

6B-1

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

Meeting Date: June 19, 2012

Department: Planning, Zoning & Building

Submitted By: Building Division

Advisory Board Name: Construction Board of Adjustment and Appeals

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to approve: Reappointment of the following individual to the Construction Board of Adjustment and Appeals (CBAA) for the term of June 20, 2012 to June 19, 2015:

<u>Reappoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>
Michael Walker	6	HVAC Contractor	CIMC

Summary: Palm Beach County Ordinance 89-31 created the Construction Board of Adjustment and Appeals. Michael Walker is nominated by the Construction Industry Managements Council of Palm Beach County (CIMC), with a term of office of three (3) years. The nomination represents the HVAC contractor member of the Board as required by the Palm Beach County Ordinance 2012-006, as amended, Palm Beach County Amendments to the Florida Building Code, 2010 Edition. The Board is comprised of nine (9) members consisting of one registered architect; one registered engineer; one general contractor; one electrical contractor; one HVAC contractor; one plumbing contractor and any other contractor licensed category. In addition to these members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. (Building Division) Countywide (SF)

Background and Justification: The Construction Board of Adjustment and Appeals shall have the power, as further defined in 113.3, to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes. The Board shall establish rules and regulations for its own procedure not consistent with the provisions of this code. The Board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

This advisory committee membership has 9 seats, 8 currently filled and 1 vacancy and a diversity count of White: 8. The gender ratio (male:female) is 7:1.

Attachments:

1. Board Appointment Application Form
2. Letter of Recommendation
3. Resume
4. Attendance Record
5. Section 113 of the Palm Beach County Amendments to the Florida Building Code, 2010 Edition

Recommended By: [Signature] 5/25/12
Department Director Date

Legal Sufficiency: [Signature] 5/31/12
Assistant County Attorney Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

REVISED 06/92
ADM FORM 03
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Further, please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: Construction Board of Adjustment and Appeals Advisory ☐ Not Advisory ☒
☒ At Large Appointment or ☐ District Appointment /District #: _____
Term of Appointment: 3 Years. From: 6/20/2012 To: 6/19/2015
Seat Requirement: HVAC Contractor Seat #: 6
☒ *Reappointment or ☐ New Appointment
or ☐ to complete the term of _____ Due to: ☐ resignation ☐ other
Completion of term to expire on: _____

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: WALKER Michael VINCENT
Last First Middle
Occupation/Affiliation: HVAC Contractor
Owner ☒ Employee ☐ Officer ☐
Business Name: ENGINEERED COMFORT SYSTEMS
Business Address: 3110 45th Street Suite F
City & State: WEST Palm Bch, FL Zip Code: 33407
Residence Address: 1411 Pine Valley Dr
City & State: Wellington FL Zip Code: 33414
Home Phone: () 561-790-0938 Business Phone: (561) 640-3300 Ext.
Cell Phone: () 561-628-9995 Fax: () 561-640-3399
Email Address: MWALKER@ENG-COMFYSYS.COM
Mailing Address Preference: ☒ Business ☐ Residence
Have you ever been convicted of a felony: Yes _____ No ☒
If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☒ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☐ Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Ex: (R#XX-XXXX/PO XXX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/11-09/30/12</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)

OR ☒ NONE

All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the Guide to the Sunshine Amendment prior to appointment/reappointment. Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Keep in mind this requirement is on-going.

☒ By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

☒ By watching the training program on the Web, DVD or VHS
☐ By attending a live presentation given on _____, 20____

AND

☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: Michael V. Walker Printed Name: Michael V. Walker Date: 8/12/11

