIONS

---None---

There being no further business, the meeting adjourned at 1:35 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF MARCH 17th, 2011

Members Present: William Derrer, *Chairman* Richard Horton, *Vice-Chairman*
Thomas Utterback, *Sergeant at Arms* J. Robert Barnes
Rolando Diaz Alfonso Fernandez-Fraga
Jesus Gomez Herbert Gopman
John Kurzman Gregory Pierce
Enrique Salvador Chief Paul L. Smith

Members Excused: Carmen Garcia Mario Espineira, Jr.
Chief Virgilio "Virgilio" Fernández Myron Rosner
Juan Dalla Rizza, P.E. Edward Woodward

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

Court Reporter: Tanya Settel, Apex Reporting Group

The meeting commenced at 1:10 P.M.

MINUTES of FEBRURY 17TH, 2011

Mr. Derrer requested a motion for the approval of the **February 17th, 2011** meeting minutes. A motion was made by Rolando Diaz to accept the minutes. The motion was seconded by Richard Horton.

The **motion carried unanimously.**

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

REGULAR AGENDA

REPORT #1 – CERTIFICATION SUBCOMMITTEE – March 2011

Mr. Salvador then added that the following individuals are being recommended for **approval of New Certification** for 2011.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Allen, Jimmie	City of Miami Gardens	Plans Examiner Building
Andrade, Roger	Miami-Dade County	Building Inspector – Structural
Bolt, Peter M.	Miami-Dade County	Building Inspector – Structural
		Inspector – Residential Roofing
Cabrera, Suramy	Town of Cutler Bay	Plans Examiner – Structural
Castillo, Orestes	North Bay Village	Electrical Inspector
		Plans Examiner Electrical
		Plans Examiner Electrical – Res.
Cronin, John C.	City of Sunny Isles Beach	Chief Plumbing Inspector
Diaz, Guillermo	Town of Miami Lakes	Building Inspector – Structural
		Plans Examiner Building
Guerrero, Gerardo	City of Sunny Isles Beach	Chief Mechanical Inspector
		Mechanical Inspector
		Mechanical Inspector (GAS)
		Plans Examiner Mechanical
		Plans Examiner Mechanical – Res.
Quicuti, Jr., Heriberto	City of North Bay Village	Building Inspector – Structural
		Inspector – Commercial Roofing
		Inspector – Residential Roofing

Mr. Salvador then moved to **approve** those above-mentioned for **New Certification** for **2011**. 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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Mr. Salvador then mentioned that the following individual is being recommended for **rejection** for **New Certification** for **2011**.

INSPECTOR:
Ismail, Mashaer

REPRESENTING:
City of Miami Beach

DISCIPLINES:
Plans Examiner Building

(Applicant does not meet the 5 years experience as a licensed General Contractor, all of which shall have been within the jurisdiction of Chapter 8, Article 2.)

Mr. Salvador moved to **reject** the above-mentioned for **New Certification** for **2011**; however, Ms. Ismail will have the required experience by next month's hearing. Rolando Diaz seconded the motion.

The **motion carried unanimously**.

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

BOARD DISCUSSION #1 – DEMOLITION PERMIT REQUIREMENTS, UNINCORPORATED MIAMI-DADE COUNTY

Mr. Derrer advised the members that this item had been *deferred* and discussion will take place at the next Board of Rules and Appeals meeting.

BOARD DISCUSSION #2 – CONDENSATE RECOVERY PROVISIONS

Mr. Goolsby informed the members that there has been some further discussion regarding "*Condensate Recovery*" for cooling towers. He requested another Subcommittee on this issue, as there is a need for further discussion on condensate recovery.

Hugo Benitez, Assistant County Attorney, inquired if the Board members were in place or designated to hear the item.

Mr. Goolsby replied that the **Electrical, Mechanical and Plumbing (ELMEPL) Subcommittee** is the standing Subcommittee that will address this matter. He indicated that some dates would be indentified and he will report to the Board.

Mr. Horton indicated that while Broward County may not wish to continue this initiative as a technical amendment, Staff should still send a courtesy invite to them.

Mr. Pierce moved to send this item to Subcommittee for further discussion. Mr. Diaz seconded the motion.

The **motion carried unanimously**.

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

BOARD DISCUSSION #3 – CHAIRPERSON AND VICE CHAIRPERSON ELECTIONS 2011

Hugo Benitez, Asst. County Attorney, substantiated his colleague Eduardo Gonzalez' opinion provided to the Board last month regarding the Chairmanship position. Mr. Benitez confirmed that a Board member could serve no more than three (3) one (1) year terms as per Chapter 8 of the Miami Dade County Code.

At this time, Mr. Salvador nominated **Jesus Gomez** for *Chairman* of the Board of Rules and Appeals. Mr. Fernandez-Fraga seconded the motion.

The **motion carried unanimously**.

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

Mr. Gopman then nominated **Richard Horton** for *Vice-Chairman* of the Board of Rules and Appeals. Mr. Salvador seconded the motion.

The **motion carried unanimously**.

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

Mr. Derrer indicated that Tom Utterback would remain in the *Sergeant at Arms* position until replaced by the New Chairperson Mr. Gomez.

NON-AGENDA DISCUSSIONS

Mr. Goolsby remarked that there are various legislative items to be monitored and provided a summary of a few in particular; **Senate Bill 396**, **Senate Bill 1216**, **House Bill 1057** and **Accessibility and the Florida Building Code**. He further added that the Glitch Cycle is in effect and now those glitch changes are being considered for inclusion into the Florida Building Code 2010 Edition.

Mr. Salvador inquired about the **Contractor Enforcement Roadblock Initiatives** and indicated that his understanding was that they were not being conducted any longer.

Mr. Goolsby responded that Contractor Enforcement is now under another Division within the Building and Neighborhood Compliance Department. However, he could share that, although they were no longer conducting roadblocks, Enforcement Staff is assigned geographical areas and cite incidences and violations in the field.

PUBLIC PRESENTATIONS

---None---

Mr. Derrer requested a motion to adjourn the meeting. Mr. Salvador then moved to adjourn the meeting and Mr. Diaz seconded the motion. Thus, the meeting was adjourned at 1:35 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF APRIL 21ST, 2011

Members Present: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
J. Robert Barnes William Derrer
Alfonso Fernandez-Fraga Rolando Diaz
Herbert Gopman Mario Espineira, Jr.
John Kurzman Carmen Garcia
Gregory Pierce Enrique Salvador
Chief Paul L. Smith Roce Simpson, Jr.

Members Excused: Chief Virgilio “Virgilio” Fernández Myron Rosner
Juan Dalla Rizza, P.E. Edward Woodward
Thomas Utterback, *Sergeant at Arms*

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

Court Reporter: Tanya Settel, Apex Reporting Group

The meeting commenced at 1:10 P.M.

