

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Wednesday, October 6, 2021

1. CALL TO ORDER

Chair David Chanon called the Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:00PM.

ROLL CALL

Planner Susan Levin called the roll and members present were Chair David Chanon, Alan Bluestein, Ron Piersante, Charles Wayne Dillistin, 1st Alternate Patricia Omana, and 2nd Alternate Karen Sylvester. The absentee member was Vice Chair Christina Buerosse. Also present were Interim Town Manager Linda Connors, Town Attorney James White, Acting Development Services Director Jhanelle Campbell, Planner Susan Levin and Town Consultant Megan Small.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – June 2, 2021-AMENDED

Board Member Piersante made a motion to approve the minutes of the amended P&Z regular meeting of June 2, 2021. The motion was seconded by Board Member Sylvester. The motion carried 5-0.

b. Planning & Zoning (P&Z) Meeting Minutes – September 15, 2021

Board Member Piersante made a motion to approve the minutes of the P&Z regular meeting of September 15, 2021 as presented. The motion was seconded by Board Member Omana. The motion carried 5-0.

4. PUBLIC COMMENTS

Barbara Cole, resident, clarified that what she said at the last Planning and Zoning Board Meeting was incorrect because she thought that the 2nd reading for 4112 El Mar Drive was going to be on September 28, 2021 but in actuality, it would probably be on October 12, 2021. She urged the board members to send their public comments in representing themselves and not representing the Board in order to clarify why their vote on September 1, 2021 for grandfathering was different than their vote on July 7th when it was voted to let the single-family home go forward. For the record, there were no other public comments at this time.

5. NEW BUSINESS

6. OLD BUSINESS

a. Ordinance 2021-10

An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Chapter 30 "Unified Land Development Regulations", Section 30-11, "Definitions" to define "Tobacco Paraphernalia Stores"; amending subdivisions L and M, B-1-A and B-1 District regulations, to change the lists of permitted and conditional uses and create supplemental regulations;

creating Section 30-281 to provide for amortization of existing tobacco paraphernalia stores in the B-1 zoning districts; providing for codification, severability, conflicts, and for an effective date.

Town Attorney Jeffrey White read the agenda item's title for Ordinance 2021-10 into the record. Acting Development Services Director Jhanelle Campbell said that she would do a recap of what transpired for this agenda item from the September 15, 2021 P&Z Meeting. She started by giving the background stating that the proposed ordinance addressed issues raised at the April 27, 2021 Town Commission Meeting. The conversations stemmed from the approval of a specialty shop which sold tobacco paraphernalia. The Town Commission directed Staff to review the list of permitted uses in the B-1 and B-1-A districts and to recommend an amendment to specifically eliminate smoke shops as a permitted use. Staff reviewed the entire section of the Code to ensure the regulations reflected the current conditions of the Town and current preferences of the community. She informed that on page 16 of the board packet and also on the screen were the list of proposed amendments. As she was going through the list, she was asked if this was about a cigar shop and she answered it was not. Ms. Campbell further answered that there were two shops in Lauderdale-By-The-Sea that currently sold tobacco paraphernalia as currently defined in this proposed ordinance and it also defined tobacco paraphernalia store. This also established a list of uses in the B-1-A zoning district that were proposed to be eliminated and what was being added to this zoning district. It clarified music store and added supplemental regulations for message therapist. A requirement was added calling for a written report to the Commission by the Town Manager when similar uses were approved as permitted or conditional uses. She explained that food and other pet supplies would be allowed but not the selling of live animals in stores coming into Town after the adoption of the proposed ordinance.

In the B-1 zoning district, cigar stores were restored. Tobacco paraphernalia in a cigar store could not exceed 5% of inventory. Mr. Bluestein spoke about gun stores and was told that anything not listed as permitted were not allowed in the zoning district. She answered Mr. Dillistin this has always been the rule. She explained what else was added as well as what was eliminated for permitted use in this zoning district and clarified music store and regulations for message therapists. She also explained what was added and eliminated as conditional use in this zoning district. It added supplemental regulations for pet store as a conditional use and supplemental regulations for message therapist as permitted use.

