

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JANUARY 19TH, 2012

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

Members Excused: Richard Horton, *Vice-Chairman* Mario Espineira, Jr.
Hon. Eduardo H. Muñiña Gregory Pierce
Roce Simpson, Jr.

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 1:09 P.M.

MINUTES of December 15, 2011

Chairman Jesus Gomez requested a motion for the approval of the **December 15, 2011** meeting minutes. A motion was made by Rolando Diaz to accept the minutes and Thomas Utterback seconded the motion. The **motion carried unanimously**.

REGULAR AGENDA

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

Mr. Salvador directed the members to the *Re-Certification Inspector Tracking System Report for 2012*.

Board Member Jordan Leonard acknowledged for the record that he had a conflict and stepped out the room for the voting process.

Oriol Torres-Haage, Board and Code Administration Division informed the members that **Jorge Gamoneda**, who was not on the Re-Certification list for 2012, has now complied with all the requirements and can be re-certified.

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

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|--------------------------|-----------------------------|---|
| Ashraf, Syed M. | City of North Miami Beach | Building Official |
| Hernandez, Rafael | Village of Palmetto Bay | Chief Plumbing Inspector |
| Travers, John T. | City of Miami Gardens | Electrical Inspector Plans Examiner Electrical |

Mr. Salvador then moved to **approve** those listed for **Re-Certification** and **New Certification** for January. Mr. Diaz seconded the motion. The **motion carried unanimously**.

REGULAR AGENDA cont...

BOARD INFORMATION

Michael Goolsby informed the members that they would be receiving one (1) Florida Building Code in either a hard copy or electronic format. Mr. Goolsby then proceeded to ask for their book or cd preference.

Board Member Carmen Garcia inquired with Mr. Goolsby about availability of additional copies of the codebooks.

Mr. Goolsby advised that the Department no longer sells the Code books or other publications, but the Florida Building Code could be purchased through the State at a price of \$372 for members and \$465 for non-members.

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Town of Miami Lakes, Miami Research & Industrial Park, 14400-14580 NW 60 Avenue, Roof Recover System, Florida Building Code, Section 1521.9

Robert Kornahrens, Advanced Roofing, introduced various individuals that may provide testimony regarding their appeal. Mr. Kornahrens went on to advise the members that Advanced Roofing has been in business since 1983 and specializes in reroofing. He explained that their client requested a new roof and they were attempting to reroof this building with lightweight over a steel deck. Mr. Kornahrens indicated that the code allows for two roof systems. He advised that, given the conditions in place, they have conducted various tests, utilized dry installations and obtained appropriate Notices of Acceptance. Mr. Kornahrens expressed to the members that, if this project were not able to proceed with two roof systems, the additional costs would be prohibitive.

Mr. Danny Stokes, Vice President of Advanced Roofing, commented that they have conducted a moisture survey and they are allowed to dry out the lightweight concrete to remove moisture.

Elizer Palacio, Building Official, Town of Miami Lakes commented that **Section 1521.9** is very clear and the proposed installation would be the third roof system at this property. Mr. Palacio explained that this is a non-vented solid deck, where according to their report moisture levels over 30% have been detected on the lightweight concrete. Mr. Palacio added that multiple recovers are detrimental to the life of a roof.

Board Member William Derrer inquired about the removal of the existing surface roof and asked how many layers are mechanically fastened to the roof.

Ismael Naranjo, Plans Examiner Town of Miami Lakes remarked that the second layer is connected to the system with fasteners and was applied with asphalt. He went on to explain that once the system is removed, they should be able to see the existing system, but currently he does not know if there is any corrosion. He added that the code is clear and the question for the Board is whether this is an additional system.

Michael Goolsby, Director, Building and Code Administration commented that the code does allow up to two roofing systems. He also enlightened that the Code does not establish moisture content for lightweight, nor does it stipulate a level that would be "too wet" to proceed.

Upon further discussion, Mr. Derrer moved to reverse the decision of the Building Official and **grant** the appeal to install a roofing recover solution proposed at the mentioned property. Mr. Utterback seconded the motion.

The motion carried unanimously.

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

There being no further business, Mr. Gomez requested a motion to adjourn the meeting. Mr. Diaz moved to adjourn and Mr. Salvador seconded the motion. The meeting was then adjourned at 1:26 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF FEBRUARY 16TH, 2012

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

Members Excused: Jesus Gomez, *Chairman* Herbert Gopman
Hon. Jordan W. Leonard 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: Amar Kredi, Apex Reporting Group

The meeting commenced at 1:20 P.M.

MINUTES of January 19th, 2012

Chairman Jesus Gomez requested a motion for the approval of the **January 19th, 2012** meeting minutes. A motion was made by William Derrer to accept the minutes and Thomas Utterback seconded the motion. The *motion carried unanimously*.

REGULAR AGENDA

INTERPRETATION #1: City of South Miami, Decorative Fish Ponds/Swimming Pools, Florida Building Code – Residential, Definition of Swimming Pool, Private

Mr. Victor Citarella, City of South Miami, Building Official advised the members that he was seeking an interpretation regarding whether an existing water feature is a swimming pool. Mr. Citarella went on to add that some residents in various municipalities are putting in ponds and some have the water level maintained by a pump. He indicated that he just needed some guidance on whether these structures are considered swimming pools and, as a result, must follow the requirements for such a structure.

Michael Goolsby, Board and Code Administration Division Director, commented that ponds are not covered in the Florida Building Code, but public and private swimming pools are regulated. He then presented a PowerPoint depicting various pictures of the property in question. Mr. Goolsby informed the Board that they needed to look at the intent and if they deemed it a swimming pool, then it needs to adhere to the Florida Building Code requirements.

Lawrence Feingold, Attorney for property owner, commented that his client is the City of South Miami Mayor and his opponent raised this issue during the mayoral campaign. Mr. Feingold then asked that Dr. Philip Stoddard, the property owner, come forward to elaborate more on the type of structure in question.

Dr. Philip Stoddard remarked that he wanted to recreate some of the ecosystem of the Everglades in the South Miami area. He explained that to accomplish a natural environment the water has to be a specific depth, but it is shallow along the edges of the pond. Dr. Stoddard further mentioned that vegetation, lilies, and fish had to be added. He shared, that intriguingly, they have actually been visited by various species of birds, as a result of the environment. He further informed the members that the pond was not intended for swimming, but to create the type of ecosystem that would have existed before the area was developed.

Upon some discussion, Mr. Utterback moved to interpret that as it pertains to the interpretation in question, the water feature was not a swimming pool, therefore, it is not subject to Florida Building Code requirements for a swimming pool. Mr. Pierce seconded the motion.

Discussion on the motion:

Several members expressed concerns about children being able access this property. They proceeded to ask Dr. Stoddard what steps were in place to assure the safety of these children.

Interpretation Cont....

Dr. Stoddard responded that the pond is for ecological benefit and enjoyment. He added that they have built fences with latches at the top and self-closing doors, as they have always had the safety of children as a primary concern.

Eduardo Gonzalez, Assistant County Attorney clarified the Building Official's request and reminded the members that the interpretation would be solely for the referenced property presented for review.

Mr. Feingold proceeded to read an excerpt from Mr. Goolsby's staff opinion and commented that the code is silent and contains no regulation regarding ponds.

Mr. Horton then called the question on the motion, which ***passed unanimously.***
(For a verbatim version of the aforementioned item, refer to the transcript.)

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

Mr. Salvador acknowledged that the following individuals are being recommended for **approval** of **New Certification** for **February**:

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|---|--|---|
| Blanco, Orlando L. | City of Miami Springs | Building Inspector (Structural) Plans Examiner Structural |
| Guerrero, Gerardo Hernandez, Luis B. | City of Sunny Isles Beach City of Miami Gardens | Chief Mechanical Inspector Building Inspector (Structural) Roofing Inspector (Commercial) |
| Rodriguez, Raul V. | Roofing Inspector (Residential) City of Opa Locka | Building Official |

Mr. Derrer moved to **approve** those listed for **New Certification** for **February**. Mr. Diaz seconded the motion.

The ***motion carried unanimously.***

INFORMATION

Eduardo Gonzalez, Assistant County Attorney informed the members that the City of Miami Beach has reached an agreement with the appellant on a prior Board of Rules and Appeal case regarding the Mondrian Hotel. He added that the issue has been resolved through this mediation and is pending City of Miami Beach Commission approval.

EMERGENCY AGENDA

CLARIFICATION #1: Town of Miami Lakes, Clarification of Board Ruling, Miami Lakes Research & Industrial Park, 14400-14580 NW 60 Avenue, Florida Building Code, Section 1521.9, Roofing Systems

Robert Kornahrens, Advanced Roofing, informed the members that he was back to request clarity on his ruling regarding the abovementioned property. Mr. Kornahrens commented that he felt that the ruling was for him to take the second roof system off, down to the insulation.

William Derrer replied as the maker of the motion, that this was the intent of the ruling made on this appeal.

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Clarification Cont....

Eliezer Palacio, Building Official, Town of Miami Lakes stated that while that may have been the ruling, the conditions on the site deviate from that approved condition. Mr. Palacio proceeded to inquire with the County Attorney regarding Section 8-4 (d) (2) of the code of Miami Dade County and read excerpts regarding the Board's authority.

Eduardo Gonzalez responded that the referenced item on the agenda today is only for clarification to the ruling made last month and the Board cannot rehear this matter as this is subject to appeal procedures.

Mr. Palacio remarked that the conditions outlined in the submittal letter are not what is being done at the site. He explained that the product approval submission/application is for a 22" gauge, however, they noticed that they have 26" gauge on at least one of the buildings inspected.

Michael Goolsby advised the Board that they have two functions and that is: (1) to render an interpretation of the Building Code and (2) consideration of a Building Official's decision as an appeal. He added that the item being clarified today is initially from a Building Officials' appeal.

