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1 limitations are and when those right-of-way provisions  
 2 don't apply, I think that would provide more, because I  
 3 mean even reading the definition, and after hearing you  
 4 kind of explain it, and Mr. Kunuty, you know, I think  
 5 that doesn't even encompass my full understanding of  
 6 what a right-of-way is because I've seen it used in so  
 7 many different ways in different applications.  
 8 MR. GAGNON: I think that's a good  
 9 suggestion, and I think staff will be able to bring  
 10 back various examples. And I think what makes it more  
 11 confusing is you can actually have street trees, for  
 12 example, that were planted within the right-of-way,  
 13 whether it's a landscape median or as you described. I  
 14 think years ago there was a grant through FDOT where  
 15 they actually put in street planters for those palm  
 16 trees along the sidewalk. So technically, those are  
 17 within the right-of-way.  
 18 So we can provide examples of different  
 19 right-of-ways and how that could work, maybe do a  
 20 couple example drawings of how it could look in certain  
 21 situations. So that way we can have a better  
 22 conversation, and everyone will be able to have a  
 23 better understanding of what this impact could be to  
 24 these properties.  
 25 VICE CHAIR McCOY: Okay, thank you,

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1 Mr. Gagnon.  
 2 MR. GAGNON: You're welcome.  
 3 VICE CHAIR McCOY: Are we finished with that  
 4 item, Madam Chair?  
 5 CHAIR JAMES: Yes.  
 6 MR. GAGNON: If you want, just for the  
 7 record, if the Board wants to make a motion, that's  
 8 perfectly fine. Otherwise, I'll just assume that the  
 9 Board is looking to make all the recommendations and  
 10 changes. It might just be better, just for the record,  
 11 to do a motion.  
 12 CHAIR JAMES: Yes, we'll do a motion. Is  
 13 there a motion stating to bring this item back with  
 14 the -- well, I don't want to put words in your mouth.  
 15 VICE CHAIR McCOY: Right. I think Mr. Gagnon  
 16 understands it's kind of hard to put into a motion.  
 17 But you know, I think that it's appropriate to put a  
 18 motion out, to have staff work on it a little bit and  
 19 bring it back to us, because obviously, there's some  
 20 cleanup. But I don't want to put a motion out there  
 21 that's going to tie his hands and now he needs to come  
 22 back here. So I think it's just appropriate to send it  
 23 back, do a simple motion like that, unless some other  
 24 members have something more specific that they want to  
 25 see.

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1 MR. KUNUTY: No, I think I agree with that.  
 2 I would give him as much latitude as possible to make  
 3 the changes.  
 4 VICE CHAIR McCOY: Sure.  
 5 CHAIR JAMES: So the motion?  
 6 VICE CHAIR McCOY: You're looking for me to  
 7 do the motion?  
 8 CHAIR JAMES: Hey, somebody needs to make a  
 9 motion, because we've got a --  
 10 VICE CHAIR McCOY: I move to send this item  
 11 back for staff review.  
 12 CHAIR JAMES: Is there a second?  
 13 MR. KUNUTY: Second.  
 14 CHAIR JAMES: Roll call.  
 15 MS. DAVIDSON: Rena James.  
 16 CHAIR JAMES: Yes.  
 17 MS. DAVIDSON: Tradrick McCoy.  
 18 VICE CHAIR McCOY: Yes.  
 19 MS. DAVIDSON: Edward Kunuty.  
 20 MR. KUNUTY: Yes.  
 21 MS. DAVIDSON: Margaret Shepherd.  
 22 MS. SHEPHERD: Yes.  
 23 MS. DAVIDSON: James Gallon.  
 24 MR. GALLON: Yes.  
 25 MS. DAVIDSON: Jon Gustafson.