Acting Development Services Director Campbell further stated that tobacco paraphernalia stores, if this ordinance was adopted, that exist in the Town now, would have to cease operations in the Town within a year of adoption with the ability to seek an extension. From the last meeting, Board Member Sylvester suggested moving market and party supply stores to a conditional use and Ms. Campbell and Mr. White explained why Staff was not in favor of that. She then asked that in a specialty shop, if someone wanted to sell scarves, would that be allowed. She was told that there were clothing stores. Then when she asked about selling honey, she was told that there were grocery stores and fruit/produce stores. Chair Chanon asked why Staff was proposing to eliminate market, party supply and sundry stores and Ms. Campbell explained that they were duplicative in nature to other stores already allowed and Mr. White explained further. Board Member Dillistin asked why number 5 in the proposed list was being changed because it was previously set up in 2009. Town Attorney White said it was not being changed as it was already there but added a provision for the Town Manager to put in writing a determination that was made to help preserve, in a historical nature, decision making for both Staff and the Town Commission. For clarity, lines 197-207 in the proposed ordinance were discussed. Under paraphernalia, Mr. Dillistin wanted to know where Kratom type stuff came in and also can we take out 5% of tobacco paraphernalia inventory in a cigar store. He was told that Kratom would not fall under

paraphernalia. He further stated that he heard people did not want any type of paraphernalia sold and giving a percentage allowed paraphernalia in Town. Town Attorney White said 5% was a starting point that could be moved up or down. Board Member Dillistin felt that any percentage would be hard for the Town to control and this Board was just a recommending body. Town Attorney White explained that even though he was a board member, he had the right to go in front of the Town Commission as a resident and state his opinion. Also, the Board could have a spokesperson state on the record at a Town Commission Meeting when this was being considered, the board's recommendations and reasons. The chair called for public comments.

Barbara Cole, resident, said that for years we tried to bring west of A1A up to A1A standards. She felt that the Town Manager or designee should consult with the Town Commission on any proposal regarding similar uses, prior to authorizing the use as similar to any such usage in the B-1-A zoning district. As this was what happened, the Town Commission was informed after the fact about two smoke shops and one head shop who was coming in to the west side of A1A. It was known for years what we tried to bring in, and the Commission needed to be informed before anything was accepted. Item #5 on the Table for Proposed Amendments did not state informing the Commission prior to acceptance. Her other problem was the extension for the head shop (not knowing what else to call it). There was a Doggie Shop that was given an extension until they decided to go out of business to stop selling dogs. Compared to tobacco paraphernalia stores that only have one year to cease business, she wanted to know if we could retroactively do this to the Doggie Shop.

Adam Steinberg, attorney, said that he represented Grateful J's and its owner, Jay Work, who was here this evening. His landlord, Robert, was also in attendance. First order of business was to thank the Town for the suspension of this ordinance at the last meeting together with their quick replies, because it was the start of Yom Kippur. He started by explaining what Grateful J's was. This "mom and pop" business was around since 1995. Jay and Robert understood that some people did not like what he sold. Attorney Steinberg looked up on the internet how cigars could be utilized as a "blunt". Also, some gas stations sold the same products as Grateful J's sold plus other products that his client would not sell. His client was a good man involved in local charities and he did not want to ruin L-B-T-S. He was hoping to figure out a conciliatory way to have him continue to operate. He opened five months ago in L-B-T-S and spent in hard costs and personal time six figures in money. He was losing between \$3,000 and \$4,000 a month until this new business becomes profitable. A one year amortization would not work as that store would not be profitable. He has six other stores and never got into any trouble with any of them. It would take about four years to become profitable. He suggested grandfathering Grateful J's in. He did not know how not grandfathering would service the public because your residents would now have to go to a gas station to buy instead of in a nice, clean store. Two stores in Town did not make a proliferation of these types of stores. Just talk to him about concerns and they would try to work it out. Give his client a chance to be a good neighbor. The chair called for board questions.

Board Member Bluestein asked if the Town was aware of what type of store Jay was opening. Attorney Steinberg said the Town was fully aware and there had not been any indication of increased crime in the area. Also, it was safer to smoke out of a water pipe than to smoke cigarettes. Board Member Sylvester asked why Grateful J's wanted to come into L-B-T-S. From his understanding, this is a lovely Town with business opportunities. It was a great location. Board Member Piersante wanted to know why he located across the street from the same type of store which was bigger. We were a small Town. The only thought Mr. Piersante had was the owner was hoping for the tourists to arrive and the attorney said that was what an owner did. He answered Mr. Piersante that Jay never had problems with his other stores and he did not sell anything illegal. The Town had to let him know that he was not wanted here instead of welcoming

him. Even though he was losing money to start this business, he now had to also pay him for representation tonight.

