**PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**
Monday, August 3, 2009
Community Center-509 Ocean Avenue
7:00 pm

**MINUTES**

***CLERK'S NOTE: Due to technical difficulties the digital audio was not used as reference for these minutes. Therefore, these minutes only reflect major points and motions made during the meeting.***

## I CALL TO ORDER

Present were:

Chairman David Campbell
Member Susan Dieterle
Member Sherrie Quarrie
Member Stephen Schwartz
Alternate Member James Flanagan

Town Attorney Paul Gougelman
Building Official William Whitelock
Deputy Town Clerk Rhonda Danielle

Absent:

Member Coleen Doyle

## II. APPROVAL OF MINUTES- June 1, 2009 Regular Meeting

On Page 3, the second paragraph, it says tot hat and should say to that.

Motion made to accept minutes as amended by Sherrie Quarrie. The motion was seconded by Susan Dieterle. Question called; motion carried 5-0.

## III. SUNSHINE LAW REGULATIONS

Attorney Gougelman defined the Sunshine Law as a Florida Statute and that a violation is a crime punishable by 60 days in jail and up to a $500.00 fine. He went on to say that the Board Members can not discuss any issue that is coming before the Board with any other Board Members, including Alternates. He then asked if the Board had any questions regarding the Sunshine Law.

Member Schwartz asked if they could talk with other Government officials.

Attorney Gougelman responded that they really don’t want you communicating about issues coming before the Board unless the other side of the issue is present.

Alternate Flanagan asked what they should do if they have a technical question.

Attorney Gougelman told him that they should go to the staff. They can ask the Building Official, Town Clerk or Town Manager.

## IV. PUBLIC HEARINGS

**A. Discussion and/or action regarding Trinity Fitness proposed as personal service establishment under 6B zoning district.**

Building Official Whitelock stated that he needed clarification on this issue before it goes into the 6B zoning district. He said that he needed the opinion of the Board.

Chairman Campbell stated that the Board can't really make a recommendation but they can offer an opinion. He stated that it looks like it falls into a personal service establishment. It seems to fit.

Member Dieterle said that she didn't see a problem with it.

Member Schwartz said that it looked like a great idea.

**B. Discussion and/or action regarding a Property Maintenance Code.**

Attorney Gougelman recommended to the Board that they look at this code and break it down by thirds or in half so they could thoroughly review it.

Chairman Campbell asked what the intent was behind the Code.

Building Official Whitelock stated that over the past two years he has come across several things that don't fit the ordinance. He would like to come up with a reasonable ordinance would give us a watchdog to control and cleanup situations in Town.

Chairman Campbell stated that it stands out to him that the Code Enforcement Officer has total control in the proposed code.

Building Official Whitlock stated that there has to be an appeal process.

Attorney Gougelman stated that this issue comes up in every town and city. There is no good rule. It appears that the Code Enforcement Officer will follow one of two routes. He will either be proactive and look for violations or be reactive and react to citizen complaints.

Member Dieterle said that she would like to have the Board address the commercial side of the code because it seems to fit really well.

Building Official Whitelock stated that the intent of the code was to ensure that properties are maintained for life safety issues.

Attorney Gougelman responded that he would like to interject one thing before they moved forward. What is the right of the owner to deny the Code Enforcement Officer access? He answered that if there are health and safety issues, and a commercial facility or multi-family facility refuses access we can go after them and obtain a warrant called an administrative inspection warrant. He went on to say that if it was a single family residence that they could not obtain a warrant.

Member Quarrie asked if someone complains about a house, can you enter?

Building Official Whitelock replied that no, he could not enter. Commercial properties he can enter as a Fire Inspector but not a Building Inspector.

Member Dieterle asked if perhaps they should work on blighted properties as well.

Building Official Whitelock answered that would be fine if the Board wants to split it up and focus on commercial and blighted properties.

Member Dieterle responded that there would be three avenues to approach. There would be commercial, rental and blighted properties.

Building Official Whitelock stated that the intent was to have an ordinance that would set up rules which keep property in a maintained condition.

Chairman Campbell stated that the Board should mark up their copies for commercial, multi-family residential and blighted properties.

Member Quarrie asked that Building Official Whitelock please email the Board a definition of blighted properties.

Building Official Whitelock replied that he would do that and if they had any other questions to let him know. He told them that he had reference materials in his office if they needed to use them.

Chairman Campbell stated that at the next meeting the Board would go through Chapters 1 and 2.

## V. NEW BUSINESS

None

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## VI. OLD BUSINESS

None

## VII. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS

Continued discussion on the proposed Property Maintenance Code.

## VIII. ADJOURNMENT

Motion made to adjourn by Member Quarrie. Motion seconded by Member Schwartz. Question called; motion carried 5-0

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| Rhonda Danielle<br>Deputy Town Clerk | David Campbell<br>Chairman |