

Page 1

CITY OF RIVIERA BEACH
PLANNING AND ZONING BOARD

Thursday, March 22, 2018

Council Chambers
600 West Blue Heron Boulevard
Riviera Beach, Florida

6:43 p.m. - 7:48 p.m.

IN ATTENDANCE:

Tradrick McCoy, Vice Chair
Edward Kunuty, Board Member
Margaret Shepherd, Board Member
Jon Gustafson, First Alternate Member
Anthony Brown, Second Alternate Member
Jeff Gagnon, Acting Director of
Community Development
Lina F. Busby, Assistant City Attorney
Simone Davidson, Staff Assistant

Page 2

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, March 22, 2018,
5 beginning at 6:43 p.m., with attendees as hereinabove
6 noted, to wit:

7 ---

8 VICE CHAIR McCOY: Good evening. Going to
9 call the March 22nd, 2018 Planning and Zoning Board
10 meeting to order. We'll start with item number I, a
11 moment of silence, followed by the Pledge of
12 Allegiance.

13 (Moment of silence observed. Pledge of
14 Allegiance recited.)

15 VICE CHAIR McCOY: Item II, roll call,
16 Ms. Davidson.

17 MS. DAVIDSON: James Gallon.
18 (No response.)

19 MS. DAVIDSON: Edward Kunuty.
20 MR. KUNUTY: Here.

21 MS. DAVIDSON: Margaret Shepherd.
22 (No response.)

23 MS. DAVIDSON: Jon Gustafson.
24 MR. GUSTAFSON: Here.
25 MS. DAVIDSON: Anthony Brown.

Page 3

1 MR. BROWN: Present.
2 MS. DAVIDSON: Tradrick McCoy.
3 VICE CHAIR McCOY: Here.
4 MS. DAVIDSON: Rena James.
5 (No response.)
6 MS. DAVIDSON: You have a quorum.
7 VICE CHAIR McCOY: Thank you. Item number
8 III, acknowledgement of Board member absence
9 notification.
10 MR. GAGNON: Thank you, sir.
11 Jeff Gagnon, Acting Director of Community
12 Development.
13 For tonight's meeting, I did receive word
14 from Ms. Rena James, who recently had a name change to
15 Rena Burgess. She, unfortunately, is sick tonight, so
16 she won't be in attendance.
17 Mr. Gallon stated during our last meeting
18 that he would be out of town, so he would not be able
19 to make it.
20 I'd like to personally apologize to
21 Ms. Margaret Shepherd for a very late notice of this
22 Board meeting. She had a conflict because of that. So
23 I do again apologize to her for not getting that
24 information in advance. In the future, I will do a
25 much better job of that.

Page 4

1 And in the absence of Board members, I would
2 like to have both alternates function as permanent
3 members, if that pleases the Board, as well as making
4 note of the fact that Mr. McCoy will be our Chair for
5 tonight's meeting. And that's it.
6 VICE CHAIR McCOY: Thank you, Mr. Gagnon.
7 Item number IV, additions and deletions.
8 MR. GAGNON: Yes, thank you.
9 For tonight's meeting I would like to not
10 delete letter C, but potentially move it under workshop
11 items. We don't have backup information, and there's
12 no presentation, but I don't want to remove it entirely
13 from the agenda just in case there happens to be a
14 public comment or discussion that the Board would like
15 to have on it. So I'd like to proceed with new
16 business A and B, and then move new business C under
17 workshop item. And that would conclude additions and
18 deletions.
19 VICE CHAIR McCOY: Thank you, Mr. Gagnon.
20 Item number V, disclosure by Board members
21 and adoption of the agenda. Any members with
22 disclosures? Hearing none, is there a motion to adopt
23 the agenda?
24 MR. KUNUTY: Move to adopt the agenda.
25 MR. GUSTAFSON: Second.

Page 5

1 VICE CHAIR McCOY: Moved by Mr. Kunuty,
 2 seconded by Mr. Gustafson. Roll call.
 3 MS. DAVIDSON: Edward Kunuty.
 4 MR. KUNUTY: Yes.
 5 MS. DAVIDSON: Jon Gustafson.
 6 MR. GUSTAFSON: Yes.
 7 MS. DAVIDSON: Anthony Brown.
 8 MR. BROWN: Yes.
 9 MS. DAVIDSON: Tradrick McCoy.
 10 VICE CHAIR McCOY: Yes.
 11 MS. DAVIDSON: Motion approved.
 12 VICE CHAIR McCOY: Item number VI, approval
 13 of the minutes from March 8th.
 14 MR. KUNUTY: Move to approve.
 15 MR. BROWN: Second.
 16 VICE CHAIR McCOY: There was a motion by
 17 Mr. Kunuty and a second by Mr. Brown. Roll call.
 18 MS. DAVIDSON: Edward Kunuty.
 19 MR. KUNUTY: Yes.
 20 MS. DAVIDSON: Jon Gustafson.
 21 MR. GUSTAFSON: Yes.
 22 MS. DAVIDSON: Anthony Brown.
 23 MR. BROWN: Yes.
 24 MS. DAVIDSON: Tradrick McCoy.
 25 VICE CHAIR McCOY: Yes.

Page 6

1 MS. DAVIDSON: Motion approved.
 2 VICE CHAIR McCOY: Item number VII is
 3 unfinished business. We don't have any. We'll move
 4 right to new business, item number VIII, and we'll
 5 begin with letter A, Mr. Gagnon.
 6 MR. GAGNON: Thank you, sir.
 7 New business, letter A is an ordinance of the
 8 City Council of the City of Riviera Beach, Palm Beach
 9 County, Florida, amending Chapter 31 of the City's Code
 10 of Ordinances entitled Zoning, Article I, In General,
 11 Section 31-1, Definitions, and amending Article VI,
 12 Supplemental District Regulations in order to add
 13 definitions for and associated with medical marijuana
 14 treatment centers and medical marijuana treatment
 15 center dispensing facilities, and to prohibit medical
 16 marijuana treatment centers and medical marijuana
 17 treatment center dispensing facilities within all
 18 zoning districts and within the City's jurisdictional
 19 boundaries, providing for conflicts, severability and
 20 codification, and providing for an effective date.
 21 So as provided within staff's backup and also
 22 as available in the public reference binders, this is
 23 the final product based off our multiple workshop items
 24 concerning this topic. We had a consensus from the
 25 Planning and Zoning Board at previous meetings during

Page 7

1 those workshops that it was the desire of the Board to
 2 prohibit this particular use within the City.
 3 This is something that other municipalities
 4 locally have also moved forward with as far as
 5 prohibiting the use.
 6 It's something that at this point, staff is
 7 also supporting and recommending, being that the
 8 industry is still rather new and there is the potential
 9 for further legislative action and further legal
 10 amendments associated with this use. So until it's
 11 fully established and pans out, I think our best
 12 approach is to specifically prohibit these facilities.
 13 And at a further date, if the City so chooses
 14 to look at these uses again, that option is always
 15 available. It's always best, in my opinion, to take
 16 the safer approach and potentially prohibit versus
 17 allow, and then once you've allowed the uses, you can't
 18 really go backwards. So we want to make sure that we
 19 have a really firm grasp on the use impacts to the
 20 community. By prohibiting this use here, we'll be able
 21 to have other case studies and locations that have
 22 approved the use, and again, be able to take a closer
 23 look in the future.
 24 At this point, I'm available to answer any
 25 questions the Board may have. The specific section