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1 MR. GUSTAFSON: Yes.  
 2 MS. DAVIDSON: Anthony Brown.  
 3 MR. BROWN: Yes.  
 4 MS. DAVIDSON: Unanimous vote.  
 5 CHAIR JAMES: Thank you.  
 6 Item C.  
 7 MR. GAGNON: Yes, Madam Chair, thank you.  
 8 Item C is an ordinance of the City Council of  
 9 the City of Riviera Beach, Palm Beach County, Florida,  
 10 amending Chapter 27 of the City's Code of Ordinances  
 11 entitled Planning, Article II, entitled Administration,  
 12 by enacting Section 27-16, entitled Planning Manuals,  
 13 authorizing the creation of a technical manual and the  
 14 creation of a policy and procedure manual, and  
 15 providing for an effective date.  
 16 So an overview of this item is there are  
 17 multiple manuals that both the City has and outside  
 18 organizations utilize for a variety of reasons. Some  
 19 of the manuals have been created really through an  
 20 administrative authority granted to staff. I think  
 21 that both these manuals could be created through just  
 22 administrative authority, however, I think it's  
 23 important to actually identify them within our City  
 24 code structure, specifically within that Planning  
 25 section.

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1 The technical manual, as proposed, would help  
 2 provide guidelines for developers or any applicants  
 3 that wanted to submit a site plan, for example. There  
 4 would be a draft site plan within the technical manual.  
 5 There would be certain elements that were called out.  
 6 For example, the north arrow on the plan would be  
 7 placed in the top right corner of the site. Specific  
 8 boxes could be provided for different approvals, for  
 9 City stamps, functions like that.

10 What that does is that creates a uniformity  
 11 for submittals so staff sees a reoccurring plan, and if  
 12 there's a deficiency, it's something that's recognized  
 13 quickly. It's something also that it helps staff; it  
 14 also helps a developer understand what the expectations  
 15 are to really go through an application process and  
 16 have an approval.

17 What's happening currently is we do have a  
 18 code structure that identifies certain elements to be  
 19 included, however, there's an inconsistency on how this  
 20 information is provided to staff, which makes each  
 21 development approval very unique, and it actually, in  
 22 the long as run, costs more time to have, I guess, a  
 23 new learning experience every time a new plan is  
 24 submitted versus having a standard that's utilized and  
 25 expected upon submittal.

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1 This is something that Palm Beach County  
 2 currently implements. I think it's done very  
 3 successfully. It helps, again, delineate clear  
 4 standards and expectations that at first may appear to  
 5 be burdensome, but again, in the long run, it's  
 6 something that establishes guideline rules and  
 7 procedures and allows everyone involved in the process  
 8 to clearly understand what the expectations are. So  
 9 that's a major component of the technical manual.

10 Other things that could be included in the  
 11 technical manual, as the Board may be aware, the City  
 12 recently approved an agreement with Tyler Munis, which  
 13 is a large software provider. And what that software  
 14 does, it provides different modules for different city  
 15 functions.

16 So there could be a planning module, there  
 17 could be a building module, there could be a code  
 18 compliance module, a business licensing module. So all  
 19 of these things will eventually, as the system is built  
 20 up and this information is put in by staff, all of  
 21 these things will want to communicate with one another.

22 So what this technical manual will do is have  
 23 specific naming structures for files, it will have, you  
 24 know, certain file names themselves, so not only the  
 25 type of file, but the naming order and sequence. For

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1 example, do you use the date of the file first or do  
 2 you use the type of the file if it's a site plan or a  
 3 landscape plan?

4 What currently is happening, and I'll use my  
 5 own desktop for an example, is over the years I've kind  
 6 of created my own process, and I know where my files  
 7 and folders are. However, because it's not consistent  
 8 throughout the department, the next person or a new  
 9 staff member that was trying to find the same  
 10 information doesn't have the knowledge of exactly where  
 11 it's located.

12 So we've seen this firsthand now, because we  
 13 did experience some employee turnover. Because it's  
 14 not known, because the system is not being built in  
 15 this manner, there's a lot of searching for  
 16 information. So the technical manual will help clearly  
 17 delineate for everyone involved how these processes and  
 18 procedures should be put into place.

19 And I think overall, it might be a lot of  
 20 work at first, but I think in the long run it's going  
 21 to make it much easier for staff and also for  
 22 applicants, because part of this Tyler Munis software  
 23 is also to have a public component. It may not be  
 24 something that's rolled out day one, but we want to  
 25 make sure that all the information that's provided by

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1 the City is consistent, clear, transparent, so by  
 2 having an identified naming structure, that will aid in  
 3 that process.

