

Page 1

CITY OF RIVIERA BEACH
PLANNING AND ZONING BOARD

Thursday, May 28, 2020

Via videoconference

7:21 p.m. - 9:37 p.m.

IN ATTENDANCE:

Rena Burgess, Chair
Jon Gustafson, Vice Chair
Anthony Brown, Board Member
James Gallon, Board Member
Stephen Hunt, Board Member
William Wyly, Board Member
Evelyn Harris Clark, 1st Alternate
Moeti Ncube, 2nd Alternate
Jeff Gagnon, Acting Director of
Development Services
Lina F. Busby, Assistant City Attorney
Simone Davidson, Planner
Josue Leger, Senior Planner/GIS Specialist

Page 2

1 BE IT REMEMBERED that the following Planning
2 and Zoning Board meeting was had via videoconference on
3 Thursday, May 28, 2020, beginning at 7:21 p.m., with
4 attendees as hereinabove noted, to wit:

5 ---

6 CHAIR BURGESS: Okay, so we'll go ahead and
7 begin the Thursday, May 28th meeting of the Planning
8 and Zoning Board. The time is now 7:21 p.m. We'll
9 begin with a moment of silence, followed by the Pledge
10 of Allegiance.

11 (Moment of silence observed. Pledge of
12 Allegiance recited.)

13 CHAIR BURGESS: Roll call.

14 MS. DAVIDSON: Anthony Brown.

15 MR. BROWN: Here.

16 MS. DAVIDSON: James Gallon.

17 MR. GALLON: Here.

18 MS. DAVIDSON: Stephen Hunt.

19 MR. HUNT: Here.

20 MS. DAVIDSON: Margaret Shepherd.

21 (No response.)

22 MS. DAVIDSON: William Wyly.

23 MR. WYLY: Here.

24 MS. DAVIDSON: Evelyn Harris Clark.

25 MS. CLARK: Present.

Page 3

1 MS. DAVIDSON: Moeti Ncube.

2 MR. NCUBE: Present.

3 MS. DAVIDSON: Jon Gustafson.

4 VICE CHAIR GUSTAFSON: Here.

5 MS. DAVIDSON: Rena Burgess.

6 CHAIR BURGESS: Here.

7 MS. DAVIDSON: You have a quorum.

8 CHAIR BURGESS: Thank you. Item number III,
9 acknowledgement of Board member absence notification.

10 MR. GAGNON: Thank you, Madam Chair.

11 Jeff Gagnon, Acting Director of Development
12 Services. We have one Board member absent tonight, so
13 I'd like to ask that the Board provide voting rights to
14 the first alternate, Ms. Evelyn Harris Clark. Thank
15 you.

16 CHAIR BURGESS: You're welcome. Item V --
17 I'm sorry, item IV, additions and deletions to the
18 agenda.

19 MR. GAGNON: None tonight, Madam Chair.

20 CHAIR BURGESS: Okay. Disclosure by Board
21 members and adoption of the agenda. Are there any
22 disclosures? Seeing none, is there a motion to adopt
23 the agenda?

24 MR. HUNT: I hereby move.

25 MR. WYLY: Second.

Page 4

1 CHAIR BURGESS: Is there a second?

2 MR. WYLY: Second.

3 CHAIR BURGESS: Roll call.

4 MS. DAVIDSON: Anthony Brown.

5 MR. BROWN: Yes.

6 MS. DAVIDSON: James Gallon.

7 MR. GALLON: Yes.

8 MS. DAVIDSON: Stephen Hunt.

9 MR. HUNT: Yes.

10 MS. DAVIDSON: William Wyly.

11 MR. WYLY: Yes.

12 MS. DAVIDSON: Evelyn Harris Clark.

13 MS. CLARK: Yes.

14 MS. DAVIDSON: Moeti Ncube.

15 MR. NCUBE: Yes.

16 MS. DAVIDSON: Jon Gustafson.

17 VICE CHAIR GUSTAFSON: Yes.

18 MS. DAVIDSON: Rena Burgess.

19 CHAIR BURGESS: Yes.

20 MS. DAVIDSON: Unanimous vote.

21 CHAIR BURGESS: Thank you. Item VI, approval
22 of minutes from the last Board meeting of February 27,
23 2020. Is there a motion to approve?

24 MR. HUNT: I so move.

25 CHAIR BURGESS: Is there a second?

<p style="text-align: right;">Page 5</p> <p>1 MR. BROWN: Second. 2 MR. GALLON: Second. 3 CHAIR BURGESS: Roll call. 4 MS. DAVIDSON: Anthony Brown. 5 MR. BROWN: Yes. 6 MS. DAVIDSON: James Gallon. 7 MR. GALLON: Yes. 8 MS. DAVIDSON: Stephen Hunt. 9 MR. HUNT: Yes. 10 MS. DAVIDSON: William Wyly. 11 MR. WYLY: Yes. 12 MS. DAVIDSON: Evelyn Harris Clark. 13 MS. CLARK: Yes. 14 MS. DAVIDSON: Jon Gustafson. 15 VICE CHAIR GUSTAFSON: Yes. 16 MS. DAVIDSON: Rena Burgess. 17 CHAIR BURGESS: Yes. 18 MS. DAVIDSON: Unanimous vote. 19 CHAIR BURGESS: Thank you. Item VII, 20 unfinished business. Seeing that there is none, on to 21 item number VIII, new business. 22 MR. GAGNON: Thank you, Madam Chair. 23 Just for the record, I also want to call out 24 the other individuals that are on the call tonight. We 25 have Ms. Lina Busby, the Assistant City Attorney. We</p>	<p style="text-align: right;">Page 7</p> <p>1 Generally, Section 31-96, Designation of Districts, by 2 adding reference to the SP Special Preservation 3 District; and amending Chapter 31, Article V, Division 4 1, Generally, Section 31-97, Official Zoning Map and 5 Zoning District Boundaries, by amending the District 6 Zoning Map by assigning a Special Preservation Zoning 7 District designation to any and all land area currently 8 having a Special Preservation Future Land Use 9 designation according to the City's Comprehensive Plan 10 and Future Land Use Map in order to provide consistency 11 between the City's Future Land Use Map and Zoning Map, 12 which will impact real property or portions thereof 13 located north of Pine Point Road and west of North 14 Ocean Drive in the City of Riviera Beach, providing for 15 severability and conflicts, providing for codification, 16 and providing for an effective date. 17 So I did want to mention that we do have a 18 significant amount of public comments on this item. So 19 I'll provide an overview of the staff report and kind 20 of scroll through so everyone that is viewing the 21 meeting also has access to it. 22 I just do want to make note that the agenda 23 packet is available on the City's website. The meeting 24 should also be streaming on the City's website. Prior 25 to the meeting, we sent out mail-out notices to both</p>
<p style="text-align: right;">Page 6</p> <p>1 also have Mr. Andrew Baumann, who is a consulting 2 attorney from Lewis Longman & Walker. Mr. Josue Leger 3 has joined us. He's one of our senior planners. And 4 we also have Walter Stephens, who's running the control 5 room, and we thank him very much for doing that, as 6 well as our court reporter, Susan. So just wanted to 7 call that out so everyone's aware who else is on the 8 call. 9 And at this point, Ms. Davidson, if you could 10 switch to the screen share view for me, I can switch 11 over to the presentation. 12 MS. DAVIDSON: Mr. Gagnon, do you already 13 have access? I think you're already a presenter. 14 MR. GAGNON: Great. Yes, should be coming up 15 right now. 16 So it should be visible for everyone at this 17 point. Just to read it into the record: New business 18 is an ordinance of the City Council of the City of 19 Riviera Beach, Palm Beach County, Florida, amending 20 Chapter 31 of the City's Code of Ordinances entitled 21 Zoning, Article V, District Regulations, by creating a 22 new Zoning District entitled, SP Special Preservation 23 District, coinciding with the City's Comprehensive Plan 24 Future Land Use Element for special preservation areas; 25 and amending Chapter 31, Article V, Division 1,</p>	<p style="text-align: right;">Page 8</p> <p>1 the property owners and the actual physical address of 2 the property that would be impacted by the regulations 3 being proposed. We also provided legal notice for 4 tonight's meeting. 5 So this is a City initiated process, and what 6 we're looking to do is create and implement a new 7 Special Preservation Zoning District. So this is both 8 going to create the text that guides what could be 9 developed within that Special Preservation area, as 10 well as amending our Zoning Map to reflect the current 11 Special Preservation Future Land Use area. So that 12 way, we'll be consistent with the Florida statute 13 requirement that requires the City to have a Future 14 Land Use Map that is in line with the Zoning Map and 15 vice versa. The Future Land Use Map is actually the 16 guiding map that kind of drives the direction of the 17 Zoning Map, and this is an item that we need to 18 correct. 19 So to reference the staff report, we've 20 provided 28 parcel control numbers that are being 21 impacted by the proposed Special Preservation Zoning 22 District. These parcels would either be impacted in 23 full or in part. There is a few parcels that are just 24 north of Pine Point Road that have a split future land 25 use and zoning, so portions of those parcels will be</p>

Page 9

1 included or be impacted by this text amendment and map
2 amendment.
3 Overall, the land area is approximately 150
4 acres. It's currently undeveloped and most is
5 submerged land area. The current zoning designation on
6 the Future Land Use Map is RS5, single family
7 residential, and again, we're proposing the Special
8 Preservation Zoning District.
9 To reference the high points within the
10 background, the specific Florida statute section that
11 is requiring the City to be in compliance is Section
12 163.3202(1), Land Development Regulations. And again,
13 that's really saying that the City's Zoning Map must be
14 compatible with the Future Land Use Map. So what this
15 ordinance is proposing to do will create that Special
16 Preservation Zoning District and ensure that
17 compatibility that's required by the State.
18 So I'd be happy to answer any questions about
19 the specific regulations, but the way that we had
20 written the ordinance in the Land Development
21 Regulations, we're in line with the Comprehensive Plan
22 and the uses that were provided within the
23 Comprehensive Plan, so we thought that was an
24 appropriate way of proceeding forward. So staff is
25 recommending that the P & Z Board recommend approval of