Page 8

1 within the staff report that's most applicable is on
 2 the last page, which is page two of two of the
 3 language. And what we'd add is a specific section that
 4 speaks to medical marijuana, and within that section we
 5 would specifically prohibit and ban it from the City.
 6 So again, I'm here to answer any questions the Board
 7 may have.
 8 VICE CHAIR McCOY: Members, any questions of
 9 the presentation? Not all at once. So I'll take a
 10 stab at it, and you know, the floor is open whenever
 11 somebody wants to answer.
 12 But I do have one question, Mr. Gagnon. I
 13 know that it was referenced in the staff analysis, and
 14 I know through media reports, I know that there was a
 15 concern that there was a limit on the type -- or I
 16 guess there was restrictions on medical marijuana being
 17 smoked. So you can -- I believe there's a substance
 18 that you can actually have it in an oil base or -- and
 19 I don't even know if there's any kind of oral tablets
 20 or anything, but specifically there are prohibitions
 21 against -- I guess the law doesn't allow you to use
 22 medical marijuana to smoke it.
 23 But is there a concern or a concern of staff
 24 or in the industry of the planning industry of possibly
 25 where, you know, in the future -- which I understand

Page 9

1 there's a lawsuit out that potentially could expand
 2 that use to allow for smoking of marijuana. Is there
 3 something from the land use standpoint that we should
 4 be concerned with about whether, you know, there's some
 5 future legislation that allows for individuals to smoke
 6 marijuana? Does that impact, you know, our ability
 7 from the land use perspective, like should we be
 8 concerned to, you know, put, in the event of any kind
 9 of future updates of, you know, how this drug can be
 10 administered, you know, do we allow this to be at
 11 Rivera Beach public parks or something like that?
 12 MR. GAGNON: It's a good question, and I
 13 think a lot is still yet to be determined based on
 14 further legal guidance, and it could be court case
 15 decisions. What has happened to date is the State has
 16 only given local jurisdictions a small window or a
 17 small ability to come up with local regulations to
 18 really manage or dictate these uses moving forward.
 19 Within the staff report, it's explained here
 20 in detail. But part of the statute, the Florida
 21 statute identifies the fact that local municipalities
 22 can either treat these dispensing facilities identical
 23 to a pharmacy or strictly prohibit them altogether.
 24 And if they're treated identical to a pharmacy, there
 25 are some buffer restrictions and separation

Page 10

1 requirements to schools. I believe there's a
 2 separation requirement for parks, things of that
 3 nature. But they have preempted local government's
 4 ability to really dictate how those uses are governed
 5 within any given municipality.
 6 So I guess to go back full circle to answer
 7 your question, as far as the use, I think that goes
 8 beyond the scope of what we have the ability to do
 9 right now, and that may be more of a policing or
 10 enforcement type of action or law that would have to be
 11 enacted in the future.
 12 (Whereupon, Ms. Shepherd took her seat on the
 13 dais.)
 14 VICE CHAIR McCOY: Okay. I just was curious
 15 to see if that was a concern, because, you know, I
 16 never really knew the medicinal benefits of marijuana
 17 until I've read articles, and you know, I guess
 18 depending on what study you read, you know, some people
 19 swear by it and then others think it's nothing more
 20 than just a recreational drug. You know, I'm not the
 21 person to decide.
 22 I'm just curious to see that, you know, if
 23 two years down the line, you know, we have somebody in
 24 front of City Hall smoking marijuana under the premise
 25 that it was, you know, issued medically, I don't know.

Page 11

1 So I just was curious to see if that was a concern or
 2 even had come up on anyone's radar. So that's what I
 3 had.
 4 Any other members?
 5 MR. KUNUTY: My only concern is that, you
 6 know, the State Legislature did some in depth research
 7 on this, passed it in '14, 2014. We're in 2018.
 8 That's four years later. And I think the information
 9 that's available nationally is that there are some
 10 significant benefits to people who have certain types
 11 of pain and certain other conditions.
 12 So I mean I think there is benefit, and you
 13 know, I think the City ought to be a little bit more
 14 creative in maybe allowing it in that we can build
 15 restrictions and we can build, you know, some
 16 parameters. We don't have to have it on every corner,
 17 but we could say we'll allow two. You know, we did the
 18 same limitation with, you know, the Dollar Stores,
 19 okay? We said we don't want one on every corner, so
 20 we're not going to allow them.
 21 So my feeling is that I think we should
 22 consider that people in this city who probably use that
 23 maybe can't go to, you know, Orlando to get it, you
 24 know, or wherever it's available. And I'm not even
 25 sure where it's available. But you know, I think

Page 12

1 there's people that can benefit, and you know, they
 2 probably should have the option of being able to access
 3 it, particularly since it is a legal treatment.
 4 MR. GAGNON: The one thing that I want to
 5 make mention of again -- and also for the record, I
 6 wanted to make mention Ms. Shepherd is present.
 7 So thank you, Ms. Shepherd.
 8 City staff did a very similar analysis that
 9 you're referencing, Mr. Kunuty, as far as seeing if
 10 there were other separation requirements, restrictions,
 11 things of that nature that may be applicable to make
 12 the use fit better within the City's desires and the
 13 existing City format. The difficulty with that is the
 14 most recent amendment really preempted the City's
 15 ability to do that.
 16 So our options were to treat the facility
 17 identical to a pharmacy, with specific provisions that
 18 the State statute calls out, which is -- let's see, I
 19 lost my staff analysis. I'll say the opposite.
 20 So what was amended was within Florida
 21 Statute 381.986 that removed a local jurisdiction's
 22 authority to ban dispensaries unless it was a strict
 23 prohibition. It prohibits jurisdictions from limiting
 24 the number of dispensaries. It also gets into
 25 separation requirements and prohibits local

Page 13

1 municipalities from generating separation requirements
 2 other than what's located in the statute.
 3 So what we've been given to work with, in my
 4 opinion, is either we have to follow exactly what the
 5 State has provided, or we have the option just to say
 6 no for now. So because of that, and because that
 7 preemption exists as far as not allowing local
 8 municipalities to come up with our own jurisdictional
 9 restrictions that can help these uses fit within the
 10 local city character and dynamic, because of that, at
 11 this point it may be best to prohibit it strictly, even
 12 though there is research that indicates that there are
 13 potential health benefits for certain individuals. And
 14 I think the process in legalizing it is still in the
 15 works, so to speak.
 16 MR. KUNUTY: Understood.
 17 VICE CHAIR McCOY: Any other members with
 18 questions or comments on the presentation?
 19 If I could just respond to Mr. Kunuty, you
 20 know, I don't know if us prohibiting it would kind of
 21 reduce any kind of access to it, because I mean from
 22 what I've seen, Mr. Kunuty, I think, you know, this
 23 statute, or at least the original statute, the most
 24 recent one that was done last summer provides for those
 25 exceptions when medical marijuana is delivered by -- I

