

**PALM BEACH COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**BOARD APPOINTMENT SUMMARY**

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**Meeting Date:** September 12, 2017

**Department:** Planning, Zoning & Building Department

**Submitted By:** Building Division

**Advisory Board Name:** Construction Board of Adjustments and Appeals

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: Appointment of one new member to the Construction Board of Adjustments and Appeals (CBAA).

<u>Appoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Term</u>
Milton Grey	2	Division 1 Contractor	9/12/2017 – 9/11/2020

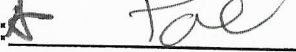
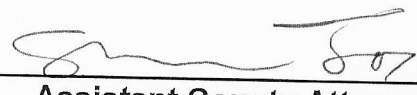
**Summary:** Milton Grey has submitted an application to serve a three-year term as a Division 1 Contractor on the Construction Board of Adjustment and Appeals (the "Board"). The term of office for Board members is three years, with a limit of three consecutive three-year terms. The Board has 11 seats, 9 currently filled and a diversity count of Caucasian: 8 (89%) and Hispanic: 1 (11%). The gender ratio (female:male) is 1:8. The applicant is an African-American male. Staff has addressed the need to increase diversity within our boards and will continue to encourage this in an effort to expand the Board's diversity. Countywide (SF)

**Background and Justification:** Palm Beach County Ordinance 89-31, as amended in 2002, established the Construction Board of Adjustment and Appeals. Per Palm Beach County Ordinance 2015-028, Palm Beach County Amendments to the Florida Building Code, 5<sup>th</sup> Edition (2014), the Board is comprised of nine regular members: one architect; one engineer; two Division 1 contractors (general, building, or residential contractors); one electrical contractor; one HVAC contractor; one plumbing contractor; a member at large from the public; 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. As defined in Section 113.3 of the Palm Beach County Amendments to the Florida Building Code, the Board shall have the power 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 procedures consistent with the provisions of this code. The Board shall meet within 30 calendar days after Notice of Appeal has been received.

**Attachments:**

1. Board/Committees Application for Milton Grey
2. Biography for Milton Grey
3. Section 113 of the Palm Beach County Amendments to the Florida Building Code, 5th Edition (2014)

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<b>Recommended By:</b> 	8/11/17
Department Director	Date
<b>Legal Sufficiency:</b> 	8/16/17
Assistant County Attorney	Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director	Date
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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 in considering your nomination. Please COMPLETE SECTION II IN FULL. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

**Section I (Department):** (Please Print)

Board Name: Construction Board of Adjustments and Appeals Advisory ☐ Not Advisory ☒

☒ At Large Appointment or ☐ District Appointment / District #: \_\_\_\_\_

Term of Appointment: 3 Years. From: 9/12/2017 To: 9/11/2020

Seat Requirement: Division I Contractor Seat #: 2

☐ \*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: GREY MILTON GEORGE  
Last First Middle

Occupation/Affiliation: GENERAL CONTRACTOR

Owner ☒ Employee ☐ Officer ☐

Business Name: GREY CONSTRUCTION COMPANY OF FLORIDA

Business Address: 2001 PALM BEACH LAKES

City & State: WEST PALM BEACH FL Zip Code: 33409

Residence Address: 3174 EL CAMINO REAL

City & State: WEST PALM BEACH FL Zip Code: 33409

Home Phone: ( ) Business Phone: (661) 845-2512 Ext.

Cell Phone: (661) 312-2760 Fax: (661) 253-0228

Email Address: MILTON GREY @ A.O.I.L.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.

Contract/Transaction No.	Department/Division	Description of Services	Term
Example: (R#XX-XX/PO XX)	Parks & Recreation	General Maintenance	10/01/00-09/30/2100
_____	_____	_____	_____
_____	_____	_____	_____
(Attach Additional Sheet(s), if necessary)			
OR			
NONE	<input checked="" type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input type="checkbox"/>

**ETHICS TRAINING:** All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

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 on July 18, 2017  
☐ 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: Milton Green Printed Name: MILTON GREEN Date: \_\_\_\_\_

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](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com) or (561) 355-1915.

Return this FORM to:  
Jacquelyn Anderson, Palm Beach County PZB, Building Division  
2300 North Jog Road, West Palm Beach, Florida 33411

**Section III (Commissioner, if applicable):**  
Appointment to be made at BCC Meeting on: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Biography

### Milton Grey – Founder & President

A General Contractor with twenty-nine years experience in the construction industry. Has had extensive community involvement where he has represented local minorities on the City of West Palm Beach Building Board, the School Board of Palm Beach County.

#### Academic Pursuits:

1973-1976: Certified Mechanical Engineering Technician  
Birmingham Polytechnic Science and Technology

1973-1975: Product and Project Design

#### Professional Experience:

1984-Present: President of Grey Construction Co.; of Florida Inc.

1984-2003: President of United Millwork Co. Inc. an architectural millwork company specializing in custom casework, door finishing and installation. Work experience includes:

- Twenty-nine years of general contracting experience ranges from renovations to affordable housing to high end residences and commercial projects. Commercial experience includes offices, restaurants and manufacturing spaces as well as schools and Airports under joint alliances with larger general contractors such as CR. Klewin, Morganti and Afco Constructors.
- Residential experience includes the construction of affordable homes: thirty-two (32) homes in the Freshwater Lakes Housing Project with the City of West Pam Beach and twelve (12) homes in Congress Lakes Project with the City of Riviera Beach
- Manufactured millwork and casework for the Sandals Resorts, and several Gifts Shops and Restaurants in the Caribbean. Manufactured and supplied casework and millwork for the Marriott Courtyard Projects of West Palm Reach, Boca Raton Clearwater and the Marriott Nursing Homes of West Palm Beach, Pt. St. Lucie, Boca Raton and Maitland. Participated in the construction of local design built schools in Palm Beach County and Belle Glade.

Welcomes any opportunity to continue to serve the needs of the Florida community.



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 nine regular 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 nine regular members plus two alternate members. Regular 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, two Division I contractors (GC, BC, or RC), electrical contractor, HVAC contractor, plumbing contractor, a member at large from the public, 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 or she has a personal or financial interest.

*113.2.2 Terms.* The terms of office of the regular board members shall be for three (3) years and staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates shall serve three-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. No board member shall be appointed or re-appointed to this board for more than three (3) consecutive, three (3) year terms.

*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 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 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.

*113.2.5 Removal from office.* Members shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three (3) consecutive meetings or a failure to attend more than one-half of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Members removed pursuant to this provision shall not continue to serve on the board and such removal shall create a vacancy.

*113.3 Powers.* The Construction Board of Adjustments and Appeals shall have the power, as further defined in 113.4 of this code, 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 chairperson, subsequent to a request to call a meeting by the secretary. 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 from the petitioner to 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.