Chairman Jesus Gomez took the opportunity to introduce new Board Member Roce Simpson, who was serving in the capacity as representative from the Building Trades Council. The other members in unison welcomed Mr. Simpson as well. Mr. Gomez further thanked the members for their show of confidence in his selection as Chair to the Board of Rules and Appeals and proceeded to describe his intended approach on managing the Board meetings, and asked for their continued support.

MINUTES of MARCH 17TH, 2011

Chairperson Jesus Gomez requested a motion for the approval of the **March 17th, 2011** meeting minutes. A motion was made by Herbert Gopman to accept the minutes. The motion was seconded by William Derrer.

The **motion carried unanimously.**

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

REGULAR AGENDA

BOARD DISCUSSION #1 – DEMOLITION PERMIT REQUIREMENTS, UNINCORPORATED MIAMI-DADE COUNTY

Carmen Garcia, Board Member, informed the members that the reason for her discussion item was to obtain some clarity on the demolition permit process for Unincorporated Miami Dade County.

Michael Goolsby, Director, Board and Code Administration, replied that the Department process is designed to ensure that the building is not left in an unsafe structure condition.

Ms. Garcia remarked that she is aware of the process, but what she does not understand is why Staff are then requesting plans be submitted for the future use of the property once it has been brought to a safe condition.

Mr. Goolsby suggested to Ms. Garcia that she keep an open line of communication with the appropriate Building Department Staff to remain abreast as to the demolition process and seek further information if there are questions that the policy is not being applied.

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APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Hope for Life Wellness Center, Inc., 6095 NW 72 Avenue, Permit No. 2011018969, FBC Chapter 1, Section 111.3, Notice of Intent to Disconnect

Lazaro Lopez, Attorney for appellant, informed the members that they have reached an agreement with the Building Official and was *withdrawing* his appeal at this time.

BOARD INFORMATION #1 – NOTICE OF ACCEPTANCE (NOA) AND NOTICE OF PROPOSED ACTION PROCESS

Mr. Goolsby advised the members that, in 2010, modifications were made pertaining to the **Notice of Acceptance (NOA)** review process stemming from the merger of the Building Code Compliance Office. He indicated that in the past, the Board would receive the NOA's for review and acceptance, however, this step has been **omitted** in order to accelerate the process of companies receiving an NOA and putting their materials on the market in a timely manner. The Board will continue to hear manufacturers' appeals.

BOARD INFORMATION #2 – SUBCOMMITTEE TO DISCUSS CONDENSATE RECOVERY

Mr. Goolsby then informed the members that the preparation for the Subcommittee discussion on **Condensate Recovery** was underway and he was awaiting a meeting date confirmation from Broward County. He then provided the members with the names of the Subcommittee members from Broward County.

BOARD INFORMATION #3 – RECERTIFICATION OF PERSONNEL – CONTINUING EDUCATION REQUIREMENTS

Mr. Goolsby then advised the members that the **Re-Certification** of personnel requires a minimum of 12 hours of continuing education administered by the department. He indicated, however now under Chapter 8, the requirement would be to obtain 16 hours of continuing education over a two-year period. Mr. Goolsby added that continuing education will continue in various forms, but in the future Miami Dade County would only be conducting two-(2) thirty-two (32) hour sessions instead of the current three (3) sessions. Mr. Goolsby stressed that in any event they would still exceed the State requirement through supplemental training offered.

Mr. Gopman requested additional information concerning this issue.

Mr. Goolsby directed the members to the website Municode to view ordinances here in Miami Dade County and across the State. He informed the members that he would gladly be of assistance to anyone who needs help.

REPORT #1 – CERTIFICATION SUBCOMMITTEE – April 2011

Mr. Salvador then added that the following individuals are being recommended for **approval** of **Re-Certification** for 2011.

INSPECTOR:

Granados, Humberto E.
Tarafa, Rene F.

REPRESENTING:

City of Homestead
Village of Pinecrest

DISCIPLINES:

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

Mr. Kurzman then moved to **approve** those above-mentioned for **Re-Certification** for **2011**. William Derrer seconded the motion.

The **motion carried unanimously**.

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

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cont...

Mr. Salvador then mentioned that the following individuals are being recommended for **approval** for **New Certification** for 2011.

INSPECTOR:

Cabrera, Suramy

Conde, Roberto

Eisen, Jaime M.

Gutierrez, Juan

Ismail, Mashaer

Loiseau, Edgar

Medina, Erick

REPRESENTING:

City of Aventura

Village of El Portal

Town of Surfside

Bal Harbour Village

City of Doral

City of Miami Beach

Miami-Dade County

City of Miami Beach

DISCIPLINES:

Plans Examiner Structural

Plans Examiner Structural

Plans Examiner Plumbing

Plans Examiner Plumbing (Res.)

Plumbing Inspector

Plans Examiner Structural

Plans Examiner Building

Plans Examiner Building

Electrical Inspector

Building Inspector – Structural

Plans Examiner Building

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Mr. Kurzman then moved to **approve** those above-mentioned for **New-Certification** for **2011**. William Derrer seconded the motion.

The **motion carried unanimously**.

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

NON-AGENDA DISCUSSION

Mr. Goolsby informed the members that **House Bill 849** addresses changes to the Florida Building Code with the move straight to ICC as a base model with Florida Specifics. He indicated that the High-Velocity Hurricane Zone provision will be impacted and the bill will require Florida Specifics be removed and then reconsidered at the end of each code cycle, jeopardizing the current standards in place.

PUBLIC PRESENTATIONS

---None---

Mr. Gomez then requested a motion to adjourn the meeting. Mr. Salvador then moved to adjourn the meeting and Mr. Fernandez-Fraga seconded the motion. Thus, the meeting was adjourned at 1:29 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF MAY 19TH, 2011

Members Present: Richard Horton, *Vice-Chairman* Thomas Utterback, *Sergeant at Arms*
Robert Barnes Juan Dalla Rizza, P.E.
Alfonso Fernandez-Fraga Chief Virgilio "Virgilio" Fernández
Herbert Gopman Mario Espineira, Jr.
John Kurzman Gregory Pierce
Enrique Salvador Roce Simpson, Jr.

Members Excused: Jesus Gomez, *Chairman* William Derrer
Rolando Diaz Carmen Garcia
Chief Paul Smith Edward Woodward
Myron Rosner

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

Court Reporter: Tanya Settel, Apex Reporting Group

The meeting commenced at 1:10 P.M.

MINUTES of APRIL 21ST, 2011

Vice-chairman Richard Horton requested a motion for the approval of the **April 21st, 2011** meeting minutes. A motion was made by Tom Utterback to accept the minutes. The motion was seconded by Robert Barnes.