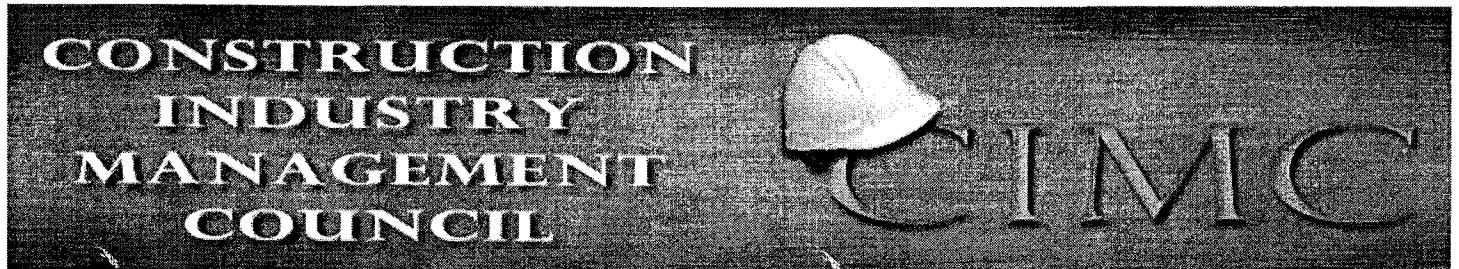
Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
Ashley Salvati, Palm Beach County Building Division
2300 North Jog Road, West Palm Beach, FL 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____



Bruce G. Kaleita, General Counsel

Natasha V. Cannon, Executive Director

*** FURNISHED VIA EMAIL ***

July 29, 2011

Rebecca Caldwell, Building Official
Department of Planning Zoning & Building
2300 North Jog Road
West Palm Beach, Florida 33411

Re: HVAC Contractor Nominee to CBAA

Dear Ms. Caldwell:

The members of the Construction Industry Management Council have accepted the nomination of Michael Walker, HVAC Contractor, by the Plumbing & Air Conditioning Contractors Industry Fund and voted unanimously to nominate him to serve another term on Seat 6 on the Construction Board of Adjustment & Appeals.

If you have any further questions, you can reach me at (561) 200-4788.

Sincerely,

Natasha V. Cannon

Natasha V. Cannon
Executive Director

NVC/dn

Cc: PACCIF

THE MANAGEMENT LEVEL OF ASSOCIATIONS, REPRESENTING TRADES,
SKILLS AND DESIGN PROFESSIONALS IN THE CONSTRUCTION INDUSTRY.

Aluminum Association of Florida, Palm Beach • American Institute of Architects of Palm Beach • Electrical
Council of Florida • Palm Beach Air Conditioning Contractors of America • Palm Beach County Roofing &
Sheet Metal Contractors Association • Plumbing Heating Cooling Contractors • Plumbing & Air Conditioning
Contractors Industry Fund • Sunshine State One Call of Florida, Inc.

6615 W Boynton Beach Boulevard, #329, Boynton Beach, Florida 33437 • 561-200-4788 • 561-577-2099 • Email/pbccime@aol.com

1411 Pine Valley Drive (561.790.0938)
Wellington, Florida 33414

emwalker2enecomfsys.com

Michael V. Walker

Experience	1991-Present	Engineered Comfort Systems, Inc.	West Palm Beach, Fl
	President		
		<ul style="list-style-type: none">• Manage project up to \$2.5 million• Supervision of 4 managers office staff• Employee 15- 20 people	
	1989-1991	York International	Miami, Fl
		<ul style="list-style-type: none">• Field service technician, commercial and industrial centrifugal compressor mechanic responsible for service, overhaul and control trouble shooting.	
	1987-1989	Hill York Corp, Inc.	West Palm Beach, Fl
Education		<ul style="list-style-type: none">• Sales manager, over see the service deptment for the West Palm Beach Office up to 15 field service technician.	
	1978-1987	J B Cain Company	Royal Oak, Mitch
		<ul style="list-style-type: none">• Field service technician for all phases of HVAC equipment.• Lead DDC control installer.	
	1975-1978	Engineered Comfort Systems	Detroit, Mich
		<ul style="list-style-type: none">• Residential and commercial service mechanic, heating-cooling-refrigeration equipment.	
	1974-1975	Detroit Engineering Schooling	Detroit, Mich
Hobbies & Interests		<ul style="list-style-type: none">• Climate Control Technology	
	1980-1981	Schoolcraft Community College	Livonia, Mich
		<ul style="list-style-type: none">• Refrigeration-Electrical, Refrigeration Engineers Society training program.	
	1989-1991	York Company	Miami, Fl
		<ul style="list-style-type: none">• Direct Digital Control training and programming.• Variable Frequency Drive training.• Centrifugal teardown school.	
	1972-1974	United States Marine Corp	
Family		<ul style="list-style-type: none">• Two years active and four years reserves.• Honorable discharge.	
		Church, Family Flying, Fishing.	
Family		Married to Debbie 31 years, Son married with two grand children, two girls one married and the other still looking.	