Ken Brenner, resident, said this was a small Town. In 2010, the Commission was trying to come up with an ordinance that was restrictive in its nature regarding medical marijuana and to sure up that this type of business would not come in. They were trying to maintain a quality of life, integrity, and a vision as residents wanted to see in our Town. There was no problem with the business model but they did not want this type of business in their Town. There needed to be in place something that would let Staff know to bring certain types of businesses before the Town Commission before they would be allowed to open a store and residents could speak up about this. Chair Chanon agreed with Mr. Brenner's comments and Ms. Cole's comments. He asked Staff if the language today in the proposed ordinance plus a modification in #5 accomplished what Mr. Brenner referenced.

Town Attorney White asked the Board to look at Staff's memo in their packet and the historical footnote regarding medical marijuana. Board Member Sylvester asked if the Town Manager or designee consulted with the Town Commission prior to this being brought forward. Chair Chanon said that it was deemed a specialty shop which was allowed in 2009 and this type of store fell under that. Now we were eliminating tobacco paraphernalia in this ordinance. Acting Development Services Director Campbell answered Board Member Sylvester that the Town Commission was not notified in advance that this store was opening as it opened under specialty shop which was a permitted use. It was reported after the fact.

Board Member Dillistin said that this had nothing to do with Grateful J's or this Board. He felt that the Town messed this up and they needed to fix it. He just wanted the Town Commission to understand that we needed things in place so that this would not happen again. The residents did not want these types of shops in Town. Board Member Dillistin also felt that any store should not carry tobacco paraphernalia. It should be 0% and not 5% of inventory. He cited roll paper being sold in gas stations. Board Member Sylvester felt that no business owner should be in a position like the owner of Grateful J's. Town Attorney White explained again that the Town Commission wanted something with options that would address concerns voiced by the community, residents, business centers, public, etc. He informed the Board that they could vote on the different components in order to make their recommendation to the Town Commission. Chair Chanon asked about amortization and Town Attorney White said that was part of the proposed ordinance that we were asked to make recommendations on. Chair Chanon felt that he did not have enough facts about amortization and felt certain that they would end up in litigation with a business that we welcomed. He wanted to prohibit businesses that we did not want. We need to fix this as it related to Code to prohibit uses that we did not want going forward. He did not feel that he could make a decision as to how this affected the two existing businesses in Town, one being Grateful J's and the other Hollywood Tobacco was in L-B-T-S since 2020. Board Member Sylvester reminded that the puppy store was also a business that would be affected. Why grandfather one, Hollywood Tobacco, and not Grateful J's. Board Member Omana also felt that you could not grandfather one business and not the other two or two businesses and not the third. Board Member Bluestein also voiced that this should be consistent.

Chair Chanon spoke about Grateful J's marketing and non-conforming signage. We need to enforce our signage criteria and eliminate a lot of the window stickers and other things not allowed per Code. He did not support amortization and we did welcome them in. However, a solution must be figured out amicably. Enforcing signage criteria would clean up the Town. Acting Development Services Director Campbell said that the wall signage was applied for and approved. The window signage needed to be addressed. However, during COVID, we relaxed

our enforcement of sign violations. The Town started reviewing all of them to get everyone back into compliance. Several businesses have signage that was currently not permitted and were in the process of being rectified. Chair Chanon wanted to know if they could make a decision on what they have enough information on without making a decision on what they did not have enough facts about (e.g., the treatment of the two or three businesses we just talked about). Board Member Sylvester wanted to add somewhere on lines 202 to 206ish in the proposed ordinance language something like that the Town Manager to use judgment when a business may or may not fall within the approved items and that it may or may not fit within the intent of the written document to bring it forward to the Town Commission. Chair Chanon said that this happened because specialty shops were allowed but we were eliminating them now. Town Attorney White spoke about the specialty shop definition. Broad definitions were a problem and this was about being more specific. Board Member Dillistin said anything could have fallen under specialty shop. Chair Chanon said that was what happened and that was why specialty shop was being eliminated.

Board Member Bluestein wanted to know when someone made an application, was it just the name of the store or did they put down what the store did. Acting Development Services Director Campbell answered that they did write down what they were intending to sell. Town Attorney White explained the process when someone came into Town wanting to open a business. He spoke about the Business Tax Receipt (BTR) and licensing. As part of that review, they would make an application triggering a zoning review to make sure it was permitted as a permitted use. Board Member Bluestein asked what description Grateful J's gave and was told gifts, smoking accessories, clothing, beachwear, candles, and incense. Chair Chanon would like to bifurcate and have the language proposed by Staff and then separately decide whether or not we felt equipped to specifically address amortization and other ways of dealing with the affected, three businesses. They brought the Table of Proposed Amendments back on the screen so they could start one by one. Board Member Sylvester thought going down to 0% paraphernalia would be difficult because gift stores and gas stations sell paraphernalia also.