The **motion carried unanimously.**

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

Vice-chairman Horton advised the members that he was going to take some items on the agenda out of order, in lieu of time and availability of members.

REGULAR AGENDA - TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. B313A, Permit No. 2002108242

#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. A155A, Phase 3, Permit No. 2002109071

#3 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. A155S, Part B, Permit No. 2002109075

#4 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. A155S, Part A, Permit No. 2002109076

#5 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. B312A, Permit No. 2003009007

Juan A. Gonzalez, Project Manager, MDAD was present and informed the members that Concord J will presumably be finished in three months and the remaining four (4) TCO's will be completed by the end of the year.

A motion was made by Enrique Salvador and seconded by Roce Simpson to grant **90-day** TCO extensions for the above-mentioned permit numbers.

The motion **carried unanimously.**

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

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REPORT #1 – CERTIFICATION SUBCOMMITTEE – May

Mr. Salvador then added that the following individuals are being recommended for **approval** of **New Certification** for May.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Cronin, John C.	City of Hialeah Gardens	Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector
Hatley, Donald R. Hatten, Joseph M. Palacios, Jose F.	Miami-Dade County City of Miami City of Hialeah Gardens	Building Inspector (Structural) Chief Building Inspector Plans Examiner Plumbing Plumbing Inspector
Palmer, Lyle A.	Village of Biscayne Park	Electrical Inspector Plans Examiner Electrical
Pinna, Sean C.	City of Hialeah	Mechanical Inspector Plans Examiner Mechanical
Sutherland, Wayne A.	City of Miami Gardens	Plans Examiner Structural

Mr. Salvador then moved to **approve** those above-mentioned for **New Certification** for **2011**. Chief Virgil Fernandez seconded the motion.

The **motion carried unanimously**.

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

Mr. Salvador then mentioned that there was a **Certification Status Report** from the January 20th, 2011 board hearing regarding **David Yocum**.

Mr. Yocum was present and advised the members that he completed twenty-four (24) hours of continuing education.

Michael Goolsby, Board and Code Administration Division Director, remarked that Mr. Yocum has in fact satisfied the continuing education requirements for 2010 and therefore has been recertified for 2011. He further added that Mr. Yocum would now just have to complete sixteen (16) hours of continuing education for this year.

REGULAR AGENDA

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, Gables Station Vertical Retail, 251 South Dixie Hwy., FBC Section 706, Florida Fire Prevention Code, Section 7.2.4.3.1, Sprinkler Assembly as Fire Barrier Equivalent

Michael Sheehan, representing Rolf, Jensen & Associates, commented that the project in question includes new construction for the **Gables Station Vertical Retail Center** where there will be twelve (12) retail stores and over 800 square feet of parking garage. Mr. Sheehan explains that this is a Type 1B construction building that is fully sprinkled and the documentation from Underwriters Laboratory (UL) will show that the alternate system proposed does not reduce the level of life safety required by the Florida Building Code and the Florida Fire Prevention Code.

Manuel Lopez, P.E., Building Official, City of Coral Gables informed the members that the alternate system suggested by the appellant is not UL listed as a system. Mr. Lopez made it clear that the sprinkler heads are approved, but the system as a whole was not.

Mr. Goolsby provided a staff opinion commenting that the issue is whether this is an equal alternate in the perspective of an active vs. passive system and whether one represents equivalency in all areas to the other. Mr. Goolsby explained that the passive system works 24/7 and the active system requires some conditions for activation. He further informed the members that he researched reports from other labs and depending on where the glazing is there may be some cause for concern. Furthermore, Mr. Goolsby remarked that the proposed sprinkler system is not equivalent to the two-hour fire barrier required by the Building Code.

Board Member Alfonso Fernandez-Fraga remarked that to his knowledge this system became available to be used with glass, providing the head has a one-hour fire rating. He further added that the question is whether this system provides the required two-hour rating.

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APPEAL #2 cont...

At this time, Mr. Sheehan submitted paperwork showing that the UL provides the 2-hour fire rating that the Building Official is requiring.

Upon review from Mr. Fernandez-Fraga, he commented that the paperwork does indicate that they address the entire system.

Mr. Lopez stressed once again that UL does not address the wall, but the heads they will approve.

Chief Virgil Fernandez replied that this building is for retail use and a parking garage and he can understand the Building Official's resistance. Chief Fernandez further added that the wall needs some protection and the authority having jurisdiction could request additional heads.

After much discussion, Mr. Utterback moved to affirm the decision of the building official to reject the use of a Tyco Model WS Window Sprinkler assembly as an alternate to a rated fire barrier in a horizontal exit. Chief Virgil Fernandez seconded the motion.

Motion passed 8 to 4 (Mr. Salvador, Mr. Kurzman, Mr. Gopman and Mr. Fernandez-Fraga were opposed.)

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

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, 1100 West Properties, LLC, d/b/a Mondrian South Beach, FBC Section 105.12, Miami Dade County Code Sec 8-12(c), Double Permit Fee

Board Member John Kurzman indicated that he was leaving the meeting for this item because one of the attorneys representing the appellant is his son.

Mr. Gopman recused himself due to a conflict.

Mr. Horton then advised everyone that due to the fact that two members had conflicts, the Board would lose quorum. He further advised everyone that attempts were being made to contact additional members that confirmed their attendance for today's meeting.

Mr. Michael Kurzman, Esq., remarked that they did not have an objection to Mr. Gopman remaining on the board to hear the appeal. However, Rhonda Montoya-Hasan, First Assistant City Attorney for the City of Miami Beach, replied that the City would object to Mr. Gopman considering and voting on the matter.

Thomas Utterback, Sergeant of Arms, commented that he made contact with Board Member Gregory Pierce, who stated that he was en route, but it would be about 20 minutes before he would actually make it to the hearing.

Board Member Roce Simpson then advised the members that his wife contacted him with an emergency that she was stranded and he may have to leave the hearing as well.

At this time, the Board took recess to await the arrival of Mr. Pierce. Mr. Horton then advised that they would address the Probable Cause and Formal Hearing items until Mr. Pierce can make it to the regular Board of Rules and Appeals meeting.

(Board took recess at 2:00 p.m. and reconvened at 2:25 p.m.)

Upon reconvening, Mr. Horton inquired with both the Appellant and the City regarding how much time would need to be allocated to hear the appeal.

Both parties indicated that they would need a significant amount of time to present their case, in addition to reviewing any new material, which may be presented during the course of the hearing.

The members discussed several meeting dates because some individuals had schedule conflicts with the amount of time it would take to hear this appeal today. After further discussion and agreement, Mr. Horton informed everyone that this item would be rescheduled to the **July 21st, 2011** board hearing and parties would be notified accordingly.

