

Building and Construction Advisory Committee Minutes

The Brevard County Building and Construction Advisory Committee (BCAC) met on Wednesday, December 13, 2023, at 1:00 p.m., in the Space Coast Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Members present: Michael Williams, District 1; Mike Jaffe, District 3; Ralph Durham, Vice Chair, District 4; and Bruce Moia, Chair, District 5.

Staff present: Rachel Gerena, Engineering Manager; Terry Talbert, Building Official; Kristen Champion, Special Projects Coordinator; and Jennifer Jones, Administrative Assistant.

The Chair, Bruce Moia, called the meeting to order at 1:00 p.m.

Approval of November 8, 2023, Minutes

Motion by Ralph Durham, seconded by Michael Williams, to approve the minutes of November 8, 2023. The motion passed unanimously.

Amendment to Chapter 62, Article X, Division 6, Section 62-3751, Exhibit A – Stormwater Management Criteria; Subsections 4.6(d) and 4.6(j), Brevard County Code of Ordinances, to allow polypropylene pipe in the County right of way and provide for administrative waivers for inverted siphons. (All Districts)

Rachel Gerena, Engineering Manager, stated there are two proposed code changes within the stormwater code; one is for staff administrative waivers to be allowed for inverted siphons under certain conditions that alleviate maintenance concerns, and these would be for private sites. It does not change the ability for somebody to go to the board if they don't get an administrative waiver. The second one is to allow for D.O.T. approved polypropylene pipes within the right of way for use, which is based upon staff's review of the 100-year lifespan.

Bruce Moia asked if we're getting a lot more inverted siphons because of the dry, wet detention treatment water quality requirements.

Rachel Genera stated that new requirements for dry retention systems are making it a little more difficult to get those without the inverted siphons. With some smart design, they can be accomplished when they're unavoidable.

Bruce Moia asked if there is criteria for applying for the waiver or if they're just going to use the standard waiver form, which Rachel stated that it'll be the same form and go through the same process with the only difference being instead of it automatically having to be a board waiver, as long as the maintenance activities were identified, we would be able to administratively approve.

Bruce Moia asked if there would be no additional cost for the waiver since it could be done as part of the review and Rachel Gerena stated that the same costs would apply for this waiver.

Bruce Moia asked if any other Board members had additional questions for Rachel, of which they wanted further clarification on why there's a cost if it's administrative.

Rachel Gerena stated that they're not proposing any changes to the fee schedule. That's what the current waivers are in the existing fee schedule, which is based upon the administrative staff time to

process the waivers and the additional review. It's a different section of code that would require legislative authority for any proposed changes.

Board Member asked if we have guidelines of permission to go to waiver, why can't it be more positive? If you don't do these certain things, you have to go to waiver. If you do these certain things, you get approved. He asked Bruce Moia for more insight onto this topic.

Bruce Moia stated that we could recommend that it be allowed as an allowable item under certain conditions and not be a waiver at all. It would just be part of the code that you can do inverted siphons in certain cases based on the criteria, really the criteria that they put. And it's not even a waiver, it would just be allowable. I mean, we could make that recommendation.

Rachel Gerena stated that the Board could make that recommendation but to note that it's in there as a waiver because it is not meant to be the first option. It should be the last option, and it should be that it's been demonstrated that you've tried to design your site to not have to have the inverted siphons because they are a maintenance issue and long term has proven to be not maintained how they should be, which backs up the system and can adversely affect adjacent properties, not just the right-of-way.

Board Member asked when it was determined, did staff coordinate with the development community on when inverted siphons could be acceptable? Are those conditions called out?

Rachel Gerena stated that yes, in the proposed ordinance, you'll see there's language that's been added required that it be accessible for maintenance, etc.

Bruce Moia asked what is the point of item five? Of adding a maintenance agreement when there's already a permit condition that it has to be maintained by both St. Johns and the County.

Rachel Gerena stated that the agreement is not for the engineer, it's not for the County. It's really for the owner of the private site and they acknowledge the fact that this system, is going to require additional maintenance. They acknowledge that they are going to have to provide that maintenance. This agreement was a suggestion that we received from another engineer that suggested it because the city of Melbourne has a similar type of system agreement that allows them to go back to the owner in the future if they're not maintaining properly.

Bruce Moia asked is the County going to draft a maintenance agreement, or is this going to have to be drafted individually by every different applicant?

Rachel Gerena stated the idea is it that it would be a template, a simplified form, agreement that they acknowledged the additional maintenance.

Bruce Moia asked who approves that document? How does that maintenance agreement get developed and approved.

Rachel Gerena stated that it is their intent that the County Attorney's Office would draft it and the

County Manager to approve it. It could be recommended that it come back to the Board (BCAC) for approval as a secondary item.

Bruce Moia agreed that it would be good to add to their motion that it come before this Board.

No Public Comment

Motion by Michael Williams, seconded by Mike Jaffe, to approve the Amendment to Chapter 62, Article X, Division 6, Section 62-3751, Exhibit A – Stormwater Management Criteria; Subsections 4.6(d) and 4.6(j), Brevard County Code of Ordinances, to allow polypropylene pipe in the County right of way and provide for administrative waivers for inverted siphons with the condition that the proposed maintenance agreement get brought back to this Board for review. The vote was unanimous.

Building Code Monthly Report

Terry Talbert, Building Official, stated that building permit applications typically go down this time of year due to the upcoming holidays and he's unsure how many we'll get for the month of December. Especially because the new code cycle goes into effect on December 31st. The 2023 Eighth Edition Building Code, as well as the 2020 National Electrical Code goes into effect. We also sent a notice out on our BASS system that any permit that is in by the 31st and paid for, the application will be pushed through under the old code. Any permit after that will be under the new code. The County is still performing 90% of all inspections, the remaining fall under the contract with Joe Payne and private from Universal Engineering Group, etc. It's all stayed consistent. Inspections have dropped down a little this month, as it typically does this time of year but compared from 2019 when we had 4,200 inspections, we have 5,100 now. New single-family dwelling permits have dropped the last couple months as expected as most contractors are finishing up for the year. We're staying ahead with inspections through the BASS system, which guarantees a next-day inspection if submitted by 4:00 PM. Roofing permits varies by what kind of storms we have. In 2019 we had a monthly average of almost 700 and currently we have 438.

Board Member asked how staffing is and Terry responded that staffing is going well and possibly have a new plans examiner and inspector coming in.

Bruce Moia asked about an email from Holiday Builders about the new code coming out in December about Geotech. Reports for single family homes. What's the change on that?

Terry Talbert stated he has not looked into it yet but he can, and Bruce stated that he would forward that email to Terry for review.

Adjournment

The meeting was adjourned at 2:02 p.m.