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CITY OF RIVIERA BEACH
PLANNING AND ZONING BOARD

Thursday, October 27, 2016

Council Chambers
600 West Blue Heron Boulevard
Riviera Beach, Florida

6:33 p.m. - 8:03 p.m.

IN ATTENDANCE:

Tradrick McCoy, Vice Chair
Zedrick Barber, II, Board Member
Edward Kunuty, Board Member
Margaret Shepherd, Board Member
Julius Whigham, Sr., Board Member
Lina F. Busby, Assistant City Attorney
Jeff Gagnon, Assistant Director of
Community Development
Mario Velasquez, Senior Planner
Allison Goldberg, Senior Planner

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1 BE IT REMEMBERED that the following Planning
2 and Zoning Board meeting was had at Riviera Beach City
3 Hall Council Chambers, 600 West Blue Heron Boulevard,
4 Riviera Beach, Florida, on Thursday, October 27, 2016,
5 beginning at 6:33 p.m., with attendees as hereinabove
6 noted, to wit:

7
8 VICE CHAIR McCOY: Good evening. Going to
9 call this meeting to order. Going to start with a
10 moment of silence, followed by the Pledge of
11 Allegiance.
12 (Moment of silence observed. Pledge of
13 Allegiance recited.)
14 VICE CHAIR McCOY: Just before roll call, I
15 want to point out for the record Ms. James just called
16 me moments ago saying that she had an emergency in the
17 family and she was not able to attend tonight.
18 Mr. Velasquez, if you would, please call the
19 roll.
20 MR. VELASQUEZ: Julius Whigham.
21 MR. WHIGHAM: Present.
22 MR. VELASQUEZ: Margaret Shepherd.
23 MS. SHEPHERD: Here.
24 MR. VELASQUEZ: Edward Kunuty.
25 MR. KUNUTY: Here.

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1 MR. VELASQUEZ: Zedrick Barber, II.
2 MR. BARBER: Present.
3 MR. VELASQUEZ: Tradrick McCoy.
4 VICE CHAIR McCOY: Here.
5 MR. VELASQUEZ: Rena James, absent.
6 A quorum is present.
7 VICE CHAIR McCOY: Mr. Gagnon, any additions
8 or deletions?
9 MR. GAGNON: Yes, thank you. Jeff Gagnon,
10 Assistant Director of Community Development.
11 First, I'd like to just say since Ms. James
12 is unavailable to be here tonight with a family
13 emergency, that Mr. McCoy, as Vice Chair, would step in
14 as the Chair role.
15 Additionally, I'd also like to introduce
16 Ms. Allison Goldberg, who is our newest Senior Planner
17 and GIS Specialist. She's been with the City now for
18 about three or four months, and she will be involved
19 with the presentation process later on this evening.
20 I would also like to reorder letter A and B
21 under new business. So I'd like to hear letter B first
22 before letter A.
23 And I'd also like to add another item as item
24 number C. Before you on the dais, you have an 11 by 17
25 sheet. It says Park Manor, Plat Number Two. This is

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1 associated with a replat for one of the CDC projects
2 which would subdivide a lot to allow for the
3 construction of two single family homes. And there is
4 a staff presentation as well for that item. So we'd
5 like to have you add that on the agenda as item number
6 C, or letter C, excuse me. And that's it.
7 VICE CHAIR McCOY: Thank you, Mr. Gagnon.
8 Can you repeat her name? I heard Allison. What was
9 the last name?
10 MR. GAGNON: Allison Goldberg.
11 VICE CHAIR McCOY: Welcome.
12 MS. GOLDBERG: Thank you.
13 VICE CHAIR McCOY: Any disclosure by members?
14 Any members wishing to disclose?
15 Is there a motion to adopt the agenda with
16 the changes that Mr. Gagnon has just stated?
17 MR. KUNUTY: So moved.
18 VICE CHAIR McCOY: Properly moved. Is there
19 a second?
20 MS. SHEPHERD: Second.
21 MR. WHIGHAM: Second.
22 VICE CHAIR McCOY: Moved by Mr. Kunuty;
23 second by Mrs. Shepherd. Would you call the roll.
24 MR. VELASQUEZ: Julius Whigham.
25 MR. WHIGHAM: Yes.

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1 MR. VELASQUEZ: Margaret Shepherd.
 2 MS. SHEPHERD: Yes.
 3 MR. VELASQUEZ: Edward Kunuty.
 4 MR. KUNUTY: Yes.
 5 MR. VELASQUEZ: Zedrick Barber, II.
 6 MR. BARBER: Yes.
 7 MR. VELASQUEZ: Tradrick McCoy.
 8 VICE CHAIR McCOY: Yes.
 9 MR. VELASQUEZ: Unanimous voting, motion
 10 approved.
 11 VICE CHAIR McCOY: Approval of the minutes of
 12 the August 25th, 2016 meeting. Is there a motion?
 13 MR. KUNUTY: So moved.
 14 VICE CHAIR McCOY: It's been moved. Is there
 15 a second?
 16 MS. SHEPHERD: Second.
 17 VICE CHAIR McCOY: Moved by Mr. Kunuty, and
 18 there was a second by Mrs. Shepherd. Would you call
 19 the roll.
 20 MR. VELASQUEZ: Julius Whigham.
 21 MR. WHIGHAM: Yes.
 22 MR. VELASQUEZ: Margaret Shepherd.
 23 MS. SHEPHERD: Yes.
 24 MR. VELASQUEZ: Edward Kunuty.
 25 MR. KUNUTY: Yes.

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1 office, because you're out of breath. Sorry about
 2 that.
 3 So in summary, Chapter 25 of the City's Code
 4 of Ordinances was approved in 2002 through Ordinance
 5 Number 2929. As you can imagine, over the 15 years or
 6 so, there have been modifications in floodplain
 7 management, so the existing ordinance is now outdated.
 8 The City is part of what is known as the CRS
 9 or the City Community Rating System. And what that
 10 does is it allows for potential insurance deductions
 11 for flood insurance, so long as you meet certain
 12 criteria.
 13 One of the requirements to be in the program
 14 is to recertify, which the City is currently in the
 15 process of doing, is to have the City's floodplain
 16 regulations be consistent with Florida Division of
 17 Emergency Management's model ordinance. So that's what
 18 this will accomplish.
 19 So in addition, there will be modernized
 20 standards for future development, and it will also
 21 allow for the approval of any updated FEMA maps as they
 22 come on line. Currently the most recent FEMA maps, if
 23 you can believe it, were from 1982. So they're
 24 currently going through a revision process.
 25 And the date of the new maps being enacted

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1 MR. VELASQUEZ: Zedrick Barber, II.
 2 MR. BARBER: Yes.
 3 MR. VELASQUEZ: Tradrick McCoy.
 4 VICE CHAIR McCOY: Yes.
 5 MR. VELASQUEZ: Unanimous voting. Motion
 6 approved.
 7 VICE CHAIR McCOY: Having no unfinished
 8 business, we'll move to number VII, new business, and
 9 letter number B, as Mr. Gagnon just rearranged.
 10 MR. GAGNON: Sorry about that, forgot a
 11 sheet. So we are ready for letter B?
 12 VICE CHAIR McCOY: (Nods head.)
 13 MR. GAGNON: Okay, letter B is an ordinance
 14 of the City Council of the City of Riviera Beach, Palm
 15 Beach County, Florida, repealing Chapter 25 of the
 16 City's Code of Ordinances entitled Flood Prevention and
 17 Protection, and enacting a new Chapter 25, entitled
 18 Floodplain Management, in order to provide for current
 19 procedures and criteria for development in flood hazard
 20 areas, to provide for administration of said chapter,
 21 to provide definitions, to provide flood resistant
 22 development standards, and to adopt current flood
 23 hazard maps, providing for conflicts, severability and
 24 codification, and providing for an effective date.
 25 And that's why you don't run back to your

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1 has not been finalized as of yet, however, the
 2 anticipated date is July of 2017. So this ordinance
 3 would incorporate any sort of amendments to floodplain
 4 maps, which is a vital component of being in that
 5 Community Rating System.
 6 And just in summary, for the CRS system, the
 7 National Flood Insurance Program's Community Rating
 8 System is a voluntary incentive program that recognizes
 9 and encourages community floodplain management
 10 activities that exceed the minimum National Flood
 11 Insurance Program's requirements. As a result, flood
 12 insurance premium rates are discounted to reflect the
 13 reduced flood risk resulting from community actions
 14 meeting the three goals of the CRS.
 15 Goal number one is to reduce flood damage to
 16 insurable property. Number two, strengthen and support
 17 the insurance aspects of the National Flood Insurance
 18 Program. And number three, encourage a comprehensive
 19 approach to floodplain management.
 20 And City staff recommends approval of this
 21 floodplain management ordinance.
 22 VICE CHAIR McCOY: Mr. Gagnon, the backup
 23 material that you just referenced, is that like a white
 24 paper or something, or a summary of what the CRS does?
 25 MR. GAGNON: Yes, and she did get this from