Page 14

1 guess you have to be registered and you can actually,
 2 sort of like you order Uber Eats, you can actually have
 3 the marijuana delivered to you, the medicine delivered
 4 to you. So I don't know if us restricting it in
 5 Riviera Beach would some kind of way diminish access
 6 and availability.
 7 And you know, also, these -- this medical
 8 marijuana is not -- it's not anything that anybody can
 9 just go and get. I think they made it pretty extensive
 10 as far as how those are issued, how those medical
 11 marijuana license cards, I.D. cards are issued. So you
 12 know, it has to be for defined medical purposes that
 13 are within that list that is promulgated by the
 14 Department of Health. So I don't see that us
 15 prohibiting medical marijuana facilities in the city
 16 would prevent someone from having access to it.
 17 Any other members?
 18 MS. SHEPHERD: Mr. Gagnon, staff
 19 recommendation, they obviously say you all have
 20 approved this ordinance?
 21 MR. GAGNON: So staff's recommendation for
 22 this item is to move forward with approval of the
 23 ordinance. And what this ordinance would do, it would
 24 prohibit the use of -- I want to be very specific. It
 25 would be: Prohibit the use of medical marijuana

Page 15

1 treatment centers and medical marijuana treatment
 2 center dispensing facilities within the city.
 3 MS. SHEPHERD: So this has to go before
 4 Council. Is that correct?
 5 MR. GAGNON: Yes. It will go before Council
 6 for two readings as an ordinance.
 7 MS. SHEPHERD: When will it go before
 8 Council? Do you know?
 9 MR. GAGNON: The first reading would probably
 10 be the third Wednesday in April, is probably the first
 11 reading.
 12 MS. SHEPHERD: Third Wednesday in April.
 13 Because this is a very delicate piece to me, because I
 14 do not think this should be in the City of Riviera
 15 Beach, and I will stand by it completely, 100 percent.
 16 I know they have one in Lake Worth, they have another
 17 one in Lake Worth. If they want it delivered, they can
 18 deliver it. Why come to our city? And I will
 19 completely stand by that. Thank you.
 20 VICE CHAIR McCOY: Any other members?
 21 MR. KUNUTY: No. But on your comment,
 22 Mr. Chairman, I was not aware that the delivery option
 23 was available. I thought it was a prescription from a
 24 doctor and then personal, you know, purchase. So, but
 25 that's good to know. I think I'll reread the statute

Page 16

1 and take a look at it.
 2 VICE CHAIR McCOY: I actually believe it was
 3 in the promulgated rules. I don't think the statute
 4 went into it. I believe it's in the promulgated rules
 5 on how that statute should be, how that should be
 6 regulated.
 7 So if there's no other comments, concern, we
 8 can entertain a motion. Any members with a motion to
 9 approve?
 10 MR. GUSTAFSON: Motion to approve.
 11 MR. BROWN: Second.
 12 MS. DAVIDSON: Edward Kunuty.
 13 MR. KUNUTY: Yes.
 14 MS. DAVIDSON: Margaret Shepherd.
 15 MS. SHEPHERD: No.
 16 MS. DAVIDSON: Jon Gustafson.
 17 MR. GUSTAFSON: Yes.
 18 MS. DAVIDSON: Anthony Brown.
 19 MR. BROWN: Yes.
 20 MS. DAVIDSON: Tradrick McCoy.
 21 VICE CHAIR McCOY: Yes.
 22 MS. DAVIDSON: You have three, with one
 23 dissenting. I'm sorry, four with one dissenting.
 24 MR. GAGNON: Thank you. Okay, so that motion
 25 passes four to one.

Page 17

1 And under new business, our next item is
 2 letter B. And for the record, that is an ordinance of
 3 the City Council of the City of Riviera Beach, Palm
 4 beach County, Florida, amending Chapter 31 of the
 5 City's Code of Ordinances entitled Zoning, Article VI,
 6 Supplemental District Regulations, Section 31-551,
 7 Principal Arterial Commercial Design Standards Overlay,
 8 to amend existing objectives, applicability and overlay
 9 district delineation and to enact new regulations for
 10 the appearance of buildings, structures, landscape
 11 design, buffer standards and signage, providing for
 12 conflicts, severability and codification, and providing
 13 for an effective date.

14 So the scope of this item was workshopped at
 15 least once, if not twice. In our previous meeting, we
 16 workshopped this item and went over specific points as
 17 far as what the objectives were for the item. There
 18 was some wordsmithing that was required, being that we
 19 had some road name changes that occurred since this
 20 ordinance was originally passed.

21 So this ordinance would update the street
 22 name of Old Dixie Highway to President Barack Obama
 23 Highway. It would also clean up the variance process
 24 and indicate that the Development Special Magistrate is
 25 the proper path for any variance request. It also

Page 18

1 would provide additional landscape buffer requirements
 2 for properties that were located along the City's
 3 principal roadways.

4 And those roadways specifically would be
 5 Dr. Martin Luther King, Jr. Boulevard, President Barack
 6 Obama Highway, Blue Heron Boulevard, Broadway, also
 7 known as U.S. 1, 13th Street, Military Trail, Congress
 8 Avenue and Australian Avenue. So those were the
 9 specific roadways that are called out as principal
 10 arterial roadways in the city.

11 We would look at applicability of the section
 12 to see whether or not it was appropriate to expand the
 13 scope to go past just commercial uses and also
 14 incorporate industrial uses that were adjacent or some
 15 residential uses with exception.

16 Additionally, we want to call out the
 17 importance for new developments located next to
 18 existing bus stops, to specifically call that out on
 19 site plans and to accommodate the addition of a bus
 20 stop or bus shelter, based on the space available, and
 21 provide an easement or potentially provide the shelter
 22 itself, based on the development that's being proposed.

23 Additionally, we want to strengthen the
 24 signage requirements within that district and also call
 25 out specific styles of fencing that would be requested

Page 19

1 or required within that district. So we want to move
 2 away from just chain-link fencing, and we want to have
 3 a style of fencing that will present itself in a better
 4 manner and overall improve some of the aesthetics
 5 associated with these primary roadways in the City.

6 So we have the backup information provided.
 7 I guess at this point I'll just open up the floor for
 8 any questions that the Board may have. The proposed
 9 deletions are provided in a strike-through format, and
 10 proposed additions are shown underlined in red text.
 11 And I also have it provided on screen if there's any
 12 specific items that the Board would like to discuss
 13 further. So at this point, if there's any questions.

14 VICE CHAIR McCOY: Members, any questions of
 15 the presentation?

16 MR. KUNUTY: One question I have is how many
 17 participants of people that are on these roadways gave
 18 input into this? Ballpark. I mean I'm sure we talked
 19 to some of them.

