

**MINUTES
FLORIDA BUILDING COMMISSION**

ACCESSIBILITY ADVISORY COUNCIL

May 13, 2002

Sirata Beach Resort Hotel, St. Petersburg Beach, Florida

Chairman Bunny Armstrong called the meeting of the Accessibility Advisory Council to order at 9:05 A.M. at the Sirata Beach Resort Hotel, 5300 Gulf Boulevard, St. Petersburg Beach, Florida. Members present were: Bunny Armstrong, Neil Melick, Michael Elliott, Andrea Williamson, Johnny Long and J. R. Harding. Also present were Mary Kathryn Smith and Al Bragg.

Review of the Minutes of the March 25, 2002 Meeting: Chairman Armstrong asked if there were any corrections or additions to the minutes. Dr. Harding moved to approve the minutes as written, and following a second by Ms. Williamson, the vote of the Council was unanimous in favor of the motion.

Review of Applications for Waivers from the Accessibility Code:

Mater Academy East, 450 S. W. 4th Street, Miami, Florida: Chairman Armstrong recognized Mr. Anthony Pardo and Ms. Victoria Rivas, who represented the applicant. Ms. Armstrong asked Mr. Bragg what legal research had indicated with respect to the charter school being a Title II facility. Mr. Bragg stated that Mater Academy and all charter schools are subject to Title II and would have to provide accessibility for all students. Mr. Pardo asked if it would be possible to grant a time extension so the school could explore methods of providing vertical accessibility to the second floor. He stated they plan to install a LULA and convert the second floor to a media center, with all classrooms being located on the first floor, which they estimate can be achieved within two years. Dr. Harding moved to recommend granting an extension for two years to enable the school to make all required modifications. Mr. Melick seconded the motion, and offered an amendment to not specify a two year time frame, but to require the school to comply with all applicable federal requirements. Dr. Harding accepted the amendment. Ms. Armstrong recognized Julie Shaw, Executive Director of the Americans with Disabilities Act Working Group, who said that the conversion should be immediate. There being no further discussion, the vote of the Council was unanimous in favor of the motion.

Southwood Head Start, 6225 Brookgreen Avenue, Orlando, Florida: No one was present to represent the applicant. Dr. Harding moved to recommend granting the waiver, provided all children's toilet facilities were constructed in accordance with the recommended ADAAG Guidelines for Children's Facilities. Mr. Melick seconded the motion, and the vote of the Council was unanimous in favor thereof.

Lunaire Environmental Chamber, 14255 49th Street North, Clearwater: No one was present representing the applicant and Chairman Armstrong moved discussion of the application until the remainder of the agenda was concluded.

Marion County Baseline Landfill Solid Waste Transfer Station: Chairman Armstrong recognized Mr. Bruce Elliott and Ms. Mickey Pollman who represented the applicant. The applicant requested a waiver from providing vertical accessibility to all levels of a building used to transfer refuse from commercial garbage trucks and citizen drop-off to semi-tractor trailer transfer vehicles for transport to a landfill. The facility includes an upper level tipping floor, offices and crew facilities and a lower level basement for transfer vehicle loading and scales. Both levels of the building are accessible from the exterior, but no interior accessibility is planned other than via stairwells. The application stated that the building is not open to the public, other than at the citizen drop off area, and will house 3-10 employees including transfer vehicle operators. The project will cost approximately \$4,000,000, and the applicant provided an estimate of \$35,000 to install a passenger elevator. Mr. Melick commented that the work done in the facility was very similar to that in lubrication pits and moved to recommend granting the waiver. Ms. Williamson seconded the motion, and the vote of the Council was as follows: Aye: Melick, Harding, Elliott, Williamson and Long.

Crazy Conch Café, Inc., 1110 Pinellas Bayway South, Unit 206, Tierra Verde, Florida: No one was present to represent the applicant. Chairman Armstrong commented that that was the second time the application had been scheduled for review, with no representation either time. Mr. Melick moved to defer discussion of the application until the following meeting and in the meeting notice have staff include a strong recommendation that someone attend. Mr. Elliott seconded the motion, and the vote of the Council was as follows: Aye: Armstrong, Melick, Williamson and Elliott. Nay: Harding and Long.

Colony Theater Restoration and Stage House Improvements, 1040 Lincoln Road, Miami, Florida: No one was present to represent the applicant. Mr. Melick moved to defer discussion of the application until the following meeting and in the meeting notice have staff include a strong recommendation that someone attend. Dr. Harding seconded the motion, and the vote of the Council was unanimous in favor of the motion.

Lunaire Environmental Chamber: The applicant requested a waiver from providing vertical accessibility which would allow employees to approach, enter and exit a pre-fabricated freestanding unit used to condition materials at high heat and temperatures in a manufacturing plant. The chamber's design requires individuals to negotiate a step into it, which is not ramped or currently otherwise accessible. The application stated that the unit is not open to the public and that activities within it require stooping, bending, reaching and lifting in order to be used for its designed purpose. The cost of the unit was \$40,000, and the application stated it would negatively impact usable floor space and require operational downtime to construct an accessible approach. Mr. Melick moved to recommend granting the request, since it is a piece of equipment and

not a structural component of the building. Dr. Harding seconded the motion. Mr. Long asked to amend the motion to stipulate that the waiver was for the current use only. Dr. Harding and Mr. Melick agreed, and the vote of the Council was unanimous in favor of the motion

The Council adjourned at 10:30 A.M. and reconvened at 10:40 A.M.

Discussion of HB 1307: Chairman Armstrong recognized Ms. Julie Shaw, ADAWG, to discuss the ramifications of HB 1307, which if the Governor signs it, would make changes to the way waivers are granted. Ms. Shaw stated that in her opinion, the bill was a compromise achieved between industry and advocates. The bill clearly defines “hardship” as constituting twenty percent or more of the cost of an alteration, which if demonstrated, would require the Commission to grant a waiver. She said she felt it in no way negatively impacted people with disabilities, and would only apply to the limited Florida specific portions of the code, not to the standards adopted, by reference, from ADAAG.

Chairman Armstrong recognized Angel Watson, Paralyzed Veterans Association. Ms. Watson disagreed with Ms. Shaw and said passage of the bill would reduce the amount of required accessibility now mandated by the code. She urged all persons with disabilities to contact Governor Bush and urge him to veto the bill.

Ms. Armstrong stated that further discussion on the bill would take place at the TAC meeting at 1:00 P.M.

There being no further business to come before the Council, the meeting adjourned at 11:45 A.M.