

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, DECEMBER 5, 2019 - 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

PRESENT: Vice Chairman, Steven Lauer; Members: Honey Minuse, Robin Pelensky, Jose Prieto, Alternate Member #1, Richard Cahoy and Alternate Member #2, Joe Bittner **Also Present:** Planning and Development Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Unexcused Absence: John Carroll

Today's meeting was called to order at 1:30 p.m.

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

Mr. Jason Jeffries, Planning and Development Director, added to today's agenda, selection of a Board member to serve on the Citizen's Oversight Committee.

II. ELECTION OF OFFICERS

A) Chairman

Mr. Lauer nominated Mr. John Carroll for Chairman of the Planning and Zoning Board.

Ms. Sherri Philo, Deputy City Clerk, explained that Mr. Carroll could not be nominated because he is not present to accept or decline the nomination.

Mr. Prieto nominated Mr. Steven Lauer for Chairman of the Planning and Zoning Board. Mrs. Pelensky seconded the nomination.

There were no other nominations.

Mr. Steven Lauer was unanimously appointed Chairman of the Planning and Zoning Board.

B) Vice Chairman

Mrs. Pelensky nominated Mrs. Honey Minuse for Vice Chairman of the Planning and Zoning Board. Mr. Prieto seconded the nomination.

There were no other nominations.

Mrs. Honey Minuse was unanimously appointed Vice Chairman of the Planning and Zoning Board.

III. SUNSHINE LAW BRIEFING

Mr. John Turner, City Attorney, gave a Power Point presentation on the Sunshine Law, the Public Records Law and Quasi-Judicial Hearings (attached to the original minutes).

Mr. Lauer referred to slide 20, “*What is Not Competent Substantial Evidence*,” where Mr. Turner stated that unless attorneys are sworn in and have personal knowledge and establish on the record that based upon their education, background, and experience, that they are qualified. He said there is one (1) attorney in particular that comes before the Board on numerous occasions who refuses to be sworn in as a witness. He asked is the Board to ignore everything he says.

Mr. Turner said outside of the attorney’s argument or for his client’s position, if he is not going to be sworn, his testimony lacks the necessary foundation and credibility. The attorney can make arguments. He said if you are an attorney and are going to be testifying regarding some facts and matters and they are not in the record, then you should be sworn in.

IV. PUBLIC COMMENT

None

Add on Item: Selection of a Board member to serve on the Citizen’s Oversight Committee

Mr. Jeffries reported that typically a member of the Planning and Zoning Board sits on the Citizen’s Oversight Committee. Because the previous member who sat on the Committee no longer serves on the Planning and Zoning Board, that member will need to be replaced.

Mrs. Robin Pelensky volunteered to sit on the Committee. The Board members agreed.

V. DISCUSSION OF ANNUAL REPORT

Mr. Jason Jeffries, Planning and Development Director, gave a Power Point presentation outlining the Annual Report that was included in their backup information (both attached to the original minutes). He referred to page three (3) of the Report stating that “2019” should be “2020.” Included in the Power Point presentation were some additional activities to be added to the Annual Report.

Mrs. Minuse made a motion to approve the Annual Report as amended. Mr. Lauer seconded the motion and it passed unanimously.

VI. PLANNING DEPARTMENT MATTERS

A) Update on Three Corners Charrette and Plan

This item was included in the Power Point presentation of the Annual Report.

Mr. Cahoy referred to the cellular towers that are currently located on the Power Plant. He asked are they going forward with relocating the towers.

Mr. Jeffries reported that they have a date certain to be off the Power Plant building.

Mr. Cahoy said there is some consideration for maintaining the Power Plant building, rather than tearing it down.

Mr. Jeffries said that he would discuss this with the City Manager.

Mrs. Minuse referred to the old Postal Annex property and questioned if they are going to be limited as to what they can do with the property because of Florida Power & Light's substation. She said that she knows there are new regulations as to what can be near transmission of electricity so she wondered if that is going to limit what can be done on that site.

Mr. Jeffries will look into that.

VII. BOARD MEMBERS' MATTERS

None

VIII. ADJOURNMENT

Today's meeting adjourned at 3:12 p.m.

/sp