Page 10

1 these regulations to the City Council.
2 And I want to make sure that everyone's aware
3 of the location itself. So the location map shown on
4 the screen currently, the area that's called out in
5 green is the area proposed to be Special Preservation.
6 And this is a side-by-side comparison of the current
7 Zoning Map, which is RS5, which is a Single Family
8 Residential Zoning District, and on the right is the
9 Special Preservation area that's proposed. So that
10 way, you can see the overlay of what's proposed and
11 what currently exists for that land area.
12 So the overall intent is to really capture
13 some of the real policies that are called out in the
14 City's Comprehensive Plan already as far as some of the
15 goals that we're striving for as far as conservation of
16 this area. And that can include anything to do with
17 fisheries, native plant communities, air, beaches,
18 shorelines, overall ecosystems.
19 And I want to provide, and this might be --
20 just hope to get full screen, but this is an aerial
21 view of the area itself. So North Ocean Drive is
22 running north and south. Pine Point Road is on the
23 southern end here. And these are the parcels that
24 would be impacted either in full or in part by the
25 ordinance that's currently proposed.

Page 11

1 So at this point, if it pleases the Board,
2 maybe we can jump into public comments. Again, we did
3 have a voluminous amount of public comments. Then I
4 can circle back if there's any Board questions or
5 comments that we may have.
6 CHAIR BURGESS: Yes, proceed with the public.
7 MR. GAGNON: Okay, Madam Chair.
8 For public comments tonight, Ms. Davidson and
9 I will be splitting the duty of reading them all
10 because we have over 100 that have been submitted. So
11 I'll pass the mic over to Ms. Davidson at this point.
12 MS. DAVIDSON: Thank you, Mr. Gagnon.
13 The first e-mail is from John and Tina.
14 E-mail address, hutchjtg@comcast.net. Please pass the
15 Special Preservation District to match the Comp Plan.
16 Thank you. Tina Hutchinson. Address, 4773 South Lake
17 Drive.
18 Mr. Stephen Neidell, and that's Stephen
19 spelled S-t-e-p-h-e-n, last name N-e-i-d-e-l-l; e-mail
20 address spneidell@gmail.com. Mr. Gagnon, I support the
21 creation of the Special Preservation Zoning District to
22 coincide with the City's Comp Plan Future Land Use
23 Element for special preservation areas. Please enter
24 my e-mail into public comments at tonight's meeting.
25 Thank you.

Page 12

1 This e-mail is Thomas W. Mayers,
2 landsendmarina@mac.com. Please pass the Special
3 Preservation District to match the Comp Plan. I am an
4 environmental consultant in Florida with 40 years of
5 experience, specializing in marine environments. And I
6 have discussed this issue with the Holly family.
7 You're welcome to my .pdf of my book. If you have any
8 questions, contact me. Tom Mayers.
9 This e-mail is from F & M Stein,
10 Steins@comcast.net. We wish to express our support for
11 the creation of a Special Preservation District for the
12 Lake Worth Lagoon off Singer Island. It is very
13 important to preserve the Lake Worth Lagoon in its
14 present state for the enjoyment of future generations.
15 Thank you. Franz and Monika Stein.
16 This e-mail is from Rita Borraccio, name
17 spelled R-i-t-a, last name B-o-r-r-a-c-c-i-o,
18 borraccio@hotmail.com. I wanted to voice my stance
19 against the changes being made to the Intercoastal
20 shoreline of Singer Island. Here are my concerns
21 regarding the Mr. Lozman and Mr. Taylor.
22 My parents purchased a unit in one of the
23 oldest buildings on the island, the Condado, in 1998,
24 and shortly afterwards I moved to Singer Island as a
25 full-time resident. This island is a slice a heaven,

Page 13

1 and we should be doing everything to protect it, not
2 destroy it, which is what this project will do if
3 approved.
4 The impact to nature has been pure
5 eradication. They both pulled all of the native and
6 protected vegetation, and no one from State, County or
7 City stopped them. The results of this devastation of
8 the shoreline is just wrong. During a storm event, the
9 shoreline and the road are now open to total ruin.
10 This also impacts evacuation routes for the island.
11 Their projects will introduce additional
12 traffic patterns on the island, which are already
13 overpopulated during the season, not to mention the
14 issue of them and their guests parking their vehicles,
15 which block both the sidewalks and bike path. This is
16 not only a traffic violation, but an accident waiting
17 to happen, as bikers and pedestrians have to veer into
18 car lanes.
19 Please do not allow this to happen. Rita
20 Borraccio.
21 This e-mail is from Bonnie Dorfman, e-mail
22 address bonsaid1@icloud.com. Hello Board Members.
23 Thank you for your service to the community. I've been
24 a resident on Singer Island for ten years. I recognize
25 how precious the Lake Worth Lagoon is to both the

Page 14

1 creatures who depend on it, depend on its continued
2 pristine ecosystem, as well as the humans who enjoy. I
3 support the creation of a Special Preservation Zoning
4 District. We must protect the lagoon from future
5 development. Thank you for your consideration. Bonnie
6 Dorfman.
7 This e-mail is from Tara Hegarty; first name
8 T-a-r-a, last name H-e-g-a-r-t-y. E-mail address
9 tah719@comcast.net. Please pass the new Special
10 Preservation Zoning District to match the Comp Plan, an
11 ordinance creating a new Zoning District entitled SP
12 Special Preservation.
13 And she quoted the excerpt from the item.
14 Sincere thanks for Riviera Beach P&Z Board
15 for all that you do in our community. Tara Hegarty.
16 This e-mail is from Kyle Hauser; first name
17 K-y-l-e, last name H-a-u-s-e-r. E-mail address
18 kylehauser56@gmail.com. I am writing tonight in
19 support of putting an end to commercialization of the
20 Lake Worth Lagoon off Singer Island.
21 As a resident of Singer Island, I have a
22 front row seat to the Lozman/Taylor debacle that is
23 ongoing. Just these past few days I've watched workers
24 clearing massive amounts of seagrapes, underbrush, and
25 I have no doubt, mangroves by the truckload. A stop

Page 15

1 work order has been totally ignored, as workers first
2 cleared, then filled the area with truckloads of sand.
3 City inspectors watched, police as well, as Lozman and
4 Taylor continued to work with complete disregard.
5 Sand was dumped into the lagoon, creating
6 streams of white cloudy water to traverse the
7 shorelines for hours. The 22 concrete floating docks
8 that have replaced Fane Lozman's derelict houseboat
9 that sunk last year have broken off and floated away,
10 only to be dragged back to continue damaging the
11 lagoon.
12 Florida Department of Environmental
13 Protection conducted a complaint inspection submitted
14 to the property owner on May 21st, 2020. This requires
15 him to remove the docks affecting the mangroves and
16 submerged seagrasses within 20 days and then to
17 schedule meetings for approval prior to permitting of
18 structures to be placed on the property.
19 These people have no regard for laws and
20 ordinances. Having been emboldened by Supreme Court
21 wins against the City, they feel they are untouchable.
22 They are destroying the mangroves, submerged lands and
23 Lake Worth Lagoon. Imagine the damage they are doing
24 to our property values.
25 I am all for creation of a new Special

Page 16

1 Preservation District for the Lake Worth Lagoon to
2 preserve the wetlands. Regards, Kyle Hauser.
3 This e-mail is from Bill Hauser,
4 billhauser48@gmail.com. I wish to add my support to
5 putting an end to the -- I think this e-mail is
6 duplicated. It's the same one that I read before.
7 This e-mail is from Marie Sailer.
8 marie.sailer@trammo.com. As a full time resident of
9 Singer Island, my husband and I are in favor of
10 creation of the Special Preservation District for the
11 Lake Worth Lagoon off Singer Island.
12 We are appalled that the wall on the west
13 side of North Ocean Drive and various floating docks
14 with containers have been allowed to be built on the
15 lagoon. Isn't this a protected area? Why is
16 Mr. Taylor, et al. able to continue work on the
17 properties with a moratorium in effect? Why isn't he
18 being fined every day that he defies the order? Why is
19 he allowed to destroy the protected mangroves and
20 lagoon area? How long will this be allowed to
21 continue?
22 We are concerned taxpayers and registered
23 voters of Singer Island, and we would like answers.
24 Thank you. Marie and Michael C-r-o-c-i-t-t-o.
25 This e-mail is from Dawn D-'-A-u-r-i-a,

Page 17

1 dawnmdauria@gmail.com. When I purchased property on
2 Singer Island over 30 years ago, part of the appeal was
3 that the island was so pristine and the Singer Island
4 Civic Association worked very hard to preserve and
5 protect our natural resources here.
6 In 2010, breakwaters were proposed to help
7 our beach erosion problem. The Surfriders lobbied to
8 stop this project, and the County Commissioners voted
9 to not pursue the breakwaters. They wanted to preserve
10 our coastline and ensure natural habitat. Since then,
11 both government, as well as property owners, have spent
12 millions in refurbishing our beaches, keeping in mind
13 the goal to preserve and protect.
14 I feel it would be consistent with our City
15 goals to assign this area north of Pine Point Road and
16 west of North Ocean Drive as a Special Preservation
17 District. To do otherwise would compromise the mission
18 of the City of Riviera Beach and all we have stood for
19 in the past several years. Thank you for your
20 consideration. Dawn M. D-'A-u-r-i-a.
21 This e-mail is from Toby S-e-m-p-r-e-v-i-v-o.
22 Why is it that these renegades are allowed to decimate
23 the lagoon, tearing up mangroves and disturbing fish
24 and turtle habitats with total abandon? No one is
25 stopping them. Please help or we will stop them