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1 their web site, however, I didn't have it available for
 2 the screen.
 3 VICE CHAIR McCOY: Okay. Yes, if you would
 4 send it to us after or at some point this -- maybe next
 5 week, I'd be interested to kind of follow back up, and
 6 if there's also a web site reference. I think it's
 7 FEMA, right? Yes.
 8 MR. GAGNON: Yes, there's a specific web
 9 site, and I'll be happy to provide that for you.
 10 VICE CHAIR McCOY: That'd be perfect.
 11 Any members having a question of the
 12 presentation?
 13 MR. KUNUTY: Just one -- two quick questions.
 14 One, once the flood maps come out, you're saying July
 15 of '12?
 16 VICE CHAIR McCOY: '17.
 17 MR. KUNUTY: '17. What did I say? '17.
 18 Does that mean that at that time we modify this?
 19 MR. GAGNON: So in anticipation of that
 20 question, page number 18 of the handout is the section
 21 that will enact any sort of amendments that are
 22 approved to the flood maps. So on page 18, on the top
 23 of the page, number three, it's titled: Basis for
 24 establishing flood hazard areas. And what that does is
 25 it says as the maps are adopted, this code section, the

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1 the City Manager be -- shouldn't it be like City
 2 Manager shall appoint a floodplain administrator?
 3 MR. GAGNON: I don't necessarily disagree
 4 with that, but this language is their model ordinance.
 5 So this is the -- I can't remember their acronym now,
 6 but the Florida Emergency Management's model ordinance,
 7 so this was provided directly by them. So this is
 8 standard language that's utilized throughout Florida,
 9 is what their goal is.
 10 MR. KUNUTY: Okay, no other questions.
 11 VICE CHAIR McCOY: Any other members?
 12 MS. SHEPHERD: Mr. Chair.
 13 MR. WHIGHAM: I have one. I have a question
 14 about the flood district. Now, I know there's a map in
 15 the City, but now, how do the citizens be able to get
 16 ahold of that map when they're buying here and they go
 17 get insurance?
 18 MR. GAGNON: That's a good question. One of
 19 the best resources, I think, is the City's Building
 20 Department. We do have hard copies of the maps here.
 21 I do believe they're also available online, and I could
 22 try to find that map link. It might be slightly more
 23 difficult to find that way, because I think it's by a
 24 certain geographical area.
 25 But the information is available. And

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1 way it's written, it will automatically reference the
 2 most current maps.
 3 MR. KUNUTY: Page 18 of this section doesn't
 4 have that.
 5 MR. GAGNON: It should be page 18 of 39.
 6 MS. BUSBY: Subsection three.
 7 MR. KUNUTY: No, there is a --
 8 MR. GAGNON: Right, it's subsection three on
 9 page 18 of 39.
 10 MR. BARBER: I see it on my handout.
 11 MR. GAGNON: I can pull it up on screen too.
 12 It's a pretty voluminous packet.
 13 MR. KUNUTY: Okay, I see it now.
 14 MR. GAGNON: It's on the screen currently for
 15 the basis of establishing flood hazard areas. So it
 16 approves basically any subsequent amendment or revision
 17 to the maps would automatically be enacted through this
 18 ordinance. So in effect, it will have that automatic
 19 use of the most current maps, so we won't run into the
 20 situation where now, with our existing, where we have
 21 to go back in and amend the existing ordinance to
 22 incorporate the revisions.
 23 MR. KUNUTY: Okay. The only other question I
 24 had was on 25-1, which is on the same page, the
 25 designation, the City Manager or designee. Shouldn't

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1 oftentimes it's part of a buyer's due diligence
 2 process. They verify whether or not it was in any sort
 3 of floodplain. So normally that's determined prior to
 4 the purchase being approved.
 5 MR. WHIGHAM: I do remember several years ago
 6 when I was redoing my insurance after a hurricane, I
 7 asked the company about flood insurance. And they
 8 said: Oh, you live east of 95. You're not in a flood
 9 district. But you could buy insurance, but it will be
 10 real cheap, you know. So that's why I was wondering
 11 how much east of 95 were they talking about, because I
 12 know where I live, we got those canals and ponds and
 13 everything to drain off the water.
 14 And you know, I don't know after Matthew and
 15 all these beaches having a hurricane, whether the
 16 citizens are going to be asking me that later on,
 17 because a lot of times they come up to me and ask these
 18 questions, and I want to be able to answer them, you
 19 know. So I thank you very much for that information.
 20 VICE CHAIR McCOY: Ms. Shepherd.
 21 MS. SHEPHERD: Jeff, where I stay at, I see
 22 it's posted Evacuation Zone. Please explain that to
 23 me. Why is the sign there?
 24 MR. GAGNON: Well, there are some areas that
 25 are designated as high hazard areas, so in the case of

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1 a large storm event, FEMA anticipates those areas, due
 2 to their location or due to their elevation, that they
 3 would probably be the first locations impacted by any
 4 sort of storm event or flooding. So that would be the
 5 reason why your property, your residence would be
 6 designated in that way. I believe that's what you're
 7 referring to, versus just an evacuation route posting,
 8 which is based on the roadway structure of the city.
 9 MS. SHEPHERD: So how would the residents be
 10 notified that, you know, that we need to get out?
 11 MR. GAGNON: That's a really good question.
 12 I know --
 13 MS. SHEPHERD: So we don't know, we just see
 14 the sign, and maybe if the television say leave, leave,
 15 that would be a good idea?
 16 MR. GAGNON: From our most recent storm event
 17 with Hurricane Matthew, there were City staff members
 18 that did visit residences. So first responders, for
 19 example, would ensure that people within those high
 20 hazard areas that may not realize they're in a high
 21 hazard area were provided advance warning and had the
 22 opportunity to leave if they chose to do so. Again,
 23 there's always situations where residents choose to
 24 stay, even though it's advised that they leave in case
 25 it is a real natural disaster and catastrophe.

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1 And then if we knew that there was a
 2 hurricane coming, again, we once again have first
 3 responders that could go directly to residences to
 4 ensure that everyone that was in high hazard areas were
 5 well aware of it and had the opportunity to evacuate.
 6 MS. SHEPHERD: Thank you.
 7 VICE CHAIR McCOY: Any other members?
 8 Having no public comments, any Board comments? Hearing
 9 no comments, is there a motion to approve the
 10 ordinance?
 11 MR. KUNUTY: I move to approve the ordinance
 12 as per staff recommendation.
 13 MR. WHIGHAM: I second.
 14 VICE CHAIR McCOY: Mr. Velasquez.
 15 MR. VELASQUEZ: Julius Whigham.
 16 MR. WHIGHAM: Yes.
 17 MR. VELASQUEZ: Margaret Shepherd.
 18 MS. SHEPHERD: Yes.
 19 MR. VELASQUEZ: Edward Kunuty.
 20 MR. KUNUTY: Yes.
 21 MR. VELASQUEZ: Zedrick Barber, II.
 22 MR. BARBER: Yes.
 23 MR. VELASQUEZ: Tradrick McCoy.
 24 VICE CHAIR McCOY: Yes.
 25 MR. VELASQUEZ: Unanimous voting. Motion

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1 However, that was a process that occurred during
 2 Hurricane Matthew.
 3 MS. SHEPHERD: Okay. Because the reason why
 4 I ask, and I'm glad you're bringing this up, is because
 5 I was just walking, and I just happened to look up on
 6 the pole. And it's way up. I mean you really had to
 7 be looking up. And I'm just trying to figure out how
 8 would the residents, like the -- I know there's a lot
 9 of seniors in that area. How would they know? You
 10 know, I'd like to know how would they know? I just
 11 happened to see the sign walking.
 12 Do the City notify them? Or I'm just trying
 13 to get a clear picture, because, you know, if I'm there
 14 and I'm listening to the television, I want to say, you
 15 know, I think it's time to go, you know. How does the
 16 City really --
 17 MR. GAGNON: One of the components of the CRS
 18 is an educational component and notification component.
 19 So I think that a really good idea, based off of your
 20 comment, would potentially be to have something on
 21 Channel 18, print off additional fliers that could be
 22 provided as handouts at Council meetings, Planning and
 23 Zoning Board meetings, provide information in the
 24 library so at least have that educational component
 25 that was existing prior to any storm event.

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1 approved.
 2 MR. GAGNON: So next we have, under new
 3 business, letter A, which is an ordinance of the City
 4 Council of the City of Riviera Beach, Palm Beach
 5 County, Florida, amending Chapter 22 of the City's Code
 6 of Ordinances entitled Buildings and Building
 7 Regulations, Article II, Building and Technical Codes,
 8 Section 22-32, Administrative Amendments to Florida
 9 Building Code, Chapter 1, Administration, in order to
 10 amend and supplement Chapter 1 of the Florida Building
 11 Code, providing for conflicts, severability and
 12 codification, and providing for an effective date.
 13 At this time I would like to ask Allison
 14 Goldberg, our Senior Planner/GIS Specialist, to make a
 15 presentation to the Board.
 16 MS. GOLDBERG: Good evening, ladies and
 17 gentlemen. Allison Goldberg, Senior Planner.
 18 So the goal of this amended ordinance is to
 19 provide a standardized framework that's aligned with
 20 the updated Florida Building Code regulations. In 2004
 21 the Florida Building Code replaced Florida's assortment
 22 of codes and regulations that were developed and then
 23 administered and enforced by more than 400 local
 24 jurisdictions and State agencies with building code
 25 responsibilities.