20 MR. GAGNON: Yes, it would be limited. It
 21 was something that we didn't set up a community
 22 workshop format. You know, we had multiple
 23 opportunities at Planning and Zoning Board meetings.
 24 We provided notice of those meetings, but it wasn't
 25 something that we went door to door per se.

Page 20

1 I can tell you that we've had a few
 2 developers that were interested in coming into the city
 3 that have been looking closely at the regulations
 4 because they wanted to ensure that there weren't any
 5 potential detrimental impacts to how the site design
 6 may unfold in the future. So this information has been
 7 provided and posted online, so anyone has access to it.
 8 The few developers that have been in communication with
 9 staff have not raised any concerns at this point. I'd
 10 be happy to provide it directly to them if that would
 11 be of benefit.

12 And again, we still have the public process.
 13 It would have to go in front of City Council twice
 14 prior to enactment, so there's definitely a lot of
 15 opportunity for public input still.

16 MR. KUNUTY: That might be a suggestion, is
 17 to at least send a link to people there, owners, so
 18 that they could at least review it before Council gets
 19 the two readings. That's the only question.

20 VICE CHAIR McCOY: Thank you.

21 Mr. Gustafson, did you have something?

22 MR. GUSTAFSON: No, I don't have anything,
 23 but I just want to commend staff. It looks like
 24 there's -- I've read through this pretty extensively,
 25 and I commend staff. It seems like they did a pretty

Page 21

1 good job to make it pretty fair. So good job.
 2 MS. SHEPHERD: Mr. Gagnon, you made a comment
 3 that you did not reach out into the community. You
 4 thought it wasn't important with this item?
 5 MR. GAGNON: Well, I definitely think it's
 6 important. We didn't send out specific mail-out
 7 notices. We did provide a legal ad. We did provide --
 8 I think this was the third Planning and Zoning Board
 9 meeting where we had the same item, even though
 10 previously it was just a workshop item format. But
 11 unfortunately, based on tonight's attendance, I don't
 12 know if it's not sparking the interest of the
 13 community, but even after the workshops, we didn't
 14 receive much feedback, if any, other than just from the
 15 development community that had specific projects in
 16 mind.
 17 So it's something that we definitely want to
 18 continue to communicate and provide opportunities for
 19 public input, but the method in which we interact and
 20 approach those specific parcel owners, it can be
 21 difficult at times. So we're definitely more than
 22 happy to send out a notification, if that would please
 23 the Board, prior to moving to City Council, so that
 24 way, there's specific notification of property owners.
 25 But we'd have to go through all the legal notification

Page 22

1 processes associated with an ordinance as well.
 2 MS. SHEPHERD: So let me get it clear. So
 3 you put this particular item in the newspaper. Palm
 4 Beach Post? Is that correct?
 5 MR. GAGNON: Yes, ma'am.
 6 MS. SHEPHERD: Any other newspaper?
 7 MR. GAGNON: No. The Palm Beach Post.
 8 MS. SHEPHERD: A lot of people really don't
 9 get the paper anymore, Mr. Gagnon; they go online, from
 10 my understanding. And I always think it's just a
 11 little bit nicer if we reach out, because if something
 12 happen and we didn't hear about it or we didn't know
 13 about it -- I hear it all the time. And I just think
 14 you guys need to do a little bit better by reaching out
 15 to the public. It might seem something to you.
 16 They're not here, but it doesn't mean they're not
 17 talking about it.
 18 MR. GAGNON: Understood. I agree; I agree.
 19 VICE CHAIR McCOY: Mr. Gagnon, I have a
 20 couple concerns. I know when we seen this the last
 21 time, I thought we had a map. At least there was a map
 22 that we received, and I went through it a couple times.
 23 Unless it's in this hard copy, I don't believe that the
 24 map was provided.
 25 MR. GAGNON: You are correct, I did not

Page 23

1 include the map in this item. That was something we
 2 discussed previously as far as showing the delineation
 3 and the potential impact of the overlay itself. And
 4 what that was -- unfortunately, I don't have a digital
 5 copy tonight, but what that was was a map of the City
 6 that indicated the specific roadways that are called
 7 out in the ordinance, and it highlighted the specific
 8 parcels that are adjacent to those roadways.
 9 Unfortunately, I don't have a copy of it currently.
 10 VICE CHAIR McCOY: My next question is it
 11 appears that the variance process it would establish
 12 under 31-42 of the Code of Ordinances, Development
 13 Special Magistrate process. But is there any kind of
 14 rules to how that works, because, you know, from the
 15 planning arm, I have no idea what that means. I mean I
 16 know what they do, but I don't even know what that
 17 process is, and I don't know if I'm comfortable with
 18 voting on the Development Special Magistrate until I
 19 have a full understanding. I know when I got on this
 20 Board there was a Zoning Board of Adjustments, and it
 21 changed.
 22 MR. GAGNON: Correct.
 23 VICE CHAIR McCOY: And you know, I don't
 24 really know what -- I know we referred to it, but I
 25 don't really know how that works. And while I think

Page 24

1 it's always a great idea to have someone that can grant
 2 variances when you can't exactly meet it, but sometimes
 3 that may be very restrictive and another layer of
 4 bureaucracy.
 5 And before I feel comfortable with supporting
 6 this, you know, one of the things that I want to kind
 7 of have an understanding on is what exactly does that
 8 mean, because to send someone to a Special Magistrate
 9 for a variance is not guaranteed they will be granted a
 10 variance. And it just sounds like another layer. How
 11 long does that take? Do they have meetings every two
 12 weeks? Who's that Magistrate?
 13 You know, and the next point that I wanted to
 14 bring up was without a map, this seems very
 15 restrictive. I know for the Land Development
 16 Regulations we did, I want to say back in 2013 for the
 17 CRA District, we really went into detail with those. I
 18 mean there was a lot of graphs and depictions and that
 19 sort of thing.
 20 I mean if we're going to change this whole, I
 21 guess the design standards, I want to be able to
 22 reference more than just this chart and a few
 23 paragraphs, because for me, it just seems like this is
 24 more restrictive, and I don't want to make -- you know,
 25 I want to be effective in what we're doing in making

Page 25

1 recommendations, but I don't think it should be to the
 2 point where, you know, these recommendations tie the
 3 hands of people that potentially want to come into the
 4 City of Riviera Beach and do business, especially along
 5 the Broadway corridor.
 6 I know just in the past there was a guy that
 7 said he purchased a trailer park, and you know, they're
 8 in limbo because they don't even know what, you know,
 9 these regulations that's supposed to come out.
 10 You know, so I just wanted to kind of get
 11 your feedback on those items and see what you could
 12 offer.
 13 MR. GAGNON: Sure. So the current code has
 14 an item, it's letter D, and it's stated as exceptions.
 15 And as it currently is written in the code, it states
 16 the City Council may approve exceptions to these
 17 regulations as conditions of a site plan approval.
 18 So typically, any sort of exception would
 19 follow a variance process. And our variance process is
 20 something that years ago we used to have a Zoning Board
 21 of Adjustment, and that was modified to a Development
 22 Special Magistrate system. So it's a quasi-judicial
 23 board that the Zoning Board of Adjustment was, so they
 24 functioned in really an ultimate decision making
 25 capacity.