4 CHAIR JAMES: Kudos. And whose idea was  
 5 this?

6 MR. GAGNON: You know, I'm going to give full  
 7 credit to our newest staff members. As the Board -- I  
 8 think the Board knows, at least some individual Board  
 9 members know we did have a lot of employee turnover,  
 10 but we have three new planners within the Planning  
 11 Division. All three were previously with Palm Beach  
 12 County, so they brought over a lot of new ideas and  
 13 strategies.

14 CHAIR JAMES: (Inaudible.)

15 MR. GAGNON: Yes, and this is something that  
 16 was effective at Palm Beach County that, you know, you  
 17 may know firsthand, Ms. James. And I think we're  
 18 really trying to take advantage of the fact that we  
 19 have, you know, a new vision and a new way of seeing  
 20 things and we're trying to run with it right now.

21 CHAIR JAMES: I love it. So we'll get to see  
 22 it?

23 MR. GAGNON: So I would more than welcome the  
 24 input. What my intent of this ordinance is is to  
 25 really delegate authority to the Director position. So

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1 I don't know who will fill the Director's position, but  
 2 whoever does, at least they'll have the framework where  
 3 I think, again, currently, the administrative ability  
 4 for them to do this is there, but this will clearly  
 5 call out the fact that these manuals exist within the  
 6 code.  
 7 So if you are looking to build on any site  
 8 and you're just going through our code of ordinances,  
 9 this is something that's going to be available. It's  
 10 something we can probably hyperlink over time.  
 11 But the actual elements within the code, I  
 12 think, are more of a staff level decision, so I'm  
 13 asking the Board to kind of provide authorization and  
 14 indication to staff that this is something that they  
 15 want to see happen and reaffirm the fact that this is  
 16 an administrative level type of item.  
 17 CHAIR JAMES: Comments, Board comments.  
 18 MR. KUNUTY: Madam Chair.  
 19 CHAIR JAMES: Go ahead.  
 20 MR. KUNUTY: I think that's a great idea.  
 21 You know, not only will it help developers and the  
 22 staff, but I think it's going to help the Board too,  
 23 you know, particularly new Board members, so --  
 24 CHAIR JAMES: Any other comments?  
 25 VICE CHAIR McCOY: Well, I hate to be the

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1 spoiler, but I have quite a few. And Mr. Gagnon, this  
 2 is nothing personal --  
 3 MR. GAGNON: No, no --  
 4 VICE CHAIR McCOY: -- it's just for me --  
 5 MR. GAGNON: Before -- I'm sorry, sir. Also,  
 6 I don't know if you want to talk just about the  
 7 technical manual or the whole ordinance, because  
 8 there's another element as well. So if it pleases the  
 9 Board, I'll just finish both manuals and the discussion  
 10 of them.  
 11 CHAIR JAMES: Okay.  
 12 MR. GAGNON: So I was kind of describing the  
 13 technical manual. But the policy and procedure  
 14 manual -- and there's actually an example that was  
 15 provided within the backup. It should be the last page  
 16 of the backup itself. So it is a two page document.  
 17 So this is an example of how Palm Beach  
 18 County utilizes their policy and procedure manual.  
 19 This specifically was taken from the Zoning Division,  
 20 and it's used in a variety of different ways, but this  
 21 is just one example that, you know, we could look at  
 22 for discussion purposes.  
 23 So the policy and procedure manual, it could  
 24 be used for simple policy and procedure as far as steps  
 25 and processes, but the County also utilizes it to

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1 provide a clear and concise response that's written and  
 2 made public for any questions associated with the code.  
 3 So being that the City's code -- it's not  
 4 new. It's old in a lot of ways. Every day there's new  
 5 things that are changing in the industry, there are new  
 6 uses, there are new development patterns, things of  
 7 that nature, and the code structure does not  
 8 accommodate everything we need.  
 9 Judging from, you know, the ordinance and  
 10 overlay we're talking about now, I think if we're doing  
 11 it correctly, it will take a few readings at Planning  
 12 and Zoning Board. You know, that way, we're having a  
 13 good, open discussion, we're allowing for public input.  
 14 So the process to modify existing code, it's not a  
 15 quick process, so a typical ordinance could take two,  
 16 three, four months or longer, depending on just the  
 17 timeline, what meeting you can make it to.  
 18 So when you have an item that is a right now  
 19 decision, how do you make sure that if it is an  
 20 administrative decision, how do you make sure that the  
 21 decision one time is the same the second time or the  
 22 third time --  
 23 VICE CHAIR McCOY: Sure.  
 24 MR. GAGNON: -- from applicant to applicant?  
 25 So at this point, I'll refer to the example

