

Meeting: Fire & Life Safety Code Board of Adjustment & Appeal

Date: October 11, 2018

Time: 9:00 a.m.

Location: Office of the Fire Marshal 7079 University Blvd Winter Park, FL 32792

Reported by: Stephanie Elix

Board Members Attendance: David Blossom, Drew Havron, Alan Hirschorn, Jason Terry, Bob Szafranski

Non-Attendance: Frank Chaput, Don Williams

Staff: Cristina Berrios, David Kilbury, Inez Pressler, Scott Workman.

- Chair - Call to order: Review of the definition of what the appeal board is and the role of the board. OCFRD is a Class I ISO and would like the board to function in the same, similar, fashion.
- Public Comments – there were no public comments for record
- Review and Approval of Meeting Minutes, August 28, 2018
 - Motion by Alan Hirschorn and second by Bob Szafranski to approve the minutes, all approved collectively.
- Old Business – there was no old business
- New Business
 - A. **Board By-Laws** (copies of the By-Laws were given to Board by Chief David Kilbury for review)
 - Chair asked that the board review the By-Laws and to come up with any new ways to make the board more effective. Cristina Berrios asked if anyone disagrees with any area of the By-Laws to please let her know to ensure that as a Board the laws read as the Board would like.
 - Ms. Berrios continued discussion on the process of appeal after Mr. Jason Terry asked about if the By-Laws match NFPA1 standards. Ms. Berrios mentioned that there are amendments to the

process and not all amendments would need to be adopted by the board, but there should be discussion regarding any ideas that the Board would like to adopt.

- The Board discussed the difference between their entity vs. Special Magistrate along with the discussion of permitting and zoning and the differences in the process of appeal for citizens. Berrios also explained how the layers of conflict can be addressed case by case because one department could see the code differently and would that this Board would need to use the NFPA1 to ensure that the process for both the Board and the citizen.
- Chair asked about the new ordinance of excessive false alarms and their effect on the appeal process.
 - Chief Kilbury mentioned that there False Alarm Ordinance isn't one to generate money for the County, but it is to make sure that citizens have working alarms and that they are aware of the County dedication to their safety. At this time there isn't a need for citizens to use the Board of Appeals for False Alarms.
- Chair asked about the scheduling of meetings and how they would be addressed in the By-Laws and whether or not there needs to be language added to the By-Laws of "emergency" meetings sooner than 30 days.
 - Chief Kilbury stated that the Board would have to address that, but currently the 30 days meetings have already been agreed to.
 - Ms. Berrios added that in reading the By-Laws the duties of the Board, i.e. meetings, would come directly from the ordinance. Ms. Berrios also mentioned that meetings should be held if there was new business to discuss and that meeting lengths should have a 3 hour minimum, but the Board can adjust that time as agreed to collectively on a case by case bases. The time should be taken into consideration because the Board doesn't want any citizen to feel as though they have not been heard and doesn't want any citizen to

feel as though they are being rushed and to make certain their case is presented.

- Chair asked, in regards to a requested appeal by a citizen, documentation and how to distribute the By-Laws to citizens.
 - Ms. Berrios said that as soon as a citizen asks for an appeal to send them the rights and the process of appeal, once the language is approved by the Board. Then the question was asked by the Chair about the criteria of appeals and Ms. Berrios stated that a citizen can request an appeal regardless if they meet the criteria or not. There was mention of that the Special Magistrate can denounce an appeal whereas the Board typically would not.
- Assistant Chief Inez Pressler asked if the State Fire Marshal could give instructions in regards to granting an appeal. And how does the State affect the Board?
 - Ms. Berrios said that the Board is here for local government to rely on the fire code to help alleviate the State. Along with this, the Board is setting precedence by being impartial because the appeal process is based on case by case issue(s) and the State stepping in wouldn't allow the Board to be effective.
- Chair asked if the Board would want to adopt the By-Laws as they are at this point.
 - Ms. Berrios suggested that the Board take time to review the By-Laws to be "edited" and reviewed by each member to be comfortable with what the By-Laws state and to be in accordance with Sunshine Laws in respect to both the By-Laws and the meeting minutes. Ms. Berrios also reminded the Board that there is flexibility to make changes to the By-Laws and to adopt them at the next quarterly meeting.
- Mr. Terry asked about sending out minutes prior to the appeal(s)?
 - Ms. Berrios added that it wouldn't be a good idea to as a Board due to Sunshine Law requirements.
- Mr. Szafranski asked about meeting schedule and the meeting agenda?

