

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

Minutes of February 27, 2013 Meeting

On Wednesday, February 27, 2013 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 14

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Jim Knight (District 4)*
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Henry Studstill (District 7)**
Gary Rayman (Fl. Surveying & Mapping Society)
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumohl (AIA)
Edward Tedtmann, Environmental Organization)
James Brake (Member At Large, Alt.)
Leo Plevy (Member At Large, Alt.)

Members Absent: 4

Richard Kozell (District 1)
Barbara Katz (District 3)
Maurice Jacobson (Condominium Association)
Frank Gulisano (PBC Board of Realtors)

Vacancies: 1

(Assoc. General Contractors of America)

County Staff Present:

Leonard Berger, Chief Assistant Cty Attorney
Jon MacGillis, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
David Nearing, Site Planner 1, Zoning
John Rupertus, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning
Lt. Michelle Fox, Animal Care and Control

2. Additions, Substitutions, and Deletions

No amendments were presented. The Chairman noted that a backup sheet for exhibit D was circulated to be included under staff comments.

3. Motion to Adopt Agenda

Motion to adopt by Lori Vinikoor, seconded by David Carpenter. Motion passed (12 - 0* **).

4. Annual Election of Chair and Vice-Chair

Newly elected member, Edward Tedtmann and James Brake introduced themselves as a representative of Environmental Organizations and Alternate Member at Large, respectively.

Motion to re-elect Wes Blackman as Chair and David Carpenter as Vice-Chair by Lori Vinikoor, seconded by Raymond Puzzitiello and passed (12 – 0* **).

* Jim Knight arrives at 2:10 p.m.

5. Adoption of November 14, 2012 Minutes (Exhibit A)

Motion to adopt by Mr. Puzzitiello, seconded by Ms. Vinikoor. Motion passed (13 – 0**).

B. ANNUAL ORGANIZATION DISCUSSION

Ms. Cantor commented on attachments 1 through 5, indicating that the LDRAB Meeting Procedures information was available on-line. She reviewed the 2013 LDRAB member list, the 2013 LDRAB Meeting Schedule, and reminded members that additional special meetings might be necessary but are not counted toward the annual attendance record. In addition, Ms. Cantor spoke about the 2013 Work Plan which contained the following:

- Deadlines/Scheduling for Proposed 2013 Amendments;
- Summary of Amendments Round 2013-01; and,
- Status of active Subcommittees.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passed (13 – 0**).

** Henry Studstill arrives at 2:17 p.m. The total vote for Exhibits B and C-1 do not reflect his attendance as he remained seated in the audience until Exhibit C-2.

C. ULDC AMENDMENTS

1. Exhibit B – Florida Fish and Wildlife Conservation Commission

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Ms. Cantor explained that the amendment updates the name of the Florida Game and Fresh Water Commission to Florida Fish and Wildlife Conservation Commission, in keeping with a constitutional amendment passed in 1998.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Puzitiello. Motion passed (13 – 0**).

D. PRIVATELY INITIATED AMENDMENTS

1. Exhibit C – 1 Type I Kennels

Mr. Cross summarized as follows:

- The requested Privately Initiated Amendment (PIA) by Jeff and Monika Stefaniak, is for a new Type 1 Kennel (Private), to allow boarding of dogs not owned by occupants of the premises. Currently private kennels are limited to domestic animals owned by the occupants. Boarding is prohibited.
- Several persons in residential districts, including the Stefaniaks, were issued licenses by the Palm Beach County Tax Collector for pet sitting, dog walking and other similar activities, as well as licenses from Animal Care & Control (ACC) which were inadvertently used for boarding.
- Staff recommends that the request be reviewed as part of the Use Regulations Project but the time frame is unsuitable to the applicant, as their existing licenses will expire shortly and will not be re-issued.
- It was noted that the proposed use might be similar to a family day care home or where limited boarding of up to four horses is permitted in private stables.
- The Board was asked to recommend whether the application merits further consideration and if so, in the current Round or at a later date.

The following points were made in the discussion that ensued:

- Several members cited concerns with the potential disruptive and intrusive commercial use in residential areas.
- Regulating pick-up and drop-off off animals is difficult and impacts traffic.
- Lot size and zoning should be considered to reduce the obtrusiveness of the use.
- Lt. Michelle Fox clarified that the number of domestic animals permitted by ACC is based on lot size, with ten animals (dogs and cats) on 1.5 Acres; 20 on 1.5 to 2.5 acres sites and up to 30 for 2.5 acres or more.

Mr. Stefaniak clarified that every effort has been made to minimize impact. He confirmed Mr. Cross' summary and added that there is no signage or extra parking areas and traffic impacts. When the licenses were issued he was led to believe that under Type 1 the use would be allowed. This request is limited to Agricultural Zoning districts, 1.5 acre lot limited to 10 dogs.

