FLORIDA BUILDING COMMISSION THE TRADEWINDS ISLAND RESORT 5500 GULF BOULEVARD

ST. PETERSBURG BEACH, FLORIDA

Plenary Session December 13, 2016 8:30 AM

MINUTES

COMMISSIONERS PRESENT:

Dick Browdy, Chairman Richard Goff James Batts Robert Hamberger Steve Bassett Jeff Gross Oscar Calleja Brian Langille Jay Carlson Darrell Phillips David Compton Bradley W. Schiffer Nan Dean Frederick Schilling **Drew Smith** Kevin Flanagan Charles Frank Jeff Stone Shane Gerwig Brian Swope David Gilson James Schock

COMMISSIONERS NOT PRESENT:

Hamid Bahadori Bob Boyer

Donald Brown Kelley Smith Burk

Diana Worrall

OTHERS PRESENT:

Thomas Campbell April Hammonds
Mo Madani Norman Bellamy
Chris Burgwald Jim Hammers

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: http://consensus.fsu.edu/

Welcome:

Time: 8:30 am

Chairman Browdy welcomed Commissioners, staff, and members of the public to St. Pete Beach and the December 13, 2016 plenary session of the Florida Building Commission. He stated that in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from our various committees and workgroups, the primary focus of the December meeting is for the purpose of: receiving a report from St. Johns County regarding the impacts of post Hurricane Matthew storm damage assessment.

Chairman Browdy stated that members of the public are requested to sign the attendance sheet on the speaker's table in the center of the room. In addition, we have a sign-up sheet for general public comment. He advised as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics (actions that are not procedural or ministerial in content). Chairman Browdy stated that if they want to comment on a specific substantive Commission agenda item, please come to the speaker's table when the issue is up for consideration so we know you want to speak. He said that public input is welcome, but should be offered before there is a formal motion on the floor. Chairman Browdy asked that all please remember to keep all electronic devices turned off or in a silent mode and thanked them for their cooperation.

Chairman Browdy stated that there are also buff colored "*Public Comment Forms*" on the speakers' table that can be used to provide written comments. He said all written comments will be included in the Facilitator's Summary Report and asked that they please give their completed "*Public Comment Forms*" to Jeff Blair.

Chairman Browdy advised that some of the licensing boards located within the Department of Business and Professional Regulation have adopted rules regarding continuing education credits for attending Florida Building Commission meetings and/or Technical Advisory Committee meetings and stated if your board participates you may sign-in on the kiosk laptop provided in the meeting room.

Roll Call:

Chairman Browdy asked that Jeff Blair perform roll call, a quorum was met with twenty two members present.

Agenda Review and Approval:

Chairman Browdy requested that Jeff Blair cover the agenda items for the meeting today.

Jeff Blair welcomed participants to the December Plenary Session and introduced the agenda.

A motion was entered by Commissioner Schilling to approve the agenda as presented. The motion was seconded by Commissioner Schiffer. The motion passed unanimously 22-0 in favor.

Approval of the October 13, 2016 Facilitator's Summary Report and Meeting Minutes:

Chairman Browdy requested a motion for approval of the October 13, 2016 Facilitator's Summary Report and Meeting Minutes.

Commissioner Schilling entered a motion to approve the October 13, 2016 Facilitator's Summary Report and Meeting Minutes as presented with no amendments offered. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 22-0 in favor.

Chairman's Discussion Issues and Recommendations:

Appointments:

Code Administration TAC:

Chairman Browdy announced he was appointing Shane Gerwig to fill a vacant position. He also announced he was appointing Diana Worrall to fill a vacant position. He thanked both Commissioners for agreeing to serve.

Education POC:

Chairman Browdy announced he was appointing Don Brown to fill a vacant position. He also announced he was appointing Kelly Smith Burk to fill a vacant position. He thanked both Commissioners for agreeing to serve.

Energy TAC:

Chairman Browdy announced he was appointing Scott Ranck to fill the position vacated with Brent Caldwell's resignation from the TAC. Scott is employed by the Florida Public Utilities as a Senior Conservation and Energy Specialist. He thanked Scott for agreeing to serve, and thanked Brent for your over 6 years of outstanding service on the TAC. He also announced he was appointing Tim Grabowski to the Energy TAC to fill a vacant position and thanked Tim for agreeing to serve.

Plumbing TAC:

Chairman Browdy announced he was appointing James Batts to fill a vacant position and thanked Commissioner Batts for agreeing to serve.

Roofing TAC:

Chairman Browdy announced he was appointing Richard Goff to fill a vacant position. He also announced he was appointing Burt Logan to fill a vacant position. He thanked both Commissioner Goff and Mr. Logan for agreeing to serve.