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1 from the County. So what it does is it calls out  
 2 certain subjects, it calls out the purpose of the memo,  
 3 it provides a short background and then starts  
 4 identifying procedures of how certain items will be  
 5 handled administratively or at a staff level.  
 6 So the policy and procedure manual is right  
 7 now, I think, extremely important, because we're still  
 8 moving towards our Comprehensive Plan updates and Land  
 9 Development Regulation updates. But there's still a  
 10 lot of questions that come up on a day-to-day basis, so  
 11 how do we ensure that the actions that are taken are  
 12 true, correct, clear, concise and also repeated over  
 13 time? So what this does, it allows for a document to  
 14 be created that acts as a stopgap if there is a  
 15 question within the code itself.  
 16 So I wanted to just make sure I got that part  
 17 of the presentation out as well before we got into  
 18 Board comments, but at this point, if the Board has  
 19 comments, I'll be happy to answer them.  
 20 CHAIR JAMES: We'll start with Mr. Brown.  
 21 MR. BROWN: No comments. I think it's a good  
 22 idea.  
 23 CHAIR JAMES: Thank you, Mr. Brown.  
 24 Mr. Gustafson.  
 25 MR. GUSTAFSON: I think it's a terrific idea.

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1 CHAIR JAMES: Ms. Shepherd.  
 2 MS. SHEPHERD: Everything's great.  
 3 CHAIR JAMES: Mr. Kunuty.  
 4 MR. KUNUTY: I'd just repeat myself. I think  
 5 it's a great idea that will do some of it.  
 6 CHAIR JAMES: Mr. Gallon.  
 7 MR. GALLON: No comment.  
 8 CHAIR JAMES: Mr. McCoy.  
 9 VICE CHAIR McCOY: Yes. I want to be  
 10 thorough and succinct when we do this, and I think I  
 11 agree, but I think we have to go a little bit further.  
 12 And I don't want to make it more of a task for you and  
 13 your staff, but just for the purposes of me, because I  
 14 don't remember everything and I want it to be a  
 15 reference that I can go back to our meeting and look at  
 16 the backup documents.  
 17 I'm hoping that in doing this we can create a  
 18 matrix, because as you were giving your presentation,  
 19 and I was just thinking how could we implement this  
 20 into what we're currently doing. But there is so many  
 21 different levels of government and regulations. And if  
 22 I can just run through it, I think it's important that  
 23 we establish a matrix. I know we did something similar  
 24 before when it came to, you know, different regulations  
 25 that impacts Planning and Zoning and the community as a

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1 whole.  
 2 But, members, it's very important, and this  
 3 is an important process. But just off the top of my  
 4 head, I was able to come up with this many regulatory  
 5 agencies and things that impacts us, either directly or  
 6 indirectly, from the Planning perspective. Obviously,  
 7 we know there's a United States Constitution, and then  
 8 there's the Federal statutes, which is called the Code  
 9 of Federal Regulations. And not too much do we see  
 10 those type of regulations that impact local government.  
 11 But moving into the State, obviously, there's  
 12 the State of Florida statutes, and then somewhere along  
 13 the line there's the administrative promulgated rules  
 14 through the State agency, Department of Economic  
 15 Opportunity, which I don't think they do much as far as  
 16 land use anymore, but there is a component. Then  
 17 there's the Building Code, you know, the Uniform  
 18 Building Code for the State.  
 19 Then there may be something like the County  
 20 code, like County Land Development Regulations, and  
 21 then the City code. And then you mentioned the  
 22 Comprehensive Plan and the local Land Development  
 23 Regulations, like specific for the CRA. Then we have  
 24 our internal departmental City of Riviera Beach  
 25 policies and procedures.