The meeting was adjourned at 2:35 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JUNE 17TH, 2011

Members Present: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Thomas Utterback, *Sergeant at Arms* Robert Barnes
Rolando Diaz Juan Dalla Rizza, P.E.
William Derrer Carmen Garcia
Alfonso Fernandez-Fraga Chief Virgilio "Virgilio" Fernández
Herbert Gopman Gregory Pierce
John Kurzman Myron Rosner
Enrique Salvador Roce Simpson, Jr.
Chief Paul Smith

Members Excused: Mario Espineira, Jr. Edward Woodward

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

Court Reporter: Tanya Settel, Apex Reporting Group

The meeting commenced at 1:10 P.M.

MINUTES of MAY 19TH, 2011

Chairman Jesus Gomez requested a motion for the approval of the **May 19th, 2011** meeting minutes. A motion was made by Tom Utterback to accept the minutes. The motion was seconded by Robert Barnes.

The **motion carried unanimously.**

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

REGULAR AGENDA

REPORT #1 – CERTIFICATION SUBCOMMITTEE – June

Mr. Salvador then added that the following individuals are being recommended for **approval** of **New Certification** for June.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Diaz, Guillermo	City of South Miami	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)
Figueredo, David Gamonedá, Jorge	Town of Surfside Village of Palmetto Bay	Electrical Inspector Plans Examiner Plumbing Plumbing Inspector
Lindgren, Jr., John C. Wong, Ernesto G.	Village of Key Biscayne City of Sunny Isles Beach	Chief Plumbing Inspector Building Inspector (Structural)

Mr. Salvador then moved to **approve** those above-mentioned for **New Certification** for **2011**. Chief Virgil Fernandez seconded the motion.

The **motion carried unanimously.**

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

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APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, 1100 West Properties, LLC, d/b/a Mondrian South Beach, FBC Section 105.12, Miami Dade County Code Sec 8-12(c), Double Permit Fee

Board Member John Kurzman indicated that he was leaving the meeting for this item because one of the attorneys representing the appellant is his son.

Mr. Gopman recused himself due to a conflict.

Mr. Horton then advised everyone that due to the fact that two members had conflicts, the Board would lose quorum. He further advised everyone that attempts were being made to contact additional members that confirmed their attendance for today's meeting.

Mr. Michael Kurzman, Esq., remarked that they did not have an objection to Mr. Gopman remaining on the board to hear the appeal. However, Rhonda Montoya-Hasan, First Assistant City Attorney for the City of Miami Beach, replied that the City would object to Mr. Gopman considering and voting on the matter.

Thomas Utterback, Sergeant of Arms, commented that he made contact with Board Member Gregory Pierce, who stated that he was en route, but it would be about 20 minutes before he would actually make it to the hearing.

Board Member Roco Simpson then advised the members that his wife contacted him with an emergency that she was stranded and he may have to leave the hearing as well.

At this time, the Board took recess to await the arrival of Mr. Pierce. Mr. Horton then advised that they would address the Probable Cause and Formal Hearing items until Mr. Pierce can make it to the regular Board of Rules and Appeals meeting.

(Board took recess at 2:00 p.m. and reconvened at 2:25 p.m.)

Upon reconvening, Mr. Horton inquired with both the Appellant and the City regarding how much time would need to be allocated to hear the appeal.

Both parties indicated that they would need a significant amount of time to present their case, in addition to reviewing any new material, which may be presented during the course of the hearing.

The members discussed several meeting dates because some individuals had schedule conflicts with the amount of time it would take to hear this appeal today. After further discussion and agreement, Mr. Horton informed everyone that this item would be rescheduled to the **July 21st, 2011** board hearing and parties would be notified accordingly.

The meeting was adjourned at 2:35 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JULY 21ST, 2011

Members Present: Jesus Gomez, *Chairman* Thomas Utterback, *Sergeant at Arms*
Robert Barnes Rolando Diaz
Juan Dalla Rizza, P.E. William Derrer
Mario Espineira, Jr. Carmen Garcia
Alfonso Fernandez-Fraga Chief Virgilio “Virgil” Fernández
Gregory Pierce John Kurzman
Myron Rosner Enrique Salvador
Roce Simpson, Jr. Chief Paul Smith

Members Excused: Richard Horton, *Vice-Chairman*
Herbert Gopman
Edward Woodward

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

Miami Dade Court Reporters, Inc.: Janice Aguirre, Court Reporter

The meeting commenced at 1:00 P.M.

MINUTES of JUNE 16TH, 2011

Chairman Jesus Gomez requested a motion for the approval of the **June 16th, 2011** meeting minutes. A motion was made by Robert Barnes to accept the minutes. The motion was seconded by Rolando Diaz.

The **motion carried unanimously.**

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

At this time, Mr. Gomez advised the members that there would be a regular Board of Rules and Appeals meeting in August, as well as a Probable Cause and Formal Hearing meeting. He requested that everyone make note of this meeting for their calendars.

REGULAR AGENDA

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, 1100 West Properties, LLC, d/b/a Mandarin South Beach, FBC Section 105.12; Miami Dade County Code Section 8-12 (c); Double Permit Fee

Board Member John Kurzman left the room prior to this appeal.

Jesus Gomez, Chairman, opened by informing the members that this appeal was a continuance from the May 19th hearing and the original appeal heard on November 18th, 2010. He summarized that the Board at that time requested that the appellant and the City provide additional information as it pertains to this appeal, as well as authorized the subpoena of additional individuals who may be able to provide clarity on members’ questions.

Michael J. Kurzman, Esq., Representative for the Appellant provided background information and presented a PowerPoint outlining the nature of their appeal. He commented that his clients paid over \$1.8 million dollars in assessment fees for work done at the Mondrian that should not have been no more than \$140,000. Mr. Kurzman provided the members with names of key persons who were involved with this property at the time of being given the approval to proceed with work. Specifically, he informed them that Mr. Villarreal, who was to oversee this project, communicated the approval to proceed and Pete Quintela conducted a courtesy inspection, while the building permit was pending.

Rhonda Montoya-Hasan, City of Miami Beach First Assistant Attorney, emphasized to the members that the appeal should be based solely on whether they were provided the authority to start construction up to the first inspection, not the assessed fees. She indicated that in prior discussion with opposing counsel, Mr. Nevel agreed to that basis.

REGULAR AGENDA CONT...

Mr. Kurzman informed the members that work at the Mondrian consisted of demolition and alteration work. He stressed that the City of Miami Beach was present at this site regularly and were fully aware that work was ongoing. Mr. Kurzman further commented that, as it pertains to the "Stop Work Orders," they were not informed of the violation in the first order and the application of the fee was not consistent.