Alfonso Fernandez-Fraga stated that the makers of the motion have clarified the intent and it is now the Building Official's responsibility to assure that the conditions are met. If there are items that do not conform, Mr. Fernandez-Fraga indicated that the Building Official has the authority to act.

Gregory Pierce commented that there is a membrane on top of the installation and assuring that there is no moisture is the key. He added that the main goal is to apply a "*smooth and workable surface*" and while there have been numerous tests; the Building Official has found a deviation in the gauge from 22" to 26." Mr. Pierce further added that moving forward there should be verification on the gauge, along with presentation of any test or analysis that would be required.

Eduardo Gonzalez reiterated that the item before them today is solely for clarification and if the Building Official and the appellant has new circumstances or issues then it has to be submitted and presented as a separate appeal to the Board in that manner.

Mr. Kornahrens stated that they were requested to perform a deck inspection and to his understanding, a "smooth and workable surface" is an integral part of the roof installation. He further stated that they will bring in approved testing agents and would be willing to perform any additional pull tests.

Mr. Palacio commented that because they have found deviations in the gauge requirements on one of the buildings, he would request that all of the remaining buildings be tested.

At this time, Mr. Derrer moved to uphold the intent of his previous motion and the Board's ruling made on this appeal. Mr. Utterback seconded the motion.

Chief Virgil Fernandez stated that he disagreed with the motion, because if the Building Official found deviations, now what was initially an installation issue could evolve into something else.

Ismael Naranjo, Plans Examiner Town of Miami Lakes, commented that he wished they had more time to address some concerns they had at the last hearing. Mr. Naranjo went on to add that the interpretation was not clear and they were under the assumption that the appellant was to go down to the insulation on the recovery system.

Robert Barnes commented that Mr. Pierce was clear in his concept of "smooth and workable finish." He added that when he voted in support last month of the appeal, it was with this principle in mind.

Clarification Cont....

Mr. Horton reinstated that the motion of the Board was in favor of the appellant and allowing for installation of a second roofing system at the location proposed.

The ***motion carried unanimously.***

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

There being no further business, Mr. Horton requested a motion to adjourn the meeting. Mr. Salvador moved to adjourn and Chief Virgil Fernandez seconded the motion. The meeting was then adjourned at 2:04 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF MARCH 15TH, 2012

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

Members Excused: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Chief Virgilio “Virgil” Fernández William Derrer
Carmen Garcia Hon. Eduardo H. Muhiña
Roce Simpson, Jr.

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

Apex Reporting Services: Renae Miller, Apex Reporting Group

The meeting was called to order at 1:30 P.M.

Given that members were waiting for quorum and the Court Reporter, Mr. Utterback proceeded with a non-agenda item for discussion as requested by Michael Goolsby.

NON-AGENDA

Michael Goolsby, Board and Code Administration Division Director, queried the members regarding a resume he received from a Building Official for possible certification. He added that the individual obtained a P.E. license two years ago and works for an Engineering firm. However, the applicant has never worked in construction other than conducting inspections; therefore, he has no direct construction field experience.

Mr. Fernandez-Fraga indicated that the City could just present the certification request for consideration. He then inquired about whether the inspections were conducted during or post construction and perhaps they could find out more of what he did in the field.

Mr. Goolsby commented that he does not believe that a depth of knowledge is gained just by reviewing someone else’s work in the field. He further added that five (5) years of roofing experience must be demonstrated.

Chief Paul Smith inquired about education being used as equivalent to some of the work experience requirement.

Board Member Gregory Pierce remarked that the five (5) years of experience was established for a reason; given that there are over 30,000 roofing systems, hands-on roofing experience is essential. Mr. Pierce added that the practical experience in the field, as a roofer, adds to the quality of an inspector.

After the Court Reporter arrived and quorum obtained, the meeting was called to order at 1:45 P.M. for official business.

Mr. Goolsby informed the members that the 2010 FBC was available for distribution today.

MINUTES of February 16th, 2012

Thomas Utterback requested a motion for the approval of the **February 16th, 2012** meeting minutes. A motion was made by Rolando Diaz to accept the minutes and Gregory Pierce seconded the motion. The *motion carried unanimously*.

REGULAR AGENDA

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Tropical Trailer Park, Inc., 1398 NW 79 Street (Old Club House), Chapter 1, Section 111.3, Disconnect of Power

Mr. Rex Russo, Attorney for the property owner, advised that they received a Notice of Disconnect on January 3, 2012 for a facility originally used as a club house, which is now unoccupied. He added that his client thought that he had a valid permit, only to later find out that the permit was expired. Mr. Russo further indicated that the power would remain disconnected at this location until a contractor is obtained to carry on with the requirements of the Building Department and Florida Power and Light.

Michael Goolsby, Board and Code Administration Division Director, proceeded to ask Mr. Russo whether he was then withdrawing his appeal.

Mr. Russo indicated he wanted to reserve that discussion at this time to hear from the Building Official regarding their requirements for compliance, because the notice was unclear.

Stuart Bazerman, Electrical Division Director, advised the members that during an inspection at this location they witnessed an open meter, among other violations, thus prompting the department to post the property with a citation according to the 2007 Florida Building Code, Section 111.3. Mr. Bazerman added that should the appellant have a valid building permit, a temporary certificate of occupancy could be obtained. He indicated that this would allow for an electrical contractor to be present on the site and the power could be restored temporarily in order for construction to proceed at this location.

Rolando Diaz commented that the attorney recognizes that there is an expired permit and agrees that there are some areas that need to be corrected, and perhaps Mr. Russo should withdraw his appeal and return to the Board should other problems arise.

Eduardo Gonzalez, Asst. County Attorney, clarified that the appellant's withdrawal will not prejudice his rights to come back to the Board should additional issues arise.

At this time, Mr. Russo *withdrew* the appeal from the Board of Rules and Appeals advising that they will work with Mr. Bazerman in obtaining compliance at this location.
(For a verbatim version of the aforementioned item, refer to the transcript.)

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

Board Member Enrique Salvador left the room prior to this discussion.

Rolando Diaz acknowledged that the following individuals are being recommended for **approval** of **New Certification** for **March**:

INSPECTOR:
Ashraf, Syed M.
Cabrera, Suramy

REPRESENTING:
Miami Shores Village
City of North Miami Beach

DISCIPLINES:
Plans Examiner Structural
Plans Examiner Structural

Certification Report Cont...

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|-----------------------------|-----------------------------|--|
| Collao, Juan E. | City of Doral | Building Inspector (Structural) |
| Conde, Roberto | City of Hialeah Gardens | Plans Examiner Plumbing Plumbing Inspector |
| Prieto, Frank | City of Miami | Building Inspector (Structural) Plans Examiner Structural |
| Rojas, Edward A. | City of Doral | Chief Building Inspector |
| Salvador, Enrique E. | Village of Virginia Gardens | Plans Examiner Plumbing Plumbing Inspector |
| Vazquez, Carlos A. | Miami-Dade County | Electrical Inspector |
| Velazco, Rene | City of Doral | Plans Examiner Building |

Gregory Pierce moved to **approve** those listed for **New Certification** for **March**. Chief Paul Smith seconded the motion.

The ***motion carried unanimously.***

BOARD DISCUSSION #1 – Chairperson and Vice-Chairperson Elections 2012

Mr. Utterback then opened the floor for elections of BORA Chairperson and Vice-Chairperson for 2012.

He recommended to the members that the Board should maintain some continuity and allow the current Officers to remain in place for another term.

Mr. Diaz then moved to nominate Jesus Gomez for Chairman and Mr. Leonard seconded the motion.

Mr. Fernandez-Fraga then suggested a friendly modification to the motion made by Mr. Diaz to include the three current posts, Chairman Jesus Gomez, Vice-Chairman Richard Horton, as well as Sergeant of Arms Thomas Utterback, to serve again for the next term.

The ***motion carried unanimously.***

There being no further business, the meeting was then adjourned at 1:56 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF APRIL 19TH, 2012

Members Present: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Robert Barnes William Derrer
Rolando Diaz Mario Espineira, Jr.
Alfonso Fernandez-Fraga Carmen Garcia
Herbert Gopman Hon. Jordan W. Leonard
Hon. Eduardo H. Muñina Gregory Pierce
Enrique Salvador Roce Simpson, Jr.

Members Excused: Thomas Utterback, *Sergeant at Arms* Juan Dalla Rizza, P.E.
Chief Virgilio “Virgil” Fernández 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: Maritza Monroe, Apex Reporting Group

The meeting was called to order at 1:05 P.M.

MINUTES of March 15th, 2012

Chairman Gomez requested a motion for the approval of the **March 15th, 2012** meeting minutes. A motion was made by Rolando Diaz to accept the minutes and Gregory Pierce seconded the motion. The *motion carried unanimously*.

REGULAR AGENDA

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

Rolando Diaz acknowledged that the following individuals are being recommended for **approval** of **New Certification for April**:

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|-----------------------------|-----------------------------|---|
| Alvarez, Raul H. | City of Hialeah Gardens | Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential) |
| Blanco, Linda S. | City of Miami Beach | Building Inspector (Structural) Plans Examiner Building |
| Caicedo, Santana | Miami-Dade County | Electrical Inspector |
| Cankat, Mustafa | City of North Bay Village | Plans Examiner Structural |
| Conde, Jr., Roberto | Town of Medley | Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector |
| Gonzalez, Antonio P. | City of Miami Beach | Building Inspector (Structural) Plans Examiner Building |

REGULAR AGENDA Cont...

CERTIFICATION SUBCOMMITTEE – Certification of Inspectors/Plans Examiners for April

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|----------------------|--|---|
| Guerra, Roberto D. | City of Sweetwater | Building Inspector (Structural) |
| Hernandez, Robert | City of North Bay Village | Plans Examiner Plumbing Plumbing Inspector |
| Ogden, Michael T. | Village of Pinecrest | Chief Plumbing Inspector Plans Examiner Plumbing |
| Perez, Jan Pierre | City of Miami | Chief Mechanical Inspector |
| Saez, Jose A. | City of Miami | Mechanical Inspector |
| Silveira, Silvio A. | City of Doral | Building Inspector (Structural) Plans Examiner Building |
| Sutherland, Wayne A. | City of Aventura Town of Cutler Bay Village of El Portal | Plans Examiner Structural Plans Examiner Structural Plans Examiner Structural |

Enrique Salvador moved to **approve** those listed for **New Certification** for **April**. Rolando Diaz seconded the motion.