Chair Chanon asked if there was a consensus as to leaving a percentage in or to abort having any percentage of tobacco paraphernalia. It was decided to follow the order of the Table of Proposed Amendments starting with definitions (items #1 and #2).

#1. Define Tobacco Paraphernalia

Board Member Dillistin made a motion to approve tobacco paraphernalia as written and proposed by Staff.

Before there was a second, **Ken Brenner**, resident, commented about a checklist that was more restrictive to let the Town know ahead of time before there was a problem. We need to know if this business had other locations and what was sold in each, including L-B-T-S. Before Staff blankly gives a BTR, let the Commission weigh in prior to this process. We were a small Town and more checks and balances were important. Board Member Sylvester understood why the application was approved now because candles, incense, etc. were listed for Grateful J's. We needed to know what percentage were for candles, incense, etc. versus smoking accessories.

Board Member Bluestein asked what the Town's opinion was before Grateful J's opened and Board Member Dillistin felt that they did not want head shops and smoke shops. Acting Development Services Director Campbell reminded that the two stores were approved as specialty shops. She directed the Board to go back to the Staff Report in the backup material. Interim Town Manager Linda Connors said that at the 2009 meeting, the Town Commission was to eliminate some language that would prohibit certain smoke shops. The ordinance that came

out of that 2009 meeting, deleted language that would have allowed this but they did not add language that would give somebody in 2020 (even in 2010 or 2011) the knowledge that the language had been eliminated. Usually when ordinances were written, you eliminate something and then put in some type of definition. So we would have had the definition of specialty shop. It was added but with no definition of specialty shop which could have shown what could be sold and what could not be sold in specialty shops. That would have given Staff the ability to look in the Code and know what could be classified as specialty shops. That was why we were proposing to eliminate the definition of specialty shop and proposing to add definitions so that Staff could follow the Code very easily. If our present Staff was not here in 2009, they would not know what was eliminated from the Code. An ordinance established rules and regulations for the Town while giving Staff the direction on how to move forward. The problem in the ordinance was the use of specialty shop because the use of specialty shop without a definition was a very broad definition. Without a clear definition, it was very hard to talk to an owner who had a passion for their business and was so excited about opening their business. That is what happened. Going forward, once you have one use that was approved, then the next use could be approved also. Our Legal staff and Development Services staff looked very hard to eliminate those loopholes and the first loophole to eliminate was specialty shop without a definition. This category was really too broad. The other thing done was to add definitions so we know exactly what a store was. That was also why we were proposing the definition of tobacco paraphernalia. A cigar store would now be different than a tobacco shop. Hopefully, the definition would help clarify. She also understood that 5% inventory was problematic to some. Staff was tasked to work with businesses as much as they could. Actions that you take for one business could possibly affect all businesses. If you wanted to bring a business to the Town Commission for their approval, it would add time to the review of applications. This had to be timely and moving because business owners were investing money in the Town. The longer it took to open a business the more money was spent and the more difficult it would be to open that business. Right now the ordinance stated that the Town Manager would confer with the Town Commission (could be through phone calls and not just at a Commission Meeting) but the Town Manager could not be a go between.

Barbara Cole, resident, said Grateful J's application did not state tobacco paraphernalia. Anyone who was here around 2009 knew the effort being put in to the west side and what we wanted to bring. She would like the members of this Board to state in front of the Town Commission about adding in the extra step for every business coming in. If it slowed the process down by two weeks, so be it. We need to stop what was happening now. These stores have shown that. We just had the manager of the Blue Moon talk about bringing in water taxis and bringing up the west side and now we were going to have two or three stores that were not what we wanted over there.

Attorney Adam Steinberg, on behalf of Grateful J's, said that he appreciated the comments. Ms. Cole stated that on the application it stated tobacco accessories but we all know that meant tobacco paraphernalia. The business owner asked the Town about opening a smoke shop and was told that was fine. He did not sneak his way into this Town. People looking out for public health and welfare traveled to his store. He mentioned a list of diseases/disabilities that people have who come to the store to buy what was offered. Now you were going to tell them they could not buy here anymore. He said that the Town Manager said they were doing this ordinance to govern behavior going forward. He hoped that the Board would consider grandfathering in the existing, affected businesses. He knew that Grateful J's wall signage was compliant but if the window signage was not, his client would take it down. As there was no further public comments, it was closed.