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1 And even within that, this is where it gets  
 2 confusing, and I'll give you a perfect example of why  
 3 I'm laying it out this way. I know that there was  
 4 something mentioned a couple years ago regarding the  
 5 standard operating procedures that was mysteriously  
 6 implemented when someone came in to ask for  
 7 information, and I'm thinking to myself, I never knew  
 8 they had standard operating procedures that dealt with  
 9 how you get an address.  
 10 And it was almost like I've been into a  
 11 government agency or office, I asked for something so  
 12 unique, they tell me that I have to come back, only for  
 13 them to go and create some sort of policies in order to  
 14 block me from what I need to get. And I think it's  
 15 only important to put these kind of things in place,  
 16 which I certainly agree that are necessary, but we have  
 17 to know what exactly our scope is.  
 18 And I don't mean it from the staff level, I  
 19 mean it from the end users like ourselves or someone  
 20 that wants to expand their property or a business that  
 21 wants to come into the City. You know, you don't have  
 22 to go to the State of Florida to open a restaurant  
 23 unless you get a business -- unless you get a DBPR food  
 24 restaurant license. But from the construction, the  
 25 planning stages, you know, you need to know that the

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1 Building Code applies to you, or the electrical code,  
 2 or you know, a number of different things.  
 3 And it even goes so further. I wanted to  
 4 make sure that this, these manuals encompasses things  
 5 like, for instance, when and how it's going to be  
 6 implemented. Like obviously, I didn't see that in the  
 7 example that you listed from the County, and I was  
 8 definitely -- you know, what circumstances are going to  
 9 be those circumstances when these are used?  
 10 Secondly, how is this manual going to be  
 11 changed or updated? Is it going to be changed solely  
 12 at the staff level? Is there going to be a public  
 13 hearing? Is this going to be done internally?  
 14 Now, what I don't want to do is this. I  
 15 certainly think that there should be an ordinance  
 16 enacting staff to implement this, but I don't want to  
 17 see where we work so hard and put so many different  
 18 regulations in place where then Mr. Gagnon now has to  
 19 wait two months in order to get some very minute or  
 20 very small technical change done.  
 21 So there should be a lot of thought that goes  
 22 into this process, because this is really the backbone  
 23 of all of the, you know, the whole -- I guess it's not  
 24 called Community Development anymore, but Development  
 25 Services Department.

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1 Even from the code compliance component, if  
 2 we're going to implement this, we just need to know  
 3 exactly when it's going to be applied and when it's not  
 4 going to be applied, and if there's some unique  
 5 circumstances that comes to the City, what happens when  
 6 we need to update these policies and procedures. Is it  
 7 done on the staff level? Does it come back to the  
 8 Board?  
 9 And here's another question that I have. And  
 10 these are hypotheticals. I'm not expecting an answer,  
 11 but I hope that we can begin to think about these  
 12 things.  
 13 Under what authority or what administrative  
 14 authority does this Board have to even provide a  
 15 recommendation, because I know that there's policies  
 16 and procedures made as it relate to Community  
 17 Development, as it relates to Planning and Zoning that  
 18 we never seen before, that we don't see. So why is it  
 19 now -- and I appreciate that it's here now. Why do we  
 20 have the authority to make a recommendation? And I  
 21 think it's a good idea, but, you know, I just want to  
 22 know how is it here in front of us today?  
 23 MR. GAGNON: I know that a lot of the  
 24 questions are hypothetical, but I think I can at least  
 25 shed light on a few of the questions. So I'll start

