

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES

Jarvis Hall - 4505 Ocean Drive
Wednesday, April 18, 2018

1. CALL TO ORDER

Development Services Director Linda Connors called the meeting to order at 6:00P.M. Members present were John Lanata, Cari McCormack, William Ferrante, 1st Alternate Alan Bluestein and 2nd Alternate Bernard Petreccia. The member absent was Helene Wetherington. (Debbie Danto resigned before this meeting.) Also present were Assistant Town Attorney Kathy Mehaffey, Development Services Director Linda Connors, and Clerk Jhanelle Campbell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

Development Services Director Linda Connors welcomed the members to the Planning and Zoning Board and thanked them for volunteering. She explained that the same members of this Board, which meets the third Wednesday of the month, are also the same members of the Board of Adjustment, which meets the first Wednesday of each month. The Town may use a scheduled meeting date of one Board to be used by the other Board, if necessary. Each member introduced themselves to the Board and then they held elections.

ELECTION OF PLANNING & ZONING'S CHAIR AND VICE CHAIR

The floor was opened for nominations for Chair. Mr. Bluestein made a motion to nominate John Lanata as Chair. The motion was seconded by Mr. Petreccia and it carried without objection. As there were no other nominations, nominations were closed. John Lanata was declared Chair by acclamation.

Ms. Connors turned the meeting over to Chair Lanata. The floor was opened for nominations for Vice Chair. Mr. Bluestein made a motion to nominate William Ferrante as Vice Chair. The motion was seconded by Mr. Petreccia and it carried without objection. As there were no other nominations, nominations were closed. William Ferrante was declared Vice Chair by acclamation.

3. APPROVAL OF MINUTES

a. Previous Meeting Minutes – February 21, 2018

Mr. Petreccia made a motion to approve the minutes of February 21, 2018 as presented. The motion was seconded by Mr. Ferrante. The motion carried 5-0.

4. PUBLIC COMMENTS

The Chair called for public comments but no one came forward at this time. He closed public comments and turned the meeting over to Development Services Director Linda Connors who presented the agenda item under New Business.

5. NEW BUSINESS

a Ethics Training (Kathryn Mehaffey)

Ms. Connors explained that at the beginning of a Board's tenure, the Town presents ethics training. Assistant Town Attorney Kathy Mehaffey would do this training which would be presented over a few meetings. Tonight's meeting would encompass the Sunshine Law, Public Record, and Ethic Issues. Planning training would be at the next meeting.

Ms. Mehaffey gave a PowerPoint presentation. She said that the Sunshine Law is based on Florida Statutes. It is a State mandated requirement stating that any meetings of any boards and commissions attended by a person appointed to the board has to be open to the public and any actions taken by that board have to be done at a public meeting ("in the sunshine"). A meeting constitutes two or more members of that board and she gave a few examples which even included communicating in writing. She warned about posting on social media, e-mailing, etc. anything that will come before the board. Board members can talk with Staff but Staff has the responsibility not to convey what was said to other board members or that would be a violation of the Sunshine Law. Among other examples, the main idea is not to discuss a matter that could foreseeably come before the Board for consideration.

For a meeting to be legal "in the sunshine", notice must be given to the public which has to be posted. In some instances, there might be mailed notices or it may be hand posted. Minimum notice is 48 hours but she gave explanation for shorter notice. A meeting must be open to the public and accessible. Recording the meeting is optional, but accurate minutes must be done. Consequences are pretty significant for known violations but there are also consequences for accidental violations as well.

Public records are anything regarding Town related business. If something on a piece of paper, e-mail, anonymous letter, etc. is related to Town business, it is public record. Where that piece of paper is located, does not matter. Even if an e-mail is on a board member's personal computer, if it is regarding Town business, it is a public record. It is the content of the paper or the message or material that is relevant, it is not the location. Mr. Ferrante asked if a neighbor was doing an addition to their home and they showed the board member the site plan with the addition on it, does it need to be turned in? Ms. Connors explained that single-family homes do not have to go forward with site plans and that would not come before the Board, so it would not have to be turned into the Town. Conversely, if it was a multi-family structure, then that would be a site plan application which would come before the Board in the future and that situation would have to be handled correctly. Whatever a Board Member receives regarding an agenda item or something coming before the Board in the future, should be turned into Ms. Connors. Violations were discussed.

Voting conflicts for board members were discussed next. You cannot vote if the action was to be a special gain or loss to the board member, board member's client or relative, or business associate and a form needs to be filled out. If a board member thinks there may be a conflict or is just unsure, Ms. Mehaffey encourages the board member to call her. She explained when a board member may still participate in the discussion provided the conflict was disclosed publically at the meeting before it is discussed. That board member cannot vote on the issue and a lot of times the Town would recommend that the board member does not even participate in the discussion.