Chair Chanon went back to the Table of Proposed Amendments starting with definitions (items #1 and #2).

Definitions

#1. Define Tobacco Paraphernalia

Consensus was 5-0 for tobacco paraphilia definition as drafted. *(Passed)*

#2. Define Tobacco Paraphernalia Store

Board Discussion: Wayne Dillistin was against 5% tobacco paraphernalia inventory

Ron Piersante was for 5% tobacco paraphernalia inventory

Karen Sylvester was for 5% tobacco paraphernalia inventory

Alan Bluestein was for 2% tobacco paraphernalia inventory

Consensus was 4-1 (Wayne Dillistin opposed – he wanted 0%) for 5% inventory as drafted. *(Passed)*

B-1-A

#3. Eliminate Uses From Permitted Uses: beauty schools, dental laboratory, market, party supply store, specialty shop, sundries store, trade/business school

Consensus was 5-0 as drafted. *(Passed)*

#4. Changes To Permitted Uses: adds medical/dental office, clarifies music store, refers to supplemental regulations for massage therapist.

Consensus was 5-0 as drafted. *(Passed)*

#5. Required Written Report To Commission When Similar Uses Are Approved As Permitted Or Conditional Uses

Board Discussion: Karen Sylvester asked to add an “and” at the end of the statements to show that all three had to be from lines 199 to 207 in the proposed ordinance; add the word *and* plus a *semicolon* at the end of points 1 and 2.

Consensus was 5-0 as amended to include the word **and** plus a **semicolon** at the end of points 1 and 2. *(Passed)*

#6. Eliminates conditional uses: car wash/outdoor hand wash, pet store

Board Discussion: Karen Sylvester wanted to know why pet stores were being eliminated. Interim Town Manager Connors explained about the long history in packed Commission meetings about the treatment of dogs in kennels, pet stores. The Town was just eliminating live animals but still having pet supply stores. Ms. Sylvester saw a large, profitable pet store in the Downtown and Town Attorney White said they would be allowed as a conditional use (they have conditions). Interim Town Manager Connors clarified that store would remain. They have been here a very long time. Just not adding additional stores in Town. Ms. Sylvester recommended that they be treated the same as the paraphernalia stores. Chair Chanon felt this was fair. Interim Town Manager Connors explained that the paraphernalia stores were being treated differently from the pet store because it was established and doing business in Town 10 or 11 years and the paraphernalia stores have been here for a much shorter time. Chair Chanon was not in favor of pet stores but it was a big draw. Board Member Piersante reminded about puppy mills and that the pet store here complies with every condition. Board Member Sylvester wanted to know why we could not have others comply with conditions. Town Attorney White spoke about the problem of selling dogs and cats. Interim Town Manager Connors said that this recommendation was to not allow any more pet stores but to allow the one here about eleven years. Based on history, Chair Chanon was in favor and called for consensus.

Consensus was 3-2 (Karen Sylvester and Alan Bluestein opposed) as drafted. *(Passed)*

#7. Adds supplemental regulations for massage therapists

Consensus was 5-0 as drafted. *(Passed)*

Board Member Alan Bluestein left the room and the remaining board members discussed that they had no issues with the way number 8, number 9, and number 10 were drafted. Upon Mr. Bluestein's return, he was informed about this discussion and he said that he also did not have any issues. They unanimously agreed to vote on the remaining three items.

B-1

#8. Adds the following permitted uses: cigar store, medical/dental office

Eliminates the following uses from permitted uses: beauty schools, market, party supply store, specialty shop, sundries store, trade/business school.

Makes the following changes to permitted uses: clarifies music store, refers to supplemental regulations for massage therapist.

Consensus was 5-0 as drafted. *(Passed)*

#9. Eliminates from conditional uses: call center, car wash/outdoor hand wash

Consensus was 5-0 as drafted. *(Passed)*

#10. Adds supplemental regulations to pet store as a conditional use.

Adds supplemental regulations to massage therapist as a permitted use.

