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1 since this is her -- going into her second term, and
 2 they're new, to kind of keep it even with her being
 3 here to continue as Chair. But does she have to be
 4 here to accept that nomination?
 5 MR. GAGNON: I would say technically, no, but
 6 it would make more sense that she be present. I guess
 7 it's something that we could push off to the next Board
 8 meeting if the Board chooses to do so. I do agree that
 9 her being present would be an important aspect, just
 10 because if she does not wish to continue as Chair, she
 11 would have the opportunity to say so.
 12 MS. SHEPHERD: I wish that we would table
 13 this until she's here. She's been here for a while,
 14 and I think it would be only fair that she's here in
 15 body to accept it or not. She can kind of move us
 16 along. I was trying to think of, since Mr. McCoy was
 17 Vice Chair, just keep it as it is to move on, but keep
 18 everything stable as we come into a new set of members.
 19 MR. GAGNON: Understood.
 20 MS. SHEPHERD: So I wish you would just table
 21 this until Ms. James get here at the next meeting, stay
 22 focused.
 23 MR. GAGNON: Do we have a consensus of the
 24 Board to table the item to the next meeting?
 25 MR. DeGRAFFENREIDT: You're going to motion

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1 to table a second and act on it.
 2 CHAIR McCOY: Well, before we entertain any
 3 motions, I just want to allow anybody on the Board,
 4 whatever your feedback or whatever your comments is, I
 5 guess now would be appropriate to make those comments
 6 on whether or not we should have a vote on Chair and
 7 Vice Chair. Members?
 8 MR. BLACKWELL: Mr. McCoy, this is a learning
 9 process for me, so I would rather for it to stay as it
 10 is also.
 11 CHAIR McCOY: Stay in its -- explain that.
 12 MR. BLACKWELL: The same capacity.
 13 CHAIR McCOY: Okay. Any other members? Is
 14 there a motion? Well, I guess do we close the floor
 15 and then -- because, you know, if I'm not interested in
 16 it and she's not here to acknowledge, I mean do we just
 17 close the floor and entertain a motion.
 18 MR. GAGNON: I believe it was suggested that
 19 an official motion be made to table it, and then if
 20 it's seconded, then we'll have a roll call vote and
 21 move on from there.
 22 CHAIR McCOY: Okay, is there a motion.
 23 MR. GUSTAFSON: I'll make a motion.
 24 CHAIR McCOY: You're acknowledged,
 25 Mr. Gustafson.

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1 MR. GUSTAFSON: I'll make a motion to table
 2 Vice Chair and Chairperson for at least till the next
 3 meeting.
 4 MS. SHEPHERD: Second.
 5 CHAIR McCOY: Just before you put the second,
 6 can you clarify, just so we can understand?
 7 MR. GUSTAFSON: I make a motion for the Vice
 8 Chair position and the Chairperson position to be
 9 tabled until the next meeting.
 10 CHAIR McCOY: And that's the election of
 11 those positions?
 12 MR. GUSTAFSON: And that's the election of
 13 those positions.
 14 CHAIR McCOY: Is there a second?
 15 MR. BLACKWELL: Second.
 16 CHAIR McCOY: It was moved by Mr. Gustafson
 17 and seconded by Mr. Blackwell.
 18 MR. VELASQUEZ: Anthony Brown.
 19 MR. BROWN: Yes.
 20 MR. VELASQUEZ: Jon Gustafson.
 21 MR. GUSTAFSON: Yes.
 22 MR. VELASQUEZ: James Gallon.
 23 MR. GALLON: Yes.
 24 MR. VELASQUEZ: Margaret Shepherd.
 25 MS. SHEPHERD: Yes.

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1 MR. VELASQUEZ: Edward Kunity.
 2 MR. KUNUTY: Yes.
 3 MR. VELASQUEZ: Corey Blackwell, Sr.
 4 MR. BLACKWELL: Yes.
 5 MR. VELASQUEZ: Tradrick McCoy.
 6 CHAIR McCOY: Yes.
 7 MR. VELASQUEZ: Unanimous voting. Motion
 8 approved.
 9 CHAIR McCOY: Thank you.
 10 Item number VIII-B.
 11 MR. GAGNON: Letter B is an ordinance of the
 12 City Council of the City of Riviera Beach, Palm Beach
 13 County, Florida, amending Chapter 31 of the City's Code
 14 of Ordinances entitled Zoning, Article I, In General,
 15 Section 31-1, Definitions, and Article VI, Supplemental
 16 District Regulations, by creating Section 31-559,
 17 entitled Regulations for Filling Stations, a/k/a gas
 18 stations, in order to provide and amend definitions and
 19 to provide separation requirements between filling
 20 stations to promote diversified development patterns
 21 within the City, providing for conflicts, severability
 22 and codification, and providing for an effective date.
 23 So Board members, if you recall at our last
 24 meeting we did discuss this item. I know that the new
 25 Board members we have tonight as their first meeting

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1 were also present, although they weren't sworn in at
 2 the time, however, they were here to at least listen to
 3 the discussion and listen to the previous presentation.
 4 This has been initiated by staff. What we're
 5 looking to do is create separation requirements between
 6 filling stations, which really are retail gas stations.
 7 We feel it's important to do so because there's
 8 becoming to be an oversaturation of these uses within
 9 the City. Within the staff report it's defined that
 10 there's 18 filling stations within the City limits,
 11 which is approximately two per square mile. In
 12 comparison, North Palm Beach has approximately seven,
 13 which is 1.9 per square mile, and Palm Beach Gardens,
 14 which is a much larger land area, has 13 filling
 15 stations, which is about a quarter of a filling station
 16 per square mile.
 17 Additionally, staff had provided a matrix of
 18 other ordinances utilized by adjacent municipalities as
 19 far as regulations for filling station uses and whether
 20 or not they had separation requirements or any other
 21 special exception approval required to approve those
 22 uses. The City currently does require special
 23 exception approval within the general commercial zoning
 24 districts, however, there is not a separation
 25 requirement that's currently on the books.

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1 CHAIR McCOY: Mr. Gagnon, if I can interrupt
 2 you.
 3 MR. GAGNON: Yes.
 4 CHAIR McCOY: Did you just say there is a
 5 special exception requirement within the general
 6 industrial zoning district.
 7 MR. GAGNON: General commercial.
 8 CHAIR McCOY: General commercial.
 9 MR. GAGNON: Yes, sir.
 10 CHAIR McCOY: So it's not citywide that
 11 there's a special exception, or is it that filling
 12 stations can only be in general commercial.
 13 MR. GAGNON: I believe within general
 14 commercial, and also within our downtown mixed use
 15 zoning districts it can only be provided, it being a
 16 filling station, can only be provided on any of those
 17 parcels within those zoning districts if they go
 18 through a special exception approval process.
 19 CHAIR McCOY: Okay. And I apologize for
 20 interrupting your presentation, but I just want to make
 21 sure that I'm clear. Are those the only two zoning
 22 districts that were allowed to have filling stations,
 23 because I didn't -- pardon me -- I didn't see the
 24 zoning map when I reviewed this.
 25 MR. GAGNON: Yes, I believe that filling

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1 station uses or storage of petroleum is allowed in
 2 other zoning districts in the City, so the general
 3 industrial zoning district may allow similar use,
 4 however, it wouldn't be through a special exception
 5 process. So this separation requirement would be that
 6 much more valuable if there's already an existing
 7 filling station adjacent to industrial locations.
 8 CHAIR McCOY: So in general industrial,
 9 essentially they're permitted by right.
 10 MR. GAGNON: I believe that's the case. I'd
 11 have to double-check. I wonder if staff can pull up
 12 that code section.
 13 CHAIR McCOY: Okay. Well, you know, I want
 14 to allow you to finish your presentation, but I wanted
 15 to make sure I got clarification on that, and then I'll
 16 have some follow-up questions a little later. So thank
 17 you.
 18 MR. GAGNON: Sure. Yes, and it's an
 19 important question to ask as well. I should know it
 20 off the top of my head, but you got me on that one.
 21 But this separation requirement is really
 22 mostly pertinent to commercial locations in the City,
 23 as you can see from the map. And let me just discuss
 24 it briefly. So this is Blue Heron Boulevard running
 25 east and west through the City, and this is U.S. 1

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1 running north and south. This is President Barack
 2 Obama Highway, also running north and south. North
 3 Congress Avenue running north and south. Here's I-95.
 4 So each green dot represents an existing
 5 filling station, and the yellow outline surrounding the
 6 green dot is a 1,000 foot radius from that point. And
 7 what the current ordinance proposes is a separation
 8 between these uses of 1,000 feet. So that's what those
 9 yellow circles represent.
 10 The red circle is proposed to have an
 11 exemption area from this requirement from the
 12 intersection of Interstate 95 and Blue Heron Boulevard.
 13 I know we discussed it at our last workshop meeting,
 14 and the Board may feel otherwise about moving forward
 15 with that element, however, staff included it on the
 16 map still just to have further discussion on that
 17 matter.
 18 So at this point, I'll pull up the actual
 19 ordinance that's being proposed. So page two of the
 20 staff report indicates an amendment to the filling
 21 station definition, which is Section 31-1. So there's
 22 a few minor amendments within that definition. And the
 23 major amendment is Section 31-559, Regulations for
 24 Filling Stations. Anything you see that is underlined
 25 is new language, so all this language is new and

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1 proposed to be put into the code structure.
 2 (A) is the separation requirement between
 3 filling stations. Number (1) is the 1,000 foot
 4 separation buffer. It also describes any development
 5 order that's provided for a parcel would also be
 6 considered to have an active filling station.
 7 So when staff was looking at this, the
 8 question was asked, let's say there isn't a gas station
 9 in the intersection and two applicants apply at the
 10 same time. Because the use hasn't been constructed and
 11 isn't active, the buffer really wouldn't apply. So
 12 that way we can say, if we have somebody that's going
 13 through the approval process, and once approved, that
 14 1,000 foot buffer would come into effect.
 15 Underneath (1) to (1)(a) is the description
 16 of the 2,000 foot intersection point from Interstate 95
 17 and Blue Heron Boulevard, which would be that exemption
 18 from the 1,000 foot separation requirement.
 19 So I'd like to open the floor for Board
 20 questions at this time.
 21 CHAIR McCOY: Well, I just want to make sure
 22 that we proceed, you know, with the interests of the
 23 public comments that we have. So members, if you have
 24 any questions of the presentation, and I mean of what
 25 Mr. Gagnon has already laid out, now would be the time.

