PLANNING AND ZONING COMMISSION
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, AUGUST 19, 2014, 09:30 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Towns website at www.townofpalmbeach.com or may obtain an audio recording (CD) of the meeting by contacting Debby Morakis, Secretary to the Planning & Zoning Commission at (561) 227-6411. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER AND ROLL CALL(09:30:20 AM)

Jeffrey A. Cloninger, Member
Lewis Crampton, Member
Carol Mack, Member
Susan Markin, Member
Danielle H. Moore, Member
Michael Jay Scharf, Member
Floyd Wideman, Jr., Member
Michael Vincent John Spaziani, Alternate Member
Susan Watts, Alternate Member
Randolph H. Guthrie, Alternate Member (Unexcused Absence)

Staff Members present were:
John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Secretary to the Planning & Zoning Commission

John Page, Director of Planning, Zoning and Building Department called the meeting to order at 9:30 a.m. and welcomed the Commissioners. Upon roll call, it was noted for the record that Mr. Guthrie was absent.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (09:43:32 AM)

Ms. Morakis led the Commission with the invocation and Pledge of Allegiance.

III. OATH OF OFFICE FOR PLANNING AND ZONING COMMISSIONERS (09:43:40 AM)

Ms. Morakis administered the Oath of Office to each of the Commissioners. It was noted that the Oath of Office would be administered to Mr. Guthrie at a subsequent meeting.

IV. ELECTION OF A CHAIR AND VICE CHAIR (09:47:54 AM)

Mr. Page took a few moments to familiarize the Commissioners with the microphone system and explain the process to be followed for the election of a Chair and Vice-Chair. Mr. Page then asked the Commission for nominations for Chair.

Mr. Wideman nominated Susan Markin as Chair. No other nominations were made and it was declared that Susan Markin would serve as Chair. The Commission voted unanimously in favor.

Ms. Markin nominated Mr. Scharf as Vice-Chair. No other nominations were heard and it was declared that Michael Scharf would serve as Vice-Chair. The Commission voted unanimously in favor.

V. APPROVAL OF THE AGENDA(09:50:28 AM)

Chair Markin stated that she wanted to be sure the end of the agenda included an opportunity for the Commissioners to discuss potential topics for the coming year and Mr. Page confirmed.

MOTION BY MR. WIDEMAN FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. SCHARF.
MOTION CARRIED UNANIMOUSLY.

VI. FUNCTION OF THE PLANNING AND ZONING COMMISSION(09:51:34 AM)

Mr. Page read to the Commissioners several excerpts from the Code of Ordinances that established the Planning and Zoning Commission and explained the Commission's roll as an advisory body to the Town Council. Mr. Page explained that seven members were appointed as regular members and three were appointed as alternate members and asked the Commissioners to determine who would be the most senior, second and third alternate.

Mr. Wideman suggested that Mr. Spaziani be the first alternate due to his prior service and experience and Ms. Markin suggested that Ms. Watts be the second alternate. It was the consensus of the Commission that Mr. Spaziani and Ms. Watts would serve as first and second alternate.

Mr. Page explained the code requirements for attendance, conflicts of interest, and terms of service and explained that the Commission was required by Code to make an annual report to the Council. Mr. Page further explained that the meetings were streamed live over the internet and recordings of each meeting were available at any time for reference. Proper microphone and call button etiquette was explained. Mr. Page explained that Mr. Randolph would only be in attendance at meetings if it was deemed necessary and noted that staff would usually provide backup materials to the Commissioners as early as was possible but no less than one week prior to a meeting.

Mr. Page reminded the Commissioners that they were all required to complete a Financial Disclosure form and Ethics training. Mr. Page explained the Town's Administrative Procedure pertaining to email records retention and public records requests.

Mr. Page introduced Paul Castro, Zoning Administrator, who explained the history of the Town's Comprehensive Plan and Zoning Ordinance as well as the evolution of the Commission and answered questions from several Commissioners. Mr. Castro explained the quasi-judicial roll of the Commission as advisory to Council and the requirement for disclosure of any ex-parte communications. Mr. Castro then demonstrated to the Commission how to find links to the Comprehensive Plan, Zoning Code and the entire Code of Ordinances through the Town's website.

Attorney Randolph requested that Mr. Castro explain to the Commission how items would be assigned to them and Mr. Castro explained that Council had wanted the Planning & Zoning Commission to focus more on issues that were brought to them by the Council but could also make recommendations to Council for items to look at. Council would make the determination if a study would be done. A brief discussion ensued regarding the Shore Board Commission.

VII. COMMISSION ORIENTATION BY JOHN C. RANDOLPH, TOWN ATTORNEY (09:49:41 AM)

Attorney Skip Randolph provided each Commissioner with a booklet that included information regarding the Conflicts of Interest Law, the Sunshine Law, etc., and proceeded to explain both in detail.

Bob Wildrick, 220 Nightingale Trail, addressed the Commissioners and congratulated them on being appointed to the Commission and urged each Commissioner to read the Comprehensive Plan.