Page 26

1 So from there, you would go to the Florida
 2 court system. It wouldn't be any sort of internal City
 3 review following the Zoning Board of Adjustment. So
 4 what the Development Special Magistrate did is it
 5 allowed for, instead of a board of nominated
 6 individuals that may have varying opinions on topic, it
 7 created a more standardized and formalized process
 8 where we have a land use attorney that would preside as
 9 the Development Special Magistrate.
 10 And in order to be granted a variance, you
 11 have to meet certain conditions. It's approximately
 12 seven conditions. And what you need to do is satisfy
 13 that those seven conditions are satisfied in order to
 14 get the variance. So that's the process we currently
 15 have in place, and it was the intent of staff to
 16 reference that existing process.
 17 However, if it pleases the Board, we could
 18 leave the exemption section as written. It doesn't
 19 seem to follow the existing process that the City
 20 currently has, but that was, I guess, the back story as
 21 far as Zoning Board of Adjustment, Development Special
 22 Magistrate and staff's intent as far as amending letter
 23 D within that section of the code.
 24 The design standards -- and I know you
 25 referenced a specific property owner. And this is

Page 27

1 really an answer to the previous City Council
 2 moratorium on development -- excuse me, not on
 3 development -- on site plan applications being
 4 submitted to the City along both the Blue Heron
 5 corridor and U.S. 1 corridor.
 6 So what staff is attempting to do by
 7 providing this through the Planning and Zoning Board
 8 and eventually the City Council is to satisfy that
 9 previous moratorium and satisfy the zoning in progress,
 10 which would allow those developers to move forward with
 11 their projects.
 12 So until we can come up with regulations that
 13 satisfy that zoning in progress, then we are in this
 14 limbo state. So again, it's not something that has to
 15 move forward. It's always something that we can doctor
 16 more, but there is starting to be more pressure
 17 building as far as the timeframe associated with the
 18 item, because I do know there are a few developers that
 19 are waiting to move forward based off of these
 20 regulations.
 21 VICE CHAIR McCOY: If I can follow up, I do
 22 recognize that, and thank you for correcting that.
 23 That is something different.
 24 But, you know, as you were beginning to talk,
 25 it took me back to a few years ago when this guy was

Page 28

1 coming in here and there was a use that was changed
 2 right next door to his place. And there was a site
 3 plan submitted, but it never went to Council. So at
 4 some point, I believe it might have been a -- you know,
 5 it was a complete demolition and a whole new project
 6 that was done, a whole new structure that was built.
 7 What happens when there isn't a site plan review by
 8 City Council, and what triggers are in place when -- to
 9 decide when that goes through the whole planning
 10 process?
 11 MR. GAGNON: I think I remember that specific
 12 project. And within the downtown code section that you
 13 referenced before as far as, you know, the Planning and
 14 Zoning Board spent a lot of time on it, City Council
 15 spent a lot of time on it, and it's lengthy, you know,
 16 to put it in a nice framework. It's definitely very
 17 leveled as far as all the requirements. And it's not
 18 necessarily in the best framework, in my opinion, but
 19 we spent a lot of time to make sure that it
 20 accomplished what the needs were for particularly the
 21 Broadway corridor.
 22 And there's a specific section that gives
 23 staff the administrative authority to approve
 24 renovation developments within the CRA. The way it's
 25 written is discretionary as far as meeting thresholds

Page 29

1 or criteria for renovation development. So in the
 2 particular instance that I think we're thinking of, it
 3 was something that --
 4 VICE CHAIR McCOY: Met that definition of
 5 discretion.
 6 MR. GAGNON: Yes. And previous staff moved
 7 forward. It's something that -- what I can say is we
 8 definitely learned from that, and we've been very
 9 careful in how we treat the code sections.
 10 And similar to -- I'm trying to think of the
 11 item. So similar to our Community Center that we
 12 brought back to the Planning and Zoning Board that was
 13 for very minor amendments to the plan, things like that
 14 is something that current staff wants to perpetuate and
 15 continue doing, because we want to make sure that there
 16 is public input, there is the opportunity for
 17 notification, because again, learning from past history
 18 and some projects where that maybe didn't happen, I
 19 personally would much rather present the item and take
 20 the extra couple weeks, if that's what it requires,
 21 versus making an administrative decision --
 22 VICE CHAIR McCOY: Sure.
 23 MR. GAGNON: -- and then have years of
 24 discussion --
 25 VICE CHAIR McCOY: Right, because these

Page 30

1 things are permanent, Mr. Gagnon.
 2 MR. GAGNON: Right.
 3 VICE CHAIR McCOY: When you build something,
 4 it's going to be there for 50, 60 years --
 5 MR. GAGNON: Absolutely.
 6 VICE CHAIR McCOY: -- you know, God knows how
 7 long. So I certainly understand, and I hope that we
 8 lean more towards, you know, bringing these things into
 9 the view of the public, you know, let's talk and
 10 discuss that. I mean I hate to put folks' business out
 11 there, but when you come to do business in the City,
 12 you've got to expect that. You know, we want to know
 13 what's going on in our community and is it a good fit.
 14 Now, I do have one other question, and I'm
 15 going to allow other members to, you know, ask
 16 questions. But a part of that Development Special
 17 Magistrate process, if an applicant for a variance
 18 can't seek that variance or is denied that variance,
 19 what happens then? Is there an appellate board beyond
 20 that, because I just want to understand how that's to
 21 work.
 22 MR. GAGNON: Yes. You would go to the
 23 Florida court system as your appeal process. So
 24 there's no other City board or City staff member that
 25 would have any sort of purview over that variance

Page 31

1 request.
 2 VICE CHAIR McCOY: Okay. All right, thank
 3 you, Mr. Gagnon.
 4 Any other members with questions or --
 5 MR. BROWN: Yes, Mr. Chair.
 6 Mr. Gagnon.
 7 MR. GAGNON: Yes, sir.
 8 MR. BROWN: How would these ordinances affect
 9 present owners?
 10 MR. GAGNON: So that's a very good question.
 11 And under letter C, which is applicability, what this
 12 does is it sets a trigger mechanism, so to speak, where
 13 if a certain property has either brand new construction
 14 or if they have renovation development that exceeds 50
 15 percent of value, which is a standard metric or unit of
 16 measurement as far as bringing a property from what
 17 could be considered legal nonconformity to current
 18 standards, so again, if you had a new development or if
 19 you had significant renovation development, these
 20 conditions would come into effect.
 21 So it wouldn't have an immediate impact on
 22 all properties. So it's not something that once it's
 23 enacted, the following day this is something that all
 24 property owners have to change. This is something that
 25 over time, as we get new development, as we get

Page 32

1 renovation development, these are the standards that
 2 the City is looking for in the future.
 3 MR. BROWN: Thank you.
 4 MR. GAGNON: That was a very good question.
 5 MR. GUSTAFSON: Mr. Chair.
 6 VICE CHAIR McCOY: You're recognized.
 7 MR. GUSTAFSON: With your comments to the
 8 variances and Special Magistrate, I question staff --
 9 and maybe it's my own ignorance for not knowing this --
 10 it has to go to the Special Magistrate, but is there
 11 any way that those variances could come to the Planning
 12 and Zoning Board so we could make a decision on either
 13 a suggestion or a way to help a potential business or a
 14 developer in how to adjust it, and therefore, it would
 15 have to be approved by Planning and Zoning first and
 16 then also have to step up to Council?
 17 MR. GAGNON: The only process that would
 18 result in an item coming before Planning and Zoning
 19 Board and City Council if there was a conflict with the
 20 code would be a code text amendment request. So if the
 21 developer or the property owner had an issue with a
 22 section of the code, they could seek a variance, or if
 23 it was something that, you know, staff was amenable to
 24 changing as well and it made sense to look at the code
 25 structure, that's a secondary option.