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1 And I would ask that we reserve any comments, if you
 2 can, until after we hear public comments. So if you
 3 have questions of the presentation, you may do so now.
 4 Mr. Blackwell, you're acknowledged.
 5 MR. BLACKWELL: Mr. Gagnon, in reference to
 6 the 1,000 foot buffer --
 7 MR. GAGNON: Yes, sir.
 8 MR. BLACKWELL: -- the other cities that were
 9 mentioned within the presentation here, what buffer, or
 10 if they are using a buffer for their cities?
 11 MR. GAGNON: Let me pull up the specific
 12 sheet. So the final page within the hard copy packet
 13 has a title of Filling Station Matrix. And that was
 14 staff research from adjacent municipalities and
 15 municipalities in Palm Beach County and how they handle
 16 filling stations. Let me pull up the digital copy as
 17 well here.
 18 MR. BLACKWELL: I apologize. I never got to
 19 the back page.
 20 MR. GAGNON: No, that's perfectly fine, and
 21 now is the time to talk about it.
 22 So when we look through other municipalities
 23 and how they handle this use, there are some that
 24 require additional architectural features and other
 25 treatments to the site. There are some that have

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1 separation requirements, not necessarily between
 2 filling stations, but between existing uses, such as a
 3 church or a school and a filling station that's being
 4 proposed. There's one that's rather complicated. I
 5 believe it's the Juno Beach requirement where there is
 6 almost a triangulation that's required to identify
 7 where a new fuel service station can be located.
 8 So it seems like every municipality has
 9 really their own unique way of permitting this use, but
 10 it seems as if the trend is that most locations
 11 identify this as something that is more dense and
 12 intense than a typical everyday use, so there's some
 13 additional protections that are put in place.
 14 MR. BLACKWELL: All right. Thank you for
 15 your indulgence. I didn't get to the back page.
 16 CHAIR McCOY: Any other members wishing to
 17 ask a question of the presentation?
 18 MR. KUNUTY: Mr. Chair.
 19 CHAIR McCOY: You're recognized, Mr. Kunuty.
 20 MR. KUNUTY: Did staff ever calculate the
 21 amount of actual pump stations in total, because some
 22 of these stations are small --
 23 MR. GAGNON: Right.
 24 MR. KUNUTY: -- and you know, some, like the
 25 Wawa, you know, has quite a few pumping stations.

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1 MR. GAGNON: We didn't look into the specific
 2 amount of fuel pumps per location during the study.
 3 The one municipality that does identify that is
 4 Jupiter, where they actually regulate the number of
 5 fuel stations or fuel pumps at the station as part of
 6 the review process. However, staff didn't look at each
 7 station here.
 8 So it could be something that is limited in
 9 the future or described by the Planning and Zoning
 10 Board to potentially be limited, because currently you
 11 could have an approval of X amount of fuel pumps and
 12 you just fill in the blank, depending on the size of
 13 the site and what the economic demand is. So there
 14 really aren't any limitations on the number of fuel
 15 pumps currently.
 16 MR. KUNUTY: Yes, because that's really the
 17 driver for the traffic, you know, how many; how many
 18 stations.
 19 The other question I have, you mentioned the
 20 zoning areas where it's allowed by special exception,
 21 and in industrial they're not allowed -- they're
 22 allowed without a special exception.
 23 MR. GAGNON: Actually, staff was able to pull
 24 up the general industrial code, and it describes
 25 storage of petroleum, but not retail fuel sales. So

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1 from staff analysis now, it does not appear as if it's
 2 a permitted use within general industrial.
 3 MR. KUNUTY: Should we modify the ordinance
 4 to limit it to the two areas that we discussed?
 5 MR. GAGNON: Well, if the code is silent on a
 6 specific use, normally that's considered not permitted.
 7 So if there are three uses that are identified within a
 8 general industrial zone and the fueling station isn't
 9 one of them, then it's considered not a permitted use.
 10 MR. KUNUTY: Okay, thank you. I have no
 11 other questions.
 12 CHAIR McCOY: Any other members?
 13 Well, you know, I'll take the opportunity to
 14 ask and kind of follow up with the comments from
 15 Mr. Kunuty. But I don't even understand what your
 16 definition of mixed use is, because the land use map
 17 doesn't identify what mixed use is, the land use zoning
 18 map.
 19 MR. GAGNON: There's a specific section
 20 that's labeled downtown mixed use, and that really, for
 21 the most part, mirrors the CRA overlay. And then there
 22 are three specific zoning districts that are utilized
 23 to implement that future land use. So it's downtown
 24 core zoning, downtown general zoning, and I guess
 25 there's a few others. There's downtown residential and

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1 downtown industrial as well. But those are less
 2 frequently utilized in the City.
 3 CHAIR McCOY: But the purposes of industrial,
 4 you said because the code is silent, it's understood
 5 that it's not allowed.
 6 MR. GAGNON: Right. So if under the
 7 permitted uses, if a specific use isn't identified,
 8 then typically staff would view that as being not a
 9 permitted use, because there could be a million
 10 different uses that we'd have to plug in --
 11 CHAIR McCOY: Sure.
 12 MR. GAGNON: -- as permitted or not permitted
 13 uses.
 14 CHAIR McCOY: But, you know, I don't want to
 15 stretch this out more than it has to be, but it would
 16 appear that that petroleum storage place that we do
 17 know of, I don't believe that's identified.
 18 MR. GAGNON: Which location?
 19 CHAIR McCOY: The one off of Garden Road.
 20 And if I could share with our members, I had
 21 a question when I first reviewed this packet, but there
 22 is on Garden Road, just north of Interstate -- the
 23 north Interstate, there is what they call a Fleet
 24 filling station that's right next to Anolaze. And it's
 25 a gas station, but it's not a retail gas station. And

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1 what happens is companies or businesses that have fleet
 2 accounts with this fueling station, they just pull up
 3 there, use some sort of transponder card or something
 4 and they fill up.
 5 And my whole concern was if we're going to
 6 regulate this, should we be looking for not just retail
 7 gas stations, and should we be expanding to commercial
 8 filling stations that fill up fleet vehicles like,
 9 let's say a cargo van or a van like that, because you
 10 know, for all intents and purposes, you know, I just
 11 don't see that we should have -- you know, I think
 12 we're at capacity. Irrespective of where we put it at,
 13 I think we have more than enough gas stations.
 14 And I just wanted to find out was this not a
 15 use, and I spoke to Mr. Gagnon. He explained that
 16 because it's not a retail establishment where someone
 17 would actually go into a brick and mortar building and
 18 pay for gas, then it's considered petroleum storage,
 19 so --
 20 MR. KUNUTY: Where exactly are you referring
 21 to?
 22 CHAIR McCOY: It's on Garden Road, south of
 23 Blue Heron Boulevard.
 24 MR. KUNUTY: Okay.
 25 CHAIR McCOY: And it's just south of, I think

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1 the school is Riviera Beach Preparatory Academy. So
 2 it's immediately south of that.
 3 MR. GAGNON: If you look at the map currently
 4 on the screen, I believe it's in this area, if I'm not
 5 mistaken, Mr. McCoy.
 6 CHAIR McCOY: And you know, when I thought of
 7 it, you know, just like you, we don't even realize it's
 8 there until you actually drive there and you actually
 9 look over there. But I was just in that area, and it
 10 seems as if, you know, if we're going to make an
 11 attempt at regulating filling stations, we shouldn't
 12 limit them to retail, because there's nothing to stop a
 13 petroleum storage place for pulling up, you know, and
 14 going off of those terminals in that area by the UPS
 15 facility, you know.
 16 So those are the kind of concerns that I had
 17 with it, and I just wanted to make sure that, you know,
 18 we took a holistic approach and see if there was
 19 something additional that, you know, we should look at
 20 expanding this language to cover.
 21 And quite honestly, you know, I think a
 22 special exception is appropriate for all zoning
 23 districts, because I want to be able to have an opinion
 24 and have an opinion by the Police Department, the Fire
 25 Department and the various departments, Utilities, how

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1 it all fits in with the adjacent uses. And I think
 2 having a special exception process allows us a little
 3 more latitude to vet out these projects and see if they
 4 fit.
 5 So, you know, I don't want to trample on the
 6 work that has been done, but I know certainly at some
 7 point we need to keep our minds open that, you know,
 8 we're essentially regulating the retail ones, but there
 9 are other forms of fueling stations that can come into
 10 the City, so --
 11 MR. BLACKWELL: If I may, with that being
 12 said, is that Fleet a private owned entity, or is it --
 13 because with the Sheriff's Office, we had Fleet filling
 14 stations ourselves throughout the county, but that was
 15 the County's fueling stations for law enforcement or
 16 County workers. Is this a privately owned Fleet
 17 fueling station, or is this something that a government
 18 entity is using or utilizing or both?
 19 MR. GAGNON: For the definition purposes of
 20 the code, if it's not a retail use available to the
 21 public and it doesn't meet the current code
 22 definition -- and I definitely, I hear the
 23 Chairperson's concerns and comments -- for this
 24 ordinance at this time it may have additional
 25 unintended consequences though, because staff hasn't

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1 fully researched what other private or government
 2 filling stations may exist. For example, you know, our
 3 Public Works Department has fueling capabilities as
 4 well.
 5 So I think it's important to look at. I'm
 6 not trying to say it's not important to look at. But
 7 as far as the scope of this ordinance, I think there's
 8 more of an immediate need to try to, I guess, curb the
 9 existing demand specifically along the principal
 10 arterial roadways of the City.
 11 CHAIR McCOY: But to your question,
 12 Mr. Blackwell, I'm almost certain that it is private,
 13 meaning it's not a government owned or operated Fleet
 14 filling station.
 15 But you know, to his point, I certainly think
 16 we need to have language in place, but I will hope that
 17 we're cognizant of, you know, we need to come back and
 18 make sure that if we're going to, you know, stop
 19 filling stations, let's do it for retail purposes as
 20 well as for commercial and fleet vehicles. But I think
 21 that commercial and fleet vehicles is something that we
 22 can certainly look at in the future.
 23 But, you know, here, now, you know, I would
 24 even go so far to say based off of the language, that
 25 we should do this regulations that way. We can keep a