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1 with the last question first.  
 2 As far as the review authority of Planning  
 3 and Zoning Board, I think that because the intent of  
 4 this language is to be within the Planning section, I  
 5 think the Board has the opportunity to review it and to  
 6 make a determination whether or not the Board sees  
 7 having this language fits in the ordinance itself.  
 8 The intent of the specific memorandums, it's  
 9 not to replace an ordinance or code section that's very  
 10 clear. So, for example, if there is a side setback on  
 11 a property that is clearly stated at seven feet, this  
 12 doesn't allow somebody to come in and say, well, you  
 13 know what, it's not seven feet, now it's six feet,  
 14 unless there's a clear and substantial reason why an  
 15 entire code overhaul is needed, and that gets to the  
 16 question as far as an issue date and effective date.  
 17 So this procedure, this memo could function  
 18 as a stopgap in between a scenario where a policy  
 19 needed to be amended. So let's say -- and I'm skipping  
 20 around from example to example. Let's say there is a  
 21 Federal law that's changed or a State law that's  
 22 changed that impacts local government, being that you  
 23 named the different hierarchies in different laws. So  
 24 if there is a law that's changed, and now the City's  
 25 code is not in concert with that law change, what this

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1 memo would allow to occur is for administration to  
 2 identify the deficiency, identify what has occurred,  
 3 why it's occurred.  
 4 And what the memo will do is it will propose  
 5 a management solution and it will also propose an  
 6 anticipated date for this information to go to the  
 7 decision making board. So it would go to potentially  
 8 Planning and Zoning Board if it was Planning related,  
 9 or if it was a global ordinance, it would go to City  
 10 Council. And that would be identified as far as the  
 11 anticipated date reflected on the memo as far as when  
 12 that would go before the Board if there was a law  
 13 change that needed to occur.  
 14 So the functionality of this could work in a  
 15 few different ways. So it can act as a temporary road  
 16 map, or it could really act as, you know, a ladder type  
 17 of effect as far as, well, staff recognized this  
 18 deficiency on this date, so let's look at this one  
 19 first, or maybe a deficiency after is found, maybe that  
 20 should take precedence, maybe we should go  
 21 sequentially.  
 22 So it helps really allow everyone to  
 23 understand what's been identified as deficient and what  
 24 changes are proposed and a time line for implementation  
 25 of the changes. So it kind of -- it really creates a

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1 more global transparency as far as what direction the  
 2 City is moving in.  
 3 VICE CHAIR McCOY: Follow-up, Madam Chair.  
 4 CHAIR JAMES: Go ahead.  
 5 VICE CHAIR McCOY: I think it's a great idea.  
 6 It's overdue for, so long as we put the work in. And I  
 7 want -- I'm curious. So whichever staff person you had  
 8 from the Planning Department that recommended this from  
 9 the County, I'm sure they brought over some other  
 10 ideas. But how is this implemented? How are these new  
 11 procedures implemented? Is it done at a staff level  
 12 or --  
 13 MR. GAGNON: Yes.  
 14 VICE CHAIR McCOY: -- because I don't want us  
 15 to get tied up with -- you know, we're advisory in  
 16 nature, but I don't want us to get tied up in too much  
 17 of what it takes to run your department, because I  
 18 think that's a little out of our scope and league. But  
 19 how does these get approved?  
 20 MR. GAGNON: So my understanding at the  
 21 County level is each department administrator has the  
 22 ability to implement these memos. So they call them  
 23 PPMs for short, or a policy and procedure memo. So the  
 24 example that was provided, that was by Mr. Jon  
 25 MacGillis, who's the long-time Zoning Director at the

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1 County. So he has the authority through the Board of  
 2 County Commissioners to implement specific memos that  
 3 outline these changes that need to occur.

4 VICE CHAIR McCOY: Well, just to take a step  
 5 back, the County -- I know probably Palm Beach County  
 6 has one of the most comprehensive web sites that I've  
 7 ever seen in the world. You can find every policy  
 8 going back to the seventies, you know, for almost every  
 9 department, and there's a number of different updates  
 10 to the policies and amendments.

11 But how do we then, if Mr. Gagnon, who's the  
 12 Community Development Director, decides to do an  
 13 administrative change, how is that now disseminated to  
 14 the community? And I don't want to have to come into  
 15 an office just to find out what the latest and most  
 16 recent updates to a policy is. How is that  
 17 disseminated to the public?

18 MR. GAGNON: The intent is to have it  
 19 published digitally. It's been a very similar method  
 20 that the County utilizes now, where each department,  
 21 each division has their own section, and actually  
 22 within their unified or Uniform Land Development Code,  
 23 they have a section specifically for PPMs, so their  
 24 software allows them to implement it that way. I don't  
 25 know if we can do it through Tyler Munis just quite

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1 yet. I'm sure there's a method of utilizing that  
 2 software.