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1 The current code is now a single statewide
 2 code based on national models and consensus standards.
 3 It has been amended for Florida's specific needs in
 4 regards to design and construction. The code is
 5 designed to make the local building process more
 6 efficient, increase accountability, bring new and safer
 7 products to the market, increase consumer confidence
 8 and better protect the residents of this natural
 9 disaster prone state.
 10 The Florida Building Code is updated every
 11 three years, and we're currently up to 2014, which is
 12 the Fifth Edition. This ordinance is taken from the
 13 Building section of the Florida Building Code and the
 14 Chapter 1, Administration section.
 15 The City of Riviera Beach is basically just
 16 amending it for the Administration section. This code
 17 is broken up into 19 different sections. The first
 18 couple delve into what this code is for, who it applies
 19 to and who enforces the contents. The middle and end
 20 sections relate more to the various building elements,
 21 the application process and procedures, different
 22 powers and enforcement.
 23 So now I'll briefly go into some of the
 24 different sections.
 25 Section 1, General. So the code applies to

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1 Floor and Roof Design Loads. You need a
 2 Certificate of Occupancy, and it's unlawful to place a
 3 load greater than what's permitted.
 4 As for the documents that need to be
 5 submitted, you have construction documents,
 6 inspections, technical reports, and you must provide
 7 two or more sets of everything.
 8 So the building official is authorized to
 9 issue a permit for a temporary structure, but it can
 10 only be for six months, and it must conform to building
 11 standards.
 12 For fees, a permit cannot be issued until
 13 fees have been paid.
 14 Inspections. So you have building
 15 inspections, electrical, plumbing, mechanical and gas.
 16 Each one of those inspections have different elements
 17 that are reviewed during that inspection.
 18 Certificates of Occupancy and Completion,
 19 Section 111. Listed above are the elements that are
 20 supposed to be included in a Certificate of Occupancy.
 21 So a Certificate of Occupancy is a document that's been
 22 issued by a local government agency or building
 23 department which certifies a building's compliance with
 24 applicable building codes and indicates whether or not
 25 it's in a condition suitable for occupancy.

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1 construction, replacement, repair and demolition. It
 2 establishes the minimum requirements to safeguard
 3 public health, safety and general welfare through
 4 structural strength, means of egress facilities,
 5 stability, sanitation, adequate light and ventilation,
 6 energy conservation and safety to life and property.
 7 Section 102, Applicability. So the Florida
 8 Building Code, it does not supercede everything. Other
 9 jurisdictions and other agencies have some authority.
 10 So certain structures and elements are exempt from the
 11 Florida Building Code regulations, as listed below.
 12 Section 103, the Building Division. So the
 13 building official is the person in charge, and they're
 14 in charge of administering and enforcing these
 15 regulations. Some of their powers are to review
 16 applications and permits, issue notices and orders,
 17 make inspections, approve materials and equipment, and
 18 they have the authority to grant modifications. The
 19 building official shall determine the extent to which
 20 the existing system shall be made to conform to the
 21 requirements of the technical code.
 22 Permits. So there are different types of
 23 permits. Most of the permits have an application
 24 period of six months, except for residential single
 25 family. They have 30 days.

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1 Service Utilities. Connections are not
 2 allowed until the building official or a Certificate of
 3 Occupancy has been issued.
 4 There is a construction special magistrate
 5 which has to be appointed by the City Council. It has
 6 the power to hear appeals of decisions and
 7 interpretations of the building official and also to
 8 consider variances of the technical codes.
 9 And as to violations, the authority does have
 10 jurisdiction to impose fines, liens or seek injunction
 11 relief or exercise any type of enforcement powers.
 12 For a stop work order, there has to be notice
 13 from a building official, unless it's during an
 14 emergency. And if a stop work order has been given,
 15 they must stop work immediately.
 16 Section 116, Unsafe Structures and Equipment.
 17 It's related to Chapter 22 of our Code of Ordinances,
 18 which is abatement and unsafe building code. So if the
 19 Florida Building Code regulations and our Chapter 22 is
 20 in conflict, it will be resolved based on the code that
 21 provides greater protection to health, safety and
 22 welfare of the city.
 23 Variances in Flood Hazard Areas. As Jeff had
 24 mentioned as to local floodplain management ordinances,
 25 that will tie as well as the Florida Building Code

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1 building and residential sections.
 2 If any section, subsection, sentence, clause
 3 or a phrase of this code, for any reason, is held to be
 4 unconstitutional, such decision shall not affect the
 5 validity of the remaining portions of this code.
 6 So City staff recommends approval of the
 7 administrative amendments to the Florida Building Code,
 8 Chapter 1, Administration. Thank you.
 9 VICE CHAIR McCOY: Ms. Goldberg, I've got a
 10 couple questions.
 11 MS. GOLDBERG: Okay.
 12 VICE CHAIR McCOY: You were -- I imagine you
 13 were reading off of some sort of notes. Is that going
 14 to be provided to us as well?
 15 MS. GOLDBERG: Sure.
 16 VICE CHAIR McCOY: The reason I ask, I'm
 17 particularly interested in the portion in which you
 18 mentioned that one of the -- whether it's the code or
 19 the building -- whether it's our existing code or the
 20 building code, one would prevail.
 21 MS. GOLDBERG: Yes.
 22 VICE CHAIR McCOY: I couldn't quite make out
 23 which section that was in because you were going pretty
 24 swiftly. I imagine it's in the severability.
 25 MS. GOLDBERG: It's in Section 116. It's

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1 process already in place. My understanding of Section
 2 113 relates more directly to an unsafe building
 3 process. So if there is a situation that either a
 4 structure has deteriorated to a state where it's no
 5 longer habitable or it's no longer safe for human use,
 6 then we have an unsafe building process for that.
 7 Or if construction was mid process, and let's
 8 say a contractor had been performing construction work
 9 without the proper building permits and there was a
 10 stop work order issued, we could also bring them to the
 11 special magistrate for any sort of relief or a
 12 determination of how to move forward legally.
 13 VICE CHAIR McCOY: And I hope I'm not getting
 14 too tied up into the technical details, but is that the
 15 same as the code enforcement magistrate?
 16 MR. GAGNON: It would be a different
 17 appointment.
 18 VICE CHAIR McCOY: So it's not the same
 19 person?
 20 MR. GAGNON: Well, I guess, technically
 21 speaking, it could be the same person, but there'd be
 22 different positions.
 23 VICE CHAIR McCOY: Okay.
 24 MR. GAGNON: Different functions.
 25 VICE CHAIR McCOY: And also, I didn't see it

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1 directly in the code on page 55, the last page.
 2 VICE CHAIR McCOY: Okay. Now, the special --
 3 the construction special magistrate, that's the first
 4 time I've heard of such a position or such a role. Is
 5 that something new to the City of Riviera Beach? I
 6 think you referenced that it had to be appointed by
 7 City Council. If you can click back in your
 8 presentation, I know I seen it up on the screen.
 9 MS. GOLDBERG: It's in 113.
 10 VICE CHAIR McCOY: Okay. Now, are there
 11 promulgated rules regarding some of this, because I
 12 know we have ordinances, but how do we go out from a
 13 staff level that these are administered? Because I'm
 14 just curious, is this just the framework, and then the
 15 staff come back and draft rules or promulgate rules, or
 16 does some authoritative office then promulgate how the
 17 policies are then drafted? Because it, you know, it's
 18 definitely a good start.
 19 I just want to know is the public involved on
 20 the latter end of it, like, for instance, the rules in
 21 how a special magistrate, or, you know, at what point
 22 would a contractor or a homeowner want to go to the
 23 special magistrate? Has those already been created, or
 24 what's the process that a person should expect?
 25 MR. GAGNON: I do believe there's a defined

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1 in there, but there was no -- like for instance, I know
 2 the slide -- she went pretty quickly -- that spoke of
 3 the exemption to this Florida Building Code, and there
 4 was family mausoleum or something like that, movie
 5 production. Okay, there it is there. These
 6 exemptions, are they -- I imagine those are already
 7 existing in our current code, or in some form?
 8 MR. GAGNON: Yes, a lot of the exemptions
 9 from the Florida Building Code have been determined to
 10 be that way by the State of Florida. So, for example,
 11 one thing that we've seen come through a few times,
 12 this third from the bottom, which is the chickee hut,
 13 or it really appears to just be a gazebo. But you have
 14 to have a certified Tribe member that would perform the
 15 construction, and that would be outside of the scope of
 16 the Florida Building Code itself.
 17 So those exemptions have been, I guess,
 18 provided or determined to be exempt from the Florida
 19 Building Code for various reasons. And normally
 20 there's other legal acts that allow those entities to
 21 kind of supersede any sort of local authority. I think
 22 that's the main reason why.
 23 VICE CHAIR McCOY: And are there any
 24 definitions to describe those, because a mobile
 25 structure is pretty broad. And you know, are we

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1 talking about a mobile structure that's on something
 2 that's on an automobile, or are we talking about a
 3 trailer structure that's on a trailer, I mean those
 4 kind of things? And I'm not asking you does the
 5 statute --
 6 MS. GOLDBERG: It's in the code. Page 11,
 7 102.2(e), it has the definition.
 8 VICE CHAIR McCOY: Pardon me. Okay, I didn't
 9 see that.
 10 One other question while I look at that is
 11 the fee schedule. That's not established by the
 12 Florida Building Code. Isn't that still something that
 13 we do?
 14 MR. GAGNON: No, sir. It's established
 15 through local ordinance.
 16 VICE CHAIR McCOY: Okay. And I think that's
 17 it for now. Any other members with questions?
 18 MR. BARBER: I have a question.
 19 MR. WHIGHAM: I have one question.
 20 VICE CHAIR McCOY: Mr. Whigham, let me get
 21 Mr. Barber first.
 22 MR. BARBER: Okay. Back to Section 113. I
 23 believe that was section -- Subsection 116 as far as
 24 the magistrate is concerned. I guess my question is:
 25 Is there a process put in place, and if so, what is it