Page 33

1 What I can say is we've seen very, very few
 2 variances. In fact, since we've converted from the
 3 Zoning Board of Adjustment to the Development Special
 4 Magistrate, we haven't had a single hearing. So it's
 5 something that it's very infrequent as far as
 6 requesting variances.
 7 It's something that those seven criteria that
 8 are established within our code, they're normally
 9 difficult to satisfy, and really, for good reason,
 10 because if any board or any individual had the ability
 11 to grant variances as they chose, just based on, you
 12 know, the way that they felt about an item, it would
 13 kind of negate the fact of having the code structure we
 14 have. So that's kind of it in a nutshell.
 15 MR. GUSTAFSON: Understand completely. I
 16 just, you know, I'm glad to hear there aren't many, you
 17 know, variances that come through, but I don't want to
 18 make something so difficult that no one wants to
 19 develop. I want business here, and I want development
 20 here, and I want beautification. So I don't want to
 21 make things too difficult, but at the same time, I want
 22 them to be able to come back to us before they have to
 23 go to a judicial system to make that happen. So that
 24 was the reason for my comment. Thank you.
 25 VICE CHAIR McCOY: Well, if I can also point

Page 34

1 out, now, if I can remember maybe a couple of months
 2 ago when we had the presentation regarding Stonybrooks,
 3 you know, I think it was pretty apparent that there was
 4 going to have to be a variance in that case with what
 5 was proposed to us, because there was a significant
 6 reduction.
 7 So I don't know if you were there,
 8 Mr. Kunity, but there was just a presentation about
 9 renovations and a remodel going on over there at
 10 Stonybrooks by the company that was potentially going
 11 to buy it, and there was going to be a significant
 12 reduction in the parking, which I remember the
 13 presenter saying that it would likely require a
 14 variance.
 15 And my concern is sort of like yours,
 16 Mr. Gustafson. If it does require a variance, you
 17 know, we still have to see it. You know, if it's a
 18 site plan or -- well, I don't know. Actually, you know
 19 what? Would we have to see something like that on a
 20 remodel of Stonybrooks, because I thought we would only
 21 deal with new site plans and that sort of thing?
 22 MR. GAGNON: So the scale of that particular
 23 project would require it to come before the Planning
 24 and Zoning Board and City Council, because it goes
 25 beyond that 50 percent threshold, which is, again, the

Page 35

1 standard level that most municipalities use as far as
 2 projects or properties, once they're legal
 3 nonconforming, to be brought into full conformity with
 4 the City's codes.
 5 So the case or the example that I provided
 6 before to Mr. Gustafson as far as staff has the option
 7 to consider text amendments if they're appropriate,
 8 that's actually something that we're currently
 9 discussing with the Stonybrook team as well, being that
 10 our parking code section has not been visited in many
 11 years, I think since '82 was when it was enacted, for
 12 the most part. There might have been minor amendments
 13 since then. But other municipalities have specific
 14 sections that address workforce housing and similar
 15 types of development and parking needs associated with
 16 those projects.
 17 So it's not fully vetted yet, but we're
 18 looking at potentially a code amendment, which is still
 19 in the works. If that particular development did want
 20 to move forward with the variance process, they,
 21 procedurally, would go through the variance process.
 22 If approved, they would then bring the plan with that
 23 variance before Planning and Zoning Board, and then
 24 City Council. So they would have to get the variance
 25 before they were able to move forward with the process.

Page 36

1 VICE CHAIR McCOY: Okay. Any other?
 2 MR. KUNUTY: So if I understand it, my
 3 understanding of the previous Zoning Board of
 4 Adjustment and now the Special Magistrate was that that
 5 was a final decision.
 6 MR. GAGNON: It was a final decision from a
 7 the City, yes, sir.
 8 MR. KUNUTY: So now you're saying though that
 9 variance is coming back here and then going to City
 10 Council.
 11 MR. GAGNON: Well, the plan that would
 12 incorporate the approved variance would come to the
 13 Planning and Zoning Board and then Council. So if the
 14 variance was denied, they wouldn't be able to satisfy
 15 code requirements and they wouldn't be able to move
 16 forward with the process.
 17 MR. KUNUTY: Well, I guess the thing that I'm
 18 hearing that I like is that if that variance is
 19 approved, at least we get another bite of the apple to
 20 take a look at it.
 21 MR. GAGNON: Right. And that's based on the
 22 scale of that particular project that we're discussing.
 23 So let's say -- this is a brand new example, but
 24 someone wants to put in a swimming pool, and there's an
 25 issue with a setback. And they request a variance, and

Page 37

1 they can somehow meet the criteria because the lot is
 2 an unusual size and other conditions that are out of
 3 the control of the applicant. Something like that
 4 wouldn't come before the Planning and Zoning Board
 5 because of the scale and scope wouldn't come to the
 6 Board in any instance, so --
 7 MR. KUNUTY: But the Singer Island Yacht
 8 Club, when we approved that site plan, didn't we
 9 approve it with added height?
 10 MR. GAGNON: So in that downtown code,
 11 there's a bonus density that developers can apply for.
 12 MR. KUNUTY: So that fell under that.
 13 MR. GAGNON: Yes. So they were able to get
 14 bonus density in there, providing public space that
 15 actually has not true water access, but it abuts the
 16 Intracoastal, so you can walk up to it. So --
 17 MR. KUNUTY: Had it not been in the downtown
 18 area and they wanted the added height, that would have
 19 to be a variance or not?
 20 MR. GAGNON: Yes. But I think it would be
 21 very difficult --
 22 MR. KUNUTY: Understood that, but just
 23 understanding the process.
 24 MR. GAGNON: You could apply for the
 25 variance, but I think it would be very difficult to get