The *motion carried unanimously*.

There being no further business, the meeting was then adjourned at 1:07 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF MAY 17TH, 2012

Members Present: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Thomas Utterback, *Sergeant at Arms* Robert Barnes
Rolando Diaz Mario Espineira, Jr.
Alfonso Fernandez-Fraga Chief Virgilio “Virgil” Fernández
Hon. Jordan W. Leonard Enrique Salvador
Chief Paul Smith

Members Excused: William Derrer *Juan Dalla Rizza, P.E.
Carmen Garcia Herbert Gopman
Hon. Eduardo H. Muñiña Gregory Pierce
Roce Simpson, Jr.

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

Apex Reporting Services: Fernando Subirats, Apex Reporting Group

The meeting was called to order at 1:12 P.M.

MINUTES of April 17th, 2012

Chairman Gomez requested a motion for the approval of the **April 17th, 2012** meeting minutes. A motion was made by Enrique Salvador to accept the minutes and Richard Horton seconded the motion. The *motion carried unanimously*.

REGULAR AGENDA

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

Enrique Salvador acknowledged that the following individuals are being recommended for **approval of New Certification for May**:

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|---------------------------|--|---|
| Alvarez, Elio | City of Opa Locka | Electrical Inspector Plans Examiner Electrical |
| Alvarez, Reiner | City of Opa Locka | Mechanical Inspector |
| Arronte, Miguel T. | City of North Miami City of Opa Locka | Building Inspector (Structural) Plans Examiner Building Building Inspector (Structural) Plans Examiner Building Roofing Inspector Commercial) Roofing Inspector (Residential) Building Inspector (Structural) |
| Auchet, Pedro E. | City of Opa Locka | |
| Bassing, Thomas J. | City of North Miami City of Opa Locka | Plans Examiner Plumbing Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector |

REGULAR AGENDA cont...

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

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|---------------------------|---|--|
| Bertot, Carlos A. | City of Opa Locka | Electrical Inspector |
| Cabrera, Suramy | City of Opa Locka | Plans Examiner Structural |
| Crews, Joseph W. | City of Opa Locka | Building Inspector (Structural) Plans Examiner Building Roofing Inspector Commercial) Roofing Inspector (Residential) |
| Dauphin, Ki E. | Miami-Dade County | Electrical Inspector |
| Eisen, Jaime M. | City of Sunny Isles Beach | Plans Examiner Structural |
| Fernández, Frank | City of Opa Locka | Building Inspector (Structural) |
| Ferrer, Manuel | City of Opa Locka | Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical Plans Examiner Plumbing Plumbing Inspector |
| Garcia, Heberto A. | City of Aventura Town of Cutler Bay Village of El Portal City of North Miami | Plans Examiner Plumbing Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector |
| Garcia, Luis S. | Miami-Dade County | Plans Examiner Plumbing |
| González, Andres | City of Opa Locka | Chief Electrical Inspector Electrical Inspector Plans Examiner Electrical Plans Examiner Electrical Res.) |
| Guillen, Omar P. | City of Opa Locka | Mechanical Inspector |
| Kruger, Eduardo | City of Opa Locka | Plans Examiner Structural |
| Rivas, Angel R. | City of Opa Locka | Building Inspector (Structural) Plans Examiner Building Roofing Inspector Commercial) Roofing Inspector (Residential) |

REGULAR AGENDA cont...

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

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|----------------------|----------------------|--|
| Sutherland, Wayne A. | City of Opa Locka | Building Inspector (Structural) Plans Examiner Building Plans Examiner Structural Roofing Inspector (Commercial) Roofing Inspector (Residential) |
| | Town of Cutler Bay | Roofing Inspector (Commercial) Roofing Inspector (Residential) |
| Valderrama, Freddy | City of Doral | Building Inspector (Structural) Plans Examiner Building |
| Wagoner, Peter R. | City of Opa Locka | Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential) |
| Willis, Henry L. | City of Opa Locka | Building Inspector (Structural) Building Official Chief Building Inspector Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential) |

Enrique Salvador moved to **approve** those listed for **New Certification** for **May**. Rolando Diaz seconded the motion.

The *motion carried unanimously*.

There being no further business, Mr. Salvador moved to adjourn the meeting at 1:15 P.M. Chief Fernandez seconded the motion.

The *motion carried unanimously*.

**Note: Mr. Dalla Rizza arrived at the adjournment of the meeting.*

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JUNE 21ST, 2012

Members Present: Thomas Utterback, *Sergeant at Arms* Robert Barnes
Juan Dalla Rizza, P.E. William Derrer
Rolando Diaz Mario Espineira, Jr.
Alfonso Fernandez-Fraga Carmen Garcia
Herbert Gopman Enrique Salvador
Chief Paul Smith

Members Excused: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Chief Virgilio “Virgil” Fernández Hon. Jordan W. Leonard
Hon. Eduardo H. Muñiña Gregory Pierce
* Roce Simpson, Jr.

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

Apex Reporting Services: Amar Kredi, Apex Reporting Group

The meeting was called to order at 1:06 P.M.

MINUTES of May 17th, 2012

Thomas Utterback, Sergeant of Arms requested a motion for the approval of the **May 17th, 2012** meeting minutes. A motion was made by Mr. Fernandez-Fraga to accept the minutes and Herbert Gopman seconded the motion.

The *motion carried unanimously*.

REGULAR AGENDA

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

Enrique Salvador acknowledged that the following individuals are being recommended for **approval** of **New Certification** for **June**:

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|------------------------------------|-----------------------------|---|
| <u>Alvarez, Reiner</u> | City of Aventura | Plans Examiner Mechanical |
| <u>Annese, Richard</u> | City of North Bay Village | Chief Building Inspector |
| <u>Bleasdel, Dexter C.</u> | Miami-Dade County | Building Inspector (Structural) |
| <u>Cantillo, Antonio M.</u> | Miami-Dade County | Plans Examiner Building |
| <u>Diaz, Guillermo</u> | City of Sunny Isles Beach | Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential) |
| <u>Diaz, Victor M.</u> | City of Aventura | Plans Examiner Plumbing Plumbing Inspector |
| <u>Good, William A.</u> | City of North Bay Village | Mechanical Inspector Plans Examiner Mechanical |

REGULAR AGENDA cont...

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

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|-----------------------------|---------------------------|---|
| <u>Hernandez, Robert</u> | City of North Bay Village | Chief Plumbing Inspector |
| <u>Khabari, Houshang</u> | Miami-Dade County | Plans Examiner Building |
| <u>Mascaro Jr., Guari</u> | City of Miami | Building Inspector (Structural) Plans Examiner Building |
| <u>McCord, John R.</u> | Miami-Dade County | Building Inspector (Structural) |
| <u>Perez, Freddy E.</u> | City of Miami Beach | Plans Examiner Plumbing Plans Examiner Plumbing (Res.) Plumbing Inspector |
| <u>Pinna, Sean C.</u> | City of Sunny Isles Beach | Mechanical Inspector Plans Examiner Mechanical |
| <u>Rivas, Angel R.</u> | City of Miami Beach | Plans Examiner Building |
| <u>Salvador, Enrique E.</u> | City of Miami Springs | Plans Examiner Plumbing Plumbing Inspector |
| <u>Urquiaga, Wilfredo</u> | Miami-Dade County | Plans Examiner Plumbing |

Enrique Salvador moved to **approve** those listed for **New Certification** for **June**. Rolando Diaz seconded the motion.

The *motion carried unanimously*.

There being no further business, Mr. Diaz moved to adjourn the meeting at 1:09 P.M. Mr. Gopman seconded the motion.

The *motion carried unanimously*.

**Note: Mr. Simpson arrived at the adjournment of the meeting.*

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JULY 19TH, 2012

Members Present: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Robert Barnes William Derrer
Mario Espineira, Jr. Chief Virgilio “Virgil” Fernandez
Alfonso Fernandez-Fraga Hon. Jordan W. Leonard
Hon. Eduardo H. Muñiña Enrique Salvador
Chief Paul Smith Roce Simpson, Jr.

Members Excused: Thomas Utterback, *Sergeant at Arms* Juan Dalla Rizza, P.E.
Rolando Diaz Carmen Garcia
Herbert Gopman Gregory Pierce

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

Apex Reporting Services: Fernando Subirats, Apex Reporting Group

The meeting was called to order at 1:06 P.M.

MINUTES of June 21st, 2012

Jesus Gomez, Chairman requested a motion for the approval of the **June 21st, 2012** meeting minutes. A motion was made by Mr. Derrer to accept the minutes and Mr. Horton seconded the motion. The *motion carried unanimously*.

REGULAR AGENDA

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Lawrence Percival, 11945 SW 127 Court, Permit Requirements/Temporary Structure, FBC 105 and 107

Lawrence Percival, homeowner, started by informing the members that the roof at his property had been leaking for years. He explained that he went through the Zoning hearings process, was approved, then he applied for a roofing permit. Mr. Percival indicated that the Building Department told him that he could put up a temporary structure over the flat roof area while he made the needed repairs. He advised that he proceeded with placing the tarps on the roof in late December 2011 and finished in April 2012, only to be cited for work without a permit by Miami Dade County. He mentioned to the members that he was advised that there had been complaints and that this structure was viewed as a danger to the public.

Mr. Percival added that he applied for these permits with the intent to conduct repairs to his roof and the tarp system was only constructed to keep him from the elements of the weather, mainly the sun. He further added that, given that this is the rainy season, he would need about 30 days to deconstruct the structure, as he is trying to preserve the materials as well for later use.

