

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

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Meeting Date: June 23, 2015

Department: Planning, Zoning and Building

Submitted By: Planning Division

Advisory Board Name: Planning Commission

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: The reappointment of the following individual to the Planning Commission for a term from June 23, 2015 to June 5, 2018.

| <u>Appointment Nominee</u> | <u>Seat No.</u> | <u>Seat Requirement</u> | <u>Nominated By</u>                                                                         |
|----------------------------|-----------------|-------------------------|---------------------------------------------------------------------------------------------|
| James M. Brake             | 15              | At-Large                | Commissioner McKinlay<br>Commissioner Taylor<br>Commissioner Abrams<br>Commissioner Valeche |

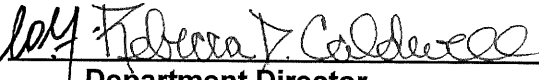
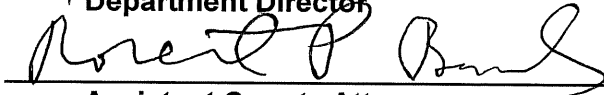
**Summary:** The Planning Commission (PLC) was created by Ordinance 2008-003, which replaced the Land Use Advisory Board established by Resolution No. R-90-1987. The Unified Land Development Code (ULDC) Article 2.G.3.K provides for the membership of the PLC as 16 members, consisting of 15 members appointed by the BCC, and 1 non-voting representative of the School District. Each District Commissioner appoints 2 members, and 1 member is appointed at-large by a majority vote of the BCC. The term of office of each member is for 3 years. This is a re-appointment for the at-large position. The function of the PLC is primarily to provide recommendations to the BCC regarding amendments to the Comprehensive Plan. On April 13, 2015, the Planning Division forwarded a memo and forms to the BCC notifying the Board of the vacancy, and requesting nominations. Four responses were received.

Unincorporated (RPB)

**Background and Justification:** The PLC serves as the Local Planning Agency (LPA) for Palm Beach County for the purpose of compliance with Chapter 163.3174, Florida Statutes. The PLC has the responsibility of providing recommendations to the BCC on preparation of the Comprehensive Plan; amendments to the Comprehensive Plan (including site specific amendments to the Future Land Use Atlas); land use studies; and transportation concurrency management areas and constrained roadways at lower levels of service. Although no specific experience requirements are necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate and related fields. The experience of the candidate is provided in the attached resume. This advisory board membership has 15 seats currently filled, and a diversity count of Black: 2 (13.33%), and White: 13 (86.67%). The gender ratio (male:female) is 8:7.

- Attachments:**
- 1. Boards/Committees Application for James M. Brake
  - 2. Resume for James M. Brake
  - 3. List of Current Planning Commission Members
  - 4. Memo dated April 13, 2015, to the BCC
  - 5. ULDC Article 2.G.3.K

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|                 |                                                                                      |        |
|-----------------|--------------------------------------------------------------------------------------|--------|
| Recommended By: |   | 6/5/15 |
|                 | Department Director                                                                  | Date   |
| Approved By:    |  | 6/9/15 |
|                 | Assistant County Attorney                                                            | Date   |

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. **Please attach a biography or résumé to this form.**

**\*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: 0**

If Yes, state the court, nature of offense, disposition of case and date: \_\_\_\_\_

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Section II Continued:

**CONTRACTUAL RELATIONSHIPS:** Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

| <u>Contract/Transaction No.</u> | <u>Department/Division</u>    | <u>Description of Services</u> | <u>Term</u>                |
|---------------------------------|-------------------------------|--------------------------------|----------------------------|
| <u>Example: (R#XX-XX/PO XX)</u> | <u>Parks &amp; Recreation</u> | <u>General Maintenance</u>     | <u>10/01/00-09/30/2100</u> |

(Attach Additional Sheet(s), if necessary)  
OR

NONE



NOT APPLICABLE/  
(Governmental Entity)



**ETHICS TRAINING:** All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-80 is required before appointment, and upon reappointment.