Page 38

1 it approved.
 2 MR. KUNUTY: Right. Okay. All right, thank
 3 you. No other questions.
 4 VICE CHAIR McCOY: Any other members?
 5 Anything? Is there a motion on this item?
 6 MR. KUNUTY: Move to approve, with staff
 7 recommendations.
 8 MR. BROWN: Second.
 9 VICE CHAIR McCOY: It's moved, and there's a
 10 second.
 11 MS. DAVIDSON: Edward Kunuty.
 12 MR. KUNUTY: Yes.
 13 MS. DAVIDSON: Margaret Shepherd.
 14 MS. SHEPHERD: Yes.
 15 MS. DAVIDSON: Jon Gustafson.
 16 MR. GUSTAFSON: Yes.
 17 MS. DAVIDSON: Anthony Brown.
 18 MR. BROWN: Yes.
 19 MS. DAVIDSON: Tradrick McCoy.
 20 VICE CHAIR McCOY: Yes.
 21 MS. DAVIDSON: Unanimous vote.
 22 MR. GAGNON: Thank you, Board.
 23 So item C, again, if it pleases the Board, I
 24 just want to move that under workshop items, just in
 25 case someone from the public did come out and want to

Page 39

1 speak on the item specifically. Staff doesn't have a
 2 presentation or any additional comments on that item at
 3 this time.
 4 VICE CHAIR McCOY: Okay, so does any member
 5 have any questions or concerns on item C that they
 6 would ask of Mr. Gagnon on the record?
 7 MR. GUSTAFSON: I don't have a question, but
 8 I have a suggestion.
 9 VICE CHAIR McCOY: You're recognized.
 10 MR. GUSTAFSON: When staff has this completed
 11 and so forth, then I think it should come back to the
 12 Planning and Zoning Board and we should review it then.
 13 But at this time I have no questions because of not
 14 enough information available.
 15 MR. KUNUTY: No questions.
 16 MR. BROWN: No questions.
 17 VICE CHAIR McCOY: Hearing none, Mr. Gagnon,
 18 we're going to move forward to item number IX, which is
 19 workshop items. And we don't have anything. And
 20 general discussion. No public comments. Any
 21 correspondence, Mr. Gagnon?
 22 MR. GAGNON: Not tonight.
 23 VICE CHAIR McCOY: Board member comments.
 24 Any member wishing to comment on anything?
 25 MR. KUNUTY: Mr. Gagnon.

Page 40

1 MR. GAGNON: Yes, sir.
 2 MR. KUNUTY: Is there any activity on the
 3 corner of Blue Heron, the old bank building?
 4 MR. GAGNON: Blue Heron and U.S. 1?
 5 MR. KUNUTY: Yes.
 6 MR. GAGNON: Had some inquiries, but we don't
 7 have a plan in place, no application. There's been
 8 discussions, but really other than that, no plan in
 9 place right now.
 10 MR. KUNUTY: Okay. What about the bank on
 11 Singer Island right over the bridge? They're doing a
 12 lot of --
 13 MR. GAGNON: The north side of East Blue
 14 Heron?
 15 MR. KUNUTY: Yes. They seem to be doing a
 16 lot of work over there.
 17 MR. GAGNON: Yes, I think it was purchased by
 18 new ownership, and I don't think we've been presented
 19 with a final site plan. I'd have to look into that
 20 one.
 21 MR. KUNUTY: Okay. Finally, what's happening
 22 with the Singer Island Yacht Club?
 23 MR. GAGNON: So the previous building was
 24 demolished following Hurricane Irma.
 25 MR. KUNUTY: Right.

Page 41

1 MR. GAGNON: At this point, they have a
 2 development order that is active, and they could come
 3 in and apply for a construction permit at will. I
 4 don't know why it hasn't occurred at this point, but
 5 it's an option for the development team. I don't know
 6 if they're looking to potentially sell it. It's a big
 7 question mark. But we have not received a building
 8 permit application to move forward with construction at
 9 this time.
 10 MR. KUNUTY: Thank you. No other questions.
 11 MS. SHEPHERD: Mr. Gagnon, on, I think, page
 12 one where the roll call, and it says that you heard
 13 from Mr. Kunuty, and it goes on: And I believe
 14 Ms. Shepherd communicated she would be here. I think
 15 she might be stuck in traffic. I don't know who called
 16 me, but I never got a call. And I ask that you strike
 17 that absence off my record. I've only missed one
 18 meeting since I've been back on the Board.
 19 MR. GAGNON: Okay. Yes, and I do apologize.
 20 I think there was a miscommunication on staff's part.
 21 And at the beginning of this meeting I did state on the
 22 record that there was, again, miscommunication for
 23 tonight's meeting. So I'm happy that you were able to
 24 join us.
 25 MS. SHEPHERD: And last week's meeting.

Page 42

1 MR. GAGNON: Yes, both last week's and this
 2 week's.
 3 MS. SHEPHERD: Thank you.
 4 VICE CHAIR McCOY: Mr. Gagnon, I want to ask,
 5 at least I want to bring up a concern that I had last
 6 night about the Maritime Academy, the property that has
 7 been presented to the Council last night and
 8 potentially, you know, maybe some discussion by other
 9 members.
 10 But, you know, it was just this week that I
 11 learned that, and possibly because I hadn't been around
 12 the process, but I learned that this property is now
 13 being proposed to the Alphas, which, you know,
 14 certainly nothing that I have against the Alphas or the
 15 program that they're trying to do, but part of our
 16 role, at least I thought it was, and why I joined the
 17 Board was so that we could really be involved in these
 18 things.
 19 And I know I brought it up before, but that
 20 property, you know, after researching it, was something
 21 that was dedeed to the City of Riviera Beach by the
 22 School District. And I looked up the deed, and there
 23 was a reverter cause on the deed that, you know, it had
 24 to be maintained by the City for civic government use
 25 or public use.

Page 43

1 (Whereupon, Ms. Shepherd left the dais.)
 2 Now, certainly a lot of things I know it's
 3 not always practical to bring to the Board. Even
 4 though I disagree, you know, that's a part of our
 5 function and should be part of why we're here. But
 6 this went from an educational institution, and the use
 7 is now being changed to, I guess, a social services
 8 use.
 9 You know, my first thing, I think it was a
 10 bad deal for the City. I know we can't negotiate the
 11 arrangements of the lease. But at least I wanted to be
 12 able to have a discussion, at least among the Board.
 13 If we're the planning arm of the City, we could have
 14 some, you know, have some input on it.
 15 Now, what's particularly interesting about
 16 this is I looked at the backup for that, and I know
 17 this is not your concern, but I want to find out if
 18 there is a way that we can be more involved in the
 19 stuff that goes on. And you know, I referenced Section
 20 27-36 of the Code of Ordinances that, you know -- and
 21 I'll read the first couple lines.
 22 No street, park or other public way, ground
 23 or space, no public building or structure and no public
 24 utility, whether publicly or privately owned, shall be
 25 constructed or authorized in the City, nor shall any

Page 44

1 real property be acquired by the City until the
 2 location and the extent thereof are submitted to the
 3 Board for its information -- meaning the Planning and
 4 Zoning Board.
 5 But I particularly didn't like that Maritime
 6 was -- lease was not renewed. You know, it's not my --
 7 you know, I don't have an opinion on that matter. But
 8 I mean it doesn't make a difference. But at least if
 9 they're going to change the use, somebody needs to have
 10 a discussion.
 11 And they put these things on consent, and I'm
 12 sitting here thinking how is it that Alphas now can
 13 sublet this property that the City just gave them
 14 unfettered five year access to, can make money on,
 15 potentially make money, even though -- and here's my
 16 issue. We have a lot of organizations. And I'm going
 17 to be frank with you. These people are really sucking
 18 us dry.
 19 They come in and they establish a 501(c)(3),
 20 they transfer property into a 501(c)(3) solely for the
 21 reason to avoid paying property tax. And that's really
 22 robbing the City, right? So when we have something
 23 massive like this, or a huge project like this, you
 24 know, somebody should be here in the City to address
 25 this.