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1 So there have been a few minor administrative changes,
 2 however, my understanding is that's the way that it
 3 would currently appear in the Florida Building Code. I
 4 don't believe that staff had modified that. That
 5 doesn't mean that staff doesn't have the ability to
 6 essentially modify it, but I don't think that staff
 7 looked to do so at this time.
 8 MR. BARBER: My only concern is, you know,
 9 when you're talking about a project, whether it be a
 10 developer or an individual with his home or her home
 11 making new additions or upgrades to their home, their
 12 building, you know, substantial delay and the
 13 difference of opinion in what that delay is could
 14 feasibly, you know, reasonably come up to, you know,
 15 cost. It involves a lot of money.
 16 And so I think if we're going to draft this
 17 language, whether it is mirrored after the State's
 18 ordinance or not, you know, I think it would be
 19 prudent, or most prudent to put a time limit on when a
 20 decision should be made, because without one, I think
 21 we run the risk of creating risk or a potential risk.
 22 That's all I have.
 23 VICE CHAIR McCOY: Mr. Whigham, are you --
 24 want to make a comment?
 25 MR. WHIGHAM: Yes, I have one question. I

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1 as far as appeals are concerned from the magistrate?
 2 So I know the magistrate is placed there in an
 3 appellate role --
 4 MR. GAGNON: Right.
 5 MR. BARBER: -- but in the event one of the
 6 parties isn't satisfied or is unhappy with the decision
 7 that the magistrate makes, what recourse do they have,
 8 and if so, is it laid out in the proposed ordinance?
 9 MR. GAGNON: In most circumstances, the
 10 magistrate would function as the final determining
 11 factor as far as the City involvement. And prior to --
 12 or excuse me -- after that point, I think you would
 13 have to seek relief outside of the City process. So I
 14 think it would be through strictly a court process,
 15 through just the Florida court system.
 16 MR. BARBER: Okay. And in 113.4.2,
 17 Decisions, I just was wondering how we came up with the
 18 term on the second line, without unreasonable or
 19 unnecessary delay. The section doesn't seem to define
 20 each term, and I was wondering why the lack of
 21 specificity and if they'll consider that when
 22 constructing the language.
 23 MR. GAGNON: That is a good question. I know
 24 that a majority of the language here is the standard
 25 language that's provided in the Florida Building Code.

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1 didn't see in here, I might have missed it, during the
 2 development of homes and major projects, you know, like
 3 big development, buildings, are these buildings
 4 required by law to put storm windows in that won't
 5 break rather than having shutters and stuff?
 6 MR. GAGNON: I believe that the most current
 7 Florida Building Code requires storm windows, and you
 8 have to meet a certain wind rating. So any sort of new
 9 development would have that storm window in place. And
 10 you know, unfortunately, the older development wouldn't
 11 have that requirement, so oftentimes you'll see storm
 12 shutters or other methods of protecting the property.
 13 But I do believe that new development does have to meet
 14 certain wind standards, for certain. And I believe
 15 those requirements also require storm windows.
 16 MR. WHIGHAM: Thank you.
 17 MR. BARBER: I have another question,
 18 Mr. Chair.
 19 VICE CHAIR McCOY: Mr. Barber, if you can
 20 defer for just a moment --
 21 MR. BARBER: Sure.
 22 VICE CHAIR McCOY: -- I want to allow
 23 Mr. Kunity the opportunity.
 24 MR. BARBER: Sure.
 25 MR. KUNUTY: Just one question on 102.1.1. I

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1 was a little -- I wasn't sure I understood that. It
 2 says: The Florida Building Code does not apply to and
 3 no code enforcement shall be brought. And my question
 4 is: Does that mean -- is that relative to the items in
 5 the last sentence, correctional facilities, juvenile
 6 justice facilities and so forth?
 7 MR. GAGNON: It was 102 --
 8 MR. KUNUTY: 102.1.1.
 9 MR. GAGNON: Okay. I think that what this
 10 section is saying is you can't use or utilize any sort
 11 of building code enforcement procedures if there are
 12 any sort of, I guess, lack in meeting zoning
 13 requirements or land use requirements. I believe
 14 that's how this is stating that section.
 15 MR. KUNUTY: It just seemed to be contrary to
 16 everything else, which was saying Florida Building Code
 17 is kind of like the bible for everything. And then it
 18 starts off with: Florida Building Code does not apply.
 19 MR. GAGNON: Does not pertain to enforcement
 20 of the Florida Building Code. So I believe the second
 21 half is almost an exemption section where it states
 22 these certain facilities have their own guidelines. So
 23 the correctional facilities, state universities, things
 24 of that nature -- let me re-read the top one more time.
 25 MR. KUNUTY: Yes, basically that was my

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1 legislatively within the last, I want to say seven
 2 years or so, the Legislature granted the school
 3 districts the authority to do their own permitting
 4 process. So I think that's why that would be
 5 applicable in that sense.
 6 MR. KUNUTY: Well, then that means that
 7 correctional facilities, juvenile justice facilities,
 8 State universities, community colleges also have the
 9 same authority.
 10 MR. GAGNON: I believe that interpretation is
 11 correct. I think the way that the section is worded is
 12 somewhat unusual as far as having someone that's not a
 13 building official read it and understand it instantly.
 14 But I think that the intent, after reading through it
 15 and working through it in a discussion, is basically
 16 what we've concluded to be these specific facilities,
 17 as the second half of the paragraph defines, really
 18 cannot be subject to code enforcement action or any
 19 sort of other Florida Building Code requirements
 20 because they're governed through a separate code
 21 structure.
 22 MR. KUNUTY: Okay. Well, that's kind of what
 23 I thought. But does that mean that if they were going
 24 to put up a college on a piece of property, that
 25 they're exempt from the zoning?

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1 question, is that all of the verbiage up to that last
 2 sentence, is that just saying that these are exempt?
 3 But if you go back to the exemptions that we had, okay,
 4 it seemed to be somewhat different, okay, than what
 5 this paragraph is saying.
 6 VICE CHAIR McCOY: Mr. Gagnon, if I could
 7 offer, my reading of it was the section in which the
 8 exemptions occurred exempted the type of structure.
 9 And 102.1.1, which you were just referring to,
 10 Mr. Kunuty, exempted the actual authoritative bodies,
 11 like the State agencies. Like, for instance, I know
 12 the School District has their own Building Department,
 13 that they don't come to the City for building permits.
 14 MR. GAGNON: Right.
 15 VICE CHAIR McCOY: And I imagine that would
 16 be the same for State universities and community
 17 college. I imagine they have a separate building
 18 official or permitting process.
 19 MR. KUNUTY: Well, that was my question; that
 20 was basically my question. Is that just referring to
 21 the specific facilities they talk about, correctional
 22 facilities, et cetera, public education --
 23 VICE CHAIR McCOY: Right, as provided by law.
 24 MR. KUNUTY: Yes.
 25 VICE CHAIR McCOY: But I know certainly

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1 MR. GAGNON: I can give you two real world
 2 examples. It's not a college, but one was the Clean
 3 Energy Center that was built by Nextera Energy.
 4 Because of the Power Plant Siting Act, they were exempt
 5 from almost every aspect of local zoning code or
 6 regulations.
 7 The other, which happened years ago now, but
 8 the V.A. Hospital was able to design and construct
 9 their hospital really without any sort of local zoning
 10 codes or conditions coming into play.
 11 So in essence, I haven't had personal
 12 experience with a State university, but it seems as if
 13 that would also fall into a special category or class,
 14 and they would have the ability to almost govern
 15 themselves.
 16 MR. KUNUTY: No other questions.
 17 VICE CHAIR McCOY: I do have one question.
 18 Interestingly enough, I spent some time at the
 19 Universal Studios this past weekend. And I was just
 20 looking at some of the things there, and I was like:
 21 What building department actually allowed this to be
 22 created? So I imagine there must be some sort of
 23 exemption in there for places like amusement, theaters
 24 and some of those recreational parks.
 25 Because even the Rapids, for instance, like,

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1 you know, I haven't been there in a while, but I know
 2 just from Military Trail, you can see like some of
 3 these structures are going across an actual roadway.
 4 And I don't know if it's a public roadway or a private
 5 roadway. But still, I didn't know if we had -- and it
 6 just came to my mind do we have any involvement as far
 7 as the permitting of a structure that, you know,
 8 crosses over a private street that actually still
 9 existed in our city, which the Rapids, as we know, is
 10 still a part of the city. But, you know, those are the
 11 kind of things that, you know, I kind of look at when I
 12 read this.

13 And also, one of the things that I was
 14 thinking about when this whole section came up was
 15 where does that put us as it relates to code
 16 enforcement? Now, I know that the City has done -- you
 17 know, I don't know if it's preemptive, if that's the
 18 correct word to say, some preemptive measures as far as
 19 code enforcement is concerned.

20 But even from the building aspect, does that
 21 preemption of a vote that occurred back in, I think it
 22 would have been September, does that then further make
 23 some of these things moot, because if there's not code
 24 enforcement on certain unsafe structures and some of
 25 those things, is this even applicable in those

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1 something additional that the City added, can that be
 2 delineated or separated that we can actually see, if
 3 it's not too much trouble?