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1 1,000 foot radius from a petroleum station as it exists
 2 now. So you know, just expanded. But those are just
 3 my thoughts. I shared that with staff prior to the
 4 meeting, but I just wanted to make sure that, you know,
 5 the members of the Board knew exactly, you know, that
 6 there are some things that are very close, but just
 7 outside the actual definition.
 8 But you know, it's something that, you
 9 know -- and I guess to our new Board members, when you
 10 see these projects come before the Board and you get an
 11 agenda packet, I think it's very important. And one of
 12 the rights that we have is to kind of just kind of take
 13 a look at some of how our City is laid out, and when
 14 you go to various places, you know, you can kind of
 15 relay those comments back to staff or bring them into a
 16 public meeting, you know, why do we have a Fleet
 17 filling station and we're not regulating that along
 18 with retail establishments. So those are my comments
 19 on that.
 20 Any other members?
 21 MS. SHEPHERD: Yes. Mr. Gagnon --
 22 MR. GAGNON: Yes, ma'am.
 23 MS. SHEPHERD: -- how long have that Fleet
 24 station been there? Do you have any idea?
 25 MR. GAGNON: It's been there, I would say at

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1 least since --
 2 UNIDENTIFIED SPEAKER FROM AUDIENCE: It's
 3 been there about ten years.
 4 MR. GAGNON: So ten years.
 5 UNIDENTIFIED SPEAKER FROM AUDIENCE: Because
 6 I work back in that area. It's been there a while;
 7 it's been there a while.
 8 CHAIR McCOY: Mr. Brown says ten years.
 9 MS. SHEPHERD: It's been there about ten
 10 years. And I noticed that different, you know, trucks
 11 pull up there and gas up. What company own that
 12 particular Fleet, because it's been there about 10, 12
 13 years, because it's down from the -- where the bus, you
 14 know, the school buses. So it's down a little further
 15 from there. And I think during the storm I even saw, I
 16 think, Coca-Cola pull up there and kind of gas up. So
 17 is this open to the public, or just what is it?
 18 MR. GAGNON: I'm not positive on the
 19 ownership information, so staff will be happy to
 20 research that. To my understanding, it's not open to
 21 the general public, so it's only fleet services. So I
 22 don't know if they use a specific key fob type of
 23 system, but it's not a location where you can just pull
 24 up and buy gas at a retail level. So I'd be happy to
 25 look into it further though.

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1 MS. SHEPHERD: All right, okay. Thank you.
 2 MR. DeGRAFFENREIDT: Excuse me.
 3 MR. GAGNON: Yes, sir.
 4 MR. DeGRAFFENREIDT: I'm not familiar with
 5 this operation either. If I'm understanding you
 6 correctly though, it is for they're doing basically
 7 commercial trucks.
 8 MR. GAGNON: Commercial vehicles, so it could
 9 be vans, cars, could be trucks.
 10 MR. DeGRAFFENREIDT: But basically, they're
 11 all commercial vehicles that are --
 12 MR. GAGNON: Commercial in nature, yes.
 13 CHAIR McCOY: For business use, I think is
 14 the better question, business uses probably.
 15 MR. GAGNON: Right, so not about personal
 16 use.
 17 CHAIR McCOY: Yes. Even though they may fill
 18 up a small compact car or they may even fill up a
 19 tractor-trailer.
 20 MR. DeGRAFFENREIDT: That's what I was trying
 21 to be clear on.
 22 CHAIR McCOY: So it varies.
 23 MR. DeGRAFFENREIDT: Okay, gotcha.
 24 CHAIR McCOY: Any other members' questions of
 25 the presentation?

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1 MR. KUNUTY: Yes, you know, it stimulates
 2 another question. We just approved a Palm Tran
 3 contractor on -- I'm trying to remember. It was they
 4 were going to have a fleet operation storage area. And
 5 I wondered, I don't recall them ever saying anything
 6 about fueling on that site. And it was off of
 7 Congress --
 8 MR. GAGNON: Yes.
 9 MR. KUNUTY: -- just before you get to Martin
 10 Luther King.
 11 MR. GAGNON: I think off of 10th Street. I
 12 believe that the project was Maroney. And I think that
 13 it's funny you mention that, because I think that
 14 there's a different site plan that's moving through the
 15 process now. I don't remember there being any fueling
 16 element associated with that previous site plan though.
 17 MR. KUNUTY: Yes. I guess we should be aware
 18 of that when that type of project comes before us.
 19 MR. GAGNON: Definitely.
 20 CHAIR McCOY: Well --
 21 MR. KUNUTY: No other questions.
 22 CHAIR McCOY: That's exactly why I think, you
 23 know, regardless of where it's at, being industrial or
 24 mixed use or commercial, we need to have a special
 25 exception process, because that allows us to use a

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1 little bit more -- and when I say us, I mean us as the
 2 City, the various departments and the Board, to vet
 3 these out a little more thoroughly as opposed to they
 4 just put in a site plan application and we have to
 5 allow them to be here because they're not specifically
 6 excluded. But a site plan has to go through the review
 7 of every single -- I think almost every department that
 8 touches or affects that business.
 9 So if there's no other questions of the
 10 presentation -- now, this is just of the
 11 presentation -- I would like to open up the two public
 12 comment cards that we have. So any other members with
 13 a question? Hearing none, we'll jump right into public
 14 comments. And the first person is Mr. Lloyd Brown.
 15 MR. LLOYD BROWN: Good evening. This is the
 16 first time I came up here, but what I was thinking
 17 about, he talked about the gas stations, right, but
 18 right here on this corner there --
 19 MR. KUNUTY: Would you identify yourself.
 20 MR. LLOYD BROWN: Oh, Lloyd Brown, I'm sorry.
 21 Lloyd Brown. Well, the name was Lucy Brown when they
 22 (inaudible) me Tom Brown. A just want you to know my
 23 mother taught me right and my father did too.
 24 Anyway, the reason I'm up here talking about
 25 the gas stations over here, I can understand the 24

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1 hour gas stations out by 95, you know, if you
 2 regularly -- I don't know if you regularly go. And I
 3 just can't understand the ones that are right directly
 4 in the crime areas. You know, it's like that's where
 5 all our problems are, I mean right in the center.
 6 Like, okay, along -- on Broadway I can
 7 understand you having a gas station 24 hours, honestly,
 8 because it's over there on Broadway, which is like a
 9 main thoroughfare. But right on Blue Heron and Obama
 10 Avenue right there, I mean Obama Highway, okay, those
 11 two places, why would you sell gas in that area after
 12 dark? You think you're going to get -- I'm not trying
 13 to say -- any Caucasians come over there at 2:00 in the
 14 morning to buy gas?
 15 They sell cigarettes. They sell loose
 16 cigarettes, both stores. Not just the gas stations,
 17 but the stores also too in those areas that are
 18 24 hours. That's like who let this happen? I mean
 19 that's ridiculous, because those areas, that's like a
 20 nest egg for crime right there. Who's going to hang
 21 out at a gas station and a 24 hour store except for
 22 thugs, drug addicts and people trying to purchase
 23 drugs?
 24 And I believe that we need to do something
 25 about those places. And I think it would be easier for

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1 us to live in this City, I mean, if you got rid of
 2 those 24 hour gas stations that's right in the crime
 3 areas. But you can come over there, and you arrest a
 4 guy for hanging in the crime area, but he's only
 5 hanging there because there's a place for him to hang
 6 24 hours a day.
 7 And then early in the morning up by the
 8 Imperial, that's the other gas station, they stay open
 9 24 hours. I don't know what they mean by dual use.
 10 But anyway, these places, they got restaurants in them,
 11 no bathrooms. They don't sell gas at night. They sell
 12 everything that -- I was on drugs. I know. They sell
 13 everything that a drug addict need, paraphernalia,
 14 rolling papers, alcohol. And they got the drug dealers
 15 right on the side. But they open 24 hours. They're
 16 supposed to be gas stations. Yes, it's gas, all right.
 17 It's according to which type of gas you're talking
 18 about.
 19 Because I just can't see it. I think if we
 20 got rid of these, at least the ones that are
 21 (inaudible) -- I hope you don't start with the ones
 22 that are in our general area -- and we got rid of
 23 those, I think this City might be a little more
 24 cleaner, a little more less crime, because those guys
 25 only hang there because it's open. And most of the

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1 guys that hang out, they don't care nothing about it.
 2 And the stores don't really care anything about the
 3 neighborhood. They're there to make money. They're
 4 not selling gas.
 5 Now, honestly, who do you expect to get off
 6 95, pass by all those gas stations out there and come
 7 right in here to Riviera Beach to the one right on
 8 Obama and Blue Heron unless they were coming to
 9 purchase drugs? That's what I'm trying to say. And I
 10 appreciate you listening to me. You all have a nice
 11 day.
 12 CHAIR McCOY: Next comment is Mary Brabham.
 13 MS. BRABHAM: Good evening to the Board
 14 members. Ms. Mary Brabham, Riviera Beach.
 15 Good to see men in the house. Margaret and
 16 Ms. James, you all hold your weight well. Thank you,
 17 as a Board.
 18 The ball dropped. It just did not drop here.
 19 It been dropped. City staff has frequently received
 20 inquiries from the developers. It also should have
 21 been included residents, because we have been in this
 22 chambers numerous of times talking about the filling
 23 stations in this City here. If you say 1,000 feet, you
 24 have two filling stations right here where City Hall
 25 sits, and the Tiger store there, so let's say three

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1 that say open 24/7.
 2 This did not happen by accident at all. This
 3 is ludicrous. An eight mile stretch of territory.
 4 It's a difference when you do not live here and you see
 5 the harm of coming in, investing in what you invest in.
 6 We welcome the business, but it's how and what business
 7 regulates and puts that perception on us as a City, who
 8 we are.
 9 No one travels from I-95 24 hours a day to go
 10 over on Singer Island or coming back. You even got the
 11 Imperial down there, 24/7. Who did this madness? Who
 12 did this madness? We hold the officials accountable
 13 for this madness. This should have had moratoriums, it
 14 should have had better regulations.
 15 Mr. Kunuty made mention about the pump
 16 stations. You have them sitting there. You need to
 17 put some teeth in these regulations here. You need to
 18 put some teeth in this Comprehensive Plan here that is
 19 delegating and would set the course for what we, as a
 20 City, who we are and whose we are would look like on
 21 every corner in this City here.
 22 Mr. Brown talks about it all the time. The
 23 residents talks about it too. So in that, Jeff, I
 24 would like for you also to include the residents has
 25 always had a major concern about these gas stations.

