



# Town of Ponce Inlet

## Planning Board

### Special Meeting Minutes

#### January 11, 2022

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1 **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** Pursuant to proper notice,  
2 Chairman Cannon called the meeting to order at 5:30 p.m. in the Council Chambers, located at  
3 4300 S. Atlantic Avenue, Ponce Inlet, FL, and led attendees in the Pledge of Allegiance.

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

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7 Board members present:

8 Mr. Mauldin, Seat 1

9 Mr. Kaszuba, Seat 2

10 Mr. White, Seat 3; Vice-Chairman

11 Mr. Cannon, Seat 4; Chairman

12 Mr. Thompson, Seat 5

13 Ms. Necrason, Alternate Seat 1

14 A quorum was established with five Regular members and one Alternate member present.

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16 A. Oaths of Office: Attorney Brackins administered the *Oath of Office* to Mr. White,  
17 Mr. Cannon, and Ms. Necrason.

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19 B. Election of Chair: Mr. Thompson nominated Mr. Cannon to serve as Chair;  
20 seconded by Mr. White. The motion was APPROVED 5-0 with the following vote: Mr. Mauldin -  
21 yes; Mr. Kaszuba - yes; Mr. White - yes; Mr. Cannon - yes; Mr. Thompson - yes.

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23 C. Election of Vice-Chair: Mr. White nominated Mr. Thompson to serve as Vice-  
24 Chair; Mr. Thompson declined. Mr. Thompson nominated Mr. White to serve as Vice-Chair;  
25 seconded by Mr. Mauldin. The motion was APPROVED 5-0 with the following vote: Mr. Mauldin  
26 - yes; Mr. Kaszuba - yes; Mr. White - yes; Mr. Cannon - yes; Mr. Thompson - yes.

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28 Staff present:

29 Mr. Disher, Planning & Development Director

30 Ms. Hugler, FD Office Manager (A/V)

31 Mr. Mendenhall, Principal Planner

32 Attorney Brackins, Town Attorney

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34 **3. ADOPTION OF AGENDA:** Chairman Cannon requested tabling *Item 8-A: Annual*  
35 *Boardmember Training* to the next regular meeting; there were no objections and no other changes.  
36 Mr. Thompson asked if the board will be having a regular meeting in January. Mr. Disher stated  
37 currently there are no public hearing items scheduled, so if the Board would like to meet to have  
38 this training it may do so at the regular January meeting or it may schedule it for the February  
39 regular meeting.

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41 Chairman Cannon moved to adopt the agenda as amended, with the rescheduling of the annual

42 training to be placed on the next regularly-scheduled board meeting; seconded by Mr. Thompson.  
43 The motion PASSED 5-0, consensus.

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45 **4. APPROVAL OF MINUTES:**

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47 **A. December 14, 2021 Regular meeting** - Chairman Cannon asked if there were any  
48 changes requested to the meeting minutes; there were none.

49

50 Chairman Cannon moved to approve the December 14, 2021 meeting minutes as presented;  
51 seconded by Mr. Kaszuba. The motion PASSED 5-0, consensus.

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53 **5. REPORT OF STAFF:**

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55 **A. Administrative Variance Applications** - Mr. Disher reported that there are no  
56 Administrative Variances to report.

57

58 **B. Other updates / reports** - Mr. Disher provided the following updates and reports:  
59 the E-Bike/Micromobility ordinance was approved by Council on first reading and is scheduled  
60 for 2<sup>nd</sup> reading this month; the property rights elements ordinance was approved by Council on  
61 first reading and has been sent to the appropriate agencies for review and will be brought back to  
62 Council for 2<sup>nd</sup> reading and adoption after that review. Vice-Chairman White reported that 115  
63 Inlet Harbor Road appears to be abandoned and asked what the status is of the variances issued to  
64 the property. Mr. Disher stated there were minor Administrative Variances issued which are only  
65 valid for twelve months. He will follow-up with staff as to the status of the permits and activity.  
66 [Editor's note: The administrative variance was approved in June 2021 and will expire after 12  
67 months if no action is taken. The building permit application was submitted in November 2021,  
68 and Staff provided review comments in December. As of January 2022, the property owners are  
69 waiting on an updated survey and elevation certificate before resubmitting to the Town.] Mr.  
70 Thompson asked if there was any public comment during the Council meeting for the E-bike  
71 ordinance. Mr. Disher said he did not think so. Mr. Thompson asked how the information will be  
72 disseminated to educate the public. Mr. Disher stated staff is working with the Police Department  
73 and Public Works Department on education and signage. He noted that the information would also  
74 be included in the next edition of the C4PI newsletter and could be a topic discussed during the  
75 Town Hall meeting on January 26<sup>th</sup>. Mr. Kaszuba asked for a status update to the property south  
76 of Winterhaven Park. Mr. Disher stated that the Development Permit that was issued has expired  
77 and there has been no further activity other than inquiries. Mr. Kaszuba noted that there was a food  
78 truck event held at the Community Center and asked if this Board will be working on regulations  
79 regarding food trucks. Mr. Disher stated yes, it is on the list of department goals, and reminded the  
80 Board that the Town cannot prohibit food trucks but can regulate where they are allowed.