Swimming Pool TAC:

Chairman Browdy announced he was appointing Cris Fardelmann to replace retiring Bill Dumbaugh. He thanked Mr. Fardelmann for agreeing to serve and thanks to Mr. Dumbaugh for his years of service on various committees and workgroups.

Binding Interpretation Panel:

Chairman Browdy stated that HB 535 expanded the Binding Interpretation Panel to 7 members by creating two additional positions, one for a licensed architect (licensed under chapter 481) and one for a licensed engineer (licensed under chapter 471). He advised that the Commission is required to coordinate with BOAF regarding the appointments. BOAF's Executive Committee is recommending the appointment of Larry Cohan for the architect's position and Sam Greenberg for the engineer's position. Chairman Browdy advised he had reviewed their resumes and was fine with the appointments, and wanted Commissioners to know that they have coordinated with BOAF regarding the appointments, and no additional action is required of the Commission.

Chairman's Discussion Issues and Recommendations (cont.):

Construction Industry Workforce Task Force:

Chairman Browdy state as he reported previously the Construction Workforce Taskforce was established via state legislation to address the shortage of skilled crafts people and inspector training in Florida. He said The Workforce Task Force specifically aims to:

- Address the critical shortage of individuals trained in building construction and inspection.
- Develop a consensus path for training the next generation of construction workers in the state.
- Determine the causes or the current shortage of a trained construction industry work force and address the impact of the shortages on the recovery of the real estate market.
- Review current methods and resources available for construction training.
- Review the state of construction training available in K-12 schools.
- Address training issues relating to building code inspectors to increase the number of qualified inspectors.

Chairman Browdy stated that although he attended the first meeting, he was unable to attend the next two meetings due to health issues.

Chairman Browdy provided the following summary update:

Chairman Browdy stated that at the end of our first meeting on July 27th, we were tasked with 2 responsibilities: identify training success stories and identifying legislative approaches being considered elsewhere. He said at the second meeting on September 29th, the Task Force heard informative presentations from around the country detailing various types of legislative approaches to the enhancement of Workforce Training. Chairman Browdy stated at the meeting held on October 24th the Task Force hosted an open forum discussion sponsored by the University of Florida and the National Center for Construction Education and Research. He advised that the next meeting will be on January 20th at the FRSA Training Center in Winter Park and they will be moving towards finalizing our report timely. Chairman Browdy advised that The Task Force is required to report their recommendations to the Governor and Legislature by February 1, 2017, and he will keep the Commission informed of the Task Force's progress.

Chairman's Discussion Issues and Recommendations (cont.):

Commissioner Milestones Update:

Chairman Browdy advised the milestones are available on the BCIS for viewing.

St. Johns County Post Damage Assessment Report (Hurricane Matthew):

Commissioner Schock presented a power point presentation and explanation of the damages, failures and issues that were faced with the properties in St. Johns County.

Consideration of Accessibility Waiver Applications:

Chairman Browdy stated the Commission will now consider this month's requests for accessibility waivers. He advised that April Hammonds will serve as legal counsel and present the Accessibility Advisory Council's recommendations. Chairman Browdy then asked Ms. Hammonds to present the waivers.

241 Miami LLC #175: The Council recommended denial due to lack of response for information requested from previous deferral

Wesley Castellanos, Architect and Belvis Martinez, Owner were present.

Mr. Castellanos stated they did have the requested documentation; there had been an issue with the contractor uploading the documents timely on the system for the Council Meeting.

After discussion among the Commission and due to the fact that the representative did not bring enough copies for the full Commission review it was decided to send the application back to the Council for review at their next meeting.

Commissioner Schock entered a motion to refer the waiver back to the Council to allow review of the new documentation brought to the Commission Meeting by the applicant and Architect. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Courtside Grille #177 - Council recommended to grant to the extent necessary.

Commissioner Schiffer entered a motion to accept the recommendation of the Council and grant to the extent necessary. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Consideration of Accessibility Waiver Applications (cont.):

<u>S2R PROPERTIES #203</u> – Council recommended granting based on historical significance and economic hardship.

Commissioner Schiffer entered a motion to accept the recommendation of the Council to grant based on historical significance and economic hardship. Commissioner Hamberger seconded the motion. The motion passed unanimously with a vote of 20 to 0 with two Commissioners out of the room at voting.

The Atlantis Building #191 - Council recommended granting based on economic hardship.

Commissioner Schiffer entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20 to 0 with two Commissioners out of the room at voting.

<u>1443 West SUITES HOTEL #192</u> - Council recommended granting based on economic hardship.