3 But the worst case scenario is as these are  
 4 published, they would go onto the City website. It  
 5 would be, you know, a specific naming structure, it  
 6 would be sequentially, so similar to going on the  
 7 City's website now when you looked for archived  
 8 resolutions or archived ordinances, maybe even in a  
 9 better format where you can just go to a specific web  
 10 page and you just have sequentially the different  
 11 memos.

12 Another suggestion that I had was as these  
 13 become enacted, that they're at least provided to the  
 14 Planning and Zoning Board, maybe, you know, quarterly,  
 15 so that way it's, again, discussed at a public meeting  
 16 and it's something if the Board has a question, if the  
 17 public has a question of the why, when, how or anything  
 18 to do with it, then there's still a public forum to  
 19 discuss the memos moving forward.

20 VICE CHAIR McCOY: And that leads right into  
 21 my next question. How does this provide for any public  
 22 input? Now, I certainly want to be a part of the  
 23 process, but none of the nine members I want up here to  
 24 have any involvement in actually operating the City,  
 25 because we don't really know what it takes to do what

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1 Mr. Gagnon and none of his staff do.

2 But does the process lend for any kind of  
 3 public participation or having the public to weigh in  
 4 on making some of these policies? And if it doesn't, I  
 5 would ask or hope that there is any kind of way that we  
 6 can propose, in a citizen initiated process, to at  
 7 least have it heard or have an idea heard as it  
 8 implements, as it is impacted by these policies.

9 MR. GAGNON: So the way that implementation  
 10 would work initially would be staff level. So what the  
 11 ordinance is doing and what this item is requesting is  
 12 that the Board is granting authority to staff -- again,  
 13 I think that the administrative capacity is there, but  
 14 it's clearly delineating that staff has the ability to  
 15 employ these memorandums that are really intended to  
 16 not be permanent fixtures. Like the intent is to be a  
 17 temporary solution to an issue that works towards  
 18 either a Land Development Regulation modification or an  
 19 ordinance rewrite, something of that nature.

20 So the public process that's involved through  
 21 any sort of land development amendment or ordinance  
 22 amendment would still be fully there. So it could be  
 23 possible that a memo is issued, there's a certain  
 24 timeframe that it's in use, and then the item that is  
 25 being discussed goes before Planning and Zoning Board,

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1 goes to City Council, and City Council may say no, we  
 2 don't want to enact the ordinance, we think there's  
 3 another solution, or what's currently there is  
 4 sufficient.

5 So I did provide an example. But the County  
 6 website will leave all of the memos up, even if they're  
 7 canceled. So it will show like an approval date.  
 8 They'll have in red ink across it, you know, approved  
 9 on this date. So it demonstrates the process all the  
 10 way through.

11 VICE CHAIR McCOY: And I think this is going  
 12 to be very comprehensive, and you probably need more  
 13 than the three staff that you have to get this fully  
 14 implemented. It's a great idea, and I'm just eager to  
 15 see how it's going to come out.

16 And hopefully, even at the point that the  
 17 Director, or whatever that position ends up being, that  
 18 there's a variance or a review process, so if there's  
 19 something that is so restrictive on the project that I  
 20 need or the regulations are so restrictive, you know,  
 21 I'm kind of hoping that there's still some sort of  
 22 avenue for me to apply for a variance or an additional  
 23 review, because, you know, nothing against you, but  
 24 sometimes I know staff don't get it right all the time.  
 25 You know, I've had to go all the way to the

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1 Clerk and Comptroller herself, because when I went in  
 2 to file a document, the person at the reception counter  
 3 was wrong, and so was the supervisor was wrong. But  
 4 I'm looking at a State statute that says this should be  
 5 this way, and then you have to really escalate it. And  
 6 it's not to circumvent, but it's just to see that I  
 7 think administratively someone has gotten the policy  
 8 wrong and they don't actually capture what the  
 9 legislative intent is.