- Ms. Berrios stated that would be schedule well in advance of the meeting/appeal date to make sure that the Board can schedule their calendar(s) accordingly.
- Chief Kilbury asked can the meeting agenda, for appeals, be sent prior to the meeting.
 - Ms. Berrios indicated that unless all parties have given complete presentation documents that there is no requirement for that, and that the Board's process is geared by NFPA rules.
- Chair asked about the application of appeal and if there was access to it and would it be appropriate to go by the location prior to the meeting date.
 - Ms. Berrios said that because the appeal application is public record that it is available to anyone. And as far going by a location is fine, but that the visit needs to be disclosed prior to and while there that there be no discussion of any kind.
- Chair added because of local changes in the County and the uniqueness of projects that it would be good to know and understand the By-Laws and for the Board members to bring ideas they'd like to add making the By-Laws more effective.
- Chair asked Ms. Berrios about conversation(s) among the Board and if they were permitted?
 - Ms. Berrios reminded the Board that they work on Chapter 18 of the NFPA codes and those items can be discussed, however, if it regarding making legislative changes that those changes are to be discussed publicly at Board meetings. Ms. Berrios would also like to add a red-line document to indicate who would like the changes to allow that person to expand, if need be, on the change they're requesting.
- At this point, Ms. Berrios then suggested closing the topic of By-Laws.

B. Member biographic overview

- a. Chair wanted a snip-it of each member's resume to provide for citizens to give them a background of the make-up of the Board and to give

reassurances that the Board has qualified members to come to the best decisions for all.

- b. Chief Kilbury would create a quick PowerPoint along with an Appeal Board background for informational purposes

C. Member representation outside of the meetings

- a. Chair would like to make sure that when any Board member is speaking publicly that they are clear to state that “these are my opinion(s) and not a reflection of the Board.”

D. Dedicated email address

- a. Chair has created a separate email address for any Board activities.
- b. Ms. Berrios thought it would be a good idea since any communication is public and would keep said communication separate from regular business emails, but it’s not required for Board members. She also mentioned that what email address or contact information any Board member would like to use to give that information to Chief Kilbury.

E. Review of Roberts Rules of Order

- a. Ms. Berrios will create of summary for the Board to use/review

F. Board participation, input, objectives, etc.

- a. Chair would like any discussions or ideas to be sent to Chief Kilbury to be added to the upcoming agenda

G. Permitted and non-permitted conversations between members

- a. Discussed under By-Laws

H. Additional Conversation

- a. Chief Kilbury mentioned that there are no new appeals that he was aware
- b. Ms. Berrios would like to add the discussion of the By-Laws to the next quarterly meeting in January (2019). Due to Mr. Szafranski’s question in regards to By-Laws should an appeal be granted prior to the By-Laws being adopted? Ms. Berrios suggested that the By-Laws should be in place prior to that, and the Board can decide on the best way they’d like to proceed if an appeal was requested.

- c. Mr. Szafranski asked about re-appointment to the Board?
 - i. Ms. Berrios noted that it is a 3 year appointment and if re-appointed one could serve for a total of 6 years.
- d. Ms. Berrios stated that she'd put together a review of the Sunshine Laws for presentation during the January meetings and recommended to the Board that they can refer to municode.com for review of Chapter 18 of NFPA codes, and other documentation.
- Chair asked for a motion to adjourn if there were nothing further. Mr. Terry motioned for the meeting to be adjourned and Mr. Drew Hayron second the motion.

Attest: David G. Kilbury, Fire Marshal

Date