Flavio Gomez, Building Division Director, advised the members that during a visit to the site it was noticed that a structure was being built on top of the roof, thus prompting the Department to issue a Notice of Violation for work without a permit. Mr. Gomez further advised the board that Mr. Percival was informed that he could remove the structure or obtain a permit for the work being done. He stressed to the members that there have been numerous complaints from the neighbors.

Mr. Horton inquired if the department analyzed whether this structure would withstand a hurricane.

Mr. Flavio Gomez replied that they would need a set of plans from the engineer to conduct such an analysis.

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APPEAL No., 1 REGULAR AGENDA cont...

Mr. Fernandez-Fraga inquired about the plans being submitted at this time.

Mr. Flavio Gomez responded that the plans submitted at this time have to do with an addition for the house, but stressed to the members that this line of questioning is not the nature of the appeal before them today, which is the unpermitted work.

Mr. Derrer inquired about Mr. Percival receiving a permit for a temporary structure, and questioned if Mr. Percival were to submit an application for the structure at this time whether it would toll any action until review of that permit application. Mr. Derrer also further inquired about the deadline to remove the structure.

Mr. Flavio Gomez proceeded to reiterated to the members that the violation is for work without a permit. He added that Mr. Percival has not submitted an application and currently the deadline has passed for Mr. Percival to remove this structure.

After much discussion, Chief Virgil Fernandez moved to deny the appeal and affirm the decision of the Building Official. Mr. Derrer seconded the motion.

Mr. Jordan Leonard gave a couple of comments and asked for a friendly amendment to Chief Fernandez' motion and moved that the homeowner be provided the opportunity to remove the structure within 30 days. Mr. Horton seconded the motion to amend.

Discussion on the amendment to motion:

Mr. Percival commented that this process has been stressful and mentioned to the members that the south side of the home has already been removed, but wanted clarity on the basis that citations would be suspended based on his appeal to the Board.

Mr. Leonard commented that hurricane season is approaching and many people would be affected.

Mr. Derrer inquired about the scope of the Board and asked the County Attorney about modifying the Building Official's decision.

Eduardo Gonzalez, Assistant County Attorney, reminded the Board that they could affirm, modify or reverse the decision of the Building Official.

Chief Fernandez commented that he was against the amendment to his motion, as Mr. Percival can work with the Building Official and they can decide the timeframe to remove this structure.

The Board then began discussion about the amendment to Chief Fernandez' motion to deny the appeal and whether Mr. Leonard's motion is a subsidiary motion.

Upon further discussion, Mr. Gomez called the question on Mr. Leonard's motion to amend.
The ***motion failed 3 to 9.***

Mr. Gomez then called the question on Mr. Fernandez' original motion to deny the appeal and affirm the decision of the Building Official requiring that the structure be removed or otherwise brought into compliance.

The ***motion carried unanimously.***

Mr. Percival inquired about the next course of action and where he goes from here.

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Eduardo Gonzalez responded to Mr. Percival that he has 30 days from today to appeal to the Appellate Division of Circuit Court.

Michael Goolsby, Board and Code Administration Division Director, informed Mr. Percival that he could also appeal to the Florida Building Commission and he would follow-up with this information if needed.

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

Enrique Salvador acknowledged that the following individuals are being recommended for **approval** of **New Certification** for **July**:

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|-----------------------------|-----------------------------|---|
| Bergsma , Russell D. | City of Miami Beach | Mechanical Inspector Plans Examiner Mechanical |
| Carr , Vincent D. | Miami-Dade County | Roofing Inspector (Commercial) |
| Valderrama , Freddy | City of Doral | Roofing Inspector (Residential) |

Mr. Salvador moved to approve those listed for New Certification for **July**. Mr. Leonard seconded the motion.

The *motion carried unanimously*.

BOARD DISCUSSION #1: City of Miami Beach, Richard McConachie, Building Official, Use of Liquid/Code Requirements

Richard McConachie, Building Official, City of Miami Beach advised the Board that he was seeking a discussion regarding the “**Use of Liquid Nitrogen/Code Requirements.**” He added that some nightclubs within the City of Miami Beach jurisdiction would like to use nitrogen or CO2 as part of their visual effects and the City is very concerned. He then asked that Pete Quintela come forward to enlighten the Board further.

Pete Quintela, City of Miami Beach, informed the Board that the issue is that the use of nitrogen in this form is not addressed in the Florida Building Code. Mr. Quintela commented that in the requested usage, the nitrogen would be released and disbursed upon the occupants, which could be harmful if it fell into someone’s eyes. He proceeded to inform the Board of an incident at a McDonalds, where people were injured because of oxygen depletion when a tank burst. Mr. Quintela concluded with asking the Board for some type of guidance regarding the usage of nitrogen in this manner.

Mr. Derrer inquired about the systems that are installed, how they operate and has a permit ever been issued for these systems.

Ms. Sonia Machen, City of Miami Beach Fire Department, replied that no permits have been obtained to her knowledge. She further replied that the systems installed without permits have since been removed and are in the process of obtaining a permit. Ms. Machen also asked that the Board provide the Building Official with some type of direction.

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Minutes of July 19th, 2012**

At this time, Mr. Espineira made a motion that this discussion is out of the scope of the Board, as this type of system is not addressed in the Florida Building Code.

(Motion did not receive a second.)

Mr. Salvador mentioned that perhaps this Board is not the venue to discuss such a topic if it is not even covered in the Code.

Mr. Quintela responded that the Board has met on prior issues not covered by the code. He reminded the members that there is Mechanical Subcommittee of the Board that can hear and address this concern.

Mr. Derrer asked who ordered the removal of the systems installed.

Ms. Machen remarked that she ordered the removal on the basis that they were installed without approval for the *“release of gas in an occupied building.”*

Chief Fernandez commented that when something is being discharged an alarm is needed, therefore, he would not mind sitting on a Subcommittee to address this issue further.

Joshua Wollack, Mangos on Ocean Drive, stated that their club is seeking something long term for their special effects. He proceeded to advise the members that this type of installation was pioneered in 1992 in Walt Disney World and it is released in an open-air venue and, within five-(5) seconds, it dissipates.

Michael Greene, Attorney for Kyrogenifex, explained to the member that since liquid nitrogen is not regulated under the code and therefore should not be prohibited. He proceeded to explain that nitrogen would be disbursed from tanks that are separated from the system. Mr. Greene further explained that they are working on creating a system that is safe and addresses the City’s concerns.

Alejandro Gonzalez, Owner of Kyrogenifex, remarked that he is the creator of the system in question and explained that ventilation is the biggest concern, which he addresses and the only thing the system is primarily doing is creating a fogging affect.

Mr. Derrer asked about whether Mr. Gonzalez had considered appealing the ruling of the City of Miami Beach.

Mr. Gonzalez replied that they met with Ms. Machen and the Building Official and was told that there was nothing in the code that addressed the system. He indicated that this prompted them to resubmit the plans to address concerns and hire engineers to certify the system design. Mr. Gonzalez stated that he has been very diligent in trying to address issues with the City and they are now before the Board for guidance.

Mr. Fernandez-Fraga commented that the items before the Board needed to be clear and if the code is silent how can they deny this system since there must be an applied code section as the basis of the denial.

Michael Goolsby, Director, Board and Code Administration provided the members with Section 104.11 as the Code section to apply. He replied that the main issue is whether they can disburse liquid nitrogen in a particular manner and environment.

Rhonda Montoya-Hasan, Chief Attorney for City of Miami Beach, commented that this is considered *“alternate methods of construction”* and, given that safety is an issue, they would like some guidelines from the Board.

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Mr. Quintela remarked that they did review the engineering calculations and noticed that there were no mechanical backups, sensors nor exhaust supply and safety is an issue of concern. He stressed that an agreement was obtained, but when the calculations came in they were without the Code section applied. He also stressed to the appellant that he could also appeal to the State, but they were referred back locally.

Mr. Leonard commented that, in the form that the item is presented, it is questionable whether the Board has the power to issue a ruling on a "Board Discussion." He asked whether the issue should have been placed on the agenda as an appeal to the Board.

Asst. County Attorney, Eduardo Gonzalez remarked that the Board has heard issues before as discussion and referred the item to Subcommittee for further review.

Mr. Derrer moved to end discussion of this matter for now until an appeal is properly before the Board of Rules and Appeals.

(Motion did not receive a second.)

Mr. Greene added that this system is not new, as there is historical data from other areas.

Mr. Derrer suggested that they bring any national or regional data for reviewing purposes at the time of a Subcommittee.

Amador Barzaga, Board and Code Administration Division, provided the members with a handout and proceeded to present some background history on the use of Liquid Nitrogen in the form requested by the appellant.

Mr. Goolsby advised the Board that they have in the past met with the municipalities on other issues and perhaps Broward County should be invited, as well as experts in the field.

Upon much discussion, Mr. Derrer moved to table the discussion for the purposes of sending this item to Subcommittee for further review. He further added that Broward County should also be notified about this discussion. Mr. Salvador seconded the motion.

The *motion carried unanimously*.

Mr. Salvador suggested that a Subcommittee should be held within the next 10 to 14 days.

Kathy Charles, Board Administrator, commented that 30 days seemed more feasible to facilitate this meeting through the Electrical, Mechanical and Plumbing Subcommittee of the Board of Rules and Appeals, as well as getting all of the parties involved notified.

There being no further business, Mr. Salvador moved to adjourn the meeting at 3:06 p.m. Mr. Derrer seconded the motion.

The *motion carried unanimously*.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF AUGUST 16TH, 2012

Members Present: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Robert Barnes Juan Dalla Rizza, P.E.
William Derrer Rolando Diaz
Mario Espineira, Jr. Chief Virgilio “Virgil” Fernandez
Enrique Salvador Roce Simpson, Jr.
Chief Paul Smith

Members Excused: Thomas Utterback, *Sergeant at Arms* Alfonso Fernandez-Fraga
Carmen Garcia Herbert Gopman
Hon. Jordan W. Leonard Hon. Eduardo H. Muhiña
Gregory Pierce

Staff Present: Eduardo Gonzalez, Assistant County Attorney
Michael Goolsby, Acting Secretary of the Board
Latisha Byrd, Board Secretary

Apex Reporting Services: Daisy Amardor, Apex Reporting Group

The meeting was called to order at 1:15 P.M.

