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**Town of Ponce Inlet
Planning Board
Regular Meeting Minutes
June 23, 2020**

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** the meeting was called to order at 10:01 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:**

Town Attorney Shepard administered the Oaths of Office to Alternate member Mr. White.

Board members present:

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

A quorum was established with seven members present.

Staff present:

Mr. Disher, Assistant Director, Planning & Development Department
Ms. Frazier, Senior Planner
Ms. Dean, Recording Secretary
Mr. Shepard, Town Attorney via ZOOM
Ms. Hugler, Office Manager

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

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

4. **APPROVAL OF MINUTES:**

January 28, 2020 - Regular meeting - no changes were requested.

Chairman Cannon moved to adopt the January 28, 2020 minutes as presented; seconded by Mr. Mauldin. The motion PASSED 5-0, consensus.

5. **REPORT OF STAFF:** Mr. Disher reported that no Administrative Variance applications had been received. Mr. Disher reported on recent activity since the last Board meeting in January, including the hiring of Beverly Frazier, Senior Planner on March 23, 2020. The LUDC amendment regarding the Coastal High Hazard Area in the B-2 and PWD zoning districts was passed by the Town Council in May of 2020. The South Peninsula bikepath project was discussed at the June

47 meeting of the Cultural Services Board and the Town Council. The project identified in the Town's
48 Bicycle-Pedestrian Master Plan and includes widening the path from 6 feet to 8 feet along the
49 entire stretch of Ponce Inlet. To date, only the Feasibility study has been completed which is first
50 step toward grant funding. The Town submitted a grant application earlier this year for design and
51 construction. The final design must be approved by the Town Council. The public, including
52 residents abutting the bikepath, will be notified of future hearings. Mr. Cannon expressed concern
53 about the Planning Board being included in the process and the design aspect of the project. Mr.
54 Disher stated that he would keep them abreast of this project. Mr. Disher said that the Department
55 has also been looking at various grants to assist with planning for coastal resiliency. Mr. Disher
56 has applied to the National Fish & Wildlife Fund as well as the Florida Department of Economic
57 Opportunity for grants to do a vulnerability study for the Town regarding sea level rise and what
58 future priorities should be, for short-term and long-term action. Mr. Disher reported that the Inlet
59 Harbor Estates subdivision plat was filed for recording in early June and there are now 10 new lots
60 on Inlet Harbor Road available for development. Mr. Disher discussed the trimming of trees that
61 came from the Cultural Services Board and the desire to develop more explicit regulations of what
62 can and cannot be done. Mr. Disher stated that The Cultural Services Board also expressed interest
63 in improving Elbers Park that is located at the end of Front Street. The Planning Board asked to
64 be included in the decisions being made. Mr. Thompson brought up the Town's 2002 Vision
65 Statement and asked if there were any plans to update it. Mr. Disher stated that he had not been
66 directed to do so, that such direction would need to come from Town Council.

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68 **6. CORRESPONDENCE & DISCLOSURE OF EX-PARTE COMMUNICATION:**
69 None.

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

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73 **8. BUSINESS ITEMS/PUBLIC HEARINGS:**

74 A. *Discussion - Proposed exterior lighting regulations* - Mr. Disher stated his
75 Department is looking for the Board's input on this draft ordinance. There was discussion on who
76 is exempt and who is not for lighting purposes, and the Board asked for clarification on the
77 differences. Board members noted the illustration of adequate vs. inadequate lighting, and asked
78 how this would be applied moving forward? Several Board members voiced concerns over having
79 inadequate lighting on their homes. Would they need to bring their home up to date and will new
80 buildings be required to submit a lighting plan when a permit is applied for? There were also
81 questions raised regarding residential vs. non-residential lighting. How will complaints be handled
82 in the future? The Board wants the ordinance to make clear who will handle any complaints and
83 how they will be handled. For example, if a resident wants to add lighting to their home, what
84 process is in place for them to do so? Holiday lighting was discussed by several Board members;
85 how does the Town determine what constitutes holiday lighting vs. everyday landscape lighting,
86 and what does that look like to a resident? How were the dates for Holiday lighting stated as
87 October 25th-January 25th selected? Chairman Cannon expressed concern about regulating light
88 fixtures as opposed to the actual impact of the lighting itself, as noted in the 4th Whereas clause.
89 He stated that the ordinance should focus on nuisances, not development standards and that the
90 Town should not want to move in the direction of an HOA. Board members provided additional
91 comments including the need to provide specific points of measurement and ways to address park
92 lighting next to residential areas. Mr. Disher will bring all suggestions and comments back to Mr.
93 Joulani for consideration. Staff will bring a revised version of this ordinance for consideration at

94 a future meeting.

95

96 B. *Quasi-judicial criteria worksheets* - Mr. Disher stated that the worksheets were
97 recommended by the Town Attorney during the Board's annual training this past January.
98 Examples of worksheets used by Neptune Beach were provided. Mr. Disher said that the
99 worksheets can be modified for any quasi-judicial proceeding, and that a draft including the
100 Town's variance criteria was included with the staff report. The Town Attorney stated that these
101 worksheets are very valuable to use in court in case of an appeal; the worksheets include very clear
102 concise thoughts and deliberation of each member and shows that all ideas have been reviewed,
103 discussed and considered in each case. Mr. Shepard stated that the forms must be filled out
104 completely and match the votes cast, based on competent substantial evidence. The forms cannot
105 be filled out prior to the meeting; staff will provide the forms to the Board members at the meeting.
106 The evidence and all questions should be heard at the hearing, then the votes should be cast, after
107 which the Board can take a brief recess to complete the forms, before moving on to the next item
108 on the agenda. The Town Attorney stated that having these criteria worksheets is very beneficial
109 and remove any perception of arbitrariness. The general consensus of the Board was to begin using
110 the worksheets with the next available quasi-judicial hearing on a trial basis.

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112 C. *Discussion - Regulations for wireless facilities in the right-of-way* - Ms. Frazier
113 presented information on 5G wireless facilities in the public right of way. This past May, staff
114 was directed by the Town Council to review the Town's ability to regulate wireless communication
115 antennas and equipment pursuant to Federal and State laws that limit the extent of local control
116 over the siting of wireless facilities. The Council asked staff to create a uniform permitting process
117 to avoid safety and aesthetic issues for future deployment of such small wireless facilities. Ms.
118 Frazier stated that in the Telecommunications Act of 1996 the FCC outlines the policy for
119 maximum permissible exposure limits for radio frequencies. Staff will draw up a proposed
120 ordinance to present to the Board, as directed by the Town Council. Attorney Shepard stated that
121 because of the Florida League of Cities, the Town and other municipalities were able to have a say
122 in this process. There was a discussion on design standards and making sure they keep with the
123 aesthetics of Ponce Inlet. Board members urged staff to proceed drafting an ordinance with strict
124 design standards to the greatest extent allowed by applicable law. Chairman Cannon asked Staff
125 to forward any new information on this issue to the Board as soon as it is available.

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127 **9. PUBLIC PARTICIPATION:** None.

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129 **10. BOARD DISCUSSION:** None.

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

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133 Prepared and submitted by,

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Lois Dean, Board Secretary