4 MR. GAGNON: Yes, there are a few minor
 5 amendments at the end.

6 (Discussion held off the record.)

7 MR. GAGNON: Unfortunately, we don't have the
 8 strike-through and underline document. So there have
 9 been some modifications, and that was at the directive
 10 of the previous building official, as far as how the
 11 administration of the code would work. So we could
 12 prepare a strike-through and underline. But the
 13 changes, from my understanding, the changes have
 14 been --

15 VICE CHAIR McCOY: Incorporated?

16 MR. GAGNON: They've been incorporated in
 17 this document, and they're of more of a minor nature as
 18 well. And the majority of the framework has been
 19 utilized from the Administrative section of the Florida
 20 Building Code.

21 VICE CHAIR McCOY: I'm cautiously optimistic.
 22 And I say that because I think this is great, but I
 23 think this is going to be vetted out a lot more at the
 24 City Council level. Just because the City Council has
 25 decided to take a different direction as far as code

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1 situations?

2 And not only that, is this just the
 3 framework? Do we work off of this? Should we expect
 4 that something was going to come back before the Board
 5 and before City Council that's more stringent, that
 6 allows for more regulation on some of these things?

7 Because I think at a minimum, I would almost
 8 agree with the Florida Building Code, but I'm just
 9 concerned where we are in the City with code
 10 enforcement and some of the building that's going on in
 11 the city. Do we build off of this and make our rules
 12 accommodating to, I guess, our geographical area or the
 13 circumstances that exist in Riviera Beach? Because you
 14 know, if we -- you know, this is like a working
 15 document that I think we should always revisit on the
 16 regular.

17 And I think it makes good for something like
 18 this, but I just don't think this goes far enough.
 19 Especially with the number of code enforcement issues
 20 that we have and unsafe building structures, this is
 21 certainly a start, but do we go even further?

22 And this is the actual question. Those were
 23 my comments. Is this exactly the boilerplate language
 24 that came from the Florida Building Code? Did we not
 25 add anything additional to this? And if it is

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1 enforcement, I don't see that this is going to pass on
 2 the first reading. I think that there's going to be a
 3 lot of spirited discussion about especially the word
 4 code enforcement in some of these things.

5 And I know that we -- I can remember, and you
 6 may recall that we provided for accommodations,
 7 reasonable accommodations for ADA when code
 8 enforcement -- when there's issues of code enforcement
 9 or applying the code. Is that, I guess, is that also
 10 included in this?

11 MS. GOLDBERG: I've got that one if you want.

12 MR. GAGNON: You can have it.

13 MS. GOLDBERG: There's nine different
 14 sections of the Florida Building Code, and one of them
 15 is accessibility. So all the ADA compliance is
 16 typically found in that section of the code. This is
 17 only taken from the Building section, and it's only
 18 Chapter 1.

19 VICE CHAIR McCOY: Okay. Well, Allison, I
 20 certainly appreciate that. But I know maybe a year and
 21 a half or two years ago, maybe even more than that, we
 22 took up something specific to reasonable
 23 accommodations, that there would be no enforcement when
 24 there was an issue of accommodations. Is that
 25 incorporated into these changes?

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1 MR. GAGNON: That's not a part of this
 2 document. So I think what you're referring to is
 3 certain classes of individuals or protected classes of
 4 individuals, as specified by the ADA laws, can apply
 5 for reasonable accommodations to allow for them to
 6 utilize their property or their residence in the same
 7 manner that any other resident could.
 8 So, for example, if, say, there was a ten
 9 foot setback requirement on the side of their property,
 10 however, they utilized a wheelchair for mobility and
 11 they needed to have a specific pathway within that ten
 12 foot setback, so what that reasonable accommodation
 13 would do is allow them to provide documentation to the
 14 City and state the reason why they need to, in essence,
 15 trump the local setback regulation in order for them to
 16 have full use of their property. So I think that's
 17 what you're referring to. But that's not a part of
 18 this.
 19 VICE CHAIR McCOY: Okay. Any other members?
 20 Mr. Barber.
 21 MR. BARBER: Yes, I have some questions about
 22 Section 114, Violations, page 54, 55. It seems as
 23 though in this section a lot of the acts outlined --
 24 actually, all of the acts outlined are being
 25 criminalized, and so any violation of the code seems to

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1 committed a misdemeanor, and then at the end of the
 2 paragraph, it then says, well, you have to be
 3 convicted. And so I think that's something that the
 4 Board might want to reconsider or reconfigure so that
 5 it reads clearly.
 6 Typically, I'm sure you all know that in
 7 order to be guilty of a misdemeanor, you have to be
 8 found guilty. And becoming guilty of that misdemeanor
 9 is a conviction. So that's something I think the Board
 10 should look out for. That's all I have for that
 11 section.
 12 VICE CHAIR McCOY: Any other members?
 13 MR. KUNUTY: Chair, yes.
 14 VICE CHAIR McCOY: Mr. Kunuty.
 15 MR. KUNUTY: Yes, on that same section, I
 16 guess I'm maybe reading it a little differently. It's
 17 enumerating the -- I think to be convicted of a
 18 misdemeanor -- you're an attorney, so bear with me if
 19 I'm wrong -- you have to violate a law.
 20 MR. BARBER: Correct.
 21 MR. KUNUTY: Not an ordinance.
 22 MR. BARBER: Correct.
 23 MR. KUNUTY: So you have to violate a law.
 24 And the way I --
 25 MR. BARBER: Well --

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1 result in a misdemeanor.
 2 So first of all, I think we want to be very
 3 careful about criminalizing individuals or citizens for
 4 violating each and every part of the code. And I do
 5 believe there are some things that perhaps it would be
 6 reasonable to result in criminalization, resulting in a
 7 conviction or a misdemeanor, but I think those things
 8 need to be maybe enumerated. And so we could outline
 9 specifically what results in criminality.
 10 You know, something as simple as, you know,
 11 making an alteration in your home, one may not be aware
 12 that they're violating the code and, therefore,
 13 violating the law. I think it would be the best thing
 14 for the City, for the citizens or for the Board or for
 15 anyone, for that matter, to -- for it not to result in
 16 criminal liability. And so that's one thing.
 17 Secondly, as I read through the language at
 18 the beginning, it says that any violation will
 19 result -- shall be -- will result in the individual or
 20 entity violating the law receiving a guilty conviction
 21 of misdemeanor. And then as I go down, almost in the
 22 same breath it says upon conviction of any such
 23 violation.
 24 So in one breath it seems like the language
 25 already spells out on violating this, you've already

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1 MR. KUNUTY: Go ahead.
 2 MR. BARBER: Go ahead. I'll wait.
 3 MR. KUNUTY: So the way I'm reading it is any
 4 violation of any of the provisions of applicable code,
 5 comma, laws, comma, ordinances, comma, rules and
 6 regulations is committed or continued, and upon
 7 conviction of any such violations, such person shall be
 8 punished within the limits as provided by the State
 9 laws.
 10 So I'm saying if you violate an ordinance, I
 11 mean there's one set of punishments that go with that.
 12 If you violate a law, there's a different set of
 13 punishments that go with that. So that's kind of my
 14 interpretation.
 15 VICE CHAIR McCOY: Mr. Barber.
 16 MR. BARBER: Well, my reading of the
 17 language -- and again, that's at the bottom of the
 18 paragraph. But at the top of the paragraph it says any
 19 person, firm, corporation or agent who shall violate a
 20 provision of this code or fail to comply therewith any
 21 provision of the code, or with any of the requirements
 22 thereof, or who shall erect, construct, alter, install,
 23 demolish or move any structure, and it goes on to a
 24 number of things, without full compliance with the
 25 ordinance, with the code, mind you, and it says

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1 specifically compliance with applicable codes, laws,
 2 ordinances, rules and regulations.
 3 So that's not just laws, so to speak, or a
 4 State statute. That's ordinances, which in this case
 5 would be the one that we're talking about, the document
 6 today. That's rules, that's regulations. Shall be
 7 guilty of a misdemeanor.
 8 So at that point right there, according to
 9 this language, which is why I pointed it out to staff,
 10 and maybe they want to reconsider reconfiguring the
 11 language, at that point right there, they've already
 12 violated the law, and therefore, can be found guilty of
 13 a misdemeanor.
 14 And so I think what you're saying is right
 15 when you get down to the bottom, but I think you're
 16 kind of putting the chariot before the horse if you
 17 have that language there.
 18 VICE CHAIR McCOY: And if I can add,
 19 Mr. Kunuty, I believe you can be charged with a
 20 municipal ordinance. That's a misdemeanor. It doesn't
 21 have to be a State law. But I've known of cases where
 22 people have been charged with municipal ordinances that
 23 are misdemeanors. And it's not necessarily a violation
 24 of -- well, it could be a violation of a State law, but
 25 you're brought up on a municipal ordinance law that's a