MINUTES of July 19th, 2012

Jesus Gomez, Chairman requested a motion for the approval of the **July 19th, 2012** meeting minutes. A motion was made by Mr. Rolando Diaz to accept the minutes and Enrique Salvador seconded the motion. The *motion carried unanimously*.

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

Enrique Salvador acknowledged that the following individuals that are recommend for **approval** of **New Certification** for 2012:

| INSPECTOR: | REPRESENTING: | DISCIPLINES: |
|-------------------|--------------------------|---|
| Annese, Richard | Village of Biscayne Park | Chief Building Inspector Plans Examiner Building |
| Garcia, Luis S. | Village of Pinecrest | Plans Examiner Plumbing Plans Examiner Plumbing (Res.) Plumbing Inspector |
| Palmer, Lyle A. | City of Aventura | Electrical Inspector Plans Examiner Electrical |
| | Town of Cutler Bay | Electrical Inspector Plans Examiner Electrical |
| | Village of El Portal | Electrical Inspector Plans Examiner Electrical |
| | City of Opa Locka | Electrical Inspector Plans Examiner Electrical |

**Board of Rules and Appeals
Minutes of August 16th, 2012**

REPORT #1 – CERTIFICATION SUBCOMMITTEE – Cont.....

| INSPECTOR: | REPRESENTING: | DISCIPLINES: |
|-------------------|---------------------------|--|
| Sharma, Rajesh | City of North Miami Beach | Building Inspector (Structural) Roofing Inspector (Residential) |

Mr. Salvador moved to approve those listed for New Certification for **2012**. Mr. Diaz seconded the motion.
The *motion carried unanimously*.

Mr. Enrique Salvador informed the Board of the following individual that is recommend for **rejection** for **New Certification** for 2012.

| INSPECTOR: | REPRESENTING: | DISCIPLINES: |
|--|---------------------------|-------------------------|
| Sharma, Rajesh | City of North Miami Beach | Plans Examiner Building |
| (Applicant does not meet the requirements as per Chapter 8, Article II, Section 8-21.2(c)(1), (having practiced within the area of jurisdiction of this Chapter for at least 5 years) | | |

Mr. Salvador moved to reject the inspector listed for New Certification for **2012**. Mr. Diaz seconded the motion.
The *motion carried unanimously*.

Enrique Salvador acknowledged that the following individuals are being recommended for **approval** of **New Certification** for **August**:

INSPECTOR:

REPRESENTING:

DISCIPLINES:

Mr. _____ moved to approve those listed for New Certification for **August**.
Mr. _____ seconded the motion.
The ***motion carried unanimously***.

There being no further business, Mr. _____ moved to adjourn the meeting at _____ P.M.
Mr. _____ seconded the motion.
The ***motion carried unanimously***.

MINUTES OF THE BOARD OF RULES AND APPEALS
Meeting of September 20th, 2012

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

Members Excused: Thomas Utterback, *Sergeant at Arms* Hon. Eduardo H. Muhiña
Mario Espineira, Jr.

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

Apex Reporting Services: Maritza Monroe, Apex Reporting Group

The meeting was called to order at 1:00 P.M.

MINUTES of August 16th, 2012

Chairman Jesus Gomez requested a motion for the approval of the **August 16th, 2012** meeting minutes. A motion was made by Gregory Pierce to accept the minutes and Enrique Salvador seconded the motion. The *motion carried unanimously*.

REGULAR AGENDA

INTERPRETATION #1: Unincorporated Miami Dade County, Florida Building Code, Section 1513, Roof Coatings, Adhesive and Mastics

Flavio Gomez, Building Division Director, informed the Board that the Department was seeking an interpretation for roof maintenance coating versus a roofing system. Mr. Gomez proceeded with a PowerPoint highlighting Chapter 15, Section 1513.1 High-Velocity Hurricane Zones, as their basis that a polymer mat or scrim is considered a roofing membrane when included in a liquid roof coating. Mr. Gomez introduced the members to the product Hydro Stop, which according to their label states “it is more than a coating”; it is a roof system with an approved Notice of Acceptance (NOA). He concluded that with the introduction of a membrane the coating becomes a roof system and needs to meet moisture and uplift tests.

Michael Goolsby, Board and Code Administration Division Director, remarked that the Staff opinion differs from the Building Department’s interpretation on this matter. Mr. Goolsby stated that the coating is merely installed to provide maintenance of the existing viable roof system. He informed the members that Broward County concurs with this interpretation. Mr. Goolsby concluded that coatings do incorporate reinforcing fabric to support longevity of the roofing system but do not then become a separate roof system.

Board Member Rolando Diaz commented that he performed a job within the City of Miami and they did request a permit. He added that the City of Miami wanted to ensure that the product was being installed to the specs of the NOA.

**Board of Rules and Appeals
Minutes of September 20th, 2012**

Regular Agenda - Interpretation No. 1 cont...

Gregory Pierce remarked that the discussion is open to interpretation and proceeded to advise the members that the mesh does not change the category. He indicated that he felt an important question was what is the intent of the installation. Mr. Pierce concluded that if you are installing a new roof product you should obtain a permit, but the homeowners may be confused about what they are getting. He argued that they are receiving a super coating system, but may be thinking that they have a new roof system.

Jorge Acebo, Product Approval Roofing Examiner, commented that there are 85 coating approvals for maintenance coatings and some have then even received a roof system approval through the appropriate testing. He went on to add that twelve-(12) have language in the NOA to incorporate a scrim and all of them require installing according to the manufacturers specifications.

Mark Zehnal, Technical Services Director, stated that the issue is who was applying the coating, as he has witnessed first hand the coatings being installed incorrectly. Mr. Zehnal concluded that homeowners are not getting what they paid for without the proper inspections.

Upon much discussion, William Derrer moved that, as outlined in the Staff opinion, "Roofing Coatings, Adhesives and Mastics and Roofing Maintenance should be interpreted to include coatings, which incorporate reinforcing fabric within that classification/definition." Mr. Pierce seconded the motion.

Board Discussion on the motion:

Pedro Estopiñan, Roofing Section Supervisor, commented that he was concerned about the homeowners' and testing should be mandatory because this is more than a coating membrane, it is a system. Mr. Estopiñan further stressed that they have to protect the consumer and not knowing who will be applying this system is troubling and the only way to assure accuracy is to issue permits for the roof system.

*The motion carried. (Mr. Diaz, Mr. Simpson and Mr. Gopman were opposed.)
(For a verbatim version of the aforementioned item, refer to the transcript.)*

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

Enrique Salvador acknowledged that the following individuals that are recommend for *approval* of *New Certification* for *September 2012*:

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|-------------------------------------|-----------------------------|--|
| <u>Cabrera</u> , Suramy | City of North Miami | Plans Examiner Structural |
| <u>Flores</u> , Ruben I. | Miami-Dade County | Mechanical Inspector |
| <u>Garcell</u> , Joseph E. | Village of Pinecrest | Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential) |
| <u>Sutherland</u> , Wayne A. | City of North Miami | Plans Examiner Structural |

Mr. Salvador moved to approve those listed for New Certification for **2012**. Chief Fernandez seconded the motion.

The *motion carried unanimously*.

**Board of Rules and Appeals
Minutes of September 20th, 2012**

REPORT #2 – CONTRACTOR ENFORCEMENT UPDATE – Jose Lezcano

Chairman Jesus Gomez advised the members that the Contractor Enforcement Update is postponed to a later date.

Board Member Richard Horton left for the day.

EMERGENCY AGENDA

Mr. Diaz moved to hear the Emergency Agenda items and Mr. Pierce seconded the motion.
The *motion carried unanimously.*

APPEAL #1: Unincorporated Miami Dade County, TJ Maxx Plaza, 7200-7596 SW 117 Avenue, FBC Accessibility Code 406.8, Detectable Warnings

Appellant Jeffery Gross, Jeffery Gross, Associates and Architects, PA, informed the members that he was appealing the decision of the Building Official regarding the requirement to install detectable warnings at the above referenced TJ Maxx Plaza according to the Florida Building Code, Accessibility Code 406.8. Mr. Gross provided a brief background on his credentials on accessibility and then directed the members to a handout provided detailing the code reference cited by the Building Department on whether detectable warnings were not mandatory for public or private properties.

Mr. Gross proceeded to read Section 406.8 into the record and added that this rule applies to *curb ramps subject to the Department of Transportation (DOT) regulation*, which in this case does not apply to his client's property, which is a shopping plaza. Therefore, he indicated that his client should not have to comply with these standards.

Board Member Enrique Salvador inquired about how this issue came about to the Board of Rules and Appeals.

Mr. Gross replied that when the plans were submitted his client did not incorporate the detectable warnings, since they are not required by the 2010 Code.

Flavio Gomez, Building Division Director, informed the members that the Building Department is requiring a permit for the curb cut. He advised them that while there is an accessibility issue, life safety is a concern as well. Mr. Gomez commented that there was a Code change on March 15, 2012, but prior to this date detectable warnings were clearly in the Code and we have to protect persons in need of this feature. Mr. Gomez proceeded to show slides outlining the various Code references and advised the members that the appellant should have to comply because of the life safety concerns.

Members proceeded to hear from the Board and Code Administration Division Director Michael Goolsby, who indicated that a Staff opinion was not available at that time.

Upon much discussion, Alfonso Fernandez-Fraga moved to grant the appeal, as the specified code reference does not apply to the referenced property and therefore, detectable warnings are not required. Mr. Salvador seconded the motion.

Board Member Jordan Leonard inquired about the Board's jurisdiction on this matter, given that a code reference from the Department of Transportation (DOT) was cited as well as another Section of County Code.