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1 Pumps. How many pumps does a filling
 2 station -- should be regulated in this City? Is it two
 3 or one? You have Wawa that just opened up. That's
 4 marvelous. You have the Hess station that's going over
 5 on Singer Island. You have JW down the street on 6th
 6 Street, and he has a liquor store up on the Dixie here.
 7 They do not stay open 24/7.
 8 You also have on MLK, on Congress down there
 9 where you have the Marathon station. They do not stay
 10 open 24/7. I know I think down there on Congress and
 11 MLK, I think that closes by 11:00. And if I'm
 12 incorrect, you all can -- I'm sure that you all have
 13 been that way before, because I travel that way. JW
 14 down there, he doesn't stay open 24/7.
 15 This is horrible for this City. It's
 16 horrible for the residents that live in these
 17 perimeters, and it's horrible for the peoples that are
 18 coming off I-95 going towards the waters or living over
 19 there as well. We have a chance now to modify this, to
 20 modify this. You got a chance to correct this, and you
 21 got a chance to go back and say that these filling
 22 stations cannot be allowed to operate 24/7. Nobody's
 23 buying gas 24/7.
 24 The hub is right here where the crime is,
 25 right across from City Hall here. Let your minds

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1 picture that. And from here to right down there to the
 2 Imperial Plaza, let your minds picture that. Something
 3 is wrong with this picture here; something has been
 4 wrong.
 5 But you all have a chance to do what is
 6 right. Look at these land regulations and uses.
 7 Modify. This Board has that authority. And a lot of
 8 this stuff here that's been presented is not fully
 9 vetted. I'm holding you all men and womens accountable
 10 for how this City is perceived. And we must stop doing
 11 business as usual, the buddy system pack. What are
 12 they selling in those stores 24/7? That should be
 13 better regulated.
 14 You work with the Sheriff Department. I'm
 15 sure you've had your hands full with this type of
 16 chaos. Others have worked in an entity where you see
 17 all kinds of chaos.
 18 I don't know who lives in the City, but I'm
 19 assuming that everyone lives in this City. And your
 20 desire should be just like Ms. Brabham and her
 21 children's desire, because even in the morning times
 22 children walk past those stores there and see all of
 23 that chaos going on. It is not acceptable, and we
 24 should not allow our children to feel that it is
 25 acceptable and this is how we live. Our kids portray

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1 and live and act out the way and what we do and see and
 2 said. Thank you.
 3 CHAIR McCOY: Thank you.
 4 Those were our public comments. The agenda
 5 now calls for Board comments. So any members of the
 6 Board wishing to comment?
 7 MR. BLACKWELL: If I may, Chair, or Vice
 8 Chair?
 9 CHAIR McCOY: Mr. Blackwell, you're
 10 recognized.
 11 MR. BLACKWELL: Thank you.
 12 Hearing public comments, I do take these
 13 matters seriously, and I do hear you. The items that
 14 are here before us today have no language in it as far
 15 as hours of restrictions or modifications of that.
 16 So with that being said, and this is a
 17 question for Mr. Gagnon, could this language also be
 18 included in the restrictions or the mixed uses of
 19 filling stations? I know it's a separation of code and
 20 ordinances, but I'm just asking as a matter of --
 21 MR. GAGNON: I think it's something that
 22 could be investigated further as far as hours of
 23 operation for businesses. The scope of that, however,
 24 may end up being much larger than just filling
 25 stations, because it seems as if there's also a retail

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1 component that is really being questioned, which would
 2 definitely require a much more thorough analysis than
 3 just the filling stations.
 4 Currently I don't believe there's any
 5 restriction on hours of operation within our Code of
 6 Ordinances. There is for alcohol sales, but I think
 7 that's the only specific use that's outlined as far as
 8 having a time structure. So we would have to go back
 9 and look and see, again, what other municipalities have
 10 done, what the City may be able to do legally and how
 11 that would apply to other retail uses in the City.
 12 MR. BLACKWELL: Okay, I understand that we're
 13 here today for the 1,000 foot buffer, so to speak, for
 14 new and existing filling stations, but based on public
 15 comment, I just wanted to ask that question and
 16 inquire. Thank you.
 17 MR. GAGNON: Understood.
 18 CHAIR McCOY: Any other members wishing to
 19 comment?
 20 MS. SHEPHERD: Yes, I would like to make a
 21 comment.
 22 CHAIR McCOY: You're recognized.
 23 MS. SHEPHERD: Thank you.
 24 Mr. Gagnon, how many more filling stations
 25 can we take here in the City? We have 18, and I keep

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1 hearing Mr. Brown continuously bring it up about the
 2 filling stations. Is there a way we can put a hold on
 3 what's coming to the City, because you have Broadway,
 4 Blue Heron. We need to build that up with restaurants,
 5 not Dollar Stores; restaurants, not filling stations.
 6 Is there any way? I know if the investors have land
 7 here, we can't restrict them from building, but is
 8 there any type of legislation they could put in place
 9 to restrict these?
 10 MR. GAGNON: I guess to provide the most
 11 wide-sweeping answer I can, I don't know if there's
 12 really one way of solving it. You know, I think right
 13 now the City is going through kind of a re-imagination
 14 process. We've had a lot of discussion of the U.S. 1
 15 corridor, of the Blue Heron corridor. There's
 16 currently a moratorium in place which allows for
 17 development of regulations such as this, where staff is
 18 looking at the existing uses and seeing what may be
 19 becoming oversaturated in the City.
 20 So from my perspective, enacting smaller
 21 regulations such as this that help guide us to where we
 22 want to be, I think it helps. It may not be the silver
 23 bullet, but it starts getting us to what our final goal
 24 really is for how the City will eventually be
 25 developed.

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1 MS. SHEPHERD: And I want Mr. Brown to know
 2 that I know I hear him. I myself go out in the City,
 3 and I watch all of the filling stations and the things
 4 that he's talking about. But we have to get a solution
 5 to the problem here in this City. We have a great
 6 City. We don't want to be labeled as the filling
 7 station or the Dollar Store City. So I think we should
 8 start thinking about put some restrictions there,
 9 because I think we have enough. Eighteen is 18 really
 10 too many. Thank you.

11 CHAIR McCOY: Any other members wishing to
 12 comment?

13 MR. GUSTAFSON: I have a comment, Vice Chair.

14 CHAIR McCOY: Mr. Gustafson, you're
 15 recognized.

16 MR. GUSTAFSON: With the City wanting to move
 17 forward in a new direction, new imagination, is there
 18 any way that we could put in the verbiage some type of
 19 architectural -- I mean we're looking at Jupiter here,
 20 and they have so many different points of view that
 21 they have to meet and clarify.

22 I agree, 18 filling stations is too many, and
 23 we have to put some type of wording in the rule that
 24 says if they want to put a gas station here and be the
 25 19th gas station, are they going to put it at some type

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1 of new architectural form that would meet the City and
 2 also influence the City in a positive direction, with
 3 landscaping, trees, screening and so forth.

4 And I think that maybe if we change the
 5 wording a little bit to make it a little bit harder to
 6 put a gas station here, it's going to cost that
 7 developer more money and so forth. If he really wants
 8 to do it, he has to keep it to a standard that the
 9 Board wants to do, and that would, I would think, would
 10 bring the City to a new imagination to get better.

11 MR. GAGNON: Yes, to build off that comment,
 12 I think that during our last workshop meeting a similar
 13 thought process was discussed where I don't know if
 14 specifically for filling stations, if that's the best
 15 answer, or maybe we need to look at kind of the global
 16 view of how we develop our major roadways and whether
 17 or not we need to strengthen what architectural
 18 standards we have and what development guidelines we
 19 have as far as building design and landscaping and
 20 things of that nature. So I don't know if it's best to
 21 try to look just at the filling station or just the
 22 corridor as a whole.

23 MR. GUSTAFSON: And back to that, the
 24 corridor is something that we have to look at, but the
 25 types of facilities that are going to try to move into

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1 the City, if we can start with the gas stations, which
 2 seem to be trouble points, and we keep them to a higher
 3 architectural standard, it might -- and even if I'm
 4 sure it's very difficult with a retail store, with
 5 selling retail items, that it's difficult to regulate
 6 when they can be open or not, but if that facility is
 7 held to a higher architectural standard, it might be a
 8 place of -- more luxurious that it may keep the trouble
 9 away, because that type of owner that wants to keep
 10 that facility and make money at that facility is also
 11 going to make sure that he doesn't have trouble outside
 12 of his facility. So I'm just looking at the gas
 13 stations to move in that direction, which could also
 14 help the corridor of the balance.

15 MR. GAGNON: Understood.

16 CHAIR McCOY: Any other members?

17 MR. BROWN: Yes.

18 CHAIR McCOY: Mr. Brown, you're recognized.

19 MR. BROWN: Mr. Gagnon --

20 CHAIR McCOY: Can you make sure you speak
 21 into the mike.

22 MR. BROWN: The actual developments go
 23 through this Board?

24 MR. GAGNON: Yes.

25 MR. BROWN: If somebody want to develop a

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1 property, it has to go through this Board, right?

2 MR. GAGNON: That's correct. So any --
 3 specifically for the gas stations, it would provide the
 4 Board the opportunity to review it, be a special
 5 exception process. There's additional criteria that
 6 the developer would have to meet currently, and then
 7 once the Planning and Zoning Board reviewed it, it
 8 would go to City Council for a final approval or a
 9 denial.

10 MR. BROWN: Okay, so this is just a
 11 regulation approval right now?

12 MR. GAGNON: Yes. This is not for any
 13 specific project. This is a global ordinance that
 14 would impact future development in the City.

15 MR. BROWN: Thank you.

16 CHAIR McCOY: Any other members?

17 MR. KUNUTY: Mr. Chair.

18 CHAIR McCOY: You're recognized, Mr. Kunuty.

19 MR. KUNUTY: Does it make sense to put an
 20 upward limit on the number of gas stations in the City,
 21 a finite limit?

22 MR. GAGNON: So as far as a cap on the number
 23 of filling stations, or are we talking about just the
 24 pumps --

25 MR. KUNUTY: No. Number of filling stations.

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1 And is that even possible?

2 MR. GAGNON: The City currently doesn't have

3 any sort of use caps of that manner, so staff would

4 have to research what's been implemented elsewhere and

5 what's successful. As far as growth management

6 practices, similar type of things have occurred, but

7 I'm just not as familiar with how to implement that

8 strategy.