Ms. Montoya-Hasan requested a standing objection to the argument presented regarding the assessment of the double fees to this property, as they were assessed in accordance with a City of Miami Beach ordinance and since the Board does not have jurisdiction. She further informed the members that the appellant has the burden of proof. Ms. Montoya-Hasan stated that the fact remains that three-(3) Stop Work Orders were issued by the City in order to prevent work from continuing without authorization.

Hugo Benitez, Assistant County Attorney, advised the members to focus on the relevant issues, as the Board has limited jurisdiction in certain areas. He briefed that they are charged with affirming, modifying or reversing the Building Official's decision. Mr. Benitez went on to add that Cities are allowed to establish their fees and reminded the members that the assessment fees are not before them at this time.

Michael Goolsby, Director, Board and Code Administration Division, explained that Pete Quintela worked for the Building Code Compliance Office at the time and was not directed by the Building Official to perform a courtesy inspection. Mr. Goolsby explained that the Code Compliance Specialists were charged with visiting municipalities to assure that personnel were applying code provisions correctly and therefore, Mr. Quintela was accompanying City of Miami Beach personnel.

At this time, Ms. Montoya-Hasan continued with her argument that even when they were served with "Stop Work Orders" work continued at the Mondrian, to the point where staff was told to ride by the site on the weekends. Ms. Montoya-Hasan then proceeded to call several individuals for testimony as to their involvement at the time of this violation. Upon testimony, Ms. Montoya-Hasan concluded with informing the members that Mr. Villarreal was not a certified Building Official and could not speak for Mr. Velazquez.

Board Discussion:

Mr. Diaz proceeded to question Ms. Dausey about obtaining the fire stoppage materials and inquired about personnel certified to install the fire stopping. Mr. Diaz went on to add that they should have requested something in writing, as the General Contractor is the person charged with protecting the public and is responsible for the aspects of the construction.

Mr. Rosner replied that he has dealt with other municipalities specifically and Building Officials did provide a verbal confirmation to start work up to the first inspection in some of his experiences, so it does not necessarily have to be received in writing. He indicated that the size of the building is not a concern; it should be the ability of the individual to perform the work. Mr. Rosner stated that nothing presented indicates that they did not receive the okay to start the work.

The Board recessed at 3:25 p.m. and reconvened at 3:36 p.m.

Upon further discussion, Mr. Utterback proposed a motion to deny the appeal. Mr. Diaz seconded the motion.

Motion failed 7 to 8.

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

Discussion continued and at this time, Mr. Rosner moved to grant the appeal in favor of the appellant, based on information provided that authorization was given to begin work and the City was conducting inspections at this location. Mr. Pierce seconded the motion.

Chairman Gomez closed with remarks that while he felt uneasy about what has happened, there are indications that work was being done with the knowledge and authorization of the City given that inspections were performed.

Motion passed 8 to 7.

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

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REPORT #1 – CERTIFICATION SUBCOMMITTEE – July

Mr. Salvador then added that the following individuals are being recommended for **approval** of **New Certification** for July.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Alvarez, Elio	Town of Cutler Bay	Chief Electrical Inspector
Barbier, William C.	Miami-Dade County	Mechanical Inspector
Duque, Julio E.	Miami-Dade County	Mechanical Inspector
Ferrer, Manuel	City of Aventura	Plans Examiner Plumbing
Gioia, Paul A.	City of Opa Locka	Building Official
Gomez, Rene	City of Miami Gardens	Electrical Inspector
Martinez, Noe	City of North Miami	Building Inspector (Structural)
Pousa, Felix J.	City of Miami Gardens	Electrical Inspector Plans Examiner Electrical Plans Examiner Electrical (Res.)

Mr. Salvador then moved to **approve** those above-mentioned for **New Certification** for **2011**. The motion was seconded by Robert Barnes.

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 4:10 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF AUGUST 18TH, 2011

Members Present: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Thomas Utterback, *Sergeant at Arms* Robert Barnes
Rolando Diaz Juan Dalla Rizza, P.E.
Mario Espineira, Jr. Carmen Garcia
Alfonso Fernandez-Fraga Chief Virgilio "Virgil" Fernández
Gregory Pierce John Kurzman
Enrique Salvador Chief Paul Smith

Members Excused: William Derrer Herbert Gopman
Myron Rosner Roce Simpson, Jr.
Edward Woodward

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

Miami Dade Court County Court Reporters, Inc.: Kim Dobies, Apex Reporting Agency

The meeting commenced at 1:15 P.M.

MINUTES of JULY 21ST, 2011

Chairman Jesus Gomez requested a motion for the approval of the **July 21st, 2011** meeting minutes. A motion was made by Enrique Salvador to accept the minutes. The motion was seconded by Chief Fernandez.

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 North Miami Beach, 65-67 NE 168 Street, MDC Code Sec. 8-11(f), 40-Year Recertification

Glenn Miller, Property Owner, explained to the members that he was appealing the decision of the Building Official regarding the request of a 40-year Recertification for 65-67 NE 168 Street. He explained that plans were submitted in the 1960's and as it stands now they have widened the door, added a wheelchair ramp as well as a septic tank. Mr. Miller further explained that the second unit remains a duplex and should not be subjected to the 40-year Recertification requirement.

Mr. Kurzman indicated that he recalls that, around 1985, the City Commission declared that this area was not being fully utilized, so they rezoned the area and classified it RU office and duplex usage. He further added that there are two classifications for this location and the Zoning is acceptable and appropriate.

Phil Azan, City of North Miami Beach Building Official, informed Mr. Kurzman that the issue before the Board was not the Zoning issue. He explained that this property was built in 1971 as a duplex and in 1984; an alteration permit was issued to allow for a professional office. In doing so, Mr. Azan advised the members that the square footage now falls under the recertification requirements. Therefore, he was strictly applying an interpretation of 40-year recertification for the commercial usage as the property stands currently.

Michael Goolsby, Director, Board and Code Administration, commented that while the age maybe an interpretative issue, life safety provisions for buildings requiring recertification is a concern as well. Mr. Goolsby further commented that he supported the Building Official and stressed that the exemption must meet both square footage and occupant load requirements.

Mr. Diaz remarked that he has been involved in many conversions of similar properties, i.e., residential/commercial and feels that the square footage is key. Mr. Diaz argued that Mr. Miller has to comply with recertification as a commercial structure and based on the age of the building.

At this time, Mr. Diaz moved to deny the appeal on the basis that it is necessary to meet both the requirements of Section 8-11, Miami Dade County Code on less than 2000 sq. feet and occupant load of 10 or less to qualify for exemption. Mrs. Garcia seconded the motion.

The motion carried unanimously.

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

REGULAR AGENDA CONT...