☒ By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

☒ By watching the training program on the Web, DVD or VHS on January 20 15  
☐ By attending a live presentation given on \_\_\_\_\_, 20\_\_\_\_

**AND**

☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

\*Applicant's Signature: [Signature] Printed Name: James M. Brakes Date: 3/27/15

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com) or contact us via email at [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com) or (561) 233-0724.

Return this FORM to:  
Melissa Michael, PZB Planning Division  
2300 N Jog Rd., West Palm Beach, FL 33411  
[mmichael@pbcgov.org](mailto:mmichael@pbcgov.org) (561) 233-5364

**Section III (Commissioner, if applicable):**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 01/14/2014

**James M. Brake**  
**(561) 699-3232 JamesMBInc@aol.com**

**Experience Summary:**

**Advisory Boards:**

- **Land Development Regulation Advisory Board**, alternate member, PBC, 2012
- **Planning and Development Board Member**, Boynton Beach, 2011 to present
- **Code Compliance Advisory Board Member**, Boynton Beach 2009-11

**Committees:**

- Flood Mitigation Taskforce, Boynton Beach, 2012 to present
- City Charter Review Committee, Boynton Beach, Vice-Chair, July 2011-12
- Brand Promise Committee, Boynton Beach, 2011 to 2012
- Realtor Association of the Palm Beaches, GA Committee Member, 2010 to present
- Greater Boynton Beach Chamber of Commerce, GA Committee Member, current
- Sister Cities Committee, Boynton Beach, Board Member, 2010 to present

**Other:**

- Greater Boynton Beach Chamber of Commerce Leadership Program, 2010
- Boynton Beach City Services Institute, 2010

**Education:**

Bachelor of the Arts in Political Science. May 2005  
License for Florida Real Estate Agent. May 2005

**Employment History:**

Real Estate Agent, Coldwell Banker, May 2005 to present  
Licensed Commodity Trader, J.C. Leeman, May 2002 – May 2004  
Service and Sales Trainer, City Oyster, Delray Beach, 2000 – 2006

# Planning Commission Appointments

| District | Member Name           | Expiration | Last Appt  | 1st Appt   | Title        | Mailout |
|----------|-----------------------|------------|------------|------------|--------------|---------|
| 1        | Judy Daversa          | 6/7/2016   | 6/5/2013   | 4/21/1998  |              | Paper   |
| 1        | Katharine Murray      | 6/5/2018   | 6/2/2015   | 8/20/1996  |              | Paper   |
| 2        | George Humphries      | 6/5/2018   | 4/7/2015   | 7/10/2012  |              | Paper   |
| 2        | Barbara Alterman      | 6/7/2016   | 6/5/2013   | 6/5/2013   | Chair        | Paper   |
| 3        | Sandra Greenberg      | 6/6/2017   | 6/3/2014   | 7/13/1999  |              | Paper   |
| 3        | Roberta Levitt-Moccia | 6/5/2018   | 3/10/2015  | 6/3/2009   |              | Paper   |
| 4        | Armand Grossman       | 6/7/2016   | 6/13/2014  | 7/16/2013  |              | Paper   |
| 4        | Neil Merin            | 6/6/2017   | 10/21/2014 | 10/21/2014 |              | yes     |
| 5        | Harvey Arnold         | 6/6/2017   | 6/3/2014   | 9/14/2013  |              | Paper   |
| 5        | Lori Vinikoor         | 6/5/2018   | 3/10/2015  | 9/1/2009   |              | Email   |
| 6        | Michael Erickson      | 6/7/2016   | 12/2/2014  | 12/2/2014  |              | Paper   |
| 6        | Sam Shannon           | 6/7/2016   | 6/5/2013   | 11/20/2007 |              | Paper   |
| 7        | Angella Vann          | 6/7/2016   | 11/5/2013  | 11/5/2013  | Vice-Chair   | Paper   |
| 7        | Thomas Dennis         | 6/6/2017   | 7/22/2014  | 2/24/2009  |              | Paper   |
| At Large | VACANT                |            | 8/14/2012  |            | School Board |         |
| At Large | James Brake           | 6/2/2015   | 2/4/2014   | 2/4/2014   |              | Paper   |