Consensus was 5-0 as drafted. *(Passed)*

Chair Chanon said it was ambitious to tackle the tobacco stores that were in Town now that would not comply with new Code once this was adopted. He felt woefully unprepared to say whether they would go through amortization or otherwise. He would like to personally understand the legal basis. In case there was forthcoming litigation, he wanted to understand generally what we would be liable for. We also said there needed to be a focus on enforcing signage criteria. Board Member Sylvester thought Grateful J's went through the proper procedures, got the proper approvals, and we should grandfather them as suggested for the pet store. If the public did not want them there, they should not frequent them. Board Member Dillistin felt that it should remain the way it was and let the Commission determine what was appropriate, as it stated. He did not have enough knowledge to state what was right and what was wrong. They made the mistake and let them fix it. It had nothing to do with this Board. Board Member Dillistin, Board Member Sylvester and Chair Chanon agreed that this was not a P&Z issue. The chair felt that the Town needed to establish a business approach to handle the problem of eliminating the store. Discussion ensued and Town Attorney White pointed out the language in the proposed ordinance starting on line 654 (Amortization of tobacco paraphernalia stores in B-1 zoning districts).

Town Attorney White spoke about such items as local government regulations, no longer permitting a certain use, grandfathering, etc. He explained that amortization was a valid and legal regulation if you wanted to no longer allow a certain type of business. He said you should allow them to stay a certain period of time (amortization period) for them to recoup their economic investment. This window of time varies. It provided for procedure that if they need an extension of time, they come to Town and avail themselves of that. If the Board was interested in amortization, then they could continue this conversation. Chair Chanon wanted to know why this had to be part of the Code. If that was case law and the process, why did it need to be in the Code and Town Attorney White stated that you need to codify the process and announce to the world that you were going to do this. The chair said it sounded like there was clear precedent case law on how this would be dictated. He did not want to take any tools off the table for the Town Commission and he wanted them to decide how best to handle this. Interim Town Manager Connors asked if he did not want to make a recommendation but would rather leave that to the Town Commission. She explained the three options (1) you wanted amortization in there, (2) you did not want to amortize, and (3) you did not want to make a decision about it.

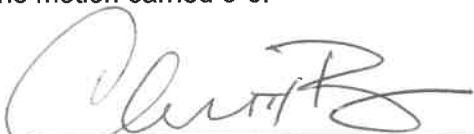
Board Member Sylvester said that in her personal opinion, if she were a mediator who saw a business was approved and then five months later wanted them amortized out, she did not think the Town would win. Board Member Dillistin said we could not do this if it was not in the Code and Interim Town Manager Connors said they would have to do it if it were in the Code. Town Attorney White said that we defined a paraphernalia store and if that definition was approved, it defined what this business was. The second part would be if you allow them to stay in nonconformity use. Interim Town Manager Connors explained that one of the regulations for nonconformity use was you could not expand your use. You could only keep the size you have. Board Member Piersante asked if the Town counted on this Board to make a recommendation. Chair Chanon answered that he wanted to approve what the Board voted on in terms of the changes and vote no for amortization because he did not have enough facts on hand. He needed to understand why the application showed tobacco accessories which was probably 90% of revenue for the business and listed so many other things like souvenirs, clothing and candles as if they were the same percentage. All those things needed to be taken into consideration and then a decision made from a business standpoint. We did not have the information at hand to decide if we wanted to amortize, cut them a check, or grandfather them in. We did approve the changes tonight but would eliminate amortization for now. Board Member Sylvester said this was hindsight and if business owners and approvers had the information we had today, it probably would not be good. We did not want to encourage more business owners that we welcomed and let them spend time and then out with them. That was not right. She questioned why business owners would invest in our community if we did that to them. She was also not in favor of amortization. Board Member Dillistin said he heard from many people and he would have to go for amortization to be used as a tool. Board Member Alan Bluestein was not for amortization and Board Member Piersante was for including amortization here. Therefore, the consensus was 3-2 for not in favor of including amortization in the proposed ordinance.

Board Member Sylvester made a motion to recommend to the Town Commission (1) approval of the drafted language with the Board's recommendation in the Table of Proposed Changes and (2) elimination of the amortization section in the proposed ordinance. The motion was seconded by Chair Chanon. The motion carried by roll call vote 3-2 (Board Member Piersante and Board Member Dillistin opposed).

7. UPDATES/BOARD MEMBER COMMENT N/A

8. ADJOURNMENT

Board Member Piersante made a motion to adjourn at approximately 8:21PM. The motion was seconded by Board Member Bluestein. The motion carried 5-0.


Vice Chair ~~David Chanon~~ Christa Buerosse

ATTEST:

Date Accepted: 2-2-22

Acting Development Services Director Jhanelle Campbell