REPORT #2 – SPECIAL SUBCOMMITTEE REPORT – MIAMI 21

Michael Goolsby informed the members that, through a Board of Rules and Appeals Subcommittee held August 3, 2011, he was instructed to prepare recommendations regarding Section 13-101.0 of the Miami 21 Zoning Code for the Board to move to the City of Miami representatives.

Mr. Dalla Rizza inquired about the purpose and scope of the recommendations, as presented by Mr. Goolsby.

Chief Fernandez cautioned the members in preparing recommendations for Cities, as the jurisdiction of the Board is in question and this action was not as a result of an appeal. He indicated that he felt uneasy about rendering recommendations that interject on City regulations regarding Zoning.

Mr. Utterback commented that the City of Miami was fully involved at the Subcommittee and in fact requested guidance. He added that the City understood that there were some conflicts on the Building Code that needed to be addressed.

Assistant County Attorney Eduardo Gonzalez clarified that these recommendations were not binding, but was as a result of a discussion item held in a Subcommittee setting where City of Miami representatives asked for a list of written concerns as a part of those discussions. He indicated that the issue today was should these concerns be forwarded.

Upon further discussion, Mr. Pierce moved to forward these recommendations and concerns regarding Miami 21 as requested by the City of Miami. Mr. Utterback seconded the motion.

The motion carried. (Mr. Salvador, Mr. Dalla Rizza and Chief Fernandez were opposed.)

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

REPORT #3 – CERTIFICATION SUBCOMMITTEE – Certification of Inspectors/Plans Examiners for August

Mr. Salvador then added that the following individuals are being recommended for **approval** of **New Certification** for **August**.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Blanco, Linda S.	Village of Pinecrest	Building Inspector – Structural Plans Examiner Building
Garcia, Dario C.	City of Miami Beach	Plans Examiner Electrical
Good, William A.	City of Miami Gardens	Mechanical Inspector Plans Examiner Mechanical

Mr. Salvador then moved to **approve** those above-mentioned for **New Certification** for **2011**. The motion was seconded by Mr. Kurzman.

The motion carried unanimously.

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

CERTIFICATION SUBCOMMITTEE APPEARANCES – Joseph Crews

Mr. Salvador advised the members that **Joseph Crews** appeared before the Certification Subcommittee to discuss his recertification for 2010 and the current year 2011. He further advised the Board that the Subcommittee accepted Mr. Crews' continuing education for 2010 and he is current at this time with his hours. Therefore, Mr. Salvador **moved to recertify** Mr. Crews. Mr. Diaz seconded the motion.

The motion carried unanimously.

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

REPORT #1 – CONTRACTOR ENFORCEMENT UPDATE

Enrique Salvador remarked that this report was being provided at the request of Board Member Roce Simpson. He went on to explain that they feel there is a lack of enforcement in the field, as there appears to be more individuals working without permits. Mr. Salvador proceeded to comment that this should be looked as an oversight issue for the community.

Ricardo Roig, BNC Building Division Director, presented the members with documents outlining the status of the Contractor Enforcement Section and various initiatives. Mr. Roig explained that the roadblock initiative was halted to focus on pending cases, which were in excess of 3600 cases. In addition, he advised that the Police Department needed to be paid for their assistance and the monies was not there to continue with this initiative. He further indicated that they are in the process of recouping fines levied against the contractors and facilitating the restitution to the homeowner.

Mr. Kurzman commented that unlicensed/permit activities may continue given current economic hard times and individuals are enticed to perform the work without a permit or appropriate license.

Mr. Roig remarked that more cases are being investigated, citations issued, and more homeowners are being assisted. He further enlightened the Board that there would be more enhancements of the case management system and enforcement functions.

NON-AGENDA INFORMATION – Eduardo Gonzalez, Asst. County Attorney

Mr. Gonzalez advised the members that at the next Board of Rules and Appeals meeting he would like to discuss briefly the Sunshine Law requirements.

There being no further business, Chief Fernandez moved to adjourn the meeting and Mr. Pierce seconded the motion. The meeting was adjourned at 2:16 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF SEPTEMBER 22ND, 2011

Members Present: Richard Horton, *Vice-Chairman* Thomas Utterback, *Sergeant at Arms*
Robert Barnes William Derrer
Rolando Diaz Juan Dalla Rizza, P.E.
Mario Espineira, Jr. Alfonso Fernandez-Fraga
Chief Virgilio “Virgil” Fernández Carmen Garcia
Herbert Gopman Gregory Pierce
Enrique Salvador

Members Excused: Jesus Gomez, *Chairman* John Kurzman
Myron Rosner Chief Paul Smith
Roce Simpson, Jr. Edward Woodward

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

Apex Reporting Services.: Tanya Settel, Apex Reporting Group

The meeting commenced at 1:15 P.M.

MINUTES of August 18, 2011

Vice-Chairman Richard Horton requested a motion for the approval of the **August 18, 2011** meeting minutes. A motion was made by William Derrer to accept the minutes. The motion was seconded by Gregory Pierce.

The **motion carried unanimously.**

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

REGULAR AGENDA

DISCUSSION #1 – CHAPTER 8-4 (d) (1) – POWERS AND DUTIES OF THE BOARD OF RULES AND APPEALS

Board Member Alfonso Fernandez-Fraga directed everyone to his letter dated September 19, 2011. Mr. Fernandez-Fraga commented that Chapter 8-4(d)(1) indicates, “***The Board shall have the power to affirm, modify or reverse the decision of the Building Official wherein such decision is on matters regulated by the Building Official.***” He explained that the City of Miami Beach appeal went before the Board a few months ago and the powers and duties of the Board were a central concern in how they could rule. Mr. Fernandez-Fraga then commented that, in his understanding of the referenced section, the word **modify** does provide a level of authority for the Board to rule.

Eduardo Gonzalez, Assistant County Attorney, remarked that he did some research and could not find that this issue has been fully adjudicated. He did conclude that the development of alternate design by Board is not within the Board’s purview under modifying. The Board has the authority to approve or reject; not to modify an equal alternate.

Michael Goolsby, Director, Board and Code Administration Division, commented that the Board in the past has attached conditions to Board rulings and asked that the appellant and the Building Official go back and design to the standards so that it will be approved. He further mentioned that the code is clear and advised the members that he reviewed declaratory statements with this issue and the resolution was for the individual to work with the Building Official.

Carmen Garcia asked the County Attorney whether just considering the equal alternate to reject or approve raises the same concern of liability with designing a new alternate.

Mr. Gonzalez reiterated that once the Board alters the design they are taking the authority from the Building Official and creating their own designs and this is not something that is advisable to occur and would be problematic.

Mr. Utterback remarked, relevant to Ms. Garcia’s comments, that when the Board accepts an alternate they are in fact already part of potential lawsuits. He added that the Board is sitting as interpreters of the Code and they are interpreting based on their knowledge of the Code.