9 MR. KUNUTY: Is it worthwhile to investigate

10 that?

11 MR. GAGNON: Yes, definitely.

12 MR. KUNUTY: No other questions at this time.

13 CHAIR McCOY: I have a few comments. And I

14 want to kind of stick to the issue at hand, and then I

15 have some other side comments to state because of what,

16 you know, what we came up with.

17 But I remember when we had this item two

18 weeks ago, it was stated, Mr. Gagnon, and if you could

19 just refresh our memory about why we have the exemption

20 for the area near I-95 and Blue Heron Boulevard and

21 what drove us, what drove that reason and how did we

22 get there to have that exemption, that carve-out for

23 that little section.

24 MR. GAGNON: Yes, so when staff was looking

25 at the map, we wanted to take into consideration the

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1 fact that Interstate 95 is considered an evacuation

2 route for the area, so Blue Heron Boulevard would be

3 also a primary evacuation route. So providing that

4 exemption to the buffer would allow for filling station

5 uses to develop within the, again, what staff considers

6 an evacuation route buffer zone, I guess, for lack of a

7 better term.

8 However, there was discussion during the last

9 meeting that maybe it wasn't needed. And I think it's

10 really up to the Planning and Zoning Board to consider

11 it, and it could be something that is removed if the

12 Board doesn't feel as if it's necessary.

13 CHAIR McCOY: Okay. Part of the reason I ask

14 is because I don't think it's necessary that we need to

15 make an exception. And, you know, I'm looking at it

16 from the oversaturation standpoint of the number of

17 filling stations, and I'm looking at it also from the

18 standpoint of gas is toxic, you know. I mean it's

19 flammable.

20 And we have to know where our filling

21 stations are, we have to know what petroleum storage

22 is, we have to know where, you know, we have a whole --

23 I can probably tell you we had at least three or four,

24 maybe even five different industrial truck facilities

25 or repair facilities that came in off of the Blue Heron

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1 and Garden Road area that do repair and maintenance

2 that I'm sure they have some portable storage of

3 diesel, and you know, just a number of different

4 hazardous materials. We had Airgas.

5 So I just think from the standpoint, there

6 shouldn't be any exemptions. You know, when we -- if

7 we all look at our last page in our packet, you know, I

8 mean it kind of gives you -- they have some pretty

9 tight language. And I don't see that ours is so tight.

10 In fact, ours is a little bit loose. And I think we

11 need to, you know -- eight just between Military Trail

12 and I want to say Avenue S is probably an

13 oversaturation of gas stations. I don't think we need

14 a carve-out.

15 So, you know, if I can call the members'

16 attention just to the language, I think section A, in

17 my opinion, is unnecessary, because looking at the land

18 use map -- and you know, correct me if I'm wrong,

19 Mr. Gagnon, but it appears that just that 1,000 feet

20 around I-95, that area, actually I have it on my

21 computer, but it's in, I want to say, a color almost

22 like a burgundy, but that represents commercial. And

23 if I understood correctly, just being in commercial

24 requires a special exception already.

25 MR. GAGNON: Yes.

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1 CHAIR McCOY: So that would essentially mean

2 it has to go through that whole vetting process anyway.

3 So that would, in essence, make part A of the language

4 a little bit, and I don't want to say overkill, but

5 almost fruitless at this point. So I particularly

6 don't like the exception.

7 Secondly, just dealing with the 1,000 foot

8 separation buffer, was there a -- I want to say was

9 there a standard in which we arrived to 1,000 feet?

10 Obviously, it's not local. It's not local best

11 practices, because I see 1,000 feet for Palm Beach

12 Gardens with some other requirements. But, you know, I

13 think just where we are, because we already have 18, I

14 think we can even go down to 500. I'm sorry. Not down

15 to 500. We can go up to 2,000. That's my opinion.

16 So, and I welcome feedback from the other members.

17 Also, in addition to going up to 2,000, I

18 would ask and I would read what I think, you know, my

19 proposal is for that language. It says -- and I'm

20 changing my 1,000 to 2,000 for the regulation for

21 filling stations. And my version would read as this,

22 if you kind of want to follow. Separation requirements

23 between filling stations. A 2,000 foot separation

24 buffer is required between filling stations. And I

25 will propose that we add a comma and add petroleum

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1 storage as well.
 2 So that way, we won't -- like, for instance,
 3 if that language was there, Wawa would not be allowed
 4 to be in existence, because we have a petroleum storage
 5 that's just maybe an eighth of a mile to the south. So
 6 particularly, I don't want to limit it to filling
 7 stations. I don't want someone to find some back door
 8 area to come into our City in the industrial area to
 9 put a petroleum storage, which essentially goes against
 10 the whole purpose of us trying to lay out some
 11 regulations to decide on where these facilities could
 12 go.
 13 So it would be a comma, and petroleum
 14 stations. So not necessarily saying that we're
 15 regulating petroleum stations, but we don't want a
 16 filling station within 2,000 feet of an existing
 17 petroleum station. So that's my proposal with the
 18 language. And, you know, if there's other members that
 19 feel the same, I mean I would certainly ask that you,
 20 you know, kind of share your opinion and your thoughts
 21 on it.
 22 Now, if I could just shift gears for just a
 23 little bit. Because I have my computer here and the
 24 luxury of having a computer, I was able to look at the
 25 code. And I know I heard it mentioned about the

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1 closeness of these facilities. And Mr. Brown spoke of
 2 Barack Obama Highway and Blue Heron. Now, I remember
 3 the filling station on the southwest corner -- I don't
 4 know if it's a Marathon or whatever it is, or Rec 90 or
 5 whatever they call it, that filling station, but it was
 6 closed for some time.
 7 UNIDENTIFIED SPEAKER: Chevron.
 8 CHAIR McCOY: It wasn't the Chevron. It's
 9 the one on the southwest corner.
 10 MR. GALLON: Where the Mobil is.
 11 CHAIR McCOY: Is it Mobil?
 12 MR. GALLON: It's Mobil.
 13 CHAIR McCOY: Okay. And I guess this is for
 14 our members as well. So when we put language in place
 15 like this, and let's just say this passes us and goes
 16 to two readings on City Council, if a filling station
 17 goes out of business, I believe it's for six months,
 18 that use is no longer required -- I'm sorry. Let me
 19 say that again. That use is no longer allowed. And I
 20 think -- am I correct, Mr. Gagnon?
 21 MR. GAGNON: So if there is another filling
 22 station within the defined radius, if this ordinance
 23 was approved, it may create legal nonconforming uses,
 24 meaning that two uses would exist within that specific
 25 radius. So if one of the two uses were to close for

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1 that defined amount of time, it would not be able to
 2 reopen as a filling station use.
 3 CHAIR McCOY: Okay. And you know, I wanted
 4 certainly our members to understand that legally
 5 nonconforming clause and what that actually means and
 6 the impact of it, because, you know, we can't go in and
 7 tell somebody we no longer want a filling station if
 8 they've already been existing and they're already in
 9 operation. But you know, if they close for whatever
 10 reason beyond the six months -- is it for whatever
 11 reason?
 12 MR. GAGNON: Well, it would be closed,
 13 lacking any sort of City license. So for example, if
 14 I'm a business owner and I am seasonal, and I choose to
 15 have my shop open for half a year, and I maintain my
 16 City license, then that would still be considered an
 17 active business. But if the business was completely
 18 shut down, with no active City business license, then
 19 the nonconforming use regulations would come into play.
 20 CHAIR McCOY: Okay. Well, that is one of the
 21 impacts, whether it be intended or unintended. So
 22 certainly be aware of that.
 23 And also, you mentioned that there is an
 24 ordinance, and I didn't get a chance to actually find
 25 it, there is an ordinance that restricts alcohol

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1 purchases -- or not purchases, the selling of alcohol
 2 at a certain hour.
 3 You know, my issue is this, and I'm going to
 4 be straightforward with you. You know, I liked it that
 5 we had our City Manager in our first two meetings. If
 6 he can't come, because I know he manages, I think, 13
 7 departments, or however many departments, and over 400
 8 employees and has a personal life, you know, we should
 9 have some designee or someone here from the City
 10 Manager's office so that it's not always someone has to
 11 review the record to find out what Planning and Zoning,
 12 you know, intended or some of the comments that came
 13 up, because, you know, this is important. And none of
 14 this stuff comes to light until an individual comes to
 15 a public meeting.
 16 But is there any enforcement of the alcohol
 17 being sold after these restricted hours? Because I
 18 never even heard of or even knew of any kind of
 19 enforcement. Who does it, the Police Department, Code
 20 Enforcement? You know, it looks like we need to -- you
 21 know, I'm at the point if I could hit delete, I want to
 22 delete everything out of our code, because if we're not
 23 using it, we should delete it. And the fact that it's
 24 there means that it is enforceable. And if we're not
 25 enforcing them, if we're not enforcing it, it makes no

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1 sense for us to have it in our code.
 2 And I struggle, because I deal with -- and
 3 I've spoken to the Mayor several times, as well as the
 4 City Manager, and I have to agree with the public
 5 comments. These places breed the criminal element.
 6 When you have people outside at all times of the night,
 7 and you have a store that's dispensing alcohol or
 8 whatever they're doing, and loitering, and that's just
 9 fueling this activity, you know, that's why we have
 10 shootings and that's why we have robberies and a number
 11 of different things.
 12 But I want to find out, can we, as a Board,
 13 make a request that's separate from this item that
 14 we're discussing that the City Manager or
 15 administration of the City provides some sort of
 16 information on how, you know, some of these things that
 17 we're seeing is being enforced, because if there's no
 18 enforcement, I mean I think, you know, that is not so
 19 much a proactive way, but that is a way that we can
 20 kind of limit some of these things and attract better
 21 businesses into the City, because this, you know, this
 22 is a balancing act that we have as being appointed
 23 members, that we recognize these things and bring them
 24 to the forefront. So I definitely want to ask about
 25 the enforcement mechanism of some of these existing