Page 45

1 And part of the problem is a systemic
 2 problem, but we have no community economic development
 3 person. It seems like all negotiations that go on with
 4 businesses don't even occur at the staff level. It
 5 occurs between a Council member and the developer. So
 6 a lot of times staff is not even privy to it, and staff
 7 is kind of forced to go along with something that a
 8 City Council member may have promised.
 9 And you know, it just doesn't work. And this
 10 process is kind of draining, because what happened last
 11 night was, to me, I thought it could have been done in
 12 a more transparent fashion and definitely not on the
 13 consent agenda. And you know, my reading and my
 14 understanding is that is something that we should at
 15 least had a conversation or an opinion on.
 16 That way, when it's presented to City Council
 17 members, here's what's going to happen, it can't be on
 18 the consent. Well, I guess it could be on consent, but
 19 it shouldn't be on consent because the Planning and
 20 Zoning Board has provided its opinion or offered a
 21 recommendation as to how this property should be used.
 22 So I welcome any feedback by members.
 23 MR. GUSTAFSON: Concur.
 24 VICE CHAIR McCOY: Okay. Well, hearing
 25 nothing else, any other members? If not, Mr. Gagnon,

Page 46

1 if you choose to respond. If not, we'll move to item
 2 C.
 3 MR. GAGNON: Yes, item C is fine.
 4 VICE CHAIR McCOY: Item C, project updates.
 5 MR. GAGNON: So I think I need to provide the
 6 Board with just an overall, just a project list. I
 7 think it's been a few months since that's happened, so
 8 I'll try to have that prepared for our coming meeting.
 9 And I also want to make mention of the fact
 10 that nominations for Board Chairperson and Vice Chair,
 11 I believe that happens in the second meeting in April,
 12 but I'll double-check. So in the month of April we'll
 13 have that discussion as well.
 14 VICE CHAIR McCOY: Well, can I offer this? I
 15 know that there was some discussion about our alternate
 16 members. How soon can they be moved into the permanent
 17 positions, because, you know, we spent -- I think I've
 18 been on this Board since 2012. I've been Chair maybe
 19 three, possibly four times. And I certainly want to
 20 allow other members that, you know, take their time,
 21 and you know, if they want to be a part of this
 22 process, because I don't want them to be restricted
 23 because they're alternate members.
 24 So is it possible, or does the Board think we
 25 should defer the nomination of Chair and Vice Chair

Page 47

1 until after, you know, Mr. Gustafson and Mr. Brown are
 2 regular members, because I certainly think they should
 3 have a shot if they so wanted to be nominated. Is that
 4 something that's --
 5 MR. GAGNON: I think ultimately it's a Board
 6 decision, I mean how you want to move forward with it.
 7 Historically we've had that one year span for those
 8 positions. I can't recall off the top of my head if
 9 that's actually required in the code section or if it
 10 pleases the Board to have a new Chairperson at each
 11 meeting. If that was an option, then that could also
 12 be visited. So as far as how it's handled, I think
 13 it's really the Board's discretion. But historically,
 14 it's been for a one year period. So I guess it's open.
 15 But what I can say as far as the ultimate
 16 positions, I did provide a memo to City Council
 17 identifying the fact that we do have Board vacancies,
 18 and I do believe that within that memo I offered or
 19 suggested the fact that because both Mr. Gustafson and
 20 Mr. Brown had been so active as alternates and in many
 21 meetings are functioning as permanent Board members,
 22 that it would be appropriate, if the Council chooses,
 23 to put them in permanent positions. So that would be
 24 my personal recommendation.
 25 VICE CHAIR McCOY: Thank you.

Page 48

1 Mr. Kunuty, did you have anything?
 2 MR. KUNUTY: No, I agree with you. I think
 3 that should be a priority, that they move up. But
 4 didn't we -- I think a while back we did say, the Board
 5 did say that the Chair could be the one year term, but
 6 the Board has the option of turning it into an
 7 additional year if they choose someplace back there.
 8 But more importantly, we also had the discussion that
 9 an alternate can be Chair, didn't we, at one time? I
 10 remember having a discussion. I don't remember the
 11 outcome.
 12 MR. GAGNON: I do remember a similar
 13 discussion. I don't recall the outcome. I think
 14 that --
 15 MR. KUNUTY: So your memory is like mine.
 16 MR. GAGNON: It was years ago I think it came
 17 up, that's why. So it just wasn't recently. I think
 18 that the overall consensus was because the alternate
 19 members, even though they could participate in the
 20 discussion, they weren't considered functioning members
 21 during the meeting, and I think that was the ultimate
 22 indicator whether or not they would be able to function
 23 as a Chairperson for the meeting, that's if I can
 24 recall correctly.
 25 MR. KUNUTY: But is there anything the Board

1 can do to help you get that particular task
 2 accomplished other than contacting Council members?
 3 MR. GAGNON: As far as the agenda item for
 4 Council for --
 5 MR. KUNUTY: Moving up.
 6 MR. GAGNON: -- filling the seats and then
 7 alternates?
 8 MR. KUNUTY: Yes.
 9 MR. GAGNON: It could be beneficial where I
 10 could provide as backup to the agenda item if the Board
 11 wanted to provide a letter of support, so to speak, as
 12 far as moving the members from alternate to permanent
 13 positions. That could be provided as backup to
 14 Council. But ultimately, the composition of the
 15 Planning and Zoning Board and members of the Planning
 16 and Zoning Board, it falls on City Council, so it's
 17 their decision on how they fill the seats.
 18 MR. KUNUTY: Okay, thank you. No other
 19 comment.
 20 VICE CHAIR McCOY: Anything else? For the
 21 good of the order, if there isn't anything, I guess
 22 we'll --
 23 MR. GUSTAFSON: As an alternate member, I'd
 24 like to make a motion to adjourn.
 25 VICE CHAIR McCOY: Thank you.

1 (Whereupon, at 7:48 p.m., the proceedings
 2 were concluded.)
 3
 4
 5 C E R T I F I C A T E
 6
 7
 8 THE STATE OF FLORIDA)
 9)
 10 COUNTY OF PALM BEACH)
 11
 12 I, Susan S. Kruger, do hereby certify that
 13 I was authorized to and did report the foregoing
 14 proceedings at the time and place herein stated, and
 15 that the foregoing pages comprise a true and correct
 16 transcription of my stenotype notes taken during the
 17 proceedings.
 18 IN WITNESS WHEREOF, I have hereunto set my
 19 hand this 27th day of March, 2018.
 20
 21
 22
 23
 24 _____
 25 Susan S. Kruger