Page 18

1 through recalls of Board members who seem disinterested
2 in our cries for help. We can also start process to
3 break away from Riviera Beach control. Now is the
4 moment for action.
5 This e-mail is from Lee I-n-n-o-c-e-n-t-i.
6 I know there is a Council meeting today about the
7 destruction of our Intracoastal sea area by Lozman and
8 Taylor. I am grateful for your organized attention to
9 this very important town matter. Only the town can
10 stop them.
11 Please note that I strongly support the
12 creation of the Special Preservation Zoning District
13 coinciding with the City's Comprehensive Plan Future
14 Land Use Element for Special Preservation areas.
15 Please enter my e-mail into the public comments at
16 tonight's meeting.
17 The beauty of our island and the protection
18 of the sea, plants, animals are so important to the
19 people who live on the island, as well as all Riviera
20 Beach residents who enjoy the island activities. We
21 all know this destruction is illegal. Taylor's
22 horrible green wall is an affront each time we drive by
23 on North Ocean, and now we have the culling of the
24 trees by Lozman. This greenery destruction, besides
25 being illegal, also will increase flooding of North

Page 19

1 Ocean during rainy season.
2 Please stop their illegal behavior and begin
3 whatever remediation is required to return the land to
4 the original, legal condition before the backhoes and
5 workers showed up. There appears no end to their
6 destruction, despite the ruling against Taylor's green
7 wall, which was to be demolished by April 5th, as I
8 recall. Of course, the pandemic slowed down this date.
9 Taylor continues improvements to his land rather than
10 desist and start dismantling, indicating he has no
11 intention of following your last ruling. Help. Thank
12 you. Lee I-n-n-o-c-e-n-t-i.
13 Mr. Gagnon, tag, you're it.
14 MR. GAGNON: So you know, Ms. Davidson, we're
15 both working from an identical list of e-mails, so I
16 was kind of checking off the e-mails as we read them
17 into the record. So please stop me if I start reading
18 one that has already been called out. I think the
19 sequence might be different in your list and mine.
20 MS. DAVIDSON: Okay.
21 MR. GAGNON: So just let me know if I'm
22 duplicating anything that's already been read.
23 This public comment is from Karen Gleason,
24 kgleason@karengleason.com. It states: To Planning and
25 Zoning Board: Please vote to pass the proposed zoning

Page 20

1 changes to create a Special Preservation District to
2 coincide with the Comprehensive Plan for the City of
3 Riviera Beach. Karen Gleason, 1211 Pine Point Road.
4 The next public comment is from Renee Lynch.
5 It states: Please pass the Special Preservation
6 District to match the Comprehensive Plan. Renee Lynch,
7 1111 Pine Point Road.
8 The next public comment is from Matt Lynch:
9 Please pass the Special Preservation District to
10 match/coincide with the City's Comprehensive Plan.
11 Thank you. Matt Lynch, 1111 Pine Point Road.
12 The next comment is from Steven Craig. It
13 states: Please pass the Special Preservation District
14 to match the Comprehensive Plan. Steven L. Craig, 1091
15 Pine Point Road.
16 The next comment is from Maureen Dietz.
17 Please pass the Special Preservation District to match
18 the Comprehensive Plan. Maureen Dietz, 1170 Morse
19 Boulevard.
20 The next comment is from Chip Armstrong. It
21 states: I am in support of an ordinance creating a new
22 Zoning District entitled SP Special Preservation
23 District, which is an agenda item for the P&Z meeting.
24 Sincerely, Chip Armstrong.
25 The next comment comes from Mike Blasdell,

Page 21

1 B-l-a-s-d-e-l-l, blaze, b-l-a-z-e, @mindharbor.com. It
2 states: Greetings. Please pass the new Special
3 Preservation Zoning District to match the Comprehensive
4 Plan.
5 Then he provides the title block as read into
6 the record tonight.
7 He continues by saying: With sincere thanks
8 to the Planning and Zoning Board for all that you do in
9 our community. Mike Blasdell.
10 The next comment is from Jackie Delgado. It
11 states: Please pass the proposed zoning change to
12 create a Special Preservation District to coincide with
13 the Comprehensive Plan of the City of Riviera Beach.
14 Jackie Delgado, 1030 Pine Point Road.
15 The next comment is from Renee Delgado. It
16 states: Please pass the proposed zoning change to
17 create a Special Preservation District to coincide with
18 the Comprehensive Plan of the City of Riviera Beach.
19 Renee Delgado, 1030 Pine Point Road.
20 The next public comment is from Nita Dry,
21 N-i-t-a D-r-y. E-mail address, nitadry1@aol.com. The
22 comment is: My family and I have lived on this island
23 for 29 years, and part of the reason why we moved here
24 was for the beauty of the island and the wetlands and
25 being able to walk up and down the sidewalks and see

Page 22

1 the beautiful water.
2 Allowing people to take down seagrapes and
3 foliage and trees north of Palm Point -- I think it's
4 Pine Point -- into the west of Ocean Boulevard is
5 criminal to me. We have enough homes and buildings on
6 Singer Island, which is one of the main attractions,
7 and we don't want it to look like Miami Beach or Fort
8 Lauderdale. The wetlands in that area need to be
9 preserved and not built on and not destroyed because of
10 people's greed.
11 I couldn't believe I saw a crew with a Bobcat
12 clearing the land on the side of the road next to the
13 water. It's a small strip of land, but that
14 foliage, trees and seagrapes protect our Ocean
15 Boulevard from flooding at high tide or during the
16 season. Our City needs to not be afraid -- or not to be
17 afraid of doing the right thing for our environment and
18 for its residents. We do not need more houses,
19 buildings or houseboats on that body of water. We must
20 stop this from happening at all costs. Signed, Nita
21 Dry.
22 The next message is from Jackie Delgado. It
23 states: Please pass the proposed zoning change to
24 create a Special Preservation District to coincide with
25 the Comprehensive Plan of the City of Riviera Beach.

Page 23

1 Jackie Delgado, 1030 Pine Point Road.
2 The next public comment comes from Beth
3 Brady. It states: To Planning and Zoning Board:
4 Please pass the proposed zoning change to create a
5 Special Preservation District to coincide with the
6 Comprehensive Plan of the City of Riviera Beach. This
7 area will help protect vital manatee habitat.
8 Best, Beth Brady, 1370 Northeast 27th Way, Pompano
9 Beach, Florida.
10 The next message is from Marie Sailler.
11 Simone, did this one already get read? I think this
12 one was read.
13 I'll go to the next one.
14 The next is from -- pardon my
15 pronunciation -- Marcus, I'm going to spell it from
16 Marcus. I guess he goes by Marcus Rubio. The e-mail
17 address is Marcus@wasteadvantagemag.com. Good
18 afternoon. I'm writing to express my concern about the
19 construction on the lagoon side of Singer Island. Any
20 construction will be destroying wildlife and the
21 seagrapes that is necessary for wildlife. Plus all the
22 trash and other problems will bring all property values
23 down in Riviera Beach, which means less tax dollars and
24 less tourist dollars.
25 Also, destroying the seagrapes and any

Page 24

1 construction will probably lead to widespread flooding
2 on the island. A good way to lose residents and
3 tourists is to destroy the lagoon side with
4 construction. Thank you for taking the time to read my
5 e-mail. Regards, Marcus Rubio, 5400 North Ocean Drive,
6 Number 4A.
7 I'm going to do one more, Simone, and then
8 pass the mic back to you.
9 I have an e-mail from Chris McKee. E-mail
10 address, lamncam@aol.com. It states: To Planning and
11 Zoning Board: Please pass the proposed zoning change
12 to create a Special Preservation District to coincide
13 with the Comprehensive Plan of the City of Riviera
14 Beach. The preservation of this land is so important.
15 I have lived here since 1971 and understand the
16 importance of the ecological system that will be
17 destroyed if any development or docks are allowed on
18 this property. Thank you. Chris McKee, 1101 Pine
19 Point Road.
20 MS. DAVIDSON: Okay, the next e-mail is from
21 Charles Lewis, chucklewis39@hotmail.com. Pass the
22 Special Preservation District to match the
23 Comprehensive Plan.
24 Did you read one from Norm Adams?
25 MR. GAGNON: (Shakes head.)