- Notes:**
1. The term of office of each member shall be three (3) years.
  2. When a new member is appointed to fill the vacancy of a departing member, the new member's term shall end at the expiration date of the departing member.
  3. Members shall hold office until the first Tuesday after the first Monday in June of expiration year.



**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)



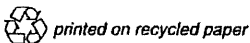
**Palm Beach County  
Board of County  
Commissioners**

Shelley Vana, Mayor  
Mary Lou Berger, Vice Mayor  
Hal R. Valeche  
Paulette Burdick  
Steven L. Abrams  
Melissa McKinlay  
Priscilla A. Taylor

**County Administrator**

Robert Weisman

"An Equal Opportunity  
Affirmative Action Employer"



**MEMORANDUM**

**TO:** The Honorable Shelley Vana, Chair, and the Members of the Board of County Commissioners

**FROM:** Lorenzo Aghemo, Planning Director  
Planning Division, PZB *L.Aghemo*

**DATE:** April 13, 2015

**RE:** **Planning Commission Nominations, At-Large Position**

**ITEM:** The purpose of this memo is to request nominations for the Planning Commission (PLC) At-Large position for the June 2, 2015 to June 5, 2018 term. This position is currently filled by James Brake who has requested to be re-appointed.

**BACKGROUND:** The primary function of the PLC is to make recommendations to the Board of County Commissioners (BCC) regarding proposed amendments to the Comprehensive Plan. The PLC consists of sixteen members, fifteen of which are appointed by the BCC and one non-voting representative of the School District. Each County Commissioner appoints two PLC members and one member is appointed at-large. The term of office of each member is three years and there is no limit on the number of terms served. Meetings are held regularly, generally on the 2nd Friday of each month.

**ADDITIONAL INFORMATION:** James Brake's application is attached. James has not had any disclosed voting conflicts, and his attendance record is below.

| Year | Meetings Attended | Meetings Absent |
|------|-------------------|-----------------|
| 2014 | 9                 | 0               |

**DISPOSITION:** If you would like to re-appoint this PLC member, please do so by June 2, 2015. If you'd like to appoint an alternate candidate, please provide the candidate's contact information to Melissa Michael, PLC Recording Secretary, at 233-5364 to begin the appointment process. Thank you.

**Attachments:** *PBC BOCC Boards/Committees Application and Resume*

cc: Verdenia Baker, Deputy County Administrator  
Rebecca Caldwell, Executive Director, PZB  
Robert Banks, Assistant County Attorney  
Patty Hindle, Agenda Coordinator  
James Brake, Planning Commission Member

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The IFAB shall be composed of five members. There shall be one traffic engineer, one accountant, one attorney, one representative of the general public, and one developer/builder on the IFAB. No member of the Impact Fee Review Committee may serve on the IFAB.

**b. Appointment**

The members of the IFAB shall be approved at large by a majority vote of the BCC.

**c. Terms of Office**

All IFAB members shall serve a term of three years.

**4. Secretary and Staff**

The Impact Fee Coordinator shall serve as Secretary of the IFAB. The staff of PZB shall be the professional staff of the IFAB. County Attorney shall attend meetings to serve as counsel to the IFAB. The Impact Fee Coordinator shall represent PBC by presenting PBC's position to the IFAB.

**5. Meetings**

**a. General**

General meetings of the IFAB will be called as necessary to carry out business, but no more frequently than once a month. Special meetings may be called by the Chair of the IFAB, or in writing by a majority of appointed members of the Board. Staff shall provide 24-hour written notice to each IFAB member for a special meeting.

