

Board of Rules and Appeals (Regular Meeting)

Minutes of June 19th, 2014

Page 2 of 5

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, The Townhomes at Sunset Harbor, 1413 Sunset Harbour Drive, Handicap Accessibility Parking, Private Residential Property

Marc Halpern, Representative for the Townhomes at Sunset Harbor, informed the members that this was a private community with no public parking accommodations and has only residential parking spaces. He commented that there was one handicapped parking space in the past, but has since been removed and the Association feels that they are not required to install this space as this is a private residence. In addition, Mr. Halpern noted that the owner/tenant never came to the Association to request such accommodations, which they would have responded to immediately. Mr. Halpern advised, as more importantly, ANSI's guidelines are not mandates and the FAIR Housing Authority does not require the parking space.

At this time, Mr. Utterback *moved to deny* the appeal. Mr. Diaz seconded the motion.

Board Discussion:

Mr. Diaz commented that, at the time, the South Florida Building Code required the handicap accessibility parking and it should be returned to its original design.

Ms. Gladys Salas, City of Miami Beach, advised the Board that the violation was issued for the removal of the handicap parking for this property, given that the South Florida Building Code (1988) required this accommodation.

Eduardo Fernandez, Training and Certification Officer, commented that Staff agreed with the Building Official that the South Florida Building Code (1988) was applicable and therefore, the Officials have applied the provision correctly. In addition, Mr. Fernandez commented that a permit also had to be obtained to remove the handicap parking space.

Alfonso Fernandez-Fraga inquired whether the space would be required under current Code provisions.

Mr. Eduardo Fernandez indicated that they would be required to have the accommodation.

Assistant County Attorney Eduardo Gonzalez commented that the issue is the applicable code and whether the removal of the parking spaces violated the Code.

At this time, Chairman Jesus Gomez called the question on the motion made by Mr. Utterback. The *motion carried unanimously*.

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

REPORT #1 – CERTIFICATION SUBCOMMITTEE – Certification of Building Officials, Plans Examiners and Inspectors for June 2014

Chairman Rolando Diaz informed the members that the following individuals were being recommended for approval of New Certification for June 2014:

INSPECTOR:

Diaz, Victor M.

Garcia, Armando J.

Garcia, Heberto A.

Hernandez, Rafael

REPRESENTING:

Town of Cutler Bay
City of North Bay Village
Village of Palmetto Bay

City of Aventura
Village of El Portal
City of North Bay Village

City of South Miami

DISCIPLINES:

Chief Plumbing Inspector
Chief Plumbing Inspector
Electrical Inspector
Plans Examiner Electrical
Chief Plumbing Inspector
Chief Plumbing Inspector
Plans Examiner Plumbing
Plumbing Inspector
Chief Plumbing Inspector

Board of Rules and Appeals (Regular Meeting)

Minutes of June 19th, 2014

Page 3 of 5

CERTIFICATION SUBCOMMITTEE REPORT cont...

INSPECTOR:

Hernandez, Robert

Hill, James D.

Lapica, Juan E.

Lopez, Armando

Milner, Tommy

REPRESENTING:

Town of Medley

City of Sunny Isles Beach

City of West Miami

City of Miami

City of Aventura

Bal Harbour Village

Town of Cutler Bay

Village of El Portal

City of North Bay Village

Poirier, Jr., Raymond J.

Town of Medley

Regula, Ronald S.

City of Opa Locka

Rodriguez, Guillermo A.

City of Aventura

Bal Harbour Village

Town of Cutler Bay

Village of El Portal

City of North Bay Village

Rojas, Edward A.

City of Doral

DISCIPLINES:

Plans Examiner Plumbing

Plumbing Inspector

Chief Building Inspector

Plans Examiner Building

Building Inspector (Structural)

Plans Examiner Plumbing

Plumbing Inspector

Electrical Inspector

Plans Examiner Electrical

Chief Mechanical Inspector

Mechanical Inspector

Plans Examiner Mechanical

Plans Examiner Building

Chief Virgil Fernandez moved to **approve** the **New Certification** report as reported. Mr. Diaz seconded the motion. The *motion carried unanimously*.