Page 25

1 MS. DAVIDSON: Okay, Norm Adams.
2 MR. GAGNON: I don't believe so.
3 MS. DAVIDSON: nbasox.com. I support the
4 creation of a Special Preservation Zoning District to
5 be included with the comprehensive property use zone,
6 and I suspect probably 95 percent of Singer Island
7 residents, as well as many mainland residents do.
8 Thanks. Norm Adams.
9 This e-mail is from Judy Holly,
10 judyrobsonholly@yahoo.com. Please pass the Special
11 Preservation District to match the Comprehensive Plan
12 to save the estuary adjacent north of Pine Point Road,
13 Singer Island.
14 Linda Link, Linda -- I'm sorry. E-mail
15 address linklk@aol.com. Please pass the Special
16 Preservation District to match the Comprehensive Plan.
17 From John F. Devol, 1090 Morse Boulevard.
18 Duplication.
19 Randy Bradley, rhbradley@comcast.net. Hi.
20 My name is Ralph Bradley. I reside at 5080 North Ocean
21 Drive, Apartment 9C, Riviera Beach. I am for keeping
22 historic Munyon's Cove -- the north was WMS of our Lake
23 Worth Lagoon in the ware north is Pine Point Road and
24 east of Big and Little Munyon Islands -- forever a
25 protected development, and for CRB Planning and Zoning

Page 26

1 and Council to vote for and pass this ordinance.
2 Thank you for all you do. Ralph Bradley.
3 This e-mail is from Arlene Ludwig,
4 caawmlud@gmail.com. Ladies and gentlemen, please
5 accept this request to preserve the Lake Worth Lagoon
6 from the ongoing destruction caused by Lozman and
7 Taylor owned realty investments. These two developers
8 continue to flaunt the law in view of thousands of
9 residents by cutting down mangroves, littering the
10 mangrove area with garbage, building a cement wall
11 without permit, bringing in large and unsightly
12 floating docks and devices that are improperly secured,
13 which then break away in storms and kill essential
14 seagrasses, et cetera.
15 This lagoon has been studied by FAU
16 professors and students because it hosts rare and
17 endangered flora and fauna. This area is home to
18 critically threatened manatees and is a nursery for
19 federally listed endangered green turtles.
20 Development of the submerged land under these
21 wetlands is an environmental disaster that must be
22 stopped. There are too many mitigating factors, with
23 serious detrimental environmental repercussions. Land
24 under wetlands purchased in the 1920s does not meet
25 current standards and should not receive any building

Page 27

1 permits. We must listen to our science and
2 environmental experts and consider the future of our
3 precious lagoon ecosystem. Thank you for your support.
4 Arlene Ludwig.
5 This e-mail is from barshk@gtlaw.com. On
6 behalf of my clients, I am attaching a letter in
7 opposition to the Special Preservation Zoning District
8 that is scheduled for consideration tonight by the
9 Planning and Zoning Board. Because the meeting is
10 virtual, please read the letter into the record at the
11 appropriate time of the agenda of tonight's Planning
12 and Zoning Board meeting.
13 Jeff, did you want me to read the entire
14 letter?
15 MR. GAGNON: Yes. I can read this, if you
16 want.
17 MS. DAVIDSON: Yes, please.
18 MR. GAGNON: So this correspondence is from
19 Kerri L. Barsh of Greenberg and Traurig. It was
20 addressed to Ms. Dawn Wynn and Ms. Lina Busby of the
21 City Attorney's Department for the City. It's
22 regarding opposition to proposed Special Preservation
23 Zoning Districts.
24 Dear Ms. Wynn and Busby and Members of the
25 Planning and Zoning Board: I am writing on behalf of

Page 28

1 HALO Development LLC, Fane Lozman, and Renegade
2 Trust II, the owners of real property located within
3 the geographic area of the proposed Special
4 Preservation Zoning District, Ordinance 4133, and more
5 particularly described in Exhibit A to this letter.
6 Together, HALO Development LLC, Fane Lozman
7 and Renegade Trust II own approximately 51 acres of
8 land, which accounts for 20 percent or more of the area
9 of the lots included in such proposed change to the
10 Special Preservation Zoning District.
11 It references City of Riviera Beach Code,
12 Section 31-5, 2019.
13 HALO Development LLC, Fane Lozman and
14 Renegade Trust II object to the new Special
15 Preservation Zoning District that the City is
16 considering to impose on their properties for reasons
17 including, without limitation, that their respective
18 vested and/or judicially determined property rights
19 will be abrogated by the adoption of the new Zoning
20 District, resulting in a regulatory taking. Very truly
21 yours, Kerri L. Barsh.
22 And Exhibit A follows that correspondence.
23 The exhibit states: HALO Development LLC owns the
24 following seven properties. It provides the parcel
25 control number and address of each one. I'll read the

Page 29

1 addresses into the record.
2 4601 North Ocean Drive; 4701 North Ocean
3 Drive; 4801 North Ocean Drive; 4901 North Ocean Drive;
4 5001 North Ocean Drive; 5011 North Ocean Drive; and
5 5021 North Ocean Drive.
6 It continues, stating that Fane Lozman owns
7 the following property: 5101 North Ocean Drive. And
8 it continues by stating: Renegade II Trust owns the
9 following three properties: 5241 North Ocean Drive;
10 5251 North Ocean Drive; 5301 North Ocean Drive.
11 And that concludes the correspondence.
12 MS. DAVIDSON: Thank you.
13 The next e-mail is from Judy Miller,
14 jjniko@aol.com. I am a resident of Singer Island,
15 living on Bimini Lane, and I'm writing in favor of the
16 Special Preservation District. Judy Miller
17 This e-mail is from pegsue@aol.com. My
18 husband and I are owners on Singer Island and Florida
19 residents. We support this ordinance to create this
20 preservation area. This area is important to many
21 endangered species and provides a place to enjoy many
22 different types of wildlife and nature. Please feel
23 free to contact us. Donald and Peggy Lindenborn.
24 Nita Dry, nitadry1@aol.com. I want the
25 Council to pass their legislation that will preserve

Page 30

1 our waterways, wetlands and keep builders away from it.
2 They will destroy it.
3 Renee Delgado, reneel1007@gmail.com. Please
4 pass the proposed zoning change to create a Special
5 Preservation District to coincide with the
6 Comprehensive Plan of the City of Riviera Beach. Renee
7 Delgado.
8 Jackie Delgado. Please pass the proposed
9 zoning change to create a Special Preservation District
10 to coincide with the Comprehensive Plan of the City of
11 Riviera Beach. Jackie Delgado.
12 Chip Armstrong, chip@repelmbeaches.com. I am
13 in support of an ordinance creating a new Zoning
14 District entitled SP Special Preservation District
15 which is an agenda item for the P&Z meeting.
16 Sincerely, Chip Armstrong.
17 Patricia Post, patriciapost@outlook.com. Our
18 vote is affirmative for the preservation of the lagoon,
19 its environment, fisheries, mangroves, et cetera. The
20 waterways west of Singer Island are a beauty onto which
21 the residents depend, a home for manatee, all variety
22 of fish and birds. Preservation should be the goal.
23 There's plenty of available existing land for homes
24 adjacent to waterways without the need to fill in
25 existing beautiful water resources. Bart and Pat Post.

Page 31

1 Merle Neidell, harbordell@yahoo.com. Ladies
2 and gentlemen: Please accept this request to preserve
3 the Lake Worth Lagoon from ongoing destruction caused
4 by Lozman and Taylor owned realty investments.
5 Please -- I think I read this one before. It's a
6 duplicate.
7 These two developers continue to flaunt the
8 law in view of thousands of residents by cutting down
9 mangroves, littering the mangrove area with garbage,
10 building a cement wall without permit, using the -- I'm
11 sorry -- decrepit floating devices that break away in
12 storm and kill essential seagrasses, et cetera.
13 MS. BUSBY: Sorry, Ms. Davidson. A few of
14 those have been read twice, so I just want to make sure
15 we don't repeat them. Thank you.
16 MS. DAVIDSON: Thank you for letting me know.
17 I do have a couple that were duplicated, I think, but
18 different senders. So we'll continue.
19 Jeff -- I'm sorry, Mr. Gagnon.
20 MR. WYLY: He's -- Jeff.
21 MR. GAGNON: Yes.
22 MS. DAVIDSON: Is it possible to work from
23 the bottom up?
24 MR. GAGNON: Yes, so what I've been doing is
25 I've been marking the e-mails that have been read, the

Page 32

1 public comments that have been read, so I may have a
2 few that are duplicative still. That's partially due
3 to having similar or identical comments sent in and
4 different comments can be received. Over 100 comments,
5 so it was difficult to kind of discern if they were
6 from the same sender or different senders. So we'll --
7 anyone has heard the identical comment, then please
8 just interrupt the speaker and we'll go on to the next
9 one.
10 MS. DAVIDSON: Thank you.
11 MR. GAGNON: The next comment I have is from
12 Nellie Lewis. It states: To whom it may concern:
13 Please pass the Special Preservation District to match
14 the Comprehensive Plan. Thank you. Armella Lewis,
15 1241 Pine Point Road.
16 The next comment is from Paul Spezza,
17 S-p-e-z-z-a. Dear all: I am against the creation of
18 this Special Preservation District for the Lake Worth
19 Lagoon off Singer Island. We need to ensure that this
20 unique cross-section of coastal Florida lagoon and
21 ecosystem have the utmost protection from development
22 and economic use.
23 A Special Preservation District does not
24 accomplish this. This area should not be considered
25 for future use or development, located north of Pine

Page 33

1 Point Road and west of North Ocean Drive in the City of
2 Riviera Beach. Thank you for taking the time to add my
3 comments to the public record. Sincerely, Paul A.
4 Spezza.
5 The next, it's an e-mail and also
6 correspondence from Theresa Valdiva, V-a-l-d-i-v-a,
7 stating: Attached is a letter urging the passing of
8 the Special Preservation District to match the City
9 Comprehensive Plan. And the correspondence simply
10 states: Please pass the Special Preservation District
11 to match the Comprehensive Plan. And it's signed by
12 Theresa Valdiva, 1121 Pine Point Road.
13 The next is from Alissa Lynch, L-y-n-c-h,
14 1111 Pine Point Road, stating: Please pass the Special
15 Preservation District to match the Comprehensive Plan.
16 The next is from José Valdiva, 1121 Pine
17 Point Road. Attached is a letter urging the passing of
18 the Special Preservation District to match the City
19 Comprehensive Plan. And it is correspondence that
20 states: Please pass the Special Preservation District
21 to match the Comprehensive Plan. Signed, José Valdiva,
22 1121, Pine Point Road.
23 The next public comment is from Connor McKee,
24 M-c-K-e-e. It states: To the Planning and Zoning
25 Board: Please pass the proposed zoning change to