10 So I think this is a good idea. I just want  
 11 to make sure that, you know, I'm not met at a stop sign  
 12 because someone is not implementing the true  
 13 legislative intent or the memo may not capture every  
 14 possibility. So I know you guys are going to do some  
 15 great work on it, and I'm really eager to see it. And  
 16 I think it's really a step in the direction that  
 17 Mr. Jonathan Evans was taking us as far as promoting  
 18 transparency and public participation in our City.

19 And certainly we've got to have good  
 20 administrators and also staff members that can come up  
 21 with these great ideas just to promote the process,  
 22 because it only makes government better. So those are  
 23 my comments, and we look forward to seeing what you  
 24 have and work through some great ideas to get this  
 25 implemented.

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1 CHAIR JAMES: Thank you, Mr. McCoy.  
 2 Great first step. So is there a motion?

3 VICE CHAIR McCOY: Mr. Gagnon, what would you  
 4 like to see, for us to allow you to come back with it?

5 MR. GAGNON: So I didn't really get all the  
 6 way through it, but in the packet is the actual  
 7 language as proposed. So the request at this time  
 8 would be for the Planning and Zoning Board to recommend  
 9 approval of the language to City Council, and that  
 10 would implement both the technical manual and the  
 11 policy and procedural manual.

12 CHAIR JAMES: Is there a motion?

13 MR. KUNUTY: Yes. I move that we approve the  
 14 ordinance to develop the creation of a technical and  
 15 policy manual and provide an effective date.

16 CHAIR JAMES: Is there a second?

17 MR. GALLON: Second.

18 CHAIR JAMES: Roll call.

19 MS. DAVIDSON: Rena James.

20 CHAIR JAMES: Yes.

21 MS. DAVIDSON: Tradrick McCoy.

22 VICE CHAIR McCOY: Yes.

23 MS. DAVIDSON: Edward Kunuty.

24 MR. KUNUTY: Yes.

25 MS. DAVIDSON: Margaret Shepherd.

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1 MS. SHEPHERD: Yes.

2 MS. DAVIDSON: James Gallon.

3 MR. GALLON: Yes.

4 MS. DAVIDSON: Jon Gustafson.

5 MR. GUSTAFSON: Yes.

6 MS. DAVIDSON: Anthony Brown.

7 MR. BROWN: Yes.

8 MS. DAVIDSON: Unanimous vote.

9 CHAIR JAMES: Thank you.

10 We're going to skip to item X, general  
 11 discussion. Item A, public comments, there is no  
 12 public tonight, so we're going to move right into  
 13 correspondence.

14 MR. GAGNON: The only correspondence received  
 15 was the resignation letter noted at the beginning of  
 16 the meeting from Mr. Blackwell. There's no other  
 17 correspondence.

18 CHAIR JAMES: Thank you.

19 Item C, Planning and Zoning Board comments.  
 20 Are there any comments, any additional comments?

21 VICE CHAIR McCOY: Yes, Madam Chair.

22 CHAIR JAMES: Make it quick, Mr. McCoy.

23 VICE CHAIR McCOY: Mr. Gagnon, is there any  
 24 update on the fuel station ordinance to go to City  
 25 Council?

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1 MR. GAGNON: The ordinance, the only thing  
 2 that stopped me from moving forward right now is the  
 3 notification requirements, the legal ad and really  
 4 finding the right meeting.

5 VICE CHAIR McCOY: Sure.

6 MR. GAGNON: And I say that because I  
 7 personally believe the fueling station ordinance is  
 8 also connected to the conversation we were having  
 9 tonight as far as coming up with design development  
 10 strategies for the City in relation to the existing  
 11 moratoria in place.

12 So I was trying to kind of bulk the items  
 13 together and just have one meeting where it was,  
 14 instead of piecemealing each item and saying, you know,  
 15 we're proposing this, we're proposing that, we would  
 16 have all of the ordinances that really enacted new Land  
 17 Development Regulations and design changes at the same  
 18 City Council meeting.

19 So I'm not quite sure when that will happen.  
 20 It will partially be based on our review of the  
 21 ordinance we discussed tonight, the first ordinance  
 22 tonight. So hopefully in the very near future. If we  
 23 get into a situation where we have to send the fueling  
 24 station ordinance separately, if there's a lot of time  
 25 and discussion on these other elements, then we can do