Construction Board of Adjustment and Appeals – ATTENDANCE RECORD 2012

MEMBER	J	F	M	A	M	J	J	A	S	O	N	D
Dixon, Ron		C	C		C							
Donegan, Thomas	N/A	N/A	N/A	N/A	C							
Drawdy, Duane		C	C		C							
Dzenutis, Peter		C	C	A	C							
Godfrey, Albert		C	C		C							
Rasper, Bart		C	C		C							
Walden, Margie		C	C		C							
Walker, Michael	A	C	C		C							
Wiener, Marc		C	C	A	C							

No entry indicates member in attendance

“A” entry indicates member absent

“N” entry indicates no meeting held

“C” entry indicates scheduled meeting cancelled

“N/A” entry indicates no appointee or pending appointment

Construction Board of Adjustment and Appeals – ATTENDANCE RECORD 2011

MEMBER	J	F	M	A	M	J	J	A	S	O	N	D
Dixon, Ron	C	C		C	C	C	C	C	C	C		C
Drawdy, Duane	C	C	A	C	C	C	C	C	C	C		C
Dzenutis, Peter	C	C		C	C	C	C	C	C	C		C
Godfrey, Albert	C	C	A	C	C	C	C	C	C	C		C
Rasper, Bart	C	C		C	C	C	C	C	C	C		C
Walden, Margie	C	C		C	C	C	C	C	C	C	A	C
Walker, Michael	C	C		C	C	C	C	C	C	C		C
Wiener, Marc	C	C		C	C	C	C	C	C	C	A	C

No entry indicates member in attendance

“A” entry indicates member absent

“N” entry indicates no meeting held

“C” entry indicates scheduled meeting cancelled

“N/A” entry indicates no appointee or pending appointment

SECTION 113 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

113.1 Appointment. There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The applicable governing body shall appoint the Board.

113.2 Membership and Terms

113.2.1 Membership. The Construction Board of Adjustment and Appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, to the greatest extent possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.

113.2.2 Terms. The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12 month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

113.2.3 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

113.2.4 Secretary of board. The building official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

113.3 Powers. The Construction Board of Adjustments and Appeals shall have the power, as further defined in 113.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

113.4 Appeals

113.4.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

113.4.2 Variances. The Construction Board of Adjustments and Appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

113.4.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

113.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

113.4.4 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

113.5 Procedures of the board.

113.5.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

113.5.1.1 Rules of Evidence. Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the Chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The Board may request certain evidence be provided by an architect or engineer registered in the State of Florida, in which case said evidence shall be signed, sealed, and dated.

113.5.1.2 Testimony. Any member of the Board or the attorney representing the Board may inquire of, or question, any witness before the Board. Any member of the Board, the petitioner or his/her attorney, and/or the building official shall be permitted to inquire of any witness before the Board. The Board may consider testimony presented by the building official, the petitioner, or any other witness.

113.5.2 Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

113.6 Local Construction Regulation Board. The local government may also utilize this Board to convene as the Local Construction Regulation Board (LCRB), as provided in Florida Statute 489.113. The LCRB may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if the LCRB has found such contractor, through public hearing, to be guilty of fraud or a willful building code violation within the county or municipality that the LCRB represents. The LCRB may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice of an opportunity to be heard to the contractor, finds that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the LCRB represents. Notification of and information concerning such permit denial shall be submitted to the division within 15 days after the LCRB decides to deny the permit.