Page 34

1 create a Special Preservation District to coincide with
2 the Comprehensive Plan of the City of Riviera Beach.
3 Signed, Connor McKee, Pine Point Road.
4 The next comment is from Susan Troubetzkoy,
5 spelled T-r-o-u-b-e-t-z-k-o-y. It states: Dear
6 Mr. Gagnon, Riviera Beach Planning and Zoning Board,
7 please pass the proposed zoning change to create the
8 Special Preservation District to coincide with the
9 Comprehensive Plan of the City of Riviera Beach.
10 The next comment was from Ashley Lynch, 1111
11 Pine Point Road. Please pass the Special Preservation
12 District to match the Comprehensive Plan.
13 The next public comment is from Michael
14 Sloser. It states: I just became aware of the Riviera
15 Beach Planning and Zoning Board meeting tonight to
16 discuss the creation of a new Special Preservation
17 District for the Lake Worth Lagoon north of Pine Point
18 Road and west of North Ocean Drive.
19 Like so many of my friends and neighbors,
20 protecting this unique area for current and future
21 generations from development and loss of natural land
22 and sea life is extremely important for all of us.
23 I urge the Board to give this favorable
24 consideration and approve the creation of this special
25 district to protect the natural wonders that make this

Page 35

1 area an invaluable part of our city. Signed, thank
2 you, Michael Sloser, S-l-o-s-e-r.
3 The next comment is from Christine Dilts,
4 D-i-l-t-s. To the Planning And Zoning Board:
5 Please pass the proposed zoning change to create a
6 Special Preservation District to coincide with the
7 Comprehensive Plan of the City of Riviera Beach.
8 Thank you. Christine and Brent Dilts, 505 -- excuse
9 me -- 5150 North Ocean Drive, 1703.
10 The next public comment is from Jim Kane,
11 K-a-n-e, 50 North Ocean Drive. It states: I'm writing
12 to express my full support for the creation of a
13 Special Preservation District for the Lake Worth Lagoon
14 west of North Ocean Drive on Singer Island. As you
15 know, the City's Comprehensive Plan provided for this
16 area to be maintained in its natural state for
17 posterity. Unfortunately, the legal -- excuse me --
18 unfortunately, the illegal development activities that
19 are currently underway are already destroying the
20 area.
21 As you may also know, the lagoon is a unique
22 ecosystem. It's the only place in South Florida where
23 several varieties of plants and animals exist. If we
24 allow them to be lost, they will be lost for the ages.
25 I strongly urge the Riviera Beach Zoning Commission to

Page 36

1 correct the zoning to match the City's Comprehensive
2 Plan. Signed, Jim Kane.
3 I'll do one more, Simone, and then pass the
4 mic back to you.
5 This comment is from Blake McKee, B-l-a-k-e,
6 M-c-K-e-e. To the Planning and Zoning Board: Please
7 pass the proposed zoning change to create a Special
8 Preservation District to coincide with the
9 Comprehensive Plan of the City of Riviera Beach.
10 Signed, Alexander Blake McKee, 1101 Pine Point Road.
11 MS. DAVIDSON: This e-mail is from Merle
12 Neidell; M-e-r-l-e, last name N-e-i-d-e-l-l. Please
13 know I am in strong support for creating a Special
14 Zoning District in alignment with the City's plan to
15 preserve environmentally significant places. It's long
16 overdue to stop ongoing destruction of this special
17 lagoon.
18 Rita Hill. I would like to express my
19 support for a new Special Preservation District for the
20 Lake Worth Lagoon off Singer Island. I feel this is
21 necessary to provide consistency between the Riviera
22 Future Land Use Map and the Zoning Map. Rita Hill.
23 This e-mail is from Nita Dry. My family and
24 I have lived on this island for 29 years, and part of
25 the reason why we moved here was for the beautiful

Page 37

1 island and the wetlands and being able to walk up and
2 down the sidewalks.
3 I think this one was read before.
4 This e-mail is from Bill Doniger. The
5 Reaches Condo Association, with 94 members, strongly
6 supports the creation of the Special Preservation
7 District Zoning District which coincides with Riviera
8 Beach's Comprehensive Plan for future land use. Best
9 regards, Bill Doniger, Board President.
10 MS. BUSBY: Ms. Davidson, the one that you
11 read before, are you sure that you had read that one
12 already, the one that you passed and said you had
13 already read?
14 MS. DAVIDSON: I think I did, yes.
15 MS. BUSBY: Okay, who was it? I just want to
16 make sure, because I hadn't heard that one. I'm sorry.
17 MR. HUNT: The text is very common at times,
18 but we've got to be careful about not -- or ignoring
19 individual senders of the same message.
20 MR. GAGNON: Agreed.
21 MS. DAVIDSON: Okay, let me go back and try
22 to pull that one back up.
23 MR. GAGNON: We did read a public comment
24 from Ms. Nita Dry, which had a similar --
25 MS. BUSBY: We did?

Page 38

1 MR. GAGNON: -- context.
2 MS. BUSBY: Okay, and it was the same exact
3 public comment? Okay, thank you.
4 MS. DAVIDSON: May I move on? It's resolved?
5 MS. BUSBY: Yes, it's resolved. Thank you,
6 Ms. Davidson, sorry.
7 MS. DAVIDSON: You're welcome. No problem.
8 MS. BUSBY: I just wanted to make sure.
9 Thank you.
10 MS. DAVIDSON: I understand. Thank you.
11 Okay. Cindy S. O-z-o-g. Hello. I'm for
12 keeping historic Munyon's Cove, the northeast end of
13 our Lake Worth Lagoon in the water north of Pine Point
14 Road and east of Big and Little Munyon Islands forever
15 protected from development, and for CRB Planning and
16 Zoning and Council to vote for and pass this ordinance.
17 Thank you. CSO.
18 Lynn R-o-u-t-e-n-b-e-r-g. We are writing to
19 support the efforts of Rivera Beach to designate the
20 lagoon area north of Pine Point Road and west of North
21 Ocean Drive as a Special Preservation District. These
22 are valuable wetlands and critically important to
23 preserve for the future of Singer Island and Riviera
24 Beach. We own a condominium at Seawinds and have
25 watched events unfold that threaten this beautiful

Page 39

1 area. Please vote to preserve this area. Lynn and Len
2 Routenberg.
3 Lynn Tabernacki. Members of the Board:
4 Thank you for considering implementation of a Special
5 Preservation District on Singer Island. I would like
6 to express support for this important preservation
7 initiative and the required zoning changes.
8 Mangroves are critical to preservation of the
9 island's shoreline. They benefit the environment and
10 biodiversity, but also protect the island from
11 overflows coming from the Intercoastal Waterway due to
12 flooding or hurricanes. Without this buffer, there is
13 significant and costly risk to the public roads and
14 utilities, residential and commercial property, and the
15 lives of residents.
16 I respectfully request that the zoning rules
17 relating to such preservation should be approved
18 immediately and enforced vigorously to ensure long-term
19 environmental and economic stability of the island.
20 Thank you. Lynn Tabernacki.
21 Arnow@panix.com. We totally support the
22 creation of a Special Preservation District and
23 anything that preserves the critical wetlands in the
24 Singer Island/MacArthur State Park region, as well
25 as the ecological health of Lake Worth. Aren't we

Page 40

1 already reaping the fruits of reckless development and
2 destruction of wetlands? David Arnow and Barbara
3 Weiserbs, 12D, 5550 North Ocean Drive.
4 Bill Doniger. Please enter the e-mail that I
5 sent on behalf of the Reaches Condo Association
6 supporting the creation of the Special Preservation
7 Zoning District into the public comments at tonight's
8 meeting. Thanks. Bill Doniger.
9 Marianne Wiegand, W-i-e-g-a-n-d. I am in
10 full support of whatever can be done to prevent any
11 development in the above area of wetland noted in the
12 subject line, homes built on fill, floating homes,
13 docks, piers, et cetera. Respectfully, Marianne
14 Wiegand.
15 Jeff, if you would take over after the next
16 one.
17 Merle Neidell, M-e-r-l-e, N-e-i-d-e-l-l.
18 Please know I am in strong support for creating a
19 Special Zoning District in the City's plan to preserve
20 environmentally significant places. It's long overdue
21 to stop the ongoing destruction of this special lagoon.
22 Respectfully, Merle Neidell.
23 Jeff.
24 MR. GAGNON: The next comment is from Jane
25 Wilner, W-i-l-n-e-r. To Planning and Zoning Board:

Page 41

1 Please pass the proposed zoning change to create a
2 Special Preservation District to coincide with the
3 Comprehensive Plan of the City of Riviera Beach.
4 Signed, Jane and Tom Wilner, 5550 North Ocean Drive,
5 18C.
6 The next comment is from Ilona Fotek,
7 I-l-o-n-a F-o-t-e-k. To the Planning and Zoning Board:
8 Please pass the proposed zoning change to create a
9 Special Preservation District to coincide with the
10 Comprehensive Plan of the City of Riviera Beach.
11 Thank you for your help in that matter. Dr. Ilona
12 Fotek, 1181 Pine Point Road.
13 The next public comment is from Lori McKee,
14 M-c-K-e-e. Please pass the Special Preservation
15 District to match the Comprehensive Plan. Signed, Lori
16 McKee, 1101 Pine Point Road.
17 This public comment is from Lori Abel,
18 L-o-r-i A-b-e-l. Please pass the proposed zoning
19 change to create a Special -- it's supposed to say
20 Preservation, but it states Presentation District to so
21 coincide with the Comprehensive Plan of the City of
22 Riviera Beach. Thank you. Lori Abel, 1020 Pine Point
23 Road.
24 The next comment is from Matthew
25 Kwiatkowski, K-w-i-a-t-k-o-w-s-k-i, 1071 Pine Point

