

## LOCAL PLANNING AGENCY MINUTES

September 26, 2011

The Chair, Henry Minneboo, called the meeting to order at 3:00 p.m.

Board members present were Laurilee Thompson; Henry Minneboo, Chair; Linda Wise; Aneta Ott; Vice-Chair; Jerry Jagrowski; Sue Schmitt; and Robert LaMarr.

Staff members present were: Robin Sobrino, Director, Planning & Development Department; Christine Lepore, Asst. County Attorney; Mike Mccaughin, Building Official, Planning & Development Department; and Candy Hanselman, Zoning Support Manager, Planning & Development Department.

There were six regular board members, and one alternate, present and voting throughout the hearing.

Henry Minneboo – Since I see nobody in the audience, I don't need to convey all this message to the audience. Did everybody have a chance to review the August 22<sup>nd</sup> meeting? Is there a motion, and second?

Motion by Aneta Ott, seconded by Jerry Jagrowski, to approve the minutes from the LPA meeting on August 22, 2011. The vote was unanimous to approve the minutes, as submitted.

### **1. An ordinance amending the Brevard County Code of Ordinances by repeal and reserving Chapter 22, Article II, Division 2, Standard Housing Code, and Division 3, Standard Existing Building Code; repeal of Chapter 22, Article III, Division 1, Modular or Pre-Fabricated Structures, and replacing with a new Division 1 titled Property Maintenance.**

Mike Mccaughin – Mike Mccaughin, Building Official. We have an ordinance before you today. We sought legislative intent on August 9<sup>th</sup> from the Commission, which they granted, to do some housekeeping amendments to Chapter 22 of the Code of Ordinances, which is Buildings and Building Regulations. What you have before you today is an ordinance, basically what we call the property maintenance ordinance. We have some outdated codes that we wanted to eliminate, and then write actually directly into our code something that's more suitable for our Code Enforcement folks. The existing codes they use are model codes that are adopted by reference. These books are very much dated, and they're also out of print, making it problematic for the public to obtain copies of it. So we see that as very problematic, number one, there. And they are outdated. And there are some conflicts with our policies and procedures, both in our ordinance and Florida Statutes, on the administrative procedures contained in them. So we looked at what we might do for a change. We looked at what other jurisdictions are doing. Many have adopted a later version, which is called the International Property Maintenance Code. We found, across the State, some have directed this outright as adopted by reference. Some adopted it and made amendments in their ordinance. And some just took a lot of provisions out of it and put it directly into their own ordinance. And that's what we chose to do. We found that we had the same problems with this newer book, in that there's a lot of stuff in here that administratively conflicts with what we do, and just not right for the County. And, also, some we found were kind of intrusive, really, into lifestyles, and so forth. So we just want to drill it down and get two things that are strictly public health and safety issues from a building maintenance standpoint. And that's essentially what you have before you today. A second part of the ordinance is to remove an outdated, or repeal an outdated, section dealing with modular and prefabricated homes, or buildings. The State now handles that completely, and they certify them. So our ordinance is really obsolete. And we're preempted by the State, anyway, so we just want to clear that out, move our new property maintenance ordinance into the Article III, where it is. That gives us separation from building code standards so that we don't have a crossover between what Code Enforcement Officers are required to do, versus licensed Building Inspectors. That was another problem we had with it. So that's the short version.

Henry Minneboo – It's really a housecleaning issue you've had here that – it makes things a little bit more simplified?

Mike Mccaughin – Yes. There's substantially no change in what we're doing. In effect, there's actually a reduction in some of the regulations.

Henry Minneboo – Seeing nobody out in the audience, does anybody have any questions?