**Board of Rules and Appeals
Minutes of September 20th, 2012**

Board Discussion on the motion:

Eduardo Gonzalez, Assistant County Attorney commented that the Board's authority is Chapter 8 of the Miami-Dade County Code, in addition to addressing appeals related to the Florida Building Code.

Mr. Diaz remarked that the Code reference is applied to DOT regulated right-of-way and not to private parking spaces. He added that while he agrees that safety is a concern, it is not in the code to mandate for this type of project.

Mr. Gross further advised the members that the sight-impaired was getting confused on where these detectable warnings were placed. He informed the members that this was in part the reason that the requirement was removed, as those sight-impaired individuals would much rather rely on environmental cues.

The motion carried. (Herbert Gopman was opposed.)
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: Unincorporated Miami Dade County, Cornerstone Group, 14570 SW 280 Street, FBC Accessibility Code 201.1/F.S. 553.504(2), Multifamily Residential/Swimming Lifts/Slope

The appeal was *withdrawn* at the request of the Attorney for the appellant.
(A withdrawal letter dated September 19th, 2012 was provided for the file)

There being no further business, Mr. Salvador moved to adjourn the meeting at **2:50 P.M.** Chief Virgil Fernandez seconded the motion.
The ***motion carried unanimously.***

MINUTES OF THE BOARD OF RULES AND APPEALS
Meeting of October 18th, 2012

Members Present: Thomas Utterback, *Sergeant at Arms* Robert Barnes
Juan Dalla Rizza, P.E. William Derrer
Rolando Diaz Mario Espineira, Jr.
Carmen Garcia Hon. Jordan W. Leonard
Gregory Pierce Enrique Salvador
Roce Simpson, Jr. Chief Paul Smith

Members Excused: Jesus Gomez, *Chairman* Richard Horton, *Vice-Chairman*
Alfonso Fernandez-Fraga Chief Virgilio “Virgil” Fernandez
Herbert Gopman Hon. Eduardo H. Muñiña

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

Court Reporter: Fernandez Subirats, Apex Reporting Group

The meeting was called to order at 1:00 P.M.

MINUTES of September 20th, 2012

Sergeant of Arms Thomas Utterback requested a motion for the approval of the **September 20th, 2012** meeting Minutes. Board Member Juan Dalla Rizza requested an amendment to the minutes indicating that he was in fact *opposed* to the motion of the Interpretation item regarding **FBC Section 1513, Roof Coatings, Adhesive and Mastics**. The motion to accept the Minutes with the amendment was made by Mr. Leonard and seconded by Mr. Derrer. The *motion carried unanimously*.

REGULAR AGENDA

REPORT #2 - CONTRACTOR ENFORCEMENT UPDATE – Jose Lezcano, Contractor Enforcement Section Supervisor

Mr. Jose Lezcano, Contractor Enforcement Section Supervisor, provided the members with a report on Contractor Licensing Enforcement activity throughout Miami Dade County. Mr. Lezcano explained that Section monitors unlicensed contractor activity and, upon notification, Staff issues citations. Mr. Lezcano explained that in the past the Unit worked with the Miami Dade Police Department and conducted roadblocks but, due to funding and budget constraints, the initiative was no longer in place.

Michael Goolsby, Board and Code Administration Division Director, informed the members that the Enforcement Section does not receive budgeted resources through the general fund, therefore, the lack of dedicated funds does have an impact on this initiative.

Mr. Jordan Leonard, Board Member, inquired about taking enforcement action relevant to the citations, like seizing their vehicles. Mr. Leonard added that other municipalities conduct this type of activity and share the profits with other enforcing agencies.

Mr. Lezcano indicated that Broward County has a Unit that is specifically designated for this type of enforcement. He further informed Mr. Leonard that this type of resource recovery was discussed, but at this time, the Unit can only lien the personal property of the unlicensed contractor.

Mr. Roce Simpson, Board Member, expressed to the members that these unlicensed contractors are making it difficult for legitimate contractors. He suggested that members inquire how the funding is applied and meet with the Commissioners to see if other options are available. He added that he observes at least two-(2) unlicensed electrical trucks per day.

**Board of Rules and Appeals
Minutes of October 18th, 2012**

INTERPRETATION #1: City of Miami Beach, Florida Building Code, Chapter 6 and Chapter 16, Existing Buildings and Window Replacement, Safeguard Requirements

Gladys Salas, Representative, City of Miami Beach, informed the members that Building Official Richard McConachie was not able to attend the meeting today. She explained that the City of Miami Beach requested an interpretation regarding replacement of windows and safeguards in Existing Buildings. Ms. Salas questioned if the Florida Building Code 2012, Building Chapter 16 applies to R3 zoned structures and does Section 1618.4 (safeguards) apply to replacement windows in existing buildings as referenced in 606.4 with sills less than 42” in height.

Michael Goolsby, Board and Code Administration Division Director, thanked the City of Miami Beach for bringing this item for discussion before the Board. Mr. Goolsby then directed the members to the Building Officials Association of Florida, Informal Interpretation Report No. 6382 and proceeded to read the opinion rendered that “*Section 606.4 of the Florida Building Code, Existing Building relates only to design criteria such as design pressure and opening protection for replacement doors and windows and does not serve to require compliance with safeguard installation as contained in Section 1618.4. In addition, in the event safeguards were required when the building was originally constructed, safeguards must be installed.*”

Ms. Salas remarked that they believe that this area should be addressed on a case-by-case basis. She added that while they understand the interpretation as written, the City’s concern is the reference to Chapter 16, as the other applied areas are silent.

Upon some discussion, Mr. Derrer moved to accept BORA Staff’s opinion that “*Section 606.4 of the Florida Building Code, Existing Building relates only to design criteria such as design pressure and opening protection for replacement doors and windows and does not serve to require compliance with safeguard installation as contained in Section 1618.4. In addition, in the event safeguards were required when the building was originally constructed, safeguards must be installed.*” Mr. Smith seconded the motion.

The *motion carried unanimously.*

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

Mr. Enrique Salvador acknowledged that the following individuals that are recommend for *approval* of *New Certification for October 2012*:

INSPECTOR:

Alvarez, Elio

Alvarez, Reiner

Arronte, Miguel T.

Auchet, Pedro E.

Bertot, Carlos A.

Castillo, Orestes

Conde, Jr., Roberto

Crews, Joseph W.

Delgado de Oramas, Jose

Fernandez, Frank

Ferrer, Manuel

REPRESENTING:

City of North Miami

City of North Miami

Village of El Portal

City of North Miami

City of North Miami

City of North Miami

City of Hialeah Gardens

City of North Miami

Village of Palmetto Bay

City of North Miami

City of North Miami

DISCIPLINES:

Electrical Inspector

Plans Examiner Electrical

Mechanical Inspector

Chief Building Inspector

Building Inspector (Structural)

Electrical Inspector

Electrical Inspector

Plans Examiner Electrical

Chief Plumbing Inspector

Building Inspector (Structural)

Plans Examiner Building

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Electrical Inspector

Plans Examiner Electrical

Building Inspector (Structural)

Chief Mechanical Inspector

Plans Examiner Mechanical

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REPORT #1 – CERTIFICATION SUBCOMMITTEE cont....

INSPECTOR:

Gomez, Rene
Gonzalez P.E., Andres

Grow, Jr., Stewart A.
Guillen, Omar P.
Gutierrez, Jorge A.

Kuiper, Robert L.
Palmer, Lyle A.

Regula, Ronald S.
Rivas, Angel R.

Sweeney, Thomas J.
Wagoner, Peter R.

Zuñiga, Juan F.

REPRESENTING:

City of Miami Beach
City of North Miami

City of Aventura
City of North Miami
Town of Miami Lakes

City of Miami Beach
City of North Miami

Village of Key Biscayne
City of Miami

City of Aventura
City of North Miami

City of Aventura

DISCIPLINES:

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

Mr. Salvador moved to approve those listed for **New Certification** for **2012**. Mr. Leonard seconded the motion.

The *motion carried unanimously*.

Mr. Salvador then announced that the following individual was being recommended for **rejection** for **New Certification** for **2012**.

INSPECTOR:

Acosta, Fred

REPRESENTING:

City of Miami

DISCIPLINES:

Mechanical Inspector

(Applicant does not meet the five years of experience with the license as required by Chapter 8, Article II, Sec. 8-21.3(c). (Licensure date 2/1/2008)(bb) At least five years field experience as a State Certified Mechanical Contractor issued by the Florida Construction Industry Licensing Board with not less than five years of field experience working in the areas of jurisdiction of this Chapter.)

Mr. Salvador informed the members that Mr. Acosta only has his Mechanical Inspector license. However, he was only short two months and thirteen days on the five-year field experience as a State Certified Mechanical Contractor and Mr. Salvador recommended approval.

Mr. Diaz then moved to **approve** Mr. Acosta for New Certification for **2012**. Mr. Pierce seconded the motion.

Discussion on the motion:

Mr. Goolsby advised the members that Mr. Acosta was being rejected for lack of the required five-(5) five years experience with the license as required by Chapter 8, Article II, Sec. 8-21.3(c). Mr. Goolsby further advised the members that the Board generally rejected those individuals in this type of situation.

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REPORT #1 – CERTIFICATION SUBCOMMITTEE cont....

Mr. Diaz replied that while he understands the legitimacy of Mr. Goolsby's position, there is a need for Mr. Acosta at the City of Miami, but more importantly, the Board approval is on a case-by-case assessment based on the qualification of that individual.

The *motion carried unanimously*.

Lastly, Mr. Salvador then announced that the following individual is being recommended for **rejection** for **New Certification** for **2012**.

INSPECTOR:

Randall, Zachary C.

REPRESENTING:

City of Sweetwater

DISCIPLINES:

Plumbing Inspector

(Applicant does not meet the five years of required experience with the Plumbing Contractors License (Licensure date 02/22/2008) as required by Chapter 8, Article II, Section 8-21.3(b)(bb) At least five years of field experience as a State Certified Plumbing Contractor issued by the Florida Construction Industry Licensing Board.)