Page 42

1 Road. To the Planning and Zoning Board: Please pass
2 the proposed zoning changes to create a Special
3 Preservation District to coincide with the
4 Comprehensive Plan of the City of Riviera Beach.
5 The next comment is from Charles Lewis,
6 stating: Pass the Special Preservation District to
7 match the Comprehensive Plan. Signed, Charles G.
8 Lewis, Ph.D., 1241 Pine Point Road.
9 The next comment is from Mattias Eriksson,
10 M-a-t-t-i-a-s E-r-i-k-s-s-o-n. It states: Please pass
11 the Special Preservation District to match the
12 Comprehensive Plan. Best regards, Mattias Eriksson and
13 Yulia Puskar, Y-u-l-i-a P-u-s-h-k-a-r, 1151 Pine Point
14 Road.
15 The next comment is from Danusia Chowaniec,
16 D-a-n-u-s-i-a C-h-o-w-a-n-i-e-c. To the Planning and
17 Zoning Board: Please pass the proposed zoning change
18 to create a Special Preservation District to coincide
19 with the Comprehensive Plan of the City of Riviera
20 Beach. Signed, Danusia Chowaniec, 1070 Morse
21 Boulevard.
22 The next comment is from Anne Craig, 1091
23 Pine Point Road. Please pass the Special Preservation
24 District to match the Comprehensive Plan. Thank you.
25 The next comment is from Mike Green. Please

Page 43

1 pass the Special Preservation District to match the
2 Comprehensive Plan. James Green, 1251 Pine Point Road.
3 The next comment is from Tara Hegarty,
4 H-e-g-a-r-t-y. It states: Please pass the new Special
5 Preservation Zoning District to match the Comprehensive
6 Plan.
7 Then the title block is stated within the
8 e-mail itself.
9 Then it states: With sincere thanks to the
10 Riviera Beach P&Z Board for all that you do in our
11 community. Tara Hegarty, 5550 North Ocean Drive, Unit
12 2C.
13 The next comment is from Margaret
14 Crosbie-Burnett, C-r-o-s-b-i-e-B-u-r-n-e-t-t. The
15 comment is: I live on Singer Island and am very
16 concerned about the environmental issues related to the
17 lagoon. The ecological balance is delicate. I am for
18 keeping historic Munyon Cove forever protected from
19 development, and for CRB Planning and Zoning and
20 Council to vote and pass the ordinance to do so. Thank
21 you. Margaret Crosbie-Burnett of Sugar Sands.
22 The next comment is from Charles Lewis.
23 Charles G. Lewis, 1241 Pine Point Road. Pass the
24 Special Preservation District to match the
25 Comprehensive Plan.

Page 44

1 The next comment is from James Gleason. To
2 Planning and Zoning Board: Please pass the proposed
3 zoning change to create a Special Preservation District
4 to coincide with the Comprehensive Plan of the City of
5 Riviera Beach. Sincerely, James Gleason, 1211 Pine
6 Point Road.
7 The next is from Maureen Avarista,
8 A-v-a-r-i-s-t-a. It states: Please pass the
9 Comprehensive Plan to match the submerged land
10 Comprehensive Plan. Protect our wetlands and submerged
11 lands on Singer Island in Riviera Beach.
12 The next may have been read, from Stephen
13 Neidell, but it is in support of the Special
14 Preservation District to coincide with the City's
15 Comprehensive Plan, and they request that the e-mail is
16 entered into public records.
17 The next comment is from Carol Bruce,
18 stating: We are ready to let you know that we support
19 with the creation of a Special Preservation District to
20 coincide with the City's plan. We feel it will have a
21 positive impact on the environmental and financial
22 health of Riviera Beach. Please enter this e-mail into
23 public comments in tonight's meeting as an affirmative
24 vote of this action. Thank you. Respectfully yours,
25 Carol and Thomas Bruce, Singer Island property owners.

Page 45

1 The next comment is from Nicole Prokopetz,
2 P-r-o-k-o-p-e-t-z, 1231 Pine Point Road. It states:
3 Please pass the Special Preservation District to match
4 the Comprehensive Plan.
5 The next comment is from Michael Prokopetz,
6 P-r-o-k-o-p-e-t-z, 1231 Pine Point Road. It states:
7 Please pass the Special Preservation District to match
8 the Comprehensive Plan.
9 The next comment is from Bonnie Dorfman,
10 D-o-r-f-m-a-n. It states: Hello Board members. Thank
11 you for your service to the community. I've been a
12 resident of Singer Island for ten years, and I
13 recognize how precious the Lake Worth Lagoon is to both
14 the creatures who depend on its continued pristine
15 ecosystem, as well as to the humans who enjoy it. I
16 support the creation of a Special Preservation Zoning
17 District. We must protect the lagoon from future
18 development. Thanks for your consideration. Bonnie
19 Dorfman, 5550 North Ocean Drive.
20 The next comment is from Quentin Prokopetz,
21 P-r-o-k-o-p-e-t-z. It states: Please pass the Special
22 Preservation District to match the Comprehensive Plan.
23 1231 Pine Point Road.
24 The next comment is from Lexa Prokopetz,
25 P-r-o-k-o-p-e-t-z, 1231 Pine Point Road. Please pass

Page 46

1 the Special Preservation District to match the
2 Comprehensive Plan.
3 The next comment is from Glen Spiritis,
4 S-p-i-r-i-t-i-s. It states: Please read into the
5 record at tonight's Planning and Zoning Board Meeting.
6 Honorable Planning and Zoning Board Members:
7 I'm writing on behalf of the 256 unit owners and
8 taxpayers of the Water Glades Condominium on North
9 Ocean Drive. We are in favor of the proposed change in
10 zoning for the property located on the north side of
11 Pine Point, running north to MacArthur Park and west of
12 Ocean Drive, including the property lots under the
13 lagoon. We believe it's in the best interest of the
14 environment and community to zone this environmental
15 treasure as an environmental preserve.
16 Thank you for your consideration of this most
17 important environmental decision the Planning Board is
18 making on behalf of our community for today and for
19 future generations to come. Sincerely, Glen L.
20 Spiritis, Ph.D., President of the Water Glades
21 Condominium.
22 I'll do one more, Simone, and then I'll send
23 it back to you.
24 This comment is from Cindy Green, 1250 Pine
25 Point Road. It states: Please pass the Special

Page 47

1 Preservation District to match the Comprehensive Plan.
2 MS. DAVIDSON: Okay. Glen Spiritis,
3 S-p-i-r-i-t-i-s. Please read --
4 MR. GAGNON: I'm sorry, I just did that one,
5 Simone. That's duplicative.
6 MS. DAVIDSON: You did? Okay.
7 MR. GAGNON: Yes, yes.
8 MS. DAVIDSON: Let me delete that one. My
9 apologies. My computer is freezing up on me.
10 MR. GAGNON: I can keep going, Simone.
11 So the next one I have is from Gene Page.
12 Actually, it's signed by William Page. It states:
13 Please pass the Special Preservation District to match
14 the Comprehensive Plan. 2199 Northwest 87th Ave.,
15 Micanopy, Florida, M-i-c-a-n-o-p-y.
16 Next comment I have is from Bette Anne
17 Starkey. Was this one that you already read, Simone?
18 MS. DAVIDSON: The name? What is the name?
19 MR. GAGNON: Bette Anne Starkey. It's very
20 short. I'll read it.
21 As a native of Palm Beach County, I want to
22 join with others to request that you pass the Special
23 Preservation District to match the Comprehensive Plan.
24 Signed, Bette Anne Starkey, 213 29th Street, West Palm
25 Beach, Florida.

Page 48

1 The next comment is from Brandon Orlando.
2 Address is 411 29th Street, West Palm Beach. Please
3 pass the Special Preservation District to match the
4 Comprehensive Plan.
5 The next comment is from Carol Getman,
6 G-e-t-m-a-n. It states: Please pass the Special
7 Preservation District to match the Comprehensive Plan
8 to save the estuary adjacent north of Pine Point Road,
9 Singer Island. Signed, Carol Getman, 7712 27th
10 Street -- excuse me 27th Ave. West, Bradenton, Florida.
11 The next is from Franz and Monika Stein. It
12 states: We wish to express our support for the
13 creation of a Special Preservation District for the
14 Lake Worth Lagoon off Singer Island. It is very
15 important to preserve the Lake Worth Lagoon in its
16 present state for the enjoyment of future generations.
17 2800 North Ocean Drive.
18 The next comment is from Frederick
19 Hutchinson, fchutch@icloud.com. Please save the Pine
20 Point estuary. Ridiculous development threatens
21 wildlife.
22 The next comment is from Rick Hutchinson,
23 same e-mail address. Please pass the Special
24 Preservation District to match the Comprehensive Plan
25 and save Pine Point estuary. Thank you. Rick