Commissioner Schiffer entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20 to 0 with two Commissioners out of the room at voting.

A&S Courier International, LLC #196 – Council recommended deferral for additional information.

Commissioner Schilling entered a motion to accept the Council recommendation of deferral for additional information. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 19 to 0 with three Commissioners out of the room at voting

L.Fagan Enterprises Inc. D/B/A Village Bier Garten Restaurant #188 – Council recommended denial as this project is new construction.

Troy Stephan, owner was present.

Mr. Stephan presented information to the Commissioner requesting override of the Council recommendation and asked for the Commission to grant waiver.

There was lengthy discussion held with the Commission, Legal and the applicant.

Commissioner Schock entered a motion to accept the recommendation of the Council of denial as the project is new construction. Commissioner Schiffer seconded. The motion passed unanimously with a vote of 22 to 0.

Consideration of Accessibility Waiver Applications (cont.):

The Guest House Ocala #199 - Council recommended granting based on economic hardship.

Commissioner Schiffer entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 22 to 0.

The Fontane #200 - Council recommended granting based on technical infeasibility.

Commissioner Schiffer entered a motion to accept the recommendation of the Council to grant based on technical infeasibility. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Apopka Holdings LLC #198 – Council recommended granting based on economic hardship.

Commissioner Schiffer entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20 to 0 with two Commissioners out of the room at voting.

<u>Elestial Sound Studios #187</u> - Council recommended to conditionally grant to the extent necessary with condition of lift being installed.

Commissioner Schiffer entered a motion to accept the recommendation of the Council conditionally grant to the extent necessary with condition of lift being installed. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20 to 0 with two Commissioners out of the room at voting.

<u>Miami Lakes Office Center #201</u> - Council recommended granting based on economic hardship.

Larry Schneider AIA, was present representing the applicant to answer any questions from the Commission.

Commissioner Schilling entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Product and Entity Approval:

Chairman Browdy advised that Commissioner Stone will present the POC's recommendations for entity approvals and the consent agenda for products recommended for approval, and Jeff Blair will present the POC's recommendations for product approvals with discussion and/or comments.

Commissioner Stone entered a motion to approve the consent agenda for the product approval entities as posted. Commissioner Compton seconded the motion. The motion passed with a vote of 22 to 0 with two Commissioners out of the room at voting.

Commissioner Stone entered a motion to conditionally approve the consent agenda that were originally recommended for approval with the condition that staff work with applicants to ensure all uploaded files and support documents of the application are updated and correct under the 2014 Code. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 20 to 0 with two Commissioners out of the room at voting.

Commissioner Stone stated there were 13 products with comments on consent for Conditional Approval. He advised Mr. Blair will present these products.

Mr. Blair presented the following products for conditional approval.

7640 R-7 FL 8871 R-7, FL 10975 R-6, FL 12161 R-1, FL 12166 R-1, FL 12169 R-1, FL 12184 R-1, FL 12186 R-1, FL 15211 R-4, FL 15099 R-6, FL 16853 R-4, FL 16854 R-4, and FL 21123. — Mr. Blair advised the conditional approval is to allow staff to work with the applicants to ensure all the files uploaded in support of the application and is updated and correct.

Commissioner Stone entered a motion to conditionally approve 7640 R-7 FL 8871 R-7, FL 10975 R-6, FL 12161 R-1, FL 12166 R-1, FL 12169 R-1, FL 12184 R-1, FL 12186 R-1, FL 15211 R-4, FL 15099 R-6, FL 16853 R-4, FL 16854 R-4, and FL 21123 as recommended by the POC with the condition that staff work with the applicants to ensure all the files uploaded in support of the application and is updated and correct. Commissioner Compton seconded the motion passed unanimously with a vote of 19-0 with three Commissioners out of the room at voting.

Mr. Blair presented the following products for conditional approval with comments.

FL 13749 R-5

Commissioner Stone entered a motion to conditionally approve with the condition that staff work with applicants to ensure all uploaded files and support documents of the application are updated and correct under the 2014 Code. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 19 to 0 with three Commissioners out of the room at voting. FBC Plenary Session

Product and Entity Approval (cont.):

FL 17490

Commissioner Stone entered a motion to conditionally approve. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 19 to 0 with three Commissioners out of the room at voting.

FL 20766 R-1

Commissioner Stone entered a motion to conditionally approve. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 19 to 0 with three Commissioners out of the room at voting.

FL 21195

Commissioner Stone entered a motion to conditionally approve. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 19 to 0 with three Commissioners out of the room at voting.