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1 statutes.
 2 And lastly, is there -- of that 24 -- I'm
 3 sorry, not the 24 hours. Of the restriction on
 4 purchases of alcohol, does that function -- and this
 5 may be a question for the City Attorney. Does that
 6 regulation, is that something that is proposed, or is
 7 that a function of our Board when it comes to reviewing
 8 land use ordinances as well as applications, because I
 9 know we've made recommendations with conditions. So is
 10 that a function? Can we actually put that in language
 11 as a recommendation to City Council?
 12 MR. DeGRAFFENREIDT: Yes.
 13 CHAIR McCOY: We can. We have that
 14 authority.
 15 MR. DeGRAFFENREIDT: Yes.
 16 CHAIR McCOY: Okay. So you know, with that
 17 being said, you know, members, I think, you know, our
 18 attorney laid it out so eloquently that we can receive
 19 whatever kind of legal advice from him. It's up to,
 20 you know, Advisory Board members to make that
 21 recommendation. It's up to City Council to make that
 22 decision.
 23 But I will caution you on this. If any
 24 member chooses to make any kind of recommendation, keep
 25 it separate from our land use and make another motion,

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1 simply because I don't want to railroad the work that
 2 our Planning Department has done, you know, which, you
 3 know, it's a little bit outside of their scope, and I
 4 think it deals more with the Code Enforcement side of
 5 it.
 6 But don't make a recommendation that's going
 7 to cause this language to crash somewhere down the
 8 line, being it's too heavy with, you know -- because
 9 you don't get to vote "yes, with conditions." You
 10 either vote yes or no. So if there is a motion or some
 11 sort of recommendation by members of the Board, just if
 12 we could do it separately from what we've already
 13 worked on. So those are my comments.
 14 Any other members wishing to comment?
 15 MR. BLACKWELL: If I may, Chair.
 16 CHAIR McCOY: Mr. Blackwell.
 17 MR. BLACKWELL: After reviewing the
 18 regulations for filling stations on the back page, once
 19 again, Exhibit B here, I kind of agree with Chair here.
 20 If you look at our language, this is pretty much a play
 21 on words, and it's very vague. But if you go down to
 22 Lake Park and North Palm Beach, which are compatible
 23 cities to our square mileage, they have outlined a more
 24 complex and definitive regulatory statute or something.
 25 And I would like to see maybe a 2,000 foot

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1 separation buffer and the language of the "comma,
 2 petroleum storage," only because you look at that map
 3 there, and if it's going on in one place, well, who's
 4 precluded from going on off of Australian Avenue where
 5 it's industrial mixed use there?
 6 But that 2,000 foot buffer may not reach the
 7 Australian Avenue plats or land, but if we add that
 8 language in there, "comma and petroleum storage
 9 facilities," maybe that may be, you know, a way of
 10 addressing any future fleet and/or service stations
 11 that are not convenience stores and/or commercial use.
 12 CHAIR McCOY: Thank you, Mr. Blackwell.
 13 Any other members with comments?
 14 MR. GUSTAFSON: Mr. Chair, if I could say one
 15 more comment.
 16 CHAIR McCOY: You're recognized,
 17 Mr. Gustafson.
 18 MR. GUSTAFSON: I like the 2,000 feet, and I
 19 also like your petroleum -- "comma, petroleum facility"
 20 or storage facility. I just want to question that
 21 "petroleum facility," and why not change the words to
 22 hazardous material or anything that is flammable or
 23 dangerous in the capacity of being next to a fuel
 24 storage or a fuel depot, fueling station or so forth?
 25 Petroleum is just one type of material, and using the

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1 words such as hazardous materials or other types of
 2 flammables might make that a stronger, more difficult
 3 way to put a station there.
 4 CHAIR McCOY: Thank you, Mr. Gustafson. And
 5 I want to be the first to respond and tell you I like
 6 the idea, but I just don't think that that will work,
 7 because when you say hazardous material, I mean just
 8 being on this Board, we've had a number of different
 9 businesses that come in with hazardous material, and we
 10 just had a chlorine facility, you know.
 11 So basically, you know, we will be
 12 prohibiting Airgas, which, because it's under, you
 13 know, a lot of the products that they provide, be it
 14 oxygen or propane or whatever it is. I mean we would
 15 just now be really -- I mean hazardous has so many
 16 definitions, and I think we will find ourselves in more
 17 trouble if we included hazardous.
 18 I think if we kind of keep it limited and
 19 take a, you know, one bite at a time, I think that's
 20 probably, in my opinion, a better road, because if you
 21 say hazardous, there is a whole list of hazardous
 22 materials, and then there has to be a whole other
 23 process in defining what exactly is hazardous and
 24 knowing what's already existing.
 25 Now, just from the standpoint when you think

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1 about something about the 2,000 -- like I said, the
 2 exemption around 95, remember members, we have two
 3 dealerships right at the intersection of I-95 and Blue
 4 Heron Boulevard. And I'm sure they have some sort of
 5 storage of some sort of gasoline or some sort of bulk
 6 oil or something of that sort, which essentially is
 7 petroleum. So I think it's best that we kind of limit
 8 it where we have succinct, but definitely effective,
 9 you know, definitions as opposed to not have too many
 10 unintended consequences. So that's my concern with it.
 11 Any other members?
 12 MR. KUNUTY: Yes, just a question for staff.
 13 We basically asked to modify this ordinance, okay, with
 14 eliminating the special exception in the 95 area, okay.
 15 Should we limit the total number of gas stations?
 16 We said a number of Board members want to
 17 expand the distance to 2,000, okay? We don't mention
 18 anything in our ordinance about distance from schools,
 19 hospitals, et cetera, et cetera, which a number of the
 20 other communities do. We're talking about a petroleum
 21 storage facility, but do we actually mean a petroleum
 22 storage and dispensing facility? So that's a question.
 23 And the other question is why shouldn't any
 24 gas station, whether it be in commercial or mixed use,
 25 et cetera, be a special exception, so no matter where

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1 you go, it should be a special exception so at least we
 2 have, you know, a second bullet to fire at it?
 3 So my question to you is this: Do we need to
 4 send this back to you and implement all of these
 5 different items, because I think if we just pass this
 6 and say address these issues, we're going to, you know,
 7 we're going to lose something in the translation.
 8 So my question to you, is it going to be
 9 easier for you to, for staff to implement these
 10 questions or conditions, and at the same time find out
 11 if we really can put a limit on the total and how we
 12 define a petroleum storage facility and dispensing
 13 facility? So from just a housekeeping standpoint, is
 14 it better for you to go ahead and do that, rewrite it,
 15 bring it back here for the next meeting?
 16 MR. GAGNON: Ultimately, it's going to depend
 17 on the motion made by the Board. It's not, I guess,
 18 impossible for staff to make corrections or make any
 19 amendments as defined. However, if the Board wishes to
 20 see amendments brought back, then staff can also do
 21 that, bring back the amendments discussed tonight,
 22 whatever is motioned by the Board, if that would be the
 23 pleasure of the Board, and make all Board members more
 24 comfortable in moving forward with that item.
 25 MR. KUNUTY: I personally would feel better

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1 to read all of this stuff into the ordinance as opposed
 2 to, you know, just saying go ahead, we'll approve it
 3 and you put this in.
 4 So the other question I have is related to
 5 what Mr. McCoy said. If we do expand to the 2,000
 6 feet, okay, and recommend that, and a gas station
 7 that's 500 feet away from a current one goes out of
 8 business, is that a strong enough reason to say it's
 9 now not a conforming use, because the only reason I say
 10 that is that mostly it's a zoning change, you know,
 11 like we've had on Broadway, zoning changes that, you
 12 know, somebody wanted to come back in and said, well, I
 13 used to have that kind of business here and now I want
 14 to do it again.
 15 MR. GAGNON: So what would happen in a few
 16 situations, if this ordinance, just using the 1,000
 17 foot that is on paper currently for reference, if this
 18 ordinance was proposed or enacted, then it would create
 19 legal nonconformities with some of the existing gas
 20 stations, meaning that they are located within that
 21 buffer of another gas station. So by default, there
 22 would be a legal nonconformity created. Whether or not
 23 they meet the requirements and conditions of going out
 24 of business for a set amount of days and basically
 25 forfeiting that use is kind of a case by case basis.

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1 MR. KUNUTY: But it would have to be the 180
 2 days out of business, inactive?
 3 MR. GAGNON: Correct.
 4 MR. KUNUTY: Okay, in order for it to become
 5 nonconforming.
 6 MR. GAGNON: Yes.
 7 MR. KUNUTY: Well, you know, if the Board's
 8 more comfortable with sending this back, implementing
 9 these items that we all brought up, I'll make that
 10 motion, that we send the ordinance back to staff to
 11 modify it with all of the Board comments.
 12 CHAIR McCOY: And I won't recognize that
 13 motion, Mr. Kunuty, simply because I want to give you
 14 the opportunity -- well, let's just make sure that
 15 everybody is all clear on it.
 16 MR. KUNUTY: Yes.
 17 CHAIR McCOY: I'll allow you the opportunity
 18 to, you know, take a stab at it. But is there any
 19 other members? And I definitely want to hear some
 20 feedback from staff, because I don't want to --
 21 MR. KUNUTY: Well, I think staff's already
 22 given the feedback. If it's the pleasure of the Board
 23 to send it back to implement these things, so be it.
 24 CHAIR McCOY: Right. But, and that's not so
 25 much the point that I was going to make, Mr. Kunuty.