**J. Impact Fee Review Committee**

**1. Establishment**

There is hereby created an Impact Fee Review Committee (IFRC).

**2. Powers and Duties**

The IFRC shall have the following powers and duties under the provisions of this Code:

- a. submit a Report to the BCC whenever PBC conducts a full review or update of the impact fee system relating to:
  - 1) the implementation of Article 13, IMPACT FEES;
  - 2) actual levels of service for the impact fees exacted in Article 13, IMPACT FEES;
  - 3) the collection, encumbrance, and expenditure of all impact fees collected pursuant to Article 13, IMPACT FEES;
  - 4) the validity and assumptions in the technical memoranda used to support the impact fee schedules in Article 13, IMPACT FEES; and
  - 5) any recommended amendment to Article 13, IMPACT FEES.
- b. review amendments to Article 13, IMPACT FEES prior to their consideration by the BCC.
- c. perform such other duties as the BCC deems appropriate.

**3. Board Membership**

**a. Qualifications**

The IFRC shall be composed of seven members and three alternate members appointed by the BCC. The membership of the IFRC shall include three representatives from municipalities within PBC, three representatives from the business community, and one member selected at large. The voting membership of the IFRC shall include three representatives from municipalities within PBC three representatives from the business community, and one member selected at large. The alternate members shall include one representative from each of the three categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum.

**4. Officers**

**a. Secretary**

The Impact Fee Coordinator shall serve as Secretary of the IFRC.

**5. Meetings**

**a. General or Special Meetings**

General meetings of the IFRC shall be held as needed consistent with its powers and duties. Special meetings may be called by the Chair of the IFRC, or in writing by a majority of appointed members of the IFRC. 24-hour written notice shall be given to each IFRC member for a special meeting.

**K. Planning Commission**

**1. Establishment**

There is hereby established a Planning Commission (PLC). **[Ord. 2008-003]**

**2. Powers and Duties**

The PLC shall have the following powers and duties under the provisions of this Code: **[Ord. 2008-003]**

- a. to serve as the Local Planning Agency (LPA) per F.S. § 163.3174, and to provide recommendations on the preparation of the Plan, or any element or portion thereof, and any text

- amendments thereto to the BCC;
  - b. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan;
  - c. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications for the VDB Program;
  - d. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments;
  - e. to make additional or amended rules of procedure not inconsistent with this Section to govern the PLC's proceedings; **[Ord. 2008-003]**
  - f. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
  - g. to submit an Annual Report to the BCC summarizing its annual activities; and
  - h. to review and make recommendations to the BCC on Transportation Concurrency Management Area (TCMA) and Constrained Road at Lower Levels of Service (CRALLS) or a major thoroughfare on which a lower LOS is set pursuant to Article 12, TRAFFIC PERFORMANCE STANDARDS.
- 3. Board Membership**
- a. **BCC Appointed Members**  
The PLC shall be comprised of 16 members; 15 BCC appointed members and one representative of the School District of PBC. **[Ord. 2008-003]**
    - 1) **Qualifications**  
Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.
    - 2) **Appointment**  
Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.
    - 3) **Terms of Office**  
Members of the PLC shall hold office until the first Tuesday after the first Monday in June of the year their term expires. **[Ord. 2008-003]**
  - b. **School District Member**  
The School District of PBC shall appoint a representative to attend those meetings at which the PLC will consider a Plan amendment which would, if approved, increase residential density of the property that is the subject of the application. The school member shall be a non-voting member and shall not count toward quorum. **[Ord. 2008-003]**
- 4. Officers; Secretary; Staff**
- a. **Chair and Vice-Chair**  
The Chair and Vice Chair positions shall rotate annually and shall only be held by regular members. No Board member shall serve consecutive terms as Chair or Vice-Chair. **[Ord. 2008-003]**
  - b. **Secretary**  
The Planning Director of PZB shall serve as Secretary of the PLC. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the PLC, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the PLC members voting. In addition, the Secretary shall maintain all records of PLC meetings, hearings, proceedings, and the correspondence of the PLC. The records of the PLC shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours. **[Ord. 2008-003]**
  - c. **Staff**  
The Planning Division of PZB shall be the professional staff of the PLC. The Planning Division staff shall be responsible for, providing a recommendation to the PLC on all items scheduled for its consideration. Plan amendments, including amendments to any maps included as part of the Plan. **[Ord. 2008-003]**
- 5. Rules Applicable to Local Planning Agency**