<p style="text-align: right;">Page 49</p> <p>1 Hutchinson, 301 Clematis Street, Suite 3000. 2 The next comment is from Robert Halkett, 3 H-a-l-k-e-t-t, 330 Linda Lane, Palm Beach Shores. 4 Please pass the proposed zoning change to create a 5 Special Preservation District to coincide with the 6 Comprehensive Plan of the City of Riviera Beach. 7 The next comment is from Anne Ray, 6608 South 8 Westshore Boulevard, Tampa, Florida. Please pass the 9 Special Preservation District to match the 10 Comprehensive Plan. 11 The next comment is from Linda Link. Please 12 pass the Special Preservation District to match the 13 Comprehensive Plan. Linda K. Link, 1090 Morse 14 Boulevard, Riviera Beach, Florida. 15 The next comment is from Teofilo Lama, 16 T-e-o-f-i-l-o L-a-m-a. Please pass the Special 17 Preservation District to match -- and then it just 18 continues -- it's an incomplete sentence. Signed, 19 Teofilo Lama, M.D. 20 The next comment is from Nicolas Lama, 21 L-a-m-a. Dear Planning and Zoning Board, please pass 22 the proposed zoning change to create a Special 23 Preservation District to coincide with the 24 Comprehensive Plan of the City of Riviera Beach. 25 As a citizen of Riviera Beach, this is very important</p>	<p style="text-align: right;">Page 51</p> <p>1 last name is H-a-s-e-n-h-u-t-t-l. Address is 24 2 Governors Court, Palm Beach Gardens, Florida. Comment 3 is: Please pass the Special Preservation District to 4 match the Comprehensive Plan for the estuary adjacent 5 to North Pine Road on Singer Island. 6 The next comment from Anna Goldstein. It 7 states: I support the creation of a Special 8 Preservation District coinciding with the City's 9 Comprehensive Plan Future Land Use Element for Special 10 Preservation areas. Please enter my e-mail into the 11 public comments at tonight's meeting. Thank you and 12 wishing you the best of luck. Floyd A. Schlossberg, 13 it's signed. E-mail address is 14 Anna.Goldstein@thealdennetwork.com. 15 Next comment is from Eva Hasenhuttl, 16 H-a-s-e-n-h-u-t-t-l. Please pass the Special 17 Preservation District to match the Comprehensive Plan 18 for the estuary adjacent to North Pine Road on Singer 19 Island. Signed, Eva Hasenhuttl, 24 Governors Court, 20 Palm Beach Gardens, Florida. 21 The next comment is from JB Dixon. It 22 states: Please read this aloud and into the public 23 record. 24 No one on this current Planning and Zoning 25 Board is responsible for the incredible delay in</p>
<p style="text-align: right;">Page 50</p> <p>1 to me. Nicolas Lama, 1081 Pine Point Road, Riviera 2 Beach, Florida. 3 The next comment is from Maria Molano, M.D. 4 Please pass the Special Preservation District to match 5 the Comprehensive Plan. Thank you so much. Maria 6 Molano, M.D., 1081 Pine Point Road. 7 The next e-mail is from The Grove Project. 8 It states: To the Planning and Zoning Board: It is of 9 the utmost importance that the Board pass the proposed 10 zoning change to create a Special Preservation District 11 to coincide with the Comprehensive Plan of the City of 12 Riviera Beach. Please pass this zoning change. 13 Signed, The Grove Project, local environmental 14 awareness organization based out of Riviera Beach, 15 Florida. E-mail address is 16 thegroveproject2019@gmail.com. 17 The next is from Tina Hutchinson. It states: 18 Please pass the Special Preservation District to match 19 the Comprehensive Plan. Signed, Tina Hutchinson, 4773 20 South Lake Drive, Boynton Beach, Florida. 21 The next comment is from Teofilo Lama, 22 T-e-o-f-i-l-o L-a-m-a, M.D. Please pass the Special 23 Preservation District to match the Comprehensive Plan. 24 Thank you. 25 The next comment is from Eva Hasenhuttl. The</p>	<p style="text-align: right;">Page 52</p> <p>1 bringing this action to a vote, but you are now 2 responsible to vote yes on creating a Special 3 Preservation District in order to align our zoning with 4 the City's Comprehensive Plan. It is late, and damage 5 has already been done to the fragile ecosystem in the 6 Lake Worth Lagoon. Please act swiftly and decisively 7 to bring our zoning up to date and prevent any further 8 damage from being done. Vote yes on this motion. 9 Signed, JB Dixon. 10 The next comment is from Lisa Interlandi, 11 I-n-t-e-r-l-a-n-d-i. It states: Hello all. Please 12 accept these comments in support of the creation of a 13 Special Preservation Zoning District and the proposed 14 zoning amendment. I would appreciate it if you would 15 please include and read these comments into the record 16 at tonight's Planning and Zoning Board meeting. Please 17 feel free to call me if you have any questions. 18 It further states: These comments are from 19 Lisa Interlandi, Senior Attorney and Executive Director 20 of the Everglades Law Center and for the Lake Worth 21 Waterkeeper. Both of these groups are not-for-profit 22 organizations whose mission includes protecting and 23 preserving the Lake Worth Lagoon. We thank you for and 24 appreciate the opportunity to comment. 25 We support the creation of the Special</p>

Page 53

1 Preservation Zoning District and the zoning amendment
2 and offer the following in support.
3 Number one: This is a critically important
4 area from an environmental perspective. A recent
5 report from the Florida Department of Environmental
6 Protection found Johnson's seagrass and other types of
7 seagrass in this area. This is very significant
8 because Johnson's seagrass is considered imperiled and
9 critical to the lagoon because it is a food source for
10 green sea turtles, an endangered species. Juvenile
11 green sea turtles congregate at some of the highest
12 densities in Florida in this part of the lagoon.
13 Number two: This rezoning is far past due.
14 The Comprehensive Plan references completion of this
15 effort by 2010.
16 Number three: This effort is mandated by
17 law. The Growth Management Act and the Comprehensive
18 Plan require all codes and regulations to be consistent
19 with the plan.
20 Number four: This action does not change the
21 allowable land uses for the affected properties, as the
22 Comprehensive Plan has always applied to this area and
23 contains the identical language and restrictions as
24 this zoning district. Since its adoption, the
25 Comprehensive Plan has controlled over any inconsistent

Page 54

1 zoning or Land Development Regulations, and this area
2 has already been subject to these exact same
3 restrictions since the plan was adopted years ago.
4 Number five: This action is not impacting
5 anyone's property rights because no right to develop
6 has ever existed on this land because the Comprehensive
7 Plan has prohibited virtually all development in this
8 area since its adoption and it is the legally governing
9 document for all development decisions in the city.
10 One specific comment about the language.
11 Both the plan and the proposed code use the phrase
12 non-motorized boats. While we recognize that the code
13 is merely repeating the existing language from the
14 Comprehensive Plan, the City should establish a clear
15 record in staff reports and public hearings on this
16 item as to exactly what that phrase means: Canoes,
17 kayaks and the like versus floating structures, barges,
18 live-aboards, et cetera. We urge the City to clearly
19 establish what that term means during this process and
20 perhaps consider coming back at a later time to adopt
21 some clarifying language to both the plan and the code
22 on that point.
23 Thank you for the opportunity to comment.
24 Signed, Lisa Interlandi, Everglades Law Center.
25 The next comment is from Tom S. Mayers,

Page 55

1 M-a-y-e-r-s. Please pass the Special Preservation
2 District to match the Comprehensive Plan.
3 This may have already been read.
4 But it states: I am an environmental
5 consultant in Florida with 40 years of experience,
6 specializing in marine environments, and I have
7 discussed this issue with the Holly family.
8 The next is from Nick Lawler, L-a-w-l-e-r. I
9 guess it would be Lawler, L-a-w-l-e-r. Please vote yes
10 in order to create a Special Preservation District for
11 the Lake Worth Lagoon. This will align our zoning with
12 the City's Comprehensive Plan. This is crucial to
13 bring our zoning up to date and protect the fragile
14 ecosystem along our waterways, so I urge you to vote
15 yes. Thank you. Signed, Nick Lawler, 3000 North Ocean
16 Drive, Apartment 28G.
17 The next comment is from Fred Goldberg, and
18 he just states: Yes in support of the ordinance.
19 The next is from Rita Borraccio,
20 B-o-r-r-a-c-c-i-o. It states: Hi. I wanted to voice
21 my stance against the changes being made to the
22 Intracoastal shoreline off Singer Island. Here are my
23 concerns regarding the Mr. Lozman and Mr. Taylor.
24 Simone, did you read this already?
25 Borraccio, B-o-r-r-a-c-c-i-o?