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82 **6. CORRESPONDENCE & DISCLOSURE OF EX-PARTE COMMUNICATION:**  
83 None.

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85 **7. HEARING OF CASES:**

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87 **A.** Request for Minor Replat: MR 24-2021; 4915 S. Atlantic Avenue  
88 Owner(s): Zachariah P. Zachariah (Ponce Inlet LLC)  
89 Applicant(s): Robert Merrill, III

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91 Mr. Mendenhall referenced his staff report (Attachment 1) and noted that this is a continuation  
92 from the December 14, 2021 meeting. He stated the applicant is requesting to subdivide a single  
93 lot into three equal-sized lots. The additional time was necessary for the applicant to address  
94 outstanding review comments from the Town Attorney's office regarding the easement document.  
95 Staff has received confirmation from the town attorney that all issues have now been resolved. He  
96 clarified that the only changes were to the easement documents and maps as discussed during the  
97 last meeting, and those updated documents are included in the agenda packet. Chairman Cannon  
98 reviewed the documents that needed to be changed from the last meeting and referenced item 5,  
99 *No Interference*. He stated that the following verbiage was eliminated "By acceptance and use of  
100 *the easements and rights granted hereby, Grantee covenants and agrees to repair and/or replace*  
101 *any damage to the land or improvements within Grantor's Property which result for any exercise*  
102 *of the rights granted to the Grantee by this Easement*". He noted that this was part of a contractual  
103 agreement, and the Board does not have jurisdiction over the verbiage in the document. He asked  
104 how this affects the property owner? Attorney Brackins stated that the Grantor has a right to install  
105 a fence over the easement, with the understanding that the Grantee has right of access. The property  
106 owner has agreed to remove that verbiage as requested by the Town Attorney. Attorney Brackins  
107 stated that when it comes to legal advice or drafting legal documents, care must be taken by Board  
108 members to be thoughtful of comments made during public meetings, and he encouraged board  
109 members to ask questions of legal staff for clarification.

110  
111 Chairman Cannon opened public comment - Attorney Welch, Cobb & Cole, attorneys for the  
112 applicant, stated this has been discussed and the property owner has agreed to the document  
113 changes. Chairman Cannon expressed concerns that the document may not protect the client or  
114 future clients. Attorney Welch stated the document was designed to protect the Grantor and the  
115 Grantee. Chairman Cannon closed public comment.

116  
117 Mr. Mauldin stated that the purpose of this hearing is to determine if the application is consistent  
118 with the Comprehensive Plan and LUDC, not to approve and easement agreement; so how would  
119 this easement document affect or impact the Comprehensive Plan or LUDC? Chairman Cannon  
120 stated it does not, but he is the one that signs the document and does not feel comfortable doing so  
121 if it limits rights to either party. Mr. Thompson asked if this was a standard agreement; Attorney  
122 Brackins stated yes, this is a standard, legal document and occurs all the time. Vice-Chairman  
123 White noted that the board is discussing this in detail now due to the failure of receiving the final  
124 document last month. Attorney Brackins stated it is not uncommon for not all of the documents to  
125 be presented at one time, for example, certain studies may not have been done - which results in  
126 "conditional" approvals, etc. The discussion continued regarding the easement agreement.

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128 Chairman Cannon moved to find the proposed minor replat #MR-24-2021 to be consistent with  
129 the Comprehensive Plan and the LUDC and to forward it to the Town Council with the  
130 recommendation of approval; seconded by Vice-Chairman White. The motion PASSED 5-0, with  
131 the following vote: Mr. Mauldin - yes; Mr. Kaszuba - yes; Vice-Chairman White - yes; Chairman  
132 Cannon - yes; Mr. Thompson - yes.

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134 Mr. Disher noted that this item will be scheduled for the January 20, 2022 Town Council meeting.

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

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139 ~~A. Boardmember Annual Sunshine Law, Quasi-Judicial, & Public Records Training.~~

140 *This item was tabled to the next regularly scheduled Board meeting.*

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142 **9. PUBLIC PARTICIPATION:** Chairman Cannon opened public participation - hearing  
143 none, he closed public participation.

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145 **10. BOARD DISCUSSION:** None.

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147 **11. ADJOURNMENT:** The meeting was adjourned at 6:06 p.m.

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149 Prepared and submitted by,

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152 \_\_\_\_\_  
Peg Hunt, Assistant Deputy Clerk

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154 Attachment(s):

155 1. MR 24-2021 staff report; Mr. Mendenhall, Principal Planner; dated January 3, 2022