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

Mr. Jesus Gomez then remarked that the following individual was being recommended for **rejection** for **New Certification** for **June 2014**:

INSPECTOR:

Lopez, Armando

REPRESENTING:

City of Miami

DISCIPLINES:

Inspector – Commercial Roofing

Inspector – Residential Roofing

Plans Examiner Building

(The applicant does not have the 5 years' experience required by the Code of Miami-Dade County, Chapter 8, Section 8-21.2(e)(2). (There is no indication that applicant has any roofing experience as per resume, Code of Miami-Dade County, Chapter 8, Section 8-21.2(g)(7) and (h)(3)(dd).)

Chief Virgil Fernandez moved to **reject** Mr. Lopez for **New Certification** as reported by Mr. Diaz. Chief Paul Smith seconded the motion. The *motion carried unanimously*.

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

At this time, Chairman Jesus Gomez requested the **appointment of Rolando Diaz** as **Chairman** and **Roce Simpson** as **Vice-Chairman** of the **Certification Subcommittee**. Chief Paul Smith moved to appoint Mr. Diaz as Chairman and Mr. Derrer seconded the motion. The *motion carried unanimously*.

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

Board of Rules and Appeals (Regular Meeting)

Minutes of June 19th, 2014

Page 4 of 5

BOARD DISCUSSION #1 – Michael Goolsby - Phased Permitting

Michael Goolsby, Board and Code Administration Division Director, informed the members that at a local Building Officials meeting this month one of the topics was “Phased Permitting.” He remarked that phased permitting is allowed in the Code and explained that this process is seen as a method to accelerate the construction and plans review process prior to all of the construction documents being submitted. The Officials at the meeting asked that the Board consider the subject to determine if some uniformity could be established.

Mr. Goolsby began to explain that the focus should address the following: (1) the phased permit is a permit that satisfies the requirement under the Building Code; (2) it allows the plans to be developed and approved through the construction process and (3) phase permitting should not be utilized until all appropriate documents are submitted. He went on to add that each area can be reviewed and justified with relevant provisions.

Mr. Richard Horton commented that the scope of the project should determine the phases of the permit.

Mr. Diaz commented that the process needed to be more defined and remarked that phased permits have been utilized for many project within the City of Miami Beach.

Ms. Deede Weithorn stated that this process has served the City of Miami Beach well, however the key to the process is the responsibility that is assumed by the permit holder to address any issues that arise.

Chief Virgil Fernandez remarked that it is not a regulatory issue, but a design issue, if corrective action is required.

Mr. Utterback stated that this discussion should be researched further and perhaps sent to the BORA to Building Subcommittee. In addition, he inquired if Broward County is utilizing this permitting process.

Mr. Goolsby commented that but it is not being utilized in Broward County.

At this time, Mr. Utterback *moved to send this item to Subcommittee* for discussion. Mr. Barnes seconded the motion.

Mr. Horton amended Mr. Utterback’s motion to include that the Board is in favor and supportive of the concept of phased permitting and to send to Subcommittee for further discussion. Mr. Utterback accepted Mr. Horton’s amendment. The *motion carried unanimously*.

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

Additional members requested to be added to the Subcommittee as follows: Mr. Diaz, Mr. Derrer, Mr. Barnes, Mr. Utterback, Chiefs Virgil Fernandez and Paul Smith and Ms. Deede Weithorn.

BOARD DISCUSSION #2 – Kathy Charles – Financial Disclosure Reminder

Kathy Charles, Board Administration Section, Board Administrator reminded the members about submitting their Financial Disclosure Forms by **July 1st, 2014**. She advised them that the County Commission and the Ethics Commission are looking to add the penalty of removing members from the Board who do not adhere to the disclosure filing requirement. Ms. Charles further offered to provide the financial forms for those members as needed.

As a point of information, Mr. Dalla Rizza advised the members that some individuals were concerned with “contractor insurance status” and expressed that the contractors are purchasing liability insurance, but not workman’s compensation insurance in some cases.

Board of Rules and Appeals (Regular Meeting)

Minutes of June 19th, 2014

Page 5 of 5

BOARD DISCUSSION #2 cont...

Michael Goolsby commented that the Miami Dade County Contractor Licensing Section requests the insurance information during the renewal cycle, in an effort to have the information in the system for contractors.

There being no further business, the meeting was adjourned at 2:00 P.M.