Mr. Amador Barzaga, Board and Code Administration, commented that Mr. Randall only held a Standard license as well.

Mr. Salvador moved to approve Mr. Randall for New Certification for **2012**. Mr. Diaz seconded the seconded the motion.

The *motion carried unanimously*.

Asst. County Attorney, Eduardo Gonzalez added for the record, that the experience is five-(5) years per the Code.

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

MINUTES OF THE BOARD OF RULES AND APPEALS

Meeting of November 15th, 2012

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

Members Excused: Robert Barnes Chief Virgilio “Virgil” Fernandez
Hon. Eduardo H. Muñña

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

Court Reporter: Amar Kredi, Apex Reporting Group

The meeting was called to order at 1:05 P.M.

MINUTES of October 18th, 2012

Mr. Gomez requested a motion for the approval of the **October 18th, 2012** meeting Minutes. A motion was made by Mr. Pierce to accept the minutes and Mr. Horton seconded the motion. The *motion carried unanimously*.

REGULAR AGENDA

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Fisher Island Spa and Fitness Center, One Fisher Island Drive, Alternative Materials, Designs and Methods of Construction, FBC 104.11, 310 and 1008.7.7

Mr. Lawrence S. Cohan, Managing Principal-BC Architects, first inquired about the 10-minute schedule allotments, as he would need more time to present his appeal. Mr. Cohan then proceeded to introduce his team and informed the members that he has been an architect since 1981. He added that his group was appealing the decision of the Building Official for Unincorporated Miami Dade County regarding their denial to allow the installation of an Alternate Design to provide sound abatement for eight-(8) individual treatment rooms at this historic property. Mr. Cohan remarked that the Building Department did not accept their request to install a second door (double door) as an equal alternate, due to safety concerns with the egress.

He proceeded to present a PowerPoint showing a floor plan with an open walkway that leads out into two (2) remote paths of egress. Mr. Cohan informed the members that upon plan review from the Fire Department, an inspection was conducted and the area was deemed safe. Mr. Cohan advised that, as recommended, approved 32-inch spa in-swing doors were reviewed as options. However, he indicated that only one came close; a Polystyrene material door that would not work in this setting given the inferior sound rating. Mr. Cohan further advised that these doors are locked by default and there is absolutely no public access to the treatment rooms besides the technician and the customer. He stressed to the members that they absolutely cannot mitigate sound without the installation of the double doors.

Flavio Gomez, Building Division Director, remarked that the issue is whether two doors are permitted in an egress location, as code Section 1008.1.7 specifies, “*Space between two doors in a series shall be 48 inches (1219 mm) minimum plus the width of a door swinging into the space. Doors in a series shall swing either in the same direction or away from the space between the doors.*” Mr. Gomez advised the members that the Building Official has provided his opinion and that is to deny the alternate design, as it is not equal to what the code requires.

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REGULAR AGENDA APPEAL #1 cont...

Mr. Horton inquired of Mr. Gomez exactly what would the Building Official be willing to accept at this time.

Flavio Gomez responded that the Building Official would accept a soundproof door that swings out.

At this time, Mr. Utterback moved to deny the appeal and accept the Building Official's recommendation. Mr. Diaz seconded the motion.

Discussion on the motion:

Mr. Dalla Rizza inquired about the list of exceptions, i.e., adult care facilities; he questioned whether this type of alternate would be acceptable in that type of facility.

Michael Goolsby, Board and Code Administration Division Director, responded that it is not required within individual dwelling units. However, more importantly he did not see this as an equal alternate, but more of a variance from the code.

Mr. Fernandez-Fraga asked whether the Building Official would consider where the doors would be installed. He explained that in this case, the client would be awake and be accompanied, so the risk level is far less. Mr. Fernandez-Fraga added that, while he does not want to rewrite the code, they should evaluate whether this is an equivalent installation at this location to those code provisions.

Mr. Utterback stressed that he felt the code was clear and the equal alternate does not meet the ADA 48" requirement.

Flavio Gomez replied that this is where the egress has to be addressed.

Mr. Cohan advised the members that there is one room set aside to meet the accessibility requirements.

After further discussion, Chairman Jesus Gomez called the question on Mr. Utterback's motion. The *motion failed 3 to 9*.

At this time, Mr. Fernandez-Fraga moved to grant the appeal and reverse the Building Official's decision that the double egress door configuration for the Treatment Rooms is not an acceptable alternative method of construction. Mr. Dalla Rizza seconded the motion.

The *motion carried. (Mr. Diaz, Mr. Simpson and Mr. Utterback were opposed.)*

NOPA APPEAL #1: Zion Tile Corporation, Alhambra® Handmade Barrel Clay Tile – Nicaragua, NOA #07-0815.03

Mario Garcia, Zion Tile Corporation, informed the Board that he was present to address the Notice of Proposed Action for NOA #07-0815.03. Mr. Garcia proceeded to explain that Zion Tile is the sole distributor, of this handcrafted clay tile, which has been in circulation in the US for over 20 years, particularly in Miami Beach, Weston and other high-end construction areas. He added that this issue originated from complaints being made by their competitor, thus prompting the Product Control Division to inspect the tiles in question.

Mr. Garcia further informed the members that the Quality Assurance Unit conducted pressure testing and some of the tiles did fail and break, but he does not think this should necessitate that the Notice of Acceptance be automatically removed. He advised the Board that Zion has taken the steps to correct the problem and are working with the manufacturer. Mr. Garcia further advised that under his leadership for the past three years, there have been no complaints. Therefore, he asked that the Board should consider their efforts and not completely shut the company down, but allow them to correct the problem and proceed accordingly.

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NOA APPEAL #1 cont...

Jaime Gascon, Product Control Division Supervisor, commented that the Department had been trying to contact Mr. Garcia on numerous occasions regarding the submittal of Zion Tile's quality reports, only to receive no response. Mr. Gascon advised the members that the Notice of Acceptance was being revoked for lack of quality assurance and procedures in place. He commented that they received numerous complaints about the *Alhambra*® *Handmade Barrel Clay Tile – Nicaragua* and proceeded to show a PowerPoint presentation of the Miami Beach home that had the questionable tiles installed. Mr. Gascon reiterated that Zion Tile has not been in conformance with the NOA and therefore, it should be removed.

Upon some discussion, Mr. Diaz moved to deny the appeal and uphold the decision of the Quality Assurance Division. Mr. Gopman seconded the motion.

Discussion on the motion:

Mr. Diaz had to excuse himself and left the meeting for the day.

Mr. Pierce remarked that there are other buildings experiencing the same problem and he was concerned because there has been a problem with this particular tile for a long time.

Mario Garcia replied that three or four years ago this was a completely different organization and the company only kept the NOA from Nicaragua, which has not had any problems. However, they did not retain the NOA from Guatemala or Colombia.

Mr. Gascon informed the members that, in addition, the Notice of Acceptance had since expired and they now needed to obtain a new one, which was contingent upon testing.

Eric Ness, Representative for Fisher Island, commented that they are committed to abiding by the code and consequently, the tiles in question at some of the locations will be removed. Mr. Ness stated that if the NOA is retracted, it could be six months before another NOA is added; he proceeded to ask that the Board reinstate the current NOA and monitor how the testing is moving along.

At this time, Mr. Gomez advised the members that Board Member Rolando Diaz made the original motion, has since left for the day and a new motion needed to be entertained.

Upon further discussion, Mr. Utterback moved to deny the appeal and affirm the decision of the Product Control Section of Miami Dade County on the Notice of Acceptance Removal for the referenced product.

Mr. Pierce seconded the motion.

The ***motion carried unanimously.***

INTERPRETATION REQUEST: Chapter 8, Miami Dade County Code, Section 8-21.5(1)(9), Interim Building Official Appointment

Mr. Goolsby informed the members that this request is made because there is a need for clarification on the designation of the responsibility of the Building Official in an absence of the appointed Building Official. Mr. Goolsby proceeded to show the members roof top material that was defective; he mentioned that he wanted to advise all Building Officials about this product and proceeded to send them an email indicating such. He indicated that in some instances he received correspondence that some Building Officials were not accessible, but there was no indication as to whom to contact in their absence.

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INTERPRETATION REQUEST: Chapter 8, Miami Dade County Code, Section 8-21.5(1)(9), Interim Building Official Appointment cont...

Mr. Goolsby further informed the members that if the Building Official could not be reached, there has to be contact made with someone within the municipality, with the capacity to make decisions in the absence of the certified Building Official.

After some discussion, Mr. Utterback moved to accept the recommendation of Staff and implement that “the appointing authority shall notify the Secretary of the Board of Rules and Appeals, in writing, of the appointment of an Interim Building Official. Such appointment and notification shall be made in the event of the certified Building Official is absent for any reason and is unable to perform the duties as required by Florida Statute 468 and Chapter 8 of the Code of Miami Dade County.” Mr. Horton seconded the motion.

Discussion on the motion:

Jose Rangel, City of Miami Assistant City Attorney, addressed the members and advised them that the City of Miami Building Official, as well as, the City Attorney had a conflict today and could not attend the hearing. Mr. Rangel requested a deferment on the matter in the hopes of allowing these individuals to attend and participate in the discussion of the clarification. He indicated that this was a matter that the City brought to Board Staff recently.

Assistant County Attorney Eduardo Gonzalez informed the members that it is hard to define if the individual can perform the duties as an Interim Building Official, but they do have to comply with the code requirements.

Mr. Derrer explained that they would just be proposing a notification requirement from the Building Officials, which will then be approved by Staff.

Mr. Goolsby indicated that was correct and, upon receiving the letter from the Building Official, Staff would check the credentials of the appointed individual.

Mr. Rangel inquired about more than one individual being certified in the capacity as Interim Building Official and perhaps could that individual be designated on a permanent basis.