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1 But, you know, they are, as well as the City Attorney,
 2 subject matter experts, and I don't want them to go
 3 back right now without -- like, for instance, is there
 4 an opinion or is there -- staff have a position, I mean
 5 as it stands, on some of the things that we kind of
 6 suggested or would be some pitfalls?
 7 Like I know I was able to almost immediately
 8 tell Mr. Gustafson that that might put us in trouble.
 9 But I want to kind of hear back from them as to our
 10 suggestions if this is something that, you know, us not
 11 being experts on it, might not realize that it's going
 12 to affect us.
 13 And you're still going to have the
 14 opportunity, Mr. Kunuty.
 15 MR. GAGNON: What I'd say in response to that
 16 is whenever amendments are proposed, it requires
 17 additional research from the staff level. I don't
 18 think there's anything that has been discussed that's a
 19 complete no-go. You know, I think it will, however,
 20 require staff to go look and see how the petroleum
 21 storage facility is defined, if we have to create a
 22 specific definition for petroleum storage, if there'd
 23 have to be modification of the section heading because
 24 it would be for more than just the filling stations, it
 25 would also include petroleum storage. So I don't see

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1 any impossibilities, but again, we'd look at it and
 2 we'd create a new map that identified what a 2,000 foot
 3 buffer would be versus a 1,000 foot buffer, as
 4 proposed, just for, you know, research and discussion
 5 purposes.
 6 CHAIR McCOY: Okay, any other members?
 7 Before we take any motions, I just want comments and
 8 questions at this point.
 9 MS. SHEPHERD: Can I ask a question?
 10 CHAIR McCOY: Yes, you're recognized.
 11 MS. SHEPHERD: Mr. DeGraffenreid.
 12 MR. DeGRAFFENREIDT: Yes, ma'am.
 13 MS. SHEPHERD: Do you have an opinion on this
 14 particular item that Mr. McCoy is discussing? With
 15 staff going back and reiterating this particular item,
 16 do you see any consequences or anything at all?
 17 MR. DeGRAFFENREIDT: If I'm understanding
 18 correctly, the Board is sending it back because there's
 19 some concerns that have been discussed that they want
 20 addressed in order to perfect their recommendation
 21 moving forward.
 22 CHAIR McCOY: Sure.
 23 MR. DeGRAFFENREIDT: I think that's within
 24 your prerogative. If that's what you want to do, it is
 25 wise to do so, in my opinion. That ain't a legal

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1 answer. But if you have those issues before you can
 2 formulate your recommendation, I think it may be wise
 3 to do so.
 4 MS. SHEPHERD: Okay, thank you.
 5 CHAIR McCOY: Any other members?
 6 Well, Mr. Kunuty, you have a heavy task, and
 7 I want to make sure that, you know, you get all of the
 8 time to try to explain it in your motion, what you --
 9 MR. KUNUTY: Well, yes, I mean it's a pretty
 10 simple motion. It's to send the ordinance back and
 11 have it rewritten, taking into consideration all of the
 12 comments that were made by the Board and suggestions
 13 made by the Board, knowing full well that some may be
 14 able to be researched and done, and there may be some
 15 that may not be able to be done for a variety of
 16 reasons. So, and I'm more comfortable in having that
 17 come back to us --
 18 CHAIR McCOY: Sure.
 19 MR. KUNUTY: -- as opposed to just saying:
 20 Okay, we made some general comments. Implement them
 21 and send it on the City Council. So if you need --
 22 MR. GAGNON: Prior to -- I'm sorry. Prior to
 23 finalization of the motion, just so I can relay what
 24 staff's understanding of the discussion so far tonight
 25 has been, one amendment would be modifying the

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1 1,000 foot separation to a 2,000 foot separation.
 2 MR. KUNUTY: Yes.
 3 MR. GAGNON: Another amendment would be
 4 adding petroleum storage or a similar defined use
 5 within that separation requirement. And additionally,
 6 there was discussion of removing the exemption of the
 7 exemption specified within letter A for the 2,000 foot
 8 radius at the intersection point of Interstate 95 and
 9 Blue Heron Boulevard.
 10 MR. KUNUTY: And making all gas stations a
 11 special exception, no matter where they go in the City.
 12 And in addition, having the buffer between schools and
 13 other facilities, as many of the other municipalities
 14 have.
 15 MR. GAGNON: So if I may, for that buffer,
 16 are you also suggesting a 2,000 foot buffer from those
 17 uses as well? I think what I found is the
 18 municipalities that do have a separation requirement
 19 from specific uses such as a school, they don't
 20 necessarily have a separation requirement from similar
 21 uses. So just so I fully understand what the Board is
 22 requesting, it's a separation between identical uses,
 23 being filling stations, separation between petroleum
 24 storage, and also separation between schools?
 25 MR. KUNUTY: Sure, because I think the

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1 facility that Mr. McCoy referred to on Garden probably
 2 falls within 1,000 feet or 2,000 feet --
 3 CHAIR McCOY: More like 200.
 4 MR. KUNUTY: -- okay, of the school.
 5 CHAIR McCOY: But Mr. Kunuty, if I could just
 6 interrupt you, and I apologize, but that almost goes to
 7 the same, you know, point that I could have seen
 8 potentially happening with Mr. Gustafson's
 9 recommendation. And part of it is I totally agree that
 10 we should probably do it within the schools and maybe
 11 even religious facilities, but until we have a layout
 12 of where everything is as far as schools and -- I mean
 13 did you say religious facilities, or did you just say
 14 schools?
 15 MR. KUNUTY: No, I said schools and other
 16 similar institutions. So that would certainly fall
 17 under it. But I think that's really staff's job to
 18 come back to us and say we can't do 2,000 feet from
 19 schools or these other facilities, that has to be 1,000
 20 feet; but we can do 2,000 feet for gas stations.
 21 CHAIR McCOY: Well, and that's fine. But you
 22 know, I guess my question is: Is it okay for us to
 23 include schools, because, you know, there's almost a
 24 school or related institution on every corner. Now, do
 25 we consider daycares as a school for that definitional

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1 purposes? So you know, I don't want to get too tied up
 2 in it.
 3 I certainly understand what you mean, but if
 4 we had, you know, a list of schools, it probably would
 5 be better to know if we should include that in there as
 6 opposed to sending him back to do it now, and he pops
 7 up and the definition of school encompasses 400
 8 different, you know, little parcels throughout our
 9 City, you know. So I agree if that's what you want to
 10 do, then by all means, but I just want to point out
 11 that schools is a pretty -- and related institutions is
 12 a pretty broad definition.
 13 MR. GAGNON: If I may, Chair, as well, I just
 14 want to express the need of having some regulations as
 15 soon as possible and the importance of that, because
 16 currently there is no separation requirement. So we do
 17 have a special exception approval process, however,
 18 there is no separation requirement. Staff does
 19 frequently get requests on fueling stations, whether or
 20 not they could potentially be approved in the City.
 21 So I don't disagree that the City needs to
 22 really contemplate really many aspects of our code
 23 which are outdated. However, if it's at all possible,
 24 to move forward with this as a starting point, and then
 25 it's not something that can be added to in the future,

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1 because it seems as if what's being asked now is going
 2 to require additional staff research in order to
 3 provide a final product that's going to be reliable.
 4 So if that's the direction of the Board, then honestly,
 5 I'm not anticipating staff having the resources to
 6 complete it in the very near future.
 7 CHAIR McCOY: And what part is so arduous?
 8 Is it the portion about the schools and the related
 9 institutions?
 10 MR. GAGNON: It's not really any one thing.
 11 I think it's just starting to turn into something very
 12 different.
 13 CHAIR McCOY: Well, Mr. Kunuty, if I could --
 14 MR. KUNUTY: Well, let me just ask a
 15 question.
 16 CHAIR McCOY: Go ahead.
 17 MR. KUNUTY: Let's take each step.
 18 Eliminating the exception around I-95.
 19 MR. GAGNON: Yes.
 20 MR. KUNUTY: Okay, does that take a lot of
 21 staff analysis to do?
 22 MR. GAGNON: Easy.
 23 MR. KUNUTY: Expanding it to 2,000 feet
 24 between gas stations?
 25 MR. GAGNON: Relatively easy.

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1 MR. KUNUTY: Petroleum storage and dispensing
 2 facilities?
 3 MR. GAGNON: We're going to have to look and
 4 see exactly how they're defined and then have a
 5 conversation with the Board whether or not it meets the
 6 definition that the Board intends.
 7 MR. KUNUTY: Okay. So what about eliminating
 8 a special exception or having all gas stations under
 9 special exception?
 10 MR. GAGNON: That may require slightly more
 11 research. We'll have to look at each zoning code and
 12 implement accordingly.
 13 MR. KUNUTY: Okay, so basically, what you're
 14 saying is eliminating the expansion, okay, and -- I'm
 15 sorry, the exception and expanding to 2,000 feet are
 16 pretty simple?
 17 MR. GAGNON: Yes.
 18 MR. KUNUTY: Okay, and that's something that
 19 doesn't entail a lot of staff work?
 20 MR. GAGNON: Correct.
 21 MR. KUNUTY: And how much staff work is
 22 involved in making all gas stations under a special
 23 exception? I mean we know that they can't go in a
 24 whole lot of areas, can only go in --
 25 MR. GAGNON: It's not -- I'm not concerned

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1 currently with the number of hours necessarily, but
 2 when the available staff will be able to bring it back
 3 to the Board and where this item is as far as
 4 priorities, being that we're not fully staffed
 5 currently, and we're having other applications provided
 6 which may take precedence over this item. So the last
 7 thing I want to see is have this kind of get placed
 8 behind other items moving through the process, and it
 9 could happen if research and other things require much
 10 staff time.
 11 MR. KUNUTY: All right.
 12 CHAIR McCOY: Well, Mr. Kunuty, can I just
 13 offer this?
 14 MR. KUNUTY: Well, let me ask him one more
 15 question.
 16 So you're basically saying that between now
 17 and the next meeting, okay, the two, exception and
 18 expanded distance, are easy enough to do?
 19 MR. GAGNON: Yes.
 20 MR. KUNUTY: Okay. All right, then I will
 21 modify my motion, okay, and say that my motion now is
 22 to approve this with the eliminating the special
 23 exception and expanding the distance between stations
 24 to 2,000 feet.
 25 CHAIR McCOY: Is that your motion?

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1 MR. KUNUTY: Yes.
 2 CHAIR McCOY: So 2,000 feet and removing the
 3 special exception.
 4 MR. KUNUTY: Correct. No. I said nothing of
 5 the special exception. I said the exception around
 6 I-95 --
 7 CHAIR McCOY: The exemption, I'm sorry.
 8 Okay.
 9 MR. KUNUTY: Yes, exemption around I-95, and
 10 expanding the distance between similar uses to 2,000
 11 feet. And as far as the special exception for all gas
 12 stations, I guess my suggestion is if you can get that
 13 done, okay, that just gives the City a hell of a lot
 14 more control over gas stations.
 15 MR. GAGNON: Understood.
 16 MR. KUNUTY: Which is what we're trying to
 17 do. So those three items would be in my motion.
 18 CHAIR McCOY: It's been properly moved by
 19 Mr. Kunuty. Is there a second?
 20 MR. BLACKWELL: Chair, before you second, I
 21 just want to make sure I'm clear. Did we also include
 22 the language of the petroleum storage use in that?
 23 MR. KUNUTY: No. No, he said that that's
 24 going to be difficult to do.
 25 MR. BLACKWELL: So it's just for those two.