FL 21353

Commissioner Stone entered a motion to conditionally approve. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 19 to 0 with three Commissioners out of the room at voting.

FL 21382

Commissioner Stone entered a motion to conditionally approve. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 19 to 0 with three Commissioners out of the room at voting.

Public Comment:

Robert Fine, Esq. spoke on behalf of his client for Glass Systems, conditional approval due to DBPR computer glitch. He requested to know when the documents can be uploaded as this is time critical for his client. Mr. Fine stated they could not upload on December 7th and again this morning and needed to know when they will be able to submit and get full approval.

Mr. Madani addressed his concerns stating now that the Commission has conditionally approved, they will be released for the applicants to upload any documents that were incorrect or make adjustments and once loaded and confirmed they will be approved.

Applications for Accreditor and Course Approval:

Chairman Browdy advised Commissioner Dean will now present the Education Program Administrators recommendations regarding applications for accreditor and course approval.

Commissioner Dean entered a motion to recommend course **808.0** for approval as recommended by the POC. Commissioner Flanagan seconded the motion. The motion passed 21-0 with Commissioner Schiffer abstaining from the vote due to conflict of interest.

Commissioner Dean entered a motion to recommend courses **811.0**, **810.0**, **819.0**, **818.0**, **815.0**, **814.0**, **and 812.0** for approval as recommended by the POC. Commissioner Flanagan seconded the motion. The motion passed 22-0.

Legal Update:

Chairman Browdy stated that prior to the declaratory statements; April Hammonds, Esq. will be providing information any legal matter to report.

Ms. Hammonds advised that there are no pending additional legal issues.

Petitions for Declaratory Statement: Legal Report

DS 2016-076 by Kathleen Ann Wilks

Ms. Hammonds read the petition from Ms. Kathleen Ann Wilks with response. She stated The Accessibility TAC voted unanimously to recommend the Commission to approve staff's analysis as presented/posted, that answering the Petition would be legally improper.

Commissioner Schilling entered a motion to accept TAC's recommendation of the staff's analysis. Commissioner Gross seconded the motion. The motion passed unanimously with a vote of 22 to 0.

DS 2016 – 078 by Joseph Hauf of Conquest Firespray. LLC

Ms. Hammonds read the petition from Mr. Hauf with response. She stated the Fire TAC voted 7 to 1 to recommend the Commission approve staff's analysis option #2 for all four questions, with the added language "where this alternate is approved by the local building official, the offsets are required to be tested from both sides".

Commissioner Schiffer entered a motion to accept TAC's recommendation of the staff's analysis with added language "where this alternate is approved by the local building official, the offsets are required to be tested from both sides". Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Petitions for Declaratory Statement (cont.):

DS 2016 – 080 by Tom Files of Feasterco Construction, Inc.

Ms. Hammonds read the petition from Mr. Files with response. Ms. Hammonds stated the Special Occupancy TAC's and the Fire TAC's voted unanimously to recommend the Commission to approve the staff analysis on question 1 option #2 as presented/posted.

Commissioner Schiffer entered a motion to accept the Special Occupancy TAC and the Fire TAC recommendation of staff's analysis on question 1 option #2 as presented/posted. Commissioner Schilling seconded. The motion passed unanimously with a vote of 22 to 0.

<u>DS 2016 - 081 by Alan Gremillion of GL Homes and Douglas Buck of the Florida Home</u> Builders Association

Ms. Hammonds read the petition from Mr. Gremillion with response. Ms. Hammonds stated the Fire TAC voted 7 to 1 with Mr. Belcher abstaining to recommend the Commission approve staff analysis for all five questions using option #2 as presented/posted.

Joe Belcher, FHBA and Mr. Gremillion were present at the meeting.

Mr. Belcher discussed the analysis and they agree with the answers for questions 1, 2, and 3. He further stated they had issues with the responses for questions 4 and 5.

After a lengthy discussion among the Commission, legal, Mr. Belcher and Mr. Gremillion the petitioner requested to withdraw questions 4 and 5 from the petition. Mr. Buck stated they would bring this in at the February meeting addressing the concerns through code amendment.

Commissioner Schiffer entered a motion to accept the Fire TAC's recommendation of staff's analysis on questions 1, 2, and 3 using option #2 and withdrawal of questions 4 and 5 by the petitioner. Commissioner Schilling seconded the motion. The motion passed unanimously.

<u>DS 2016 – 082 by Chris Glover of Palmwood Construction;</u> James Friedrichs of Hernando County Building Division; and Douglas Buck of the Florida Home Builders Association

Ms. Hammonds read the petition from Mr. Glover with response. Ms. Hammonds stated the Fire TAC voted 7 to 1 with Mr. Belcher abstaining to recommend the Commission approve staff analysis for all five questions using option #2 as presented/posted.

