APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Wednesday, May 1, 2024

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chair Piersante called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:05PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were the Outgoing Chair Ron Piersante, Karen Sylvester, Karen Blake, Leslie Richardson, Jeff Goldman, and William (Bill) Ferrante. The absent person was Patrick Ucci. Present in person were Town Attorneys Susan Trevarthen and Narinah Jean-Batiste, Development Services Director Jhanelle Campbell, and Board Clerk Megan Small. *For the record, 1st Alternate William Ferrante could participate but would not vote tonight as a quorum was present.*

3. APPROVAL OF MINUTES

   a. Planning & Zoning (P&Z) Meeting Minutes – January 3, 2024

Board Member Karen Sylvester made a motion to approve the minutes of the P&Z Meeting of January 3, 2024 as written. The motion was seconded by Board Member Karen Blake. The motion to approve the January 3, 2024 minutes as written carried 5-0. (*1st Alternate William Ferrante could not vote.*)

4. PUBLIC COMMENTS

Chair Piersante opened the meeting to the public for any comments but if a member of the public wished to speak on a specific agenda item, that person could choose to wait until public comment opened on that item. As no one wished to speak now, the Chair closed this portion of Public Comments.

5. NEW BUSINESS

   5.A. BOARD OATH

The Chair announced that the Planning and Zoning Board Clerk, Megan Small, would conduct the Board Oaths. The Board Members raised their right hand and repeated the words spoken by the Clerk and then signed the document.

Election of Board Chair and Vice Chair.

The Outgoing Chair, Ron Piersante, made a few comments starting with thanking Megan Small and Muriel Ramiriz for always having the meeting set up. He also wanted to personally thank Jhanelle Campbell for her assistance when he had a personal family situation six months ago. He thanked the past Board Members for their input on items that came before the Board. He advised the new Board Members to review their packet and to go out to the site prior to the

Meeting. As the outgoing Chairperson, he informed that he had the privilege to nominate the next Chairperson and Vice Chairperson. As the floor was open for nominations, he made a motion to nominate Karen Sylvester as Chair and the motion was seconded by Leslie Richardson. As Karen Sylvester accepted/voted, this motion carried 5-0 (as the *1st Alternate, William Ferrante, could not vote tonight.*)

The Outgoing Chair then made a motion to nominate Karen Blake as Vice Chairperson and the motion was seconded by Jeff Goldman. As she accepted/voted, this motion carried 5-0 (as the *1st Alternate, William Ferrante, could not vote tonight).*

CHAIR KAREN SYLVESTER and VICE CHAIR KAREN BLAKE

5.B. BOARD TRAINING

Chair Sylvester called upon Staff to present this item. From the Town Attorney's Office, Attorney Narinah Jean-Baptiste, Weiss Serota, stated she would conduct the Planning and Zoning Board Orientation tonight. She explained that the Board Packet contained a more comprehensive overview of what they would be going over today (the Sunshine Law, Public Records, and Ethics). She gave a PowerPoint presentation that started with the Sunshine Law, Section 286.011, Florida Statutes. She went over, among other things, that the purpose of the Sunshine Law was to ensure decisions by public bodies were made in an open forum accessible to members of the public. She then went onto Public Records, Section 119, Florida Statutes. She went over, among other things, that Public Records meant all documents, papers, letters, maps, booklets, tapes, photographs, films, sound recordings, data processing software, etc. made or received pursuant to law or ordinance made in connection with the transaction of official business by any agency. Then she spoke about Public Meetings and Decorum, Chapter 286, F.S. and Section 2-23 and 30-23, Town Code of Ordinances. She went over, among other things, that in Section 286.0114 FS (2) – members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard was subject to rules or policies adopted by the Board or Commission. Then she went onto Florida's Ethics Code. Tonight they would discuss Florida's Constitutional Provisions, State Ethics Laws, Chapter 112, F.S. Part III and Ethics Enforcement. The attorney then called for Board questions/comments.

Board Member Richardson asked if Board Members could get emails with the Lauderdale-By-The-Sea (LBTS) domain in order to avoid using their own personal emails. Development Services Director Campbell answered that they have not done this in the past. The Board Member wanted to know if there was an advantage to not using their own personal email. The attorney said she understood her apprehension about using her own personal email. If this was of concern to a Board Member, try to limit what you put in writing. However, anything personal in a Board Member's life would not be subjected to Public Records. Board Member Richardson then asked how the Town would know about an email sent as a complaint to her personal email by someone in LBTS and the attorney said that was why she advised to keep track of anything a Board Member thought was a public record which also included social media posts. Board Member Piersante spoke about contacting Attorney Susan Trevarthen in the past regarding different issues. Today he asked if there was a development going up next door to him, could he speak with the developer and tell him he did not want a vacation rental or something to that effect. Attorney Jean-Batiste explained what they look for in a conflict of interest. Would there be a benefit – gain or loss to the Board Member or even to a relative? She did not think in the example Board Member Piersante gave, that the Board Member had a personal gain or loss in the project. Board Member Piersante pointed out that he could have a personal loss because of this, if the developer turned this into a rental property which would not help his property. Attorney Jean-Batiste spoke about turning to the Commission on Ethics to gain their opinion on different case-by-case scenarios. Vice Chair Blake asked if there was a "cure" for a conflict of interest by stating the conflict and then being able to vote. Attorney Jean-Batiste answered in the negative. Attorney Susan Trevarthen explained that as a Board Member declaring their conflict of interest, that Board Member did not participate in the discussion and did not vote on that matter. The cleanest way would be to declare the conflict and get up and leave until that agenda item was over. At a minimum, you can remain but do not participate and do not vote. She further explained that if there "appears to be a conflict" the board member of an advisory board could choose not to vote. Otherwise, in Florida, if you were attending a meeting, you vote unless there was a conflict of interest. Board Member Goldman asked if a situation arose, as a board member should he contact the attorney's office for their advice and Attorney Susan Trevarthen answered that was the way it should be handled. An early contact regarding a possible problem was the way to go but there was an attorney at the meeting, so a five-minute recess could be provided for a one-on-one contact with the board member and the Board Attorney. Before a meeting, you could always call the Development Services Director who would contact the Town Attorney Office with your question. 1st Alternate Ferrante asked if he went to the property prior to a meeting and the property owner approached with questions, how should this be handled? Attorney Susan Trevarthen said from a Sunshine perspective, the board member could not speak to another board member but could speak with a property owner. As the board member has not seen or heard all of the information before the board meeting, talking about how the board member would vote would not be advisable. There were no other Board questions/comments.

6. OLD BUSINESS

None.

Commissioner John Graziano asked to speak and was granted time by Chair Sylvester. He said that he read all the resumes and the Board was a group of outstanding people. He appreciated their willingness to come forward and felt that "Karen and Karen" would do a great job. He said that Ron Piersante has been a stalwart in this LBTS community that he loved. He felt that Susan Trevarthen was the best source of control and information. Chair Sylvester echoed what the Commissioner said and she knew that she now has big shoes to fill. Board Member Piersante said he turned this over to good hands and had all the confidence in Karen Sylvester to run this Board well.

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

1st Alternate Ferrante made a motion to adjourn at approximately 6:38PM. The motion was seconded by Board Member Goldman. The motion to adjourn carried 5-0.

Karen Blake

Vice Chair Karen ~~Sylvester~~ Blake

ATTEST:

Date Accepted: 6/5/24