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1 ordinance in order to be convicted and get that
 2 misdemeanor, and that might cure the entire problem
 3 here.
 4 VICE CHAIR McCOY: Mrs. Busby.
 5 MS. BUSBY: Yes.
 6 VICE CHAIR McCOY: From the legal
 7 perspective, is this something that -- I mean certainly
 8 I imagine there's some legal review that's necessary.
 9 Is there anything that you could offer, at least as to
 10 what Mr. Barber introduced?
 11 MS. BUSBY: Well, you can agree to whatever
 12 you want in your section on violations, but you
 13 certainly want to have some sort of teeth in the code
 14 so that you can enforce things. It might be a good
 15 idea to put in intent, but you'll always need to have
 16 an intent component in a crime or in a misdemeanor.
 17 Then there are crimes that are just statutory. So yes,
 18 I mean it's up to the Board.
 19 VICE CHAIR McCOY: Okay. And my next
 20 question, has this been through a legal review?
 21 MS. BUSBY: Our office has not; our office
 22 has not reviewed these in detail, so not at this time.
 23 VICE CHAIR McCOY: Okay. Any other members?
 24 MR. KUNUTY: That's a good point. And my
 25 question for staff is normally something like this

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1 misdemeanor.
 2 But you know, Mr. Barber, I appreciate your
 3 diligence in knowing that, because that's why I asked
 4 the question about the process in which the rules will
 5 be promulgated.
 6 We will do a blanket passage on this, and
 7 just hypothetically, if it passes on Council first and
 8 second reading, the mere fact that rules haven't been
 9 promulgated or provided to us when we're making this
 10 decision pretty much gives unfair discretion by the
 11 City or the building official to charge somebody with a
 12 misdemeanor offense when we don't even know if it's --
 13 you know, we don't know what the rules are.
 14 And it could be a minor deviation of
 15 something in the code. And it could be with just
 16 cause. It could be unwilling, you know. So that's
 17 something I think is certainly worth revisiting and
 18 figuring out, you know, how do we address those
 19 deficiencies.
 20 MR. BARBER: If I may, Mr. McCoy?
 21 VICE CHAIR McCOY: Mr. Barber.
 22 MR. BARBER: If I could just give some advice
 23 to staff, in order to be convicted of a crime, you need
 24 both (inaudible). And so you may want to incorporate
 25 some need for intent to violate the law or violate the

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1 passes through all the departments for at least a
 2 look-see. And has this and should this?
 3 MR. GAGNON: I don't believe it has, but we'd
 4 be happy to do so.
 5 VICE CHAIR McCOY: Members, if we could just
 6 kind of postpone on our discussion. I do have a public
 7 comment card, and I would love to hear what a member of
 8 the public has to offer.
 9 Ms. Mary Brabham.
 10 MS. BRABHAM: Ms. Mary Brabham, Riviera
 11 Beach.
 12 I was at another meeting, and apparently we
 13 were discussing about some codes, for updating some of
 14 these codes that are on the book, as well as putting
 15 some teeth where some teeth need to be put at in some
 16 of these codes here now.
 17 I'm going to get a listing of this
 18 presentation here, because apparently what I'm just
 19 going through this book here seeing, I think that you
 20 all should not be in a haste to go ahead on and then
 21 approve this until you all have the permitable time to
 22 dissect, to go through here and really understand some
 23 of these vital codes that are being suggested here.
 24 Because, like I said, I just left out a meeting here
 25 with the City, and we were talking about some of these

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1 codes that are in here.
 2 My next thing is last year over on
 3 Broadway -- I'm just reading about this termite deal,
 4 all of this here, see. Even Ms. Brabham here pulled
 5 out some things that I wanted to address some things
 6 here.
 7 When those buildings was knocked down over on
 8 Broadway, my question is I see where you say you get a
 9 certification or some type of certificate. Termites
 10 was just exposed within our city. Even when some of
 11 those homes was knocked down over on MLK, a tent was
 12 not there. So we're talking about termites within our
 13 city.
 14 Last year I addressed this, I made mention to
 15 the previous, Ms. Ruth Jones about the influx of
 16 termites in our city. Now, that building that was over
 17 on Broadway there that was knocked down, it was
 18 infested with termites. You could see the white
 19 termites all, you know, like the neighbors said, all
 20 over on that side there; even over on a street here
 21 when they knocked down those buildings there. They
 22 were not tented. Jeff, those buildings were not
 23 tented.
 24 So we need to find out, we need to go back
 25 and structure and find out are we really applying what

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1 I, as a resident, and other residents have seen in this
 2 city, we have been asking for these codes to be updated
 3 in this city here and put the teeth where the teeth
 4 need to be put. Thank you.
 5 MR. BARBER: Mr. McCoy, if I may?
 6 VICE CHAIR McCOY: Mr. Barber, you're
 7 recognized.
 8 MR. BARBER: Just a quick question. Has
 9 staff considered a board as opposed to a single
 10 magistrate?
 11 MR. GAGNON: I think the inverse has happened
 12 in recent history, and that's partially to do with
 13 maintaining the structure of the board, I believe,
 14 where, you know, even using the Planning and Zoning
 15 Board, for example, it's sometimes difficult to
 16 maintain the full Board structure that's required.
 17 So the most recent example is the development
 18 special magistrate that was formed, and that entity
 19 replaced our Zoning Board of Adjustment, which had been
 20 becoming a defunct Board. And this happened about
 21 three years ago now. And so I think that the opposite
 22 is currently trending.
 23 MR. BARBER: The opposite being the
 24 magistrate?
 25 MR. GAGNON: Right. So a defined magistrate

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1 we should be applying when it comes down to code
 2 findings for these type of things, because sometimes
 3 you let peoples come into the city here, and they just
 4 do demolition. So that's one of my things.
 5 The other thing that I would say too, that
 6 with these codes, do not take this lightly here. Do
 7 not take this lightly. This Board here was sent this,
 8 and they will come before the Council, but some of
 9 these things need to be really, really -- you all
 10 really, really, really need to read these things, find
 11 out what was there, find out what is workable and find
 12 out what needs to be put some teeth in, because like I
 13 said in the previous meeting, our codes do need to have
 14 some teeth in them.
 15 So I'm going to leave that with the Board.
 16 But I do not wish for this Board to be rapidly hurried
 17 into doing this, because I do agree with some of the
 18 things that Mr. Barber was saying, as well as, you
 19 know, you can't -- about it being the law. But the
 20 City also, you are the lawmakers here when it comes
 21 down to what is applicable for this city here.
 22 Strengthen the laws that needs to be strengthened.
 23 Some of these little minute things is a little bit
 24 minute.
 25 But the termites and other things that we --

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1 versus a board system.
 2 MR. BARBER: Are there any specific
 3 qualifications that a magistrate may need, or is that
 4 laid out in the, I guess, a certain criteria laid out
 5 in the proposal?
 6 MR. GAGNON: For the development special
 7 magistrate, there were specific criteria that were
 8 required in order to fill the position. We'd be happy
 9 to look back through and see what those criteria were
 10 for the building magistrate as well. I'm anticipating
 11 that the criteria are there, but I think it would be a
 12 very good idea to verify that it's in a structure that
 13 we want.
 14 MR. BARBER: I agree. That's all I have.
 15 VICE CHAIR McCOY: Any other members wishing
 16 to comment --
 17 MS. SHEPHERD: Yes, I'd like to.
 18 VICE CHAIR McCOY: -- one second,
 19 Ms. Shepherd -- comment prior to making any kind of
 20 motion or recommendations as to these, so now is the
 21 time.
 22 You're recognized, Ms. Shepherd.
 23 MS. SHEPHERD: Mr. Gagnon, can I go back to
 24 what Mrs. Mary Brabham was saying, because I was at a
 25 function, and they did knock the building down, and the

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1 termites was really just flying all over the place.
 2 Are you required to have that building tented, or no?
 3 Is that an ordinance, I guess I'm trying to say?
 4 MR. GAGNON: I'm not aware if there's a
 5 fumigation requirement prior to demolition. I would
 6 have to look into it and give you the exact answer.
 7 MS. SHEPHERD: Okay, thank you.
 8 VICE CHAIR McCOY: Okay, Mr. Kunuty.
 9 MR. KUNUTY: Yes, my only comment is it seems
 10 like there's quite a few questions that have come up on
 11 this particular section.
 12 And my other comment is it's a complicated
 13 segment, and I think just a suggestion for the future
 14 is to give us a little bit more time and a little more
 15 backup when we have something as complex as this so
 16 that, you know, we can understand it better, you know,
 17 and you know, develop a better understanding of it. So
 18 no other comment.
 19 VICE CHAIR McCOY: Okay. And I don't know
 20 what the feeling of the Board is, but I would feel more
 21 comfortable knowing what the strike-through and
 22 underline version is, because if we're leaving out
 23 something that's critical to how the City has been
 24 operating and we forego that, I certainly want to know
 25 what we're giving up. And if there's something that

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1 VICE CHAIR McCOY: So for parliamentarian
 2 purposes, do we just withdraw it, or does there need to
 3 be a motion directing staff to --
 4 MR. GAGNON: We will proceed as directed.
 5 However, I think there are, again, some outstanding
 6 questions that require some answers. And if the Board
 7 wishes to direct staff to come back, then that's
 8 perfectly fine as well, but I think that would be the
 9 best way to proceed.
 10 VICE CHAIR McCOY: Okay.
 11 MR. KUNUTY: I have a question for our
 12 attorney.
 13 MS. BUSBY: Yes.
 14 MR. KUNUTY: I know there's a particular
 15 wording for postponement. I mean not tabled, not
 16 postponed. But what is the correct word to send this
 17 back to staff?
 18 MS. BUSBY: I'm not sure if there's a
 19 particular word, but you can make a motion with that
 20 intent, and that will suffice.
 21 MR. KUNUTY: Okay. Well, I'll make a motion
 22 that we send this ordinance back to staff and have them
 23 answer the questions that were brought up by this Board
 24 and resubmit it as soon as possible with some
 25 additional backup to clarify some of the points.