Mr. Derrer referred back to the City of Miami Beach case and advised that the Board could have modified that decision.

Mr. Pierce urged the members that they should not hash out this question of authority until they have a case before them, which can better serve the particular discussion. He commented that the Board is now better educated as a result of this discussion to know the consideration on authority they face in future cases.

REPORT #1 – BOARD OF RULES AND APPEALS JOINT SUBCOMMITTEE REPORT – Electrical, Mechanical and Plumbing Subcommittee Meeting of August 23, 2011, Condensate Recovery Code Provisions

Michael Goolsby informed the Board that as a result of the Joint Subcommittee held on **August 23rd, 2011** with Miami Dade County Board of Rules and Appeals and Broward Board of Rules and Appeals, code language has been established and prepared, which is reflected in the handout. The code language would be proposed for the County Commission as technical amendment to be included in the **“Florida Building Code, Plumbing Section [M] 314.2.1 and The Florida Building Code, Mechanical Section 307.2.1.”**

Mr. Pierce moved to accept the code provisions as written to forward to the Board of County Commissioners for support of a local technical amendment. Mr. Diaz seconded the motion, The **motion carried unanimously.**

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

REPORT #2 – CERTIFICATION SUBCOMMITTEE – Certification of Inspectors/Plans Examiners for August

Mr. Salvador then added that the following individuals are being recommended for **approval** of **New Certification** for August.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Barrios, Ardiel	Town of Miami Lakes	Roofing Inspector (Commercial) Roofing Inspector (Residential)
Diaz, Guillermo	Village of Pinecrest	Building Inspector (Structural) Plans Examiner Building
Guerrero, Gerardo	City of Miami Beach	Mechanical Inspector Plans Examiner Mechanical
Márquez, Elier J.	City of Miami Beach	Plans Examiner Electrical
Pousa, Felix J.	City of Sweetwater	Electrical Inspector Plans Examiner Electrical
Raymond, Paul	Sunny Isles Beach	Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical
Riveron, Alexis	Town of Miami Lakes	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)

Mr. Salvador then moved to **approve** those above-mentioned for **New Certification** for **2011**. The motion was seconded by Mr. Diaz.

The **motion carried unanimously.**

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

INFORMATION #1 – Eduardo Gonzalez, Asst. County Attorney, Presentation – Sunshine Law Requirements

Eduardo Gonzalez, Asst. County Attorney informed the Board that the wanted to provide a brief overview of the Sunshine Law requirements. Mr. Gonzalez then highlighted key areas of the provisions as follows:

- All meetings are open to the public.
- There must be reasonable meeting notification.
- Minutes of the meeting must be maintained.
- Two members can not discuss board agenda items outside of a meeting.
- Written material are under the purview of the Sunshine Law.
- Local Boards can not video conference members for a meeting.

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INFORMATION #1 – cont....

- Members cannot utilize the County Attorney or Staff support as a liaison to speak with other staff.
- No board information discussed amongst each other at the time of public meeting.
- Members can not abstain from voting. The members must leave the room if there is a conflict.
- Sunshine Law does **not** apply to discussions between a member of one Board and a member of another separate Board.
- Support staff discussions does **not** fall under the Sunshine Law requirement; therefore, a member can discuss matters with support staff.

Mr. Gonzalez concluded with informing the members to be mindful of these requirements, as they may be subject to both civil and criminal penalties. He further added that their actions could also jeopardize actions taken by the Board on an issue.

There being no further business, the meeting was adjourned at 1:53 P.M.

***MINUTES OF THE BOARD OF RULES AND APPEALS**
MEETING OF OCTOBER 20TH, 2011

Members Present: Jesus Gomez, *Chairman* Thomas Utterback, *Sergeant at Arms*
Robert Barnes William Derrer
Rolando Diaz Juan Dalla Rizza, P.E.
Alfonso Fernandez-Fraga Chief Virgilio “Virgil” Fernández
Carmen Garcia Herbert Gopman
Hon. Jordan W. Leonard Gregory Pierce
Enrique Salvador Roce Simpson, Jr.

Members Excused: *Richard Horton, Vice-Chairman Mario Espineira, Jr.
Chief Paul Smith

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

Apex Reporting Services: Daisy Amador, Apex Reporting Group

The meeting commenced at 1:05 P.M.

Prior to the start of the meeting Chairman Gomez introduced new Board Member Councilman Jordan W. Leonard, representing the Dade League of Cities. The members welcomed Mr. Leonard in unison.

MINUTES of September 22, 2011

Chairman Jesus Gomez then requested a motion for the approval of the **September 22nd, 2011** meeting minutes. A motion was made by Rolando Diaz to accept the minutes. The motion was seconded by William Derrer.

The **motion carried unanimously.**

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

REGULAR AGENDA

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 8210 S.W. 99 Street, Solar Energy/Roof Requirements and Cancellation of Permit

Daniel Arguelles informed the members that he was a manufacturer of Hybrid Green Systems and he was present to appeal the decision of the Building Official of Unincorporated Miami Dade County. He explained that he was unable to proceed with permitted work due to a hold on the roofing permit and a cancellation of the electrical permit by the Building Department. Mr. Arguelles went on to add that upon calling for a roofing inspection there were questions raised about the solar installation. At this time, Mr. Arguelles stressed to the members that the process has been very frustrating and he needed a resolution to this matter.

Flavio Gomez, Director, Building Division clarified that this issue is regarding a roofing and electrical permit. Mr. Gomez explained that the roofing application was obtained in May and was approved with a Notice of Acceptance (NOA) that had specific requirements, in particular a 7½” width aluminum pan, but the contactor installed a 16” pan. In addition, an electrical permit was pulled on June 30, 2011; this permit requires a valid NOA for the photovoltaic system that is part of the roof.

Boris Sursky, Roofing Plans Processor, thanked the Board for their time and proceeded with a PowerPoint describing the events surrounding their findings. Mr. Sursky indicated that the plan review process is only as good as the documents received and, in this case, there were omissions and errors. He commented that while he applauds the appellant’s efforts on use of green systems, however, they are not in compliance with their NOA. Mr. Sursky also advised that the pans are attached to the surface using foam, and there is no test data on the impact of heat on foam. In addition, he indicated that there was no data on fire resistance issues as well.

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Appeal No. 1 cont...

Robert Barnes inquired if the roof is an existing tile roof.

Mr. Sursky responded that it was not and explained that the issue is the installation of the aluminum pans; which lack a valid NOA.

Michael Goolsby, Director, Board and Code Administration Division, framed the premise of the issue and commented that, once the component becomes a part of the roof system, a product approval would be required. He indicated that a one-time product approval could be sought.