Sue Schmitt – Yes. I had spoken to Mike before. On Page 8 of the matrix, under the storm shutters, where it says that, "Windows and doors in occupied dwelling units shall not be boarded or covered, except for the temporary installation of, or closure of, storm shutters, panels or other hurricane devices during the threat of a storm." Well, I just think that's pretty ambiguous, and I asked him if there is anything that could define that a little bit more. I mean, that could mean an afternoon thunderstorm. Does it also agree with other provisions, too? In fact, he was talking about something that is Florida, that's not mandated, but it's giving you some information of maybe how you could clarify certain things. And, Mike, do you have any thoughts on what I asked about? Or do you just want to leave it the same? I know there was a question, as far as Code Enforcement, and I happen to be a believer if they can't enforce it, don't do it. But, in this case, I don't know.

Mike Mccaughin – Well, to start out, I was what I call the humble scribe of this ordinance. I authored it, but I did not author it alone. This was done with our Code Enforcement staff. And, basically, the troops, the boots on the ground – what is it that you need to enforce? And what are the tools you need to do a better job, more efficiently, effectively? This is one thing they had brought back to us, was they get a lot of complaints about storm shutters. And, really, it's more the plywooded, boarded up, houses that people are still living in that we have the concern with, not so much somebody has a roll-down shutter that they can raise and lower. But this is a difficult issue to address fairly, and take into account folks that want to leave town, or snow birds that want to leave their homes boarded, or shuttered, while they go up north. So we narrowed it down, because we are trying to stick with health and safety issues. It's a hazard when the building's occupied, so hence the word "occupied dwelling". If they're out of town for a couple of months, the hazard's not there. I know, Sue, we spoke about the ability of the Fire Department to get in. But our main focus on this was when folks are actually in there, about them getting out. So that was our primary focus on this. And we used the word "temporary". And I struggle with the term "threat of storm". When is that? Is it when a hurricane's approaching, a hurricane warning, a hurricane watch? And we thought about it some more, after the conversation we had today. We have other threats of storm. You might see – you get the alert on your television that Osceola County, there's a storm front coming across the State, 50 mile-an-hour winds. The read area has purple areas that are swirling, and golf ball-size hail, and so forth. So folks that can quickly close their shutters, we don't want to make that illegal, of course, the folks that have electric, or roll-down, that can quickly put those down. So we want to accommodate that. To answer the last part of your question, I think I'm comfortable with the language.

Sue Schmitt – O.K., that's fine. My main concern, as I expressed to you, is safety as far as the Fire Department, because I know, in the last couple of months, there was a situation that a home was shuttered, and they couldn't get into it, and it ended up being engulfed, which was a really bad situation.

Mike Mccaughin – The main concern expressed by Code Enforcement was not the temporary people putting shutters on, but this long-term, where folks are living in a cave-like setting. It poses a threat to those folks in those homes. That was the intent of this language.

Henry Minneboo – Jerry.

Jerry Jagrowski – Yes, sir, I got one question. You got a lot of definitions of various issues here. Are they the same that's in the rest of the things that we have in the County? Any changes to the definitions from here to other parts of the County? Are these upgrades, and will this upgrade the other issues that are defined?

Mike Mccaughin – These definitions apply to this section, or this article, of the ordinance. I don't believe there's any conflicting definitions with, say, definitions in zoning. I'm not aware of any. We were careful of

that. Like I said, our Code Enforcement staff – our County Attorney’s Office was also involved in writing this. And I think we vetted it pretty well.

Jerry Jagrowski – O.K. Did this update the other ordinances that are older, that may be in conflict? Or are these the ones that apply?

Mike Mccaughin – These definitions are strictly to apply to this section of the code. So they’re terms that are – and I believe it so states in the beginning of it, “Unless otherwise expressly stated, the following terms, for the purposes of this article, have the meanings herein.”

Jerry Jagrowski – Thank you.

Mike Mccaughin – They’re defining this within this article.

Henry Minneboo – Any other questions? (no response) What’s the pleasure of the board?

Jerry Jagrowski – Motion for approval.

Henry Minneboo – Motion by Jerry to approve.

Laurilee Thompson – Second.

Henry Minneboo called the question, and the board recommended approval of the ordinance. The vote was unanimous.

The meeting was adjourned at 3:09 p.m.