Petitions for Declaratory Statement (cont.):

Mr. Belcher was present and stated they agree with the answer provided.

Commissioner Schiffer entered a motion to accept the Fire TAC's recommendation of staff's analysis on the question using option #2. Commissioner Schilling seconded the motion. The motion passed unanimously.

DS 2016 – 083 by Paul Zilio of Bliss & Nyitray, Inc.

Ms. Hammonds read the petition from Mr. Zillio with response. Ms. Hammonds stated the Fire TAC voted unanimously to recommend the Commission approve staff analysis for the question using option #2 as presented/posted.

Commissioner Compton entered a motion to accept the Fire TAC's recommendation of staff's analysis on the question using option #2. Commissioner Schiffer seconded the motion. The motion passed unanimously.

Committee Reports:

Accessibility Technical Advisory Committee;

Commissioner Gross provided a brief summary of the Accessibility TAC November 30, 2016 teleconference meeting.

Commissioner Gross entered a motion to accept the Accessibility TAC report from November 30, 2016 teleconference meeting. The motion was seconded by Commissioner Schilling. The motion passed unanimously with a vote of 22 to 0.

Education Program Oversight Committee;

Commissioner Dean provided a brief summary of the Education POC November 28, 2016 teleconference meeting.

Commissioner Dean entered a motion to accept the report from the November 28, 2016 teleconference meeting. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Committee Reports (cont.):

Fire Technical Advisory Committee;

Mr. Madani provided a brief summary of the Fire TAC meetings held on December 2, 2016 via teleconference.

Commissioner Schiffer entered a motion to accept the report of the Fire TAC meeting held on December 2, 2016 via teleconference. Commissioner Gross seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Product Approval Program Oversight Committee;

Commissioner Stone provided a brief summary of the Product Approval POC meetings held December 1, 2016 via teleconference. He further stated that there are two additional recommendations for the Commission to consider in addition to the regular report.

Commissioner Stone entered a motion to approve the report of the Product Approval POC meeting held December 1, 2016 via teleconference. Commissioner Compton seconded the motion. The motion passed unanimously with of vote of 22 to 0.

Commissioner Stone advised that the POC recommends the Commission authorize DBPR staff to schedule a special expedited concurrent Product Approval POC and Commission meeting prior to the next regularly scheduled POC and subsequent Commission meeting for the purpose of addressing previously approved applications that need to be revised as a result of the BCIS system glitch to ensure that all files submitted to support the product approval applications are updated and correct.

Commissioner Stone entered a motion to schedule this special meeting January 17, 2017. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Commissioner Stone advised the POC recommends the Commission add the consideration of FL 21388 to the special expedited concurrent Product Approval POC and Commission meeting agenda.

Commissioner Stone entered a motion to add FL 213388 to the special meeting to be held January 17, 2017. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Committee Reports (cont.):

Special Occupancy Technical Advisory Committee;

Commissioner Phillips provided a brief summary of the Special Occupancy TAC December 2, 2106 meeting via teleconference.

Commissioner Phillips entered a motion to accept the Special Occupancy report for the meeting held on December 2, 2016 via teleconference. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 22 to 0.

Structural Technical Advisory Committee;

Commissioner Schock provided a brief summary of the Special Occupancy TAC December 2, 2106 meeting via teleconference.

Commissioner Schock entered a motion to accept the Structural TAC report for the meeting held on December 2, 2016 via teleconference. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 22 to 0.

Structural Technical Advisory Committee/FBPE Structural Committee:

Commissioner Schock provided the background of the meeting as well as a brief report of their discussions.

Commissioner Schock entered a motion to accept the Structural TAC/FBPE Structural Committee report for the meeting held on December 12, 2016 in St. Pete Beach. The motion was seconded by Commissioner Hamberger. The motion passed unanimously with a vote of 22 to 0.

Commissioner Bassett stated he felt the Florida Engineering Society should be included on any of these meetings held in the future.

Public Comment:

Arlene Stewart, AZS Consulting wanted to thank everyone for their hard work this year and asked that the staff try to seek venues that do not charge the public \$25.00 per day to park their cars.

Larry Schneider also expressed his thanks to the Commission.

Robert Fine thanked the Commission and stated he felt they had the best staff and legal support and he was very appreciative of their patience and willingness to be of help always.

Commission Comments:

Chairman Browdy gave closing statements thanking everyone for their participation and support throughout 2016 and wished everyone a safe and happy holiday.

The meeting was adjourned at 11:31 a.m.