Mr. Goolsby responded that only one individual could be certified at a time as Building Official.

Upon further discussion, the *motion carried unanimously*.

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

Mr. Goolsby announced that the following individuals that are recommend for approval of *New Certification for November 2012*:

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|------------------------------|-----------------------------|---|
| Agostini , Matthew C. | Miami-Dade County | Electrical Inspector |
| Alvarez , Elio | City of North Bay Village | Electrical Inspector Plans Examiner Electrical |
| Alvarez , Reiner | City of North Bay Village | Mechanical Inspector Plans Examiner Mechanical |
| Arronte , Miguel T. | City of North Bay Village | Building Inspector (Structural) Chief Building Inspector Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential) |

**Board of Rules and Appeals
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**REPORT #1 – CERTIFICATION SUBCOMMITTEE – Certification of Inspectors/Plans Examiners
for November 2012 cont...**

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|-----------------------------|-----------------------------|---------------------------------|
| Auchet, Pedro E. | City of North Bay Village | Building Inspector (Structural) |
| Barrios, Ardiel | City of North Bay Village | Roofing Inspector (Commercial) |
| | | Roofing Inspector (Residential) |
| Bassing, Thomas J. | City of North Miami Beach | Roofing Inspector (Comm.) |
| | City of North Bay Village | Chief Plumbing Inspector |
| | | Plans Examiner Plumbing |
| | | Plumbing Inspector |
| Cabrera, Suramy | City of North Bay Village | Plans Examiner Structural |
| | | Plans Examiner Mechanical |
| Conde, Jr., Roberto | City of Sunny Isles Beach | Plans Examiner Plumbing |
| | | Plumbing Inspector |
| De Young, Darrell G. | City of Sunny Isles Beach | Electrical Inspector |
| | | Plans Examiner Electrical |
| Diaz, Victor M. | Town of Cutler Bay | Plans Examiner Plumbing |
| | | Plumbing Inspector |
| | Village of El Portal | Plans Examiner Plumbing |
| | | Plumbing Inspector |
| | City of North Bay Village | Plans Examiner Plumbing |
| | | Plumbing Inspector |
| | City of Opa Locka | Plans Examiner Plumbing |
| | | Plumbing Inspector |
| Fernandez, Frank | City of North Bay Village | Building Inspector (Structural) |
| Ferrer, Manuel | City of North Bay Village | Chief Mechanical Inspector |
| | | Mechanical Inspector |
| Gonzalez, Andres | City of North Bay Village | Chief Electrical Inspector |
| | | Electrical Inspector |
| | | Plans Examiner Electrical |
| Green, Richard L. | City of North Miami | Chief Electrical Inspector |
| Guillen, Omar P. | Miami-Dade County | Electrical Inspector |
| Hernandez, Luis B. | City of North Bay Village | Mechanical Inspector |
| | City of Florida City | Building Inspector (Structural) |
| | | Roofing Inspector (Commercial) |
| | | Roofing Inspector (Residential) |
| Hernandez, Robert | City of North Miami Beach | Plans Examiner Plumbing |
| | | Plumbing Inspector |
| Levy, Ronald M. | City of Miami Beach | Plans Examiner Plumbing |
| Llama, Jorge | Town of Cutler Bay | Electrical Inspector |
| | | Plans Examiner Electrical |
| | City of North Bay Village | Electrical Inspector |
| | | Plans Examiner Electrical |
| Michelson, M. Donald | City of Hialeah Gardens | Chief Electrical Inspector |
| Palmer, Lyle A. | City of North Bay Village | Electrical Inspector |
| | | Plans Examiner Electrical |
| Rodriguez, Raul V. | City of North Bay Village | Building Official |
| Sutherland, Wayne A. | City of North Bay Village | Roofing Inspector (Commercial) |
| | | Roofing Inspector (Residential) |

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

INSPECTOR:

Wagoner, Peter R.

Zuñiga, Juan F.

REPRESENTING:

City of North Bay Village

Town of Cutler Bay
Village of El Portal
City of North Bay Village
City of North Miami
City of Opa Locka

DISCIPLINES:

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

At this time, Mr. Derrer moved to approve those listed for **New Certification** for **November 2012**. Mr. Horton seconded the motion.

The *motion carried unanimously*.

Chairman Jesus Gomez requested a motion to adjourn. Mr. Derrer then moved to adjourn the meeting at **3:01 P.M.** and Mr. Horton seconded the motion.

The *motion carried unanimously*.

MINUTES OF THE BOARD OF RULES AND APPEALS

Meeting of December 20th, 2012

Members Present: Jesus Gomez, *Chairman* Thomas Utterback, *Sergeant at Arms*
Robert Barnes William Derrer
Rolando Diaz Herbert Gopman
Hon. Jordan W. Leonard Hon. Eduardo H. Muhiña
Enrique Salvador Chief Paul Smith

Members Excused: Richard Horton, *Vice-Chairman* Juan Dalla Rizza, P.E.
Mario Espineira, Jr. Alfonso Fernandez-Fraga
Chief Virgilio “Virgil” Fernandez Carmen Garcia
Gregory Pierce Roce Simpson, Jr.

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

Court Reporter: Amar Kredi, Apex Reporting Group

The meeting was called to order at 1:32 P.M.

MINUTES of November 15th, 2012

Mr. Gomez requested a motion for the approval of the **November 15th, 2012** meeting Minutes. A motion was made by Mr. Diaz to accept the minutes and Mr. Salvador seconded the motion. The *motion carried unanimously*.

REGULAR AGENDA

INTERPRETATION #1: PERMITTING GUIDELINES FOR FOG EFFECT SYSTEMS

Michael Goolsby, Board and Code Administration Division Director, informed the members that this interpretation request is the result of the City of Miami Beach seeking some guidance from the Board on the requirements for “*Fog Effect Systems*.” Mr. Goolsby reminded the members that a Subcommittee was convened with Broward County to consider code provisions and the permitting process for the installation of these types of systems. He indicated that the Subcommittee subsequently requested that the proponent submit supporting material relevant to the usage of such equipment to include ten(10) focus areas, which were outlined in the set of guidelines before them today.

At this time, Mr. Derrer moved to adopt the guidelines as written. Mr. Leonard seconded the motion.

Discussion on the motion:

Harold Rosen, Representative for Kryogenifex, commented that they have reviewed the guidelines and informed the members that also available for their review was a set of plans from a Las Vegas installation.

Alejandro Gonzalez, Kryogenifex Owner and Proponent, remarked that he was pleased with the guidelines but asked that the Board wait before adding liquid CO², as he is aware of some concerns with that installation, particularly related to the size of the venue and disbursement.

Mr. Derrer replied that the guidelines as written include both uses of Liquid CO² and Liquid Nitrogen.

Mr. Goolsby replied that both systems needed to be engineered separately, though the City of Miami Beach does have more concerns with the use of liquid nitrogen.

Pete Quintela, City of Miami Beach, advised the members that while everything is covered and each system will be provided by an Engineer, he requested that “*life safety and fire*” be added to Item F – under General Requirements.

Chief Paul Smith read an excerpt into the record, as it pertains to Mr. Quintela’s request and commented that his concern was already covered in the guidelines under General Requirements (A).

Upon further discussion, Mr. Derrer moved to amend his motion to add the language “*life safety and fire*” under **General Requirements – (F)**. Mr. Leonard seconded the motion.

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REGULAR AGENDA APPEAL #1 cont...

Mr. Utterback inquired about the length of time the CO² affects will last in the air.

Josh Wollack, Representative for Mango's Tropical Café, informed the members that the product could be disseminated safely and replied that the effects last no longer than four (4) seconds. He stressed that Mango's would comply and address any life safety concerns.

Tony Gonzalez, City of Miami Beach Plans Examiner, thanked the Board and commented that his concern was the compliance with fire and egress requirements. Mr. Gonzalez proceeded to ask whether the system is required to be a listed system.

Mr. Goolsby asked that Oriol Torres-Haage, Training and Certification Officer, advise the members of his research on the equipment. Mr. Torres-Haage commented that he conducted research and found that some of the equipment is UL listed as a package with controllers, but if not as a system package, then the components have to be listed.

At this time, Chairman Gomez thanked everyone for their efforts and commitment in putting together these guidelines for review and approval.

After discussion concluded, the *motion carried unanimously*.

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

Mr. Diaz stated that the following individuals that are recommend for approval of *New Certification* for December 2012:

| <u>INSPECTOR:</u> | <u>REPRESENTING:</u> | <u>DISCIPLINES:</u> |
|-------------------------------------|-----------------------------|--|
| <u>Biscotti</u> , Benny | Town of Medley | Chief Electrical Inspector |
| <u>Lage</u> , Eugenio J. | City of Sunny Isles Beach | Building Inspector (Structural) Plans Examiner Building Roofing Inspector Commercial Roofing Inspector (Residential) |
| <u>Mantilla</u> , Evelio | City of Hialeah Gardens | Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner Building |
| <u>Prieto</u> , Frank | City of Sunny Isles Beach | Plans Examiner Structural |
| <u>Riveron</u> , Alexis | City of Hialeah | Building Inspector (Structural) Building Official Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential) |
| <u>Salvador</u> , Enrique E. | City of Sunny Isles Beach | Plumbing Inspector |
| <u>Yocum</u> , David B. | City of Hialeah Gardens | Electrical Inspector Plans Examiner Electrical Plans Examiner Electrical (Res.) |

At this time, Mr. Diaz moved to approve those listed for **New Certification** for **December 2012**. Mr. Leonard seconded the motion.

The *motion carried unanimously*.

Board of Rules and Appeals
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INFORMATION #1: 2013 BOARD MEETING DATES

Chairman Jesus Gomez informed the members that before them were the **2013** calendar year dates for their information.

There being no further business, Chairman Gomez requested a motion to adjourn. Mr. Diaz then moved to adjourn the meeting at **3:01 P.M.** and Mr. Salvador seconded the motion. The ***motion carried unanimously.***