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1 this new building code, as well as our existing code
 2 doesn't capture, we want to also know that as well.
 3 I think this has to be revisited. How? You
 4 know, I'm open for members of the Board to make a
 5 recommendation either way. But I just think we should
 6 have it in some form or fashion come back before us
 7 with some, you know, I guess some additional backup, or
 8 maybe some recommendations or even some sort of, I
 9 guess, suggestions or opinions by the Legal Department
 10 if, you know, that's the pleasure of the Board and the
 11 staff.
 12 If there's no more comments or questions, the
 13 floor is open for any kind of motions or anything of
 14 that sort.
 15 MR. GAGNON: If I may, Chair, prior to
 16 motion, the current language that's in place is
 17 provided in strike-through format on the first eight
 18 pages, and it seems as if the, you know, the
 19 overarching discussion tonight has identified a few
 20 areas that staff needs to go back and review.
 21 So I think if the Board wishes to make a
 22 motion, they can, but I think the best action at this
 23 point would be to have staff go back and work on the
 24 specific comments that Board members had and present
 25 again in the near future.

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1 And I also think it would be a good idea to
 2 at least pass this through -- the motion should have
 3 each department review it, including Legal, and make
 4 their comments, which would be part of the next
 5 submitted package. So --
 6 VICE CHAIR McCOY: There's been a motion. Is
 7 there a second?
 8 MS. SHEPHERD: I second it.
 9 VICE CHAIR McCOY: It's been moved and
 10 second.
 11 I do have one question before we take the
 12 vote. Mr. Gagnon, do we currently have a building
 13 official?
 14 MR. GAGNON: We currently have a consulting
 15 firm who's providing a building official for the City.
 16 And the name of that firm is CAP Government,
 17 Incorporated.
 18 VICE CHAIR McCOY: Okay, thank you.
 19 It's been moved by Mr. Kunuty and second by
 20 Mrs. Shepherd. If you will, call the roll.
 21 MR. VELASQUEZ: Julius Whigham.
 22 MR. WHIGHAM: No.
 23 MR. VELASQUEZ: Margaret Shepherd.
 24 MS. SHEPHERD: Yes.
 25 MR. VELASQUEZ: Edward Kunuty.

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1 MR. KUNUTY: Yes.
 2 MR. VELASQUEZ: Zedrick Barber, II.
 3 MR. BARBER: Yes.
 4 MR. VELASQUEZ: Tradrick McCoy.
 5 VICE CHAIR McCOY: Yes.
 6 MR. VELASQUEZ: Motion approved, four to one,
 7 with Mr. Whigham dissenting.
 8 VICE CHAIR McCOY: Thank you.
 9 We're now going to take up the additional
 10 item, number C, Park Manor Plat.
 11 MR. GAGNON: So there was an additional item,
 12 number C, which is Park Manor Plat Number Two. A hard
 13 copy has been provided to the Board. This is in
 14 relationship to the Community Development Corporation's
 15 construction of single family homes. And staff has a
 16 brief presentation.
 17 Riviera Beach Community Development
 18 Corporation has made a request to subdivide a parcel of
 19 land known by PCN 56-43-42-33-06-006-0041 into two
 20 parcels in order to build two new single family homes.
 21 The request meets all City code requirements, and staff
 22 recommends approval of this subdivision request for
 23 Park Manor Plat Number Two.
 24 On the screen before you in the red outline
 25 is the current parcel. And what the plat will do is

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1 VICE CHAIR McCOY: Okay. I have nothing.
 2 Any other members, questions or comments of
 3 the presentation? Hearing no questions or comments,
 4 and having no public comments, is there a motion on the
 5 replat and subdivision of this plat?
 6 MR. KUNUTY: So moved, as per staff
 7 recommendation.
 8 VICE CHAIR McCOY: It's been moved.
 9 MR. WHIGHAM: Second.
 10 VICE CHAIR McCOY: Moved by Mr. Kunuty, and
 11 there was a second by Mr. Whigham. Roll call.
 12 MR. VELASQUEZ: Julius Whigham.
 13 MR. WHIGHAM: Yes.
 14 MR. VELASQUEZ: Margaret Shepherd.
 15 MS. SHEPHERD: Yes.
 16 MR. VELASQUEZ: Edward Kunuty.
 17 MR. KUNUTY: Yes.
 18 MR. VELASQUEZ: Zedrick Barber, II.
 19 MR. BARBER: Yes.
 20 MR. VELASQUEZ: Tradrick McCoy.
 21 VICE CHAIR McCOY: Yes.
 22 MR. VELASQUEZ: Unanimous voting. Motion
 23 approved.
 24 VICE CHAIR McCOY: Thank you.
 25 And moving on to general discussion, I do

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1 subdivide this right at its midpoint and create two
 2 separate lots. So here is the plat in full shown on
 3 the screen. And if you zoom in closer, you can see,
 4 again, the outline of the entire parcel and the
 5 proposed subdivision, which would create, I believe,
 6 75 foot lots.
 7 Again, this is a proposal from the CDC, and
 8 they're actively working in the community to create
 9 housing. This is part of their, I believe they call it
 10 their Renaissance Housing Program. And I believe there
 11 was a ribbon cutting ceremony for properties just south
 12 of this location on 13th Street. It may have been
 13 today. But it was very recent. So City staff supports
 14 this and hopes that the Planning and Zoning Board does
 15 as well.
 16 VICE CHAIR McCOY: I have a question,
 17 Mr. Gagnon.
 18 MR. GAGNON: Yes, sir.
 19 VICE CHAIR McCOY: Those lots haven't been
 20 constructed on yet, have they, lots --
 21 MR. GAGNON: I believe that initial
 22 foundation work has been permitted for these two lots,
 23 but as part of any permitting, there was a stipulation
 24 that no Certificate of Occupancy could be granted until
 25 this replat subdivision occurred.

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1 have one public comment card, Ms. Mary Brabham.
 2 MS. BRABHAM: Ms. Mary Brabham,
 3 B-r-a-b-h-a-m, Riviera Beach.
 4 I'm speaking in reference to -- you do not
 5 have this, but the community base is well aware of it,
 6 not just the City of Riviera Beach. It's all out in
 7 the country now.
 8 This Odyssey Manufacturing here, this
 9 detrimental bleach has a material that the company is
 10 asking for a special exception. That word, special
 11 exception. We don't have to do this. They was tracked
 12 down everywhere elsewhere they tried to come, and
 13 they're anticipating over by Stonybrooks. It's enough
 14 disaster over in that area as it is.
 15 So I'm asking this Board: Don't do that.
 16 Don't do that. You talk them out of -- you talk them
 17 out of evil that will be in this city here. You have a
 18 railroad track there. The tracks that -- we're not
 19 anticipating any danger, but hopefully it will not be
 20 any danger. Those tracks can go off and the bleach
 21 will explode and blow us up.
 22 Ms. Brabham lives over there. Not just
 23 Ms. Brabham. Other residents lives over there. Head
 24 Start is over there, the schools are over there. You
 25 have 13th Street over there where they're anticipating

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1 they want to put the Police Department over there.
 2 Don't do this.
 3 You all did a travesty when those poles went
 4 up in our city here. Ms. Brabham was a little bit here
 5 or there, but we would have come in here. We would
 6 have voiced our concern, because City of Margate didn't
 7 want them. All down there they didn't want them, but
 8 that deal was pushed.
 9 So I'm asking this Board here: They're
 10 asking for a special exception. That was just like the
 11 car, all of the hazards there that's already impacting
 12 those peoples over there. And you have to remember
 13 now, they anticipating a gas pipeline coming in the
 14 back between Mangonia Park over there, so how much
 15 hazards can you, as a Board, want to be governing over?
 16 EZ Way (phonetic). I spoke in reference to
 17 EZ Way and you see what happened over there. Peoples
 18 coming to your city here, and they sell you a bill of
 19 goods, and then they leave you out with all of the
 20 damage.
 21 Suncoast over there, all of those elementary
 22 schools are over there. But most of all, it's human
 23 beings over there. So as a resident, and other
 24 residents, yes, yes, we're well aware of it; we're well
 25 aware of it. And others are well aware of it too. And

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1 no. Thank you.
 2 MS. SHEPHERD: Mr. Chair.
 3 VICE CHAIR McCOY: Ms. Shepherd.
 4 MS. SHEPHERD: Mr. Gagnon, can you clarify
 5 what Mrs. Brabham is talking about? I'm not sure.
 6 MR. GAGNON: I believe Ms. Brabham brought up
 7 a few points, but the one I think she was focused on
 8 was a site plan proposal that was received by staff.
 9 The project name is Odyssey Manufacturing Company and
 10 is proposed to have a bleach distribution facility.
 11 And it's the parcel adjacent to Stonybrook.
 12 Staff provided the applicant with their first
 13 round of comments, I believe, last week, so the project
 14 is still in staff review phase. And I believe that's
 15 what Ms. Brabham was referring to.
 16 MS. SHEPHERD: Can you clarify it a little
 17 bit more? It's a bleach product, as in bleach/bleach?
 18 MR. GAGNON: The current proposal is to have
 19 storage of bleach on site and distribution of the
 20 stored bleach from that area itself. There's also a
 21 warehouse component that's currently proposed, as well
 22 as other outside storage, I believe.
 23 But again, the project, being that they just
 24 received the first round of staff comments, it's still,
 25 I guess I'll call it a new project as far as review