Nepotism is based on Florida Statutes which is for the inability for anyone in the board member's immediate family to do work with the Town. Ms. Mehaffey suggested calling her or

the Town Attorney or (the law firm) Weiss Serota with any questions regarding nepotism or voting conflicts.

Ms. Mehaffey said that there are gift restrictions based on State Law that do apply to board members and they have reporting requirements. If an applicant, political committee, lobbyist, or vendor gives a gift valued between \$25 to \$100, it must be reported. Gifts over \$100 cannot be accepted from an applicant, political committee, lobbyist, or vendor. A board member cannot accept anything that you should know was given to influence a vote. A board member cannot be employed by the Town. She explained the penalties. Ms. Mehaffey answered Mr. Bluestein's question regarding not accepting a gift given in a board member's honor by an applicant, political committee, lobbyist, or vendor thanking the board member for something the board member has done.

- b ORDINANCE 2018-XX : which Deletes Certain Conditional and Special Accessory Uses in the Annexed Zoning Districts and Old County Code Provisions Already Incorporated into the Town Land Development Regulations.
 (Linda Connors, Development Services Director)

Ms. Connors explained that when the Town annexed the northern portion of the Town, one of the County's requirements was that the Town would keep their zoning code until the Town properly incorporated it into the Town's Code. She described the steps that took place so far. She explained the difference between a conditional use and a permitted use. Now the final part of this process is to look at conditional uses and see which uses are not applicable to the Town. She spoke about the conditional uses that were previously recommended for deletion and the need to delete those uses from the conditional use list. The Board also needs to delete language that was reviewed previously and not integrated into the Land Development Code. It just needs to be deleted as a procedural issue. She asked that the Planning and Zoning Board tonight makes a recommendation to the Town Commission to approve the ordinance.

Ms. Connors answered Mr. Ferrante's questions regarding the steps the ordinance would go through before it would become effective. Mr. Petreccia asked about the RM-25 parking situation. Ms. Connors explained that the deletion was for standalone parking lots. She explained how the Town could provide parking in different zoning districts because the Town's parking is exempt from the Code. Mr. Petreccia asked about height limitation and about Sea Watch. Ms. Connors spoke about height limitation and explained as much as she could about the complications involved with Sea Watch. Ms. Mehaffey showed that the uses being deleted do not affect anything the Town has. For example, if a golf course is deleted in a zoning district, there is no golf course in that zoning district.

Ms. Connors pointed out where there were a few items for which Staff's recommendation was different than the Planning and Zoning Board. For example, in the RM-15 district, single-family dwelling was recommended for deletion by Staff but the Planning and Zoning Board did not agree. She discussed each one and said where Staff's recommendation was incorporated into the ordinance or the ordinance was amended for the Board's recommendation. Mr. Petreccia asked if any of these recommendations were building specific and Ms. Connors explained. She discussed the highest and best use of an area and minimizing conflict. As there were no further board questions, Chair Lanata opened up for public comments but there were none. He closed the public comments portion. Ms. Connors answered Chair Lanata that Staff was asking for a recommendation from the Planning and Zoning Board to recommend to the Town Council to adopt Ordinance 2018-23.

Ms. McCormack made a motion to recommend to the Town Council to adopt Ordinance 2018-23. The motion was seconded by Mr. Ferrante.

The Chair opened up for Board Comments. Ms. McCormack commented that she thought that if a person wanted a single-family dwelling in a zoning district where it was not a conditional use, they could ask for a variance. Ms. Connors gave an example that in the historic section of Town, single-family is a conditional use and allowed. In a zoning district where single-family dwelling was not, applying for a variance would not work. As there were no other Board Comments, that portion of the meeting was closed.

The motion carried 5-0.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Mr. Ferrante asked for an e-mail with everyone's contact information. Ms. Connors explained that they would prefer not because of the Sunshine Law. Ms. Mehaffey explained that Ms. Connors might send e-mails addressed to all Board Members. She wanted to stress to each Board Member not to "reply to all". If a Board Member replies to all, then a meeting was started because communication was started. In reality, Board Members should not be communicating with each other but it really depended on the subject matter. For example, if the subject matter was just scheduling a meeting, responding to all would be okay but she would rather that a Board Member never responded by replying to all.

Ms. Connors introduced the Board Members to Jhanelle Campbell who was recently promoted from Planning Technician to Planner. The Town's new employee starts May 9th and Ms. Campbell would train her for Planning Technician and then would start her work as a Planner.

Ms. Connors said that the next meeting is May 2, 2018 (first Wednesday of the month) and there would be another training session, maybe another ordinance and a plat amendment to review.

8. ADJOURNMENT

Chair Lanata made a motion to adjourn at 7:12PM. The motion was seconded by Mr. Petreccia. The motion carried 5-0.


Chair John Lanata

ATTEST:

Date Accepted: 5/2/18

Development Services Director Linda Connors


Linda Connors