Rolando Diaz remarked that the central problem is that there is no product approval for this roofing system, as well as the roofing permit application did not reflect that the solar system was being installed from the inception.

Chairman Jesus Gomez inquired specifically about the original drawings submitted and asked whether they revealed that there was going to be a solar system installed. He stressed to Mr. Arguelles that they needed to install the approved pan and obtain the proper NOA.

Mr. Arguelles commented that he did inform Miami Dade County and the pan is not an issue; the permit for the solar panel was obtained.

Kevin Martin, Solar Contractor, explained that normally he would obtain the roofing and solar permit together, but in this case it was done separately based on the information Mr. Arguelles received. He further explained that he was provided with the permit, only to find out that it was later revoked. Mr. Martin advised that in his 20-years of experience, this has never happened to him. Mr. Martin further stressed that calling this system a roof component is incorrect, as this is a solar panel system.

Flavio Gomez responded that the product does not meet the Notice of Acceptance and this situation would be a case for a one-time product approval.

Upon much discussion, Mr. Utterback moved to **deny** the appeal and uphold the Building Official's decision regarding the roof and solar installation. Mr. **Diaz** seconded the motion.

Board Discussion on the motion:

Mr. Fernandez-Fraga inquired about a State product approval for the use of the product.

Mr. Martin responded that they obtained a State product approval for a 16" pan.

Mr. Goolsby indicated that this approval was not within the high-velocity hurricane zone area.

Mr. Pierce suggested to Mr. Arguelles that in the future he should clarify the use of the product at permitting stage before installing a new product. He further added that one of the problems is that the roof drawings do not indicate that they were going to install this system.

Mr. Arguelles remarked that the original plans shown to officials initially did illustrate the installation of the system.

At this time, Mr. Simpson asked the Chairman to call the question on the motion.

The motion carried (Ms. Garcia was opposed.)

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

Appeal No. 1 cont...

REPORT #1 – CERTIFICATION SUBCOMMITTEE – Certification of Inspectors/Plans Examiners for September

Mr. Salvador then added that the following individuals are being recommended for **approval** of **New Certification** for September.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
<u>Diaz, Guillermo</u>	Town of Miami Lakes	Roofing Inspector Commercial) Roofing Inspector (Residential)
<u>Gonzalez, Dario</u>	City of Doral	Building Official Chief Building Inspector Plans Examiner Building Plans Examiner Structural
<u>Hammond, Alton E.</u>	City of Sunny Isles Beach	Mechanical Inspector Plans Examiner Mechanical Plans Examiner Mechanical – Res.
<u>Malone, Michael B.</u>	City of Hialeah	Electrical Inspector
<u>Perez, Andres</u>	Town of Miami Lakes	Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical
<u>Perez, Jan Pierre</u>	Town of Miami Lakes	Mechanical Inspector Plans Examiner Mechanical

At this time, Mr. Salvador then moved to **approve** the above-mentioned for **New Certification** for **2011**.
Mr. Pierce seconded the motion.
The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

INFORMATION: Florida Building Code

Mr. Goolsby informed the Board of current events happening in the **Florida Building Code** as follows:

- **Raul Rodriguez, Chairman of the Florida Building Commission was replaced by Dick Brody**
- **A workgroup has been created for discussion of the “Threshold Inspector”**
- **Conferences are in place to discuss the anticipated 2013 code development**

Mr. Fernandez-Fraga inquired about the Board members receiving the Florida Building Code books.

Mr. Goolsby advised the Board that he would look into the Board receiving these books and get back with them with an answer.

There being no further business, Mr. Gomez requested a motion to adjourn the meeting. Mr. Salvador moved to adjourn and Mr. Pierce seconded the motion. The meeting was then adjourned at 2:13 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF NOVEMBER 17TH, 2011

Members Present: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Thomas Utterback, *Sergeant at Arms* Robert Barnes
William Derrer Rolando Diaz
Juan Dalla Rizza, P.E. Mario Espineira, Jr.
Alfonso Fernandez-Fraga Herbert Gopman
Hon. Jordan W. Leonard Gregory Pierce
Enrique Salvador Roce Simpson, Jr.
Chief Paul Smith

Members Excused: Carmen Garcia Chief Virgilio “Virgil” Fernández

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

Apex Reporting Services: Tanya Settel, Apex Reporting Group

The meeting commenced at 1:05 P.M.

MINUTES of October 20th, 2011

Chairman Jesus Gomez mentioned that there was a correction to the minutes to reflect that Richard Horton was noted as present, but was excused from the October meeting. He then requested a motion for the approval of the **October 20th, 2011** meeting minutes. A motion was made by William Derrer to accept the minutes. The motion was seconded by Enrique Salvador.

The motion **carried unanimously**.

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

REGULAR AGENDA - TCO/TCC APPEALS

#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. B313A, Permit No. 2002108242

Juan Gonzalez was present at the hearing.

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.)

#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. A155A, Phase 3, Permit No. 2002109071

Juan Gonzalez was present at the hearing.

A motion was made by Gregory Pierce 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.)

#3 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. A155S, Part B, Permit No. 2002109075

Juan Gonzalez was present at the hearing.

A motion was made by Gregory Pierce 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.)

Continued...

#4 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program, MDAD Project No. A155S, Part A, Permit No. 2002109076

Juan Gonzalez was present at the hearing.

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

Board Member Jordan Leonard inquired about the list of items to be completed at this site.

Mr. Gonzalez explained that the project continues to take time to complete, but they are making progress. However, he indicated that were now down to only four-(4) TCO's.

Various members explained that the Building Official is actively aware of all issues at these sites and that he takes responsibility for signing off on an Extension of the TCO.

BOARD INFORMATION:

At this time, Chairman Gomez introduced new **Board Member Mayor Eduardo H. Muhina**, representing the Dade League of Cities. The members welcomed Mr. Muhina in unison.

REPORT #1 – CERTIFICATION SUBCOMMITTEE – Certification of Inspectors/Plans Examiners for November

Mr. Salvador then added that the following individuals are being recommended for **approval** of **New Certification** for November:

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Regula, Ronald S.	City of Hialeah	Mechanical Inspector Plans Examiner Mechanical

Mr. Salvador then moved to **approve** the above-mentioned for **New Certification** for **2011**. Mr. Diaz seconded the motion.
The **motion carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

NON-AGENDA: 2010 Florida Building Code

Michael Goolsby informed the members that the 2010 print version of the Florida Building Code is now available, but the CD ROM version will not be ready until March 15, 2012. However, at present, the code can be viewed online.

There being no further business, Mr. Gomez requested a motion to adjourn the meeting. Mr. Pierce moved to adjourn and Mr. Simpson seconded the motion. The meeting was then adjourned at 1:19 P.M.