Mr. Knight favored moving the application forward as the applicant has a large lot. Mr. Blackman stated that the Board's immediate role is advisory and the application could be reviewed later and fine-tuned with staff's help. Mr. Cross clarified that the application will go to the BCC regardless of the Board's decision. If approved for review it will come back to LDRAB.

Mr. Bailey said it would be appropriate to discuss on all levels and note the Board's concerns before it goes to the BCC. Ms. Vinikoor requested not to consider the use in agricultural districts as dogs disturb farm animals, agricultural activities and impact farmers. Traffic will be an issue and the number of like businesses will grow, resulting in increased disturbance.

Motion by Mr. Carpenter not to review further, seconded by Mr. Baumoehl. Mr. Blackman recommended for a vote on a roll call and he explained that an affirmative vote would indicate the Board does not wish to consider it further; a negative vote requires another motion. The Secretary called the roll. The motion did not pass (9 nays - 4 yeas**).

A second motion was made by Ms. Brinkman to move the application forward to the BCC with concerns of lot size, Tier, and sound to be considered, seconded by Mr. Puzitiello. Motion amended by Ms. Brinkman to include Mr. Bailey's request to consider fixed percentage or proportional allotment of the total allowable amount of animals for outside boarders. Motion passed (9 - 4**).

2. Exhibit C – 2, Commercial Parking Lot

Ms. Brinkman recused herself from discussion on this item and provided completed Voting Conflict form 8B to be part of the minutes.

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Mr. Nearing indicated that the Palm Beach Kennel Club Privately Initiated Amendment is to review supplemental regulations and associated sections of the ULDC for Commercial Parking Lots. This request relates to satellite parking at the Palm Beach International Airport but the amendment will apply County-wide and is not site-specific.

Mr. Joe Verdone, the applicant, introduced Ms. Collene Walter, Planner Consultant for the Department of Airports (DOA) who stated that the DOA has some concerns because this amendment will apply to all commercial properties and it may impact on the airport's operations. She referred to an inaccuracy in the Zoning staff report and clarified there is no parking agreement between the Palm Beach Kennel Club and PBIA to provide satellite parking, and she wanted to clarify that the DOA is not endorsing or promoting this type of use. She further said that the DOA is agreeable to working with the applicant to see if the language can be fine-tuned to protect the airport and asked that it be tabled for 30 days.

Motion by Mr. Puzzitiello, seconded by Ms. Vinikoor. Motion passed. (14 - 0)

F. PUBLIC COMMENTS

There were no public comments

G. STAFF COMMENTS

1. Electrified Fence Update

Mr. Cross advised that the applicant had made two more submittals since the conclusion of the LDRAB Subcommittee, and that the applicant had requested postponement until the March meeting.

2. Sunshine Law and Proposed Rules of Debate

Mr. Berger explained that the County would be recommending use of a condensed version of Robert's Rules of Order which would be more appropriate for the LDRAB. He asked that members read thoroughly Exhibit D, Rules of Debate and provide feedback and that the item will be placed on the next agenda to be included in LDRAB Rules of Procedure.

Mr. Berger added that decision making by LDRAB is done publicly at meetings, and board matters discussed person to person or electronically outside the meeting violates the Sunshine Law and is punishable as a 2nd degree misdemeanor. Mr. Berger advised members to watch the Ethics training on-line occasionally and be mindful that Voting Conflict Laws are very fact-specific. He advised them to protect themselves by paying close attention to the topics on the agenda before attending meetings.

Mr. Knight suggested an advisory reminder be included in the meeting invitation. He also asked to place on record his appreciation for the dedicated service given to LDRAB by Martin Klein whose term expired in February 2013. He also advised members not to use the "reply all" when responding to meeting invitations. Mr. Berger clarified that this does not automatically violate Sunshine Law but it is better not to use it as it invites exchange of ideas from other members.

Ms. Cantor introduced newly elected member, Mr. Henry Studstill. She also asked for more volunteers to serve on the Landscape and Use Regulations Subcommittees. Ms. Brinkman offered to sit on the Use Regulations Subcommittee and this was voted on by all members. The motion passed (14 - 0).

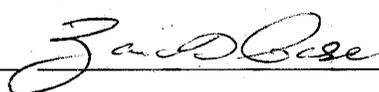
H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:15 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by:

Zona Case



3/27/13

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Brinkman Joni S.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Land Development Regulation Advisory Board</i>
MAILING ADDRESS <i>201 Rex Ct Palm Beach</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Palm Springs FL 33461</i>	NAME OF POLITICAL SUBDIVISION: <i>Palm Beach County</i>
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni Brinkman, hereby disclose that on February 27, 20 13:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Urban Design Kilday Studios, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item D.2. Commercial Parking Lot
my employer (UDKS) has a contract w/the Palm Beach Dept of Airports, who plans to speak on the item.

2-27-13
Date Filed

Joni Brinkman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.