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1 Okay, so I'm clear.
 2 CHAIR McCOY: Is there a second?
 3 MR. GUSTAFSON: I'll second that.
 4 CHAIR McCOY: It's been properly moved and
 5 second.
 6 And I want to ask one other question. And I
 7 hate to keep going back here, but we got the exemption
 8 removal around the 95 area, and we're increasing the
 9 buffer to 2,000 feet. Wouldn't it be easier just to
 10 vote on those two items, and at this point, as it
 11 stands today, that can go right to City Council from
 12 here?
 13 And then Mr. Kunuty makes a separate
 14 exception -- I mean, I'm sorry, a separate motion
 15 saying that all filling stations come through by
 16 special exception, so not to hold up the process, so
 17 that we have something in place and at least we're
 18 addressing the exemption and we're increasing the
 19 buffer to 2,000 feet. Is that possible.
 20 MR. DeGRAFFENREIDT: It's possible because
 21 that's part of your discussion, but currently there's a
 22 motion on the floor.
 23 CHAIR McCOY: Right. And I wanted to get
 24 clarification in case a substitute is --
 25 MR. DeGRAFFENREIDT: Yes.

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1 CHAIR McCOY: -- possible, that is --
 2 MR. GAGNON: If Mr. Kunuty wishes to amend
 3 his motion, then that's definitely a possibility. And
 4 then so there would be a motion to approve with the
 5 2,000 foot radius versus the 1,000 foot radius. And it
 6 would also include removal of an exemption from the
 7 1,000 foot separation requirement shall be provided for
 8 any property located within 2,000 feet of the
 9 intersection point of Interstate 95 and Blue Heron
 10 Boulevard. And then if Mr. Kunuty chooses, he can make
 11 an additional motion separate that asks staff to go
 12 back and perform the research that we have discussed
 13 tonight.
 14 MR. KUNUTY: Okay, let's be clear.
 15 Eliminating the special exception or the exemption
 16 around I-95.
 17 MR. GAGNON: Yes.
 18 MR. KUNUTY: Okay, so that will now be 2,000
 19 feet.
 20 CHAIR McCOY: No.
 21 MR. GAGNON: So within the ordinance itself,
 22 it would be (a)(1)(a), so the last text proposed would
 23 be eliminated altogether.
 24 MR. KUNUTY: Okay. All right, yes, that
 25 would be (a)(2), correct? Or (b)? All right, yes,

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1 you're eliminating that one section.
 2 MR. GAGNON: Right. So that would be
 3 completely eliminated. And (a)(1), which references
 4 the separation buffer currently at 1,000 feet --
 5 MR. KUNUTY: Correct.
 6 CHAIR McCOY: -- that could be modified to
 7 read 2,000 feet.
 8 MR. KUNUTY: Okay. Okay, I'll modify the
 9 motion to be to limit it to those two. So in essence,
 10 we're approving the ordinance, and with -- by
 11 eliminating the exception in the I-95 area and
 12 increasing the distance between stations to 2,000 feet.
 13 That's the motion.
 14 CHAIR McCOY: Thank you, Mr. Kunuty. We
 15 finally got there. It's been moved. Is there a
 16 second?
 17 MR. BLACKWELL: I'll second.
 18 CHAIR McCOY: It's been moved and it's been
 19 second. Hearing no other Board member comments, can we
 20 have the roll?
 21 MR. VELASQUEZ: Anthony Brown.
 22 MR. BROWN: Yes.
 23 MR. VELASQUEZ: Jon Gustafson.
 24 MR. GUSTAFSON: Yes.
 25 MR. VELASQUEZ: James Gallon.

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1 MR. GALLON: Yes.
 2 MR. VELASQUEZ: Margaret Shepherd.
 3 MS. SHEPHERD: Yes.
 4 MR. VELASQUEZ: Edward Kunuty.
 5 MR. KUNUTY: Yes.
 6 MR. VELASQUEZ: Corey Blackwell, Sr.
 7 MR. BLACKWELL: Yes.
 8 MR. VELASQUEZ: Tradrick McCoy.
 9 CHAIR McCOY: Yes.
 10 MR. VELASQUEZ: Unanimous voting. Motion
 11 approved.
 12 CHAIR McCOY: Thank you.
 13 Mr. Kunuty, if you're so inclined, you're
 14 recognized for the other motion.
 15 MR. KUNUTY: No, we'll leave it at that for
 16 now.
 17 CHAIR McCOY: Okay, so we're not going to
 18 address the special exception, I guess, just as a
 19 general recommendation to Council separate from the
 20 ordinance?
 21 MR. KUNUTY: Well, it's a recommendation to
 22 staff, not to Council, correct?
 23 MR. GAGNON: If the Board wishes to make a
 24 motion just requesting staff to research this, I'd be
 25 happy to go through the existing code structure and

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1 identify each zoning code section to describe how
 2 filling stations are classified, just as another
 3 talking point. And the Board can review that
 4 information and decide how to move forward.
 5 MR. KUNUTY: I'll make the motion to have
 6 staff research special exceptions for gas stations, as
 7 we defined it, and make all gas station approval under
 8 the special exception.
 9 CHAIR McCOY: It's been properly moved. Is
 10 there a second?
 11 MR. GALLON: Second.
 12 CHAIR McCOY: Moved by Mr. Kunuty, and there
 13 was a second by Mr. Gallon. Roll call.
 14 MR. VELASQUEZ: Anthony Brown.
 15 MR. BROWN: Yes.
 16 MR. VELASQUEZ: Jon Gustafson.
 17 MR. GUSTAFSON: Yes.
 18 MR. VELASQUEZ: James Gallon.
 19 MR. GALLON: Yes.
 20 MR. VELASQUEZ: Margaret Shepherd.
 21 MS. SHEPHERD: Yes.
 22 MR. VELASQUEZ: Edward Kunuty.
 23 MR. KUNUTY: Yes.
 24 MR. VELASQUEZ: Corey Blackwell, Sr.
 25 MR. BLACKWELL: Yes.

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1 MR. VELASQUEZ: Tradrick McCoy.
 2 CHAIR McCOY: Yes.
 3 MR. VELASQUEZ: Unanimous voting. Motion
 4 approved.
 5 CHAIR McCOY: Thank you.
 6 We're moving on to item number IX, which is
 7 new business. Having none, I guess we'll jump right
 8 into general discussion. And I have two public comment
 9 cards. Is Mr. Lloyd Brown still here?
 10 UNIDENTIFIED SPEAKER: No.
 11 CHAIR McCOY: Okay, Ms. Mary Brabham.
 12 MS. BRABHAM: Ms. Mary Brabham, Riviera
 13 Beach.
 14 Thank you, Board, for finally getting some
 15 teeth somewhere where it is much needed. There is
 16 other work to be done with this. I was listening to
 17 Jeff and the things that you all were trying to do.
 18 This is the elephant in the room about doing the
 19 business of the City, and when it comes down to these
 20 things that are critical to our City here, it should be
 21 no limitation on what we can do and what we shall do.
 22 Now, this Board here delivers everything that
 23 comes in and goes out to our City, so we need to have
 24 it right, and we need to get it right. We need the
 25 things that are in place to make it workable so that if

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1 the businesses are -- because we welcome the
 2 businesses, but it's not what we have, but how we would
 3 have what we have to make it workable for the City to
 4 move it forward and change the perception that Riviera
 5 Beach is just a dumping stage and everyone comes here
 6 thinks that no one knows how to conduct business.
 7 So Ms. Brabham thank this Board. And
 8 Mr. Brown also voiced his concerns as well. You all
 9 have heard from him also. So thank you as a Board.
 10 Thank you.
 11 CHAIR McCOY: That concludes our public
 12 comments.
 13 Mr. Gagnon, do we have any correspondence?
 14 MR. GAGNON: No additional correspondence.
 15 CHAIR McCOY: Thank you.
 16 Members of the Board having general comments
 17 related to anything related to the City? Any members?
 18 No member comments?
 19 Ms. Shepherd, you're recognized.
 20 MS. SHEPHERD: Yes, I just want to clear up
 21 one thing going back to voting for the Chairperson.
 22 I'm glad that we decided to hold off until Ms. James
 23 get here and give this Board an opportunity to catch up
 24 where we are at, and then have the Vice Chair move into
 25 that position that next year, I think.

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1 I thought, Mr. Kunuty, it would be -- not
 2 really knowing how it was going, that you kind of
 3 shift. I think you and Mr. Whigham are the oldest one
 4 on the Board. So that's how I was thinking, without
 5 Mrs. James not being here. But saying that, I'm glad
 6 that we're holding off to give her an opportunity to
 7 respond back to us, because I think this Board need to
 8 catch up to where we are, and I think she's doing a
 9 good job leading us on. Thank you.
 10 CHAIR McCOY: Any other members wishing to
 11 comment?
 12 MR. KUNUTY: Just a correction. Longest
 13 tenured on the Board. Maybe not the oldest.
 14 MS. SHEPHERD: I said tenured, didn't I?
 15 (Inaudible.) I meant tenured.
 16 CHAIR McCOY: Any other members wishing to
 17 comment on general items related to the Board?
 18 MR. BROWN: No comments.
 19 CHAIR McCOY: Okay, I do just want to say
 20 this. I know we had a very thoughtful discussion
 21 today, and I appreciate everyone's input. And you
 22 know, that is exactly what I see as being the purpose
 23 of the Board. That way, we have an opportunity to have
 24 a discussion about what works, you know, within reason,
 25 without being too, you know, top heavy to potentially

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1 have problems when it gets to the next level. But I
 2 think that is what makes the Board great, because we
 3 can all have some input on it. So thanks so much,
 4 members, for the thoughtful and spirited discussion.
 5 So those are my comments.
 6 And Mr. Gagnon, we're back at you for
 7 Planning and Zoning Board updates and upcoming
 8 projects.
 9 MR. GAGNON: Yes, sir. Our next meeting is
 10 scheduled May 11th. We're anticipating at least two
 11 items, both site plans. One is for a potential
 12 restaurant called -- well, it's at the old Crab Pot
 13 site, which is located southeast of Marina Grand. It
 14 hasn't been finalized yet, but that's anticipated to
 15 come before you on May 11th.
 16 Additionally, there is an industrial
 17 development located in the Haverhill Business Parkway
 18 in the west part of our community. It's called Catoe
 19 Plumbing. And that's also anticipated to come before
 20 the Board on the 11th.
 21 CHAIR McCOY: Question. Mr. Gagnon, is the
 22 site plans and I guess the preliminary information up
 23 on the web site regarding these two projects?
 24 MR. GAGNON: Yes, I believe both site plan
 25 submittals and the application packets are available on