- a. The agenda of the PLC sitting as the LPA shall be as prepared and presented by the PBC Planning Division and such agenda shall not be deviated from without a two-thirds vote of a quorum of the LPA. **[Ord. 2008-003]**
  - b. Failure of the LPA to make a recommendation on any Plan Amendment to the BCC prior to the final transmittal hearing of the amendments shall constitute the item being sent to the BCC with an LPA recommendation of denial pursuant to F.S. § 163.3174, as may be amended from time to time.
- 6. Meetings**  
General meetings of the PLC shall be held as needed to dispense of matters properly before the PLC. Special meetings may be called by the Chair or in writing by a majority of the members of the PLC. Staff shall provide 24-hour written notice to each PLC member before a special meeting is convened. **[Ord. 2008-003]**
- L. Traffic Performance Standards Appeals Board**
  - 1. Establishment**  
There is hereby established a Traffic Performance Standards Appeals Board (TPSAB).
  - 2. Powers and Duties**  
The TPSAB shall have the following powers and duties under the provisions of this Code:
    - a. to hear and decide appeals from decisions of PBC Engineer or a Municipal Engineer pursuant to Article 12, TRAFFIC PERFORMANCE STANDARDS; and
    - b. to issue subpoenas to compel attendance of witnesses and production of documents.
  - 3. Board Membership**
    - a. Qualifications**  
There shall be five members of the TPSAB appointed by the BCC. They shall consist of the Director of the Metropolitan Planning Organization (MPO), a professional Traffic Engineer employed by a municipality in PBC as a Traffic Engineer, a professional Traffic Engineer employed by another Florida County, a professional Traffic Engineer employed by FDOT District IV, and a professional Traffic Engineer who generally represents developers. Any person serving on the TPSAB shall not be a person who participated in the decision being appealed, or shall not work for or be retained by a party to an appeal, or be a person who would be directly affected by the matter being appealed. The members of this board do not have to be PBC residents.
    - b. Terms of Office**  
All TPSAB members shall serve a term of four years.
    - c. Vacancy**  
When a TPSAB member resigns or is removed, the BCC shall fill the vacancy within 20 working days.
  - 4. Officers**
    - a. Staff**  
The County Engineer's office shall be the professional staff of the TPSAB.
  - 5. Meetings**
    - a. General or Special Meetings**  
General meetings of the TPSAB shall be held as needed to dispense of matters properly before the TPSAB. Special meetings may be called by the Chair of the TPSAB, or in writing by three members of the Board. Staff shall provide 24-hour written notice to each TPSAB member for a special meeting.
- M. Zoning Commission**
  - 1. Establishment**  
There is hereby established a Zoning Commission (ZC)
  - 2. Powers and Duties**  
The ZC shall have the following powers and duties under the provisions of this Code.
    - a. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Official Zoning Map; **[Ord. 2009-040]**
    - b. to review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications for development orders pursuant to Art. 2.A.1.D.1.b, Zoning Commission; **[Ord. 2009-040]**
    - c. to review, hear, consider, and approve, approve with conditions, or deny applications for development permits for Class B conditional uses and Type II variance applications. **[Ord. 2006-036]**
    - d. to make its special knowledge and expertise available upon request of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal government;