Attorney Randolph read to the Commission an example of the special private gain/loss section of the Ethics Commission language and explained the importance of the Sunshine Law and gave examples of activities that could be perceived as violations of the Sunshine Law.

Chair Markin urged the Commission to contact staff with any questions or to have staff act as a conduit for communication with other Commission Members in order to avoid potential violations. Mr. Scharf stated that he had previously announced his running for Town Council and wondered if he would be able to discuss issues and not be in violation of the law. Attorney Randolph explained that he would not be prohibited from speaking about issues at any event but could not speak to individual Commission Members about Commission items. Attorney Randolph proceeded to explain ex-parte communications and the laws regarding quasi-judicial hearings, touching upon the public records laws and how text messages should be avoided while sitting on the dais, adding that potentially every record received or sent could be a public record and reviewed the Town's email and records policy.

VIII. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS AND PLANNING, ZONING AND BUILDING DIRECTOR (11:10:35 AM)

Mr. Page explained that staff would continue to utilize email communications and Mr. Scharf requested that all email communications come from only one staff person and not from others that he may not recognize. Mr. Castro added that most documents would be sent via email but any large documents would be printed by staff and hand delivered. It was also suggested that packages might also be available for Commissioners to pick up.

Chair Markin called for comments from the Commissioners. Mr. Scharf asked what topics would be within the purview of the Commission to discuss. Mr. Page explained that currently there was no pending business before the Commission but if a property owner were to submit an application then staff would be obligated to present it to the Commission.

Mr. Castro explained that the Council communicated to staff that the Commission should remain focused on zoning and land planning issues. Ms. Markin suggested that the Commission read the Comprehensive Plan and become familiar with the Zoning Code.

Ms. Mack stated that she felt it would be useful to have some zoning history. Mr. Crampton added that he thought Veronica Close, Assistant Director of Planning, Zoning and Building had done a presentation in the past on zoning history. Mr. Castro offered to sit down with individual Commissioners to explain any part of the code. Chair Markin stated that she would be sure to ask staff to provide a detailed history on any item being presented to the Commission.

Mr. Wideman reiterated comments heard by Mr. Wildrick regarding the importance of the Comprehensive Plan and suggested that if the Commission finds that it would have to recommend any changes to the Comprehensive Plan, prior approval from Council should be obtained.

Chair Markin summarized that she felt the staff and the Commission should consider topics to discuss and vet in the upcoming season, adding that she felt the Commission needed an update on the PUD-5.

Mr. Page gave a brief history of the PUD-5 changes which were adopted and codified by Council, adding that voters objected and all changes to the zoning text and Comprehensive Plan ordinances were rescinded. Mr. Page stated that information was transmitted to Tallahassee so the Comprehensive Plan would be restored. Attorney Randolph further explained and Mr. Castro stated that there would be changes staff would like to see to the PUD process. Ms. Markin stated that she would like to see the Commission talk about parking issues on the north end and added that she felt the Commissioners was comprised of volunteers that needed to rely upon staff for their technical expertise.

Mr. Scharf echoed the sentiments of the Commission and asked about the requirement for a super majority vote to pass amendments to the Comprehensive Plan or Zoning Code.

Mr. Castro answered that there was a super majority requirement in the code for a rezoning land use changes and explained the notice requirements. Ms. Markin suggested this could be a potential topic for future discussion by the Commission. Ms. Watts asked how this Commission interacted with Code Enforcement and Mr. Castro stated that there was no interaction at all and explained that Code Enforcement was totally autonomous. Mr. Castro suggested that Assistant Town Manager Tom Bradford and Code Enforcement Supervisor Raychel Houston be available at a future Commission meeting to explain issues related to parking.

A discussion ensued about possible dates for the next Planning and Zoning Commission meeting. Ms. Markin and Mr. Scharf both declared a conflict with the September 16 meeting date. It was suggested to reschedule that meeting for September 23. Mr. Page stated that he would check availability with staff and the scheduling of Council Chambers.

Discussion continued regarding the designation of the Royal Poinciana Way area as a historic district. Mr. Page explained that the Town has two consultants who are researching the history of that block, communicating with the State, and, a report would soon be made to Council. A brief discussion continued regarding the designation process and Attorney Randolph suggested the Commission review Section 134-261 of the Zoning Code which addresses super majority votes. Chair Markin urged the Commission to attend some Council meetings to hear Council's concerns and to also read Letters to the Editor to find residents' concerns.

IX. **ADJOURNMENT (11:52:56 AM)**

MOTION BY MS. MOORE TO ADJOURN AT 11:52 A.M.
MOTION SECONDED BY MR. CLONINGER.
MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

S. Markin

Susan Markin, Chair
Town of Palm Beach
Planning & Zoning Commission

Michael Scharf

Michael Scharf, Vice-Chair
Town of Palm Beach
Planning & Zoning Commission