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1 we say no, not on our watch. We can do better. We're
 2 not -- we're here as the city for this.
 3 But it's not the business, but it's what the
 4 business represent. We value the business. We value
 5 any one business. But it's what you want to bring in
 6 that will inflict this city and impose upon these
 7 residents, especially my children. It won't happen,
 8 not on our watch, because we will do everything in our
 9 power to let you know that this is another travesty.
 10 Our water's already all over the country.
 11 And this bleach chemical that you want,
 12 somebody up on that Board is anticipating on doing,
 13 Ms. Brabham is asking you all to think twice now,
 14 because we are tired of this. We are tired of the
 15 devastation that's being brought into our city when
 16 other municipalities would not have it. They won't
 17 have it.
 18 But the reputation of Riviera Beach, you know
 19 we have some very little minute like minded people.
 20 You throw them a little brown coin, and then they
 21 decide to bring in devastation into your city, because,
 22 see, they brings it in, and then they go, because they
 23 do not have to live in here.
 24 So I wanted to put that on record tonight of
 25 what we know that is going on in this city, and we say

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1 from the staff's end. We have not received a response
 2 to staff's comments as of yet. Again, the applicant
 3 just received staff comments last week.
 4 MS. SHEPHERD: Thank you.
 5 VICE CHAIR McCOY: I have a follow-up
 6 question. This is the first that I've heard about it,
 7 and I don't think anybody on the Board that I know of,
 8 we've been formally provided with anything related to
 9 any site plan application. But if you guys reviewed
 10 it, a question I do have, is this use zoned currently,
 11 or would they come in under a special exception?
 12 MS. BRABHAM: Special exception.
 13 MR. GAGNON: So the uses that are being
 14 requested are designated as special exception within
 15 the zoning designation.
 16 VICE CHAIR McCOY: And being that I don't
 17 know exactly where this is, or I just, obviously from
 18 what Ms. Brabham stated, I would suspect around the
 19 13th Street and 8th Street area, what is the zoning
 20 designation at this particular parcel, if you can speak
 21 to it? I know you don't have it in front of you,
 22 but --
 23 MR. GAGNON: I believe the current zoning is
 24 general industrial.
 25 VICE CHAIR McCOY: Okay.

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1 MR. GAGNON: And what I'd be happy to do,
 2 being that the staff comments are public information, I
 3 can provide them to the Board, if that would help --
 4 VICE CHAIR McCOY: Yes, because --
 5 MR. GAGNON: -- just to inform the Board if
 6 you receive any other questions from the public.
 7 VICE CHAIR McCOY: I would really sincerely
 8 insist, because, you know, we get asked this stuff.
 9 And this is -- I'm sure this is the first -- I'm
 10 positive, and I can probably really, really say that
 11 with confirmation, that we have not received anything
 12 formally from staff about this.
 13 MR. GAGNON: No, sir.
 14 VICE CHAIR McCOY: And you know, I don't want
 15 to be -- you know, I don't want to find out from a
 16 member of the public, and we're at a disadvantage
 17 because we don't know or we don't have all of the
 18 information that someone else may have. So certainly,
 19 you know, I guess if you could provide that to us as
 20 well.
 21 MR. GAGNON: Just if I may, I guess a word of
 22 information, a word of caution that the project could
 23 eventually come to the Planning and Zoning Board, so
 24 that's where the Sunshine laws could apply as well.
 25 VICE CHAIR McCOY: Sure.

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1 share all the staff comments that have been provided to
 2 date.
 3 MR. BARBER: Okay.
 4 MS. SHEPHERD: Mr. Chair, may I ask one more
 5 question while it's on my mind?
 6 Jeff, is this the same area where they tried
 7 to bring in the company next door to Stonybrook? I
 8 can't remember what -- the junkyard, okay. Is that the
 9 same general area, next door to the --
 10 MR. GAGNON: The same property.
 11 MS. SHEPHERD: The same property next door to
 12 Stonybrook?
 13 MR. GAGNON: Yes, ma'am.
 14 MS. SHEPHERD: Okay, I get you. Thank you.
 15 VICE CHAIR McCOY: And I think, while it was
 16 actually brought up by a member of the public, and I
 17 don't know if this is a question for Legal, is this a
 18 situation where this is not ripe before the Board and
 19 we shouldn't be having these kind of dialogues because
 20 there's not been anything formally produced to us for
 21 review?
 22 So is this like improper, as far as is it
 23 right before us to kind of consider and have these kind
 24 of discussions on something, because, you know,
 25 honestly, we haven't seen the packet. And I'm not

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1 MR. GAGNON: So I'll be happy to provide the
 2 information. However, just treat it with that in mind.
 3 VICE CHAIR McCOY: Thank you. And I hope all
 4 of the members are reminded of that, because I
 5 certainly would not like to see that happen. And I
 6 honestly just want to know in case someone asks me, and
 7 now I'm curious that it actually came up tonight.
 8 Any other members?
 9 MR. BARBER: Real quick, Mr. Chair.
 10 VICE CHAIR McCOY: Oh, I'm sorry. Just a
 11 moment, Mr. Barber.
 12 Mr. Gagnon, do we have any correspondence?
 13 MR. GAGNON: Not tonight, no, sir.
 14 VICE CHAIR McCOY: Okay, Mr. Gagnon.
 15 We're recognizing Planning Board member
 16 comments. Mr. Barber.
 17 MR. BARBER: Yes, real quick, Mr. Gagnon. Do
 18 you know or remember if staff had any reservations
 19 about the hazards that could come about as a result of
 20 the project, and if so, what they are?
 21 MR. GAGNON: I will say personally I have
 22 reservations about the project. I would rather provide
 23 the staff comments in the complete packet just to be
 24 as, I guess, formal about it as possible and not speak
 25 out of turn about the project. But I'll be happy to

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1 saying any way, but I just don't want -- what will
 2 happen is, and as you probably know, and certainly.
 3 Mr. Barber is aware of, if we take up something and
 4 we're, you know, potentially biased before it even gets
 5 here, does that then potentially offer up an
 6 opportunity for someone to come back and say that we
 7 were biased from -- prior to even getting the actual
 8 submission?
 9 MS. BUSBY: You mean like a discriminatory
 10 action?
 11 VICE CHAIR McCOY: Right. We were biased; we
 12 were not impartial.
 13 MS. BUSBY: Well, you're having a discussion
 14 now on an item you're saying that you don't have all
 15 the backup to and you haven't been introduced to,
 16 correct?
 17 VICE CHAIR McCOY: Correct.
 18 MS. BUSBY: If you were to not -- I mean the
 19 question would not -- the question would be whether or
 20 not you followed the law, you know, in approving that
 21 zoning or whatever, you know, decision you're making.
 22 VICE CHAIR McCOY: Okay, that's fair. I just
 23 wanted to not start the conversation until we make sure
 24 we had everything, you know. And then I didn't want
 25 anybody to come back and say what we did on September

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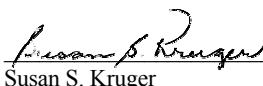

1 (sic) the 27th was improper, you know. So that's all I
 2 wanted to kind of be aware of, that we weren't starting
 3 a conversation and we didn't have -- now, certainly I
 4 would invite you to send us the public documents if
 5 they are public.
 6 But I don't want to, you know, deliberate on
 7 something if we don't really know the fullness of it,
 8 like, for instance, staff's perspective. So I think
 9 it's probably appropriate if you want to send us a
 10 document. I'll gladly review it, and you know, we'll
 11 certainly take it up when it comes before the Board.
 12 So any other members wishing to comment on
 13 general comments related to P & Z or the City? Hearing
 14 none, Mr. Gagnon, any updates on projects?
 15 MR. GAGNON: None for tonight. However, I
 16 believe that the project list is due to the Board, so
 17 I'll send that out in the e-mail as well with revised
 18 project updates.
 19 VICE CHAIR McCOY: Okay. And upcoming
 20 meetings?
 21 MR. GAGNON: Our next tentative meeting date
 22 is November 10th. At this point in time I'm not sure
 23 if we will be able to make adequate revisions to the
 24 document that we reviewed tonight. And then after
 25 that, there will be holidays. So following that

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1 November 10th day will be December 8th. And I will
 2 keep the Board posted on whether or not the meeting
 3 will adjourn at least a week in advance.
 4 VICE CHAIR McCOY: Okay, perfect. Is there a
 5 motion to adjourn?
 6 MR. KUNUTY: Motion to adjourn.
 7 MS. SHEPHERD: Second.
 8 MR. WHIGHAM: Second.
 9 (Whereupon, at 8:03 p.m., the proceedings
 10 were concluded.)
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1 CERTIFICATE
 2
 3
 4 THE STATE OF FLORIDA)
 5)
 6 COUNTY OF PALM BEACH)
 7
 8 I, Susan S. Kruger, do hereby certify that
 9 I was authorized to and did report the foregoing
 10 proceedings at the time and place herein stated, and
 11 that the foregoing pages comprise a true and correct
 12 transcription of my stenotype notes taken during the
 13 proceedings.
 14 IN WITNESS WHEREOF, I have hereunto set my
 15 hand this 2nd day of November, 2016.
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 Susan S. Kruger
 

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