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# Town of Ponce Inlet Planning Board Regular Meeting Minutes January 28, 2020

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1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** the meeting was called to order at 10:00 AM in the Council Chambers located at 4300 S. Atlantic Avenue, Ponce Inlet, FL and Mr. Cannon led attendees in the Pledge of Allegiance.

2. **ROLL CALL AND DETERMINATION OF QUORUM:**

Board members present:

Mr. Mauldin, Seat 1  
Mr. Barrow, Seat 3  
Mr. Cannon, Seat 4  
Mr. Thompson, Seat 5  
Mr. Bergeron, Alternate 1  
Mr. Kaszuba, Alternate 2

A quorum was established with six members present.

Board member(s) absent:

Mr. DiCarlo, Seat 2

Staff present:

Mr. Disher, Assistant Director, Planning & Development Department  
Ms. Hunt, Recording Secretary  
Mr. Brackins, Town Attorney

3. **ADOPTION OF AGENDA:** There were no requested changes.

Chairman Cannon moved to adopt the agenda as presented; seconded by Vice-Chairman Thompson. The motion PASSED 5-0, consensus.

4. **APPROVAL OF MINUTES:**

- A. December 19, 2019 - Regular meeting - no changes were requested.
- B. January 8, 2020 Special meeting - no changes were requested.

Chairman Cannon moved to adopt the December 19, 2019 Regular meeting minutes and the January 8, 2020 Special meeting minutes as presented; seconded by Mr. Mauldin. The motion PASSED 5-0, consensus.

5. **REPORT OF STAFF:** Mr. Disher reported that no Administrative Variances applications had been received. He stated that staff is working on a proposed ordinance regarding the Town's residential lighting regulations; Council has now made it a priority to research sea level rise and has invited speakers from the Regional Planning Council to the February meeting to discuss this

47 issue; and that a special meeting will be scheduled in March with the American Flood Coalition to  
48 hear more information on this topic. Vice-Chairman Thompson asked what the general scope of  
49 the lighting ordinance is. Mr. Disher noted that he has not yet seen the draft but believes it will  
50 include “trespass lighting.” Vice-Chairman Thompson asked if “architectural standards” would be  
51 part of the “glitch” ordinance project. Mr. Disher stated that is on Staff’s list of amendments, but  
52 it would not be part of the “glitch” project; it would be a new ordinance as the town has no existing  
53 standards aside from the historic and riverfront commercial areas. He noted that the list of  
54 amendments and projects was provided to the Board at its joint meeting with Council last October.  
55 Vice-Chairman Thompson asked if anyone has expressed concerns about “RF” (radio frequency)  
56 and Mr. Disher stated no. Mr. Barrow suggested that the glare that comes from motion activated  
57 lighting be included in the new regulations. Mr. Barrow then asked if there was anything the Board  
58 could do to help with the staffing shortage. Mr. Disher thanked the Board for its offer and noted  
59 that the Town Manager recently adjusted the salary range for the Senior Planner position and the  
60 Town has since received several qualified responses.

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62 **6. CORRESPONDENCE & DISCLOSURE OF EX-PARTE COMMUNICATION:**  
63 None.

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65 **7. HEARING OF CASES:** None.

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67 **8. BUSINESS ITEMS/PUBLIC HEARINGS:**  
68 A. 2020 meeting dates: Ms. Hunt reviewed the dates and asked if the Board  
69 wished to change any dates that may conflict with holidays.

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71 *The Board agreed by consensus to change May’s meeting date to May 29<sup>th</sup> (Friday), November’s*  
72 *meeting date to November 17<sup>th</sup>, and December’s meeting date to December 15<sup>th</sup>.*  
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74 B. Annual Training - Sunshine Law, Public Records, Quasi-Judicial hearings, Ethics,  
75 Robert’s Rules of Order, Board’s By-Laws, Chapter 163.3174, F.S., and Article 6.2.2, LUDC.  
76 Attorney Brackins cautioned members about the *appearance* of improprieties, note-taking, texts,  
77 postings on social media outlets, emails, and other public records. Attorney Brackins reviewed the  
78 Board’s role as the Local Planning Agency (LPA) and its responsibilities with rezoning and  
79 Comprehensive Plan amendments. He noted that in such cases the Board sits as a Legislative body,  
80 wherein it has the authority to recommend adoption of large- and small-scale plan amendments to  
81 the Comprehensive Plan, as well as amendments to the Land Use and Development Code. The  
82 Board also functions as a Quasi-Judicial body (similar to a judge), having authority to apply the  
83 Code and/or the Comprehensive Plan to specific properties. He noted that decisions can only be  
84 based on “competent substantial evidence”; he explained what is meant by “affected parties,” who  
85 have a legally recognizable interest in the subject matter and noted that the Code defines “affected  
86 parties” through its noticing requirements. He noted that the Board can weigh the credibility of  
87 witnesses, but the evidence must support the Board’s decision; he stressed the importance of  
88 remaining impartial, keeping opinions to oneself and not allowing any opinions to be considered  
89 during the decision-making process. Attorney Brackins reviewed the process by which a  
90 determination is made: *listen to the testimony, review and weigh competent substantial evidence*  
91 *(by affected parties, staff, and applicant), question staff and witnesses, prepare a findings of fact*  
92 *(which helps support the Board’s decision in the event of an appeal), and summarize in a written*  
93 *Order prepared by Staff.* He stated that as of July 1, 2019, state law requires decisions made during

94 Quasi-Judicial hearings, whether to approve, approve with conditions, or deny an application, to  
95 include written findings supporting the decision. He suggested using a worksheet that outlines the  
96 applicable criteria and Code sections to determine if the application meets the criteria.  
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99 **9. PUBLIC PARTICIPATION:** None.

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101 **10. BOARD DISCUSSION:** None.

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103 **11. ADJOURNMENT:** the meeting was adjourned at 11:49 AM.

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105 Prepared and submitted by,

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Peg Hunt, Board Secretary