Page 56

1 MS. DAVIDSON: Yes, I did.
2 MR. GAGNON: Okay, thank you.
3 MS. DAVIDSON: Definitely.
4 MR. GAGNON: The next public comment I have
5 is from Tom Twyford, T-w-y-f-o-r-d, President of West
6 Palm Beach Fishing Club, 201 Fifth Street, West Palm
7 Beach, Florida. He states: The West Palm Beach
8 Fishing Club supports the creation of the proposed
9 Special Preservation Zoning District and the zoning
10 amendment. This type of protection for the critical
11 estuarine habitat that is found in this area and the
12 varieties of marine life that utilize and depend upon
13 that habitat is long overdue in our view. Signed, Tom
14 Twyford.
15 The next public comment is from Claire
16 Granowitz, G-r-a-n-o-w-i-t-z. It just has a subject
17 line stating Special Preservation District, however,
18 there's nothing else in the body of the e-mail itself.
19 The next comment is from Judie Gibson, 1031
20 Pine Point Road. Good afternoon, Mr Gagnon. Please
21 pass the Special Preservation District zoning to make
22 it comply with the Comprehensive Plan for the land
23 north of Pine Point Road and west of North Ocean Drive
24 on Singer Island, Riviera Beach, Florida. Thank you.
25 The next comment is from Ed Page, 2626

<p style="text-align: right;">Page 57</p> <p>1 Northview Drive, Roanoke, Virginia. Please pass the 2 Special Preservation District to match the 3 Comprehensive Plan. 4 Okay, this might be a continuation of the 5 previous comment from Claire Granowitz. This states: 6 As a citizen of Riviera Beach and a resident of Singer 7 Island, I respectfully ask you to vote yes to make our 8 lagoon a Special Preservation District. I believe we 9 need to do all we can to preserve the lagoon as the 10 important natural habitat that it is for ourselves as 11 well as future generations to enjoy. Thank you. 12 Claire Granowitz, G-r-a-n-o-w-i-t-z. 13 The next is from Fran Russo of Sugar Sands, 14 stating: Please pass the Special Preservation District 15 zoning to comply with the Comprehensive Plan for the 16 area north of Pine Point Road, west of North Ocean 17 Drive on Singer Island. Thank you. Fran Russo. 18 The next comment is from Ray Lowe, L-o-w-e. 19 It says: For the Preservation District, please vote 20 yes. Ray Lowe. 21 This comment is from Gabriel Lama of 1081 22 Pine Point Road. Please pass the proposed zoning 23 change to create a Special Preservation District to 24 coincide with the Comprehensive Plan of the City of 25 Riviera Beach.</p>	<p style="text-align: right;">Page 59</p> <p>1 Board, Chairman and Members: The Zoning Board should 2 reject the zoning change to the Singer Island Lagoon 3 properties that City staff recommends for approval. 4 The Board needs to consider that by changing the zoning 5 for the lagoon properties, the City will be put at risk 6 for financial ruin when these property owners sue the 7 City for taking away the development rights. 8 I've researched the matter, and all of the 9 houses and condos on the north side of Singer Island 10 were built on property that was sold by the State of 11 Florida 100 years ago. Almost all the property sold by 12 the State has already been developed, and the remaining 13 portion are owned by some very wealthy individuals. 14 These individuals, led by Mr. Lozman, will 15 fight this out in court for years to come and can 16 easily bankrupt the City with a huge judgment when they 17 win. The properties in the lagoon, if they are 18 developed, would be worth in the hundreds of millions 19 of dollars, and a court judgment for hundreds of 20 millions of dollars will be horrible for the west side 21 residents, plus the attorney fees that the City will 22 have to pay will be in the millions or tens of millions 23 of dollars. 24 Why should the west side residents have to 25 waste their tax dollars fighting this in court just</p>
<p style="text-align: right;">Page 58</p> <p>1 The next comment is from Roberto Lama: 2 Please pass the proposed zoning change to create a 3 Special Preservation District to coincide with the 4 Comprehensive Plan of the City of Riviera Beach. 5 Roberto Lama, 1081 Pine Point Road. 6 Be aware we've received multiple e-mails from 7 the same individual with the same exact content. 8 The next comment is from Deborah Kane, 9 K-a-n-e. I would like for this to be read at tonight's 10 meeting. 11 The Lake Worth Lagoon should not allow any 12 development of homes, houseboats or any type of home. 13 It's a sanctuary for manatees, cranes, herons, 14 mangroves and sea turtles. Allowing development will 15 destroy this beautiful preserve. Please, please urge 16 the committee to update the zoning to the Comprehensive 17 Plan to protect this vital natural resource. Thank 18 you. Debbie Kane, resident, Singer Island. 19 And I believe we've received a few additional 20 public comments at this point in time. We'll probably 21 close the ability to receive new public comments, but I 22 want to make sure that we read these other public 23 comments that have come through since right before the 24 meeting. 25 This comment is from Rex Cox, C-o-x. Dear</p>	<p style="text-align: right;">Page 60</p> <p>1 because the home and condo owners around the Singer 2 Island Lagoon don't want anyone to build in front of 3 them? This country was built on private property 4 rights, and to take away anyone's private property 5 rights is a dumb decision to make. 6 The City will be facing tougher times with 7 the coronavirus and need all property tax dollars we 8 can get. The lagoon properties need to be developed, 9 and by keeping the zoning residential instead of 10 changing it to preservation, there will be hundreds of 11 millions of dollars in new development. To throw that 12 new property tax money away just because the spoiled 13 Singer Island property owners want you to is wrong and 14 makes no sense. 15 Please do not let us get into another legal 16 battle with Lozman and his friends. The guy won two 17 Supreme Court cases against us. We cannot afford to 18 fight another legal fight that the City will surely 19 lose. Signed, Chris Richardson. 20 The next comment is from Joseph Johnson. It 21 states: The Alliance for Owners of Via Delfino 22 Condominium strongly support the proposal to create a 23 preservation area north of Pine Point Road. Signed, 24 Joseph S. Johnson, President, Via Delfino, 5150 North 25 Ocean Drive.</p>

Page 61

1 The next comment is from Judy Dynia,
2 D-y-n-i-a. It states: I hope you will read the
3 following into the public record during tonight's
4 Riviera Beach Planning and Zoning Board meeting.
5 I am writing in support of the creation of
6 the new SP Special Preservation District for the Lake
7 Worth Lagoon off Singer Island. It is appalling that
8 certain land areas that are now privately owned are
9 being treated as beach trash sites with the protected
10 mangrove and seagrape landscaping mowed down in
11 defiance of State regulations and local stop work
12 orders. Clearly this land, now designated for the
13 private development of floating homes, has already been
14 defiled and an ecosystem ruined by the destruction and
15 disregard of this important coastal vegetation. By the
16 way, what happens during storms and high tides when the
17 former mangroves, which helped to prevent flooding, are
18 no longer there? Does North Ocean Drive simply flood?
19 Does the debris left on the property just roll into the
20 roadway? Once the water recedes, does the sand return
21 to the lagoon and further destroy seagrass?
22 I no longer care about the unfortunate
23 shortsightedness that led to this terrible situation,
24 but I do care about the creation of the proposed new
25 ordinance. Please correct this wrong, create the

Page 62

1 ordinance and begin the restoration of the Lake Worth
2 Lagoon off Singer Island. It's well worth it. Thank
3 you. Signed, Judy Dynia, resident, Singer Island.
4 The next comment is from Stephen Popovich
5 P-o-p-o-v-i-c-h. To the Planning and Zoning Board:
6 Please pass the proposed zoning change to create a
7 Special Preservation District to coincide with the
8 Comprehensive Plan of the City of Riviera Beach.
9 Signed, Stephen Popovich, 1040 Powell Drive.
10 The next public comment is from Marcie
11 Burkhead, B-u-r-k-h-e-a-d. It states: I'm a resident
12 in Eastpointe II on Singer Island. For numerous
13 reasons, I strongly support the Riviera Beach efforts
14 to create a Special Preservation District. I believe
15 this is not just in the best interests of those of us
16 on Singer Island, but is definitely in the long-term
17 best interests of everyone in Riviera Beach because it
18 will help preserve the current large tax base. Please
19 include this in the public comment section at the next
20 meeting. Thanks for your efforts. Best regards,
21 Marcie Burkhead.
22 The next comment is from Leon Granowitz,
23 G-r-a-n-o-w-i-t-z. As a citizen of Rivera Beach living
24 on Singer Island, I respectfully ask you to vote yes to
25 make our lagoon a Special Preservation District. Our

Page 63

1 lagoon is next to MacArthur State Park, and it, as
2 such, should protect rare plant and fish habitats and
3 be unhindered for fishing, kayaking and small craft
4 sailing. Signed, Leon Granowitz.
5 The next comment is from John and Mary Beth
6 Lidington, L-i-d-i-n-g-t-o-n. It states: Singer
7 Island condo owners. This is a letter to support a
8 creation of a Preservation Zoning District in
9 accordance with the City's plans. We think that the
10 economic environmental impact would be causative.
11 Please enter in the affirmative for us in tonight's
12 meeting. Thank you for this consideration. John and
13 Mary Beth Lidington, Singer Island condo owners.
14 The next comment is from Libby and Tony Ryan
15 of 3000 North Ocean Drive, Unit 41B. It states: Vote
16 yes. Please do not allow this ecological disaster on
17 our island.
18 The next comment is from Barry Schepp,
19 S-c-h-e-p-p. It states: I fully support the
20 preservation zone before the lake area is destroyed by
21 unneeded development.
22 And I think what may be the final public
23 comment, from Susan Roy of Singer Island. It states:
24 Please save the estuary north of Pine Point Road. I am
25 writing to request that you please pass the Special

Page 64

1 Preservation District to match the Comprehensive Plan.
2 So that concludes all the public comments I
3 have available to me.
4 Simone, could you verify that you don't have
5 any on your list either?
6 MS. DAVIDSON: No, that's it.
7 MR. GAGNON: Okay, thank you.
8 So at that point, I'll turn it over to the
9 Chair.
10 CHAIR BURGESS: Okay, so we're ready to go
11 into Board comments. We'll start off with Mr. Wyly.
12 MR. WYLY: Yes, ma'am.
13 Yes, I did have a couple concerns. Today
14 while I was doing my second job, I went by Singer
15 Island, and I went and looked at the location that was
16 there. And I talked to a few people that were over in
17 that area and pretty much asked them, you know, how did
18 they feel about it.
19 I introduced myself, of who I represent, and
20 they immediately came out of the water, because I think
21 they was going canoeing. And they kind of cornered me
22 off and was like explaining why they wanted that area
23 to stay the way it was, because of the animals that was
24 there, the seagrapes, the trees, the natural seagrapes
25 and everything like that.

Page 65

1 And a few people that walked by, I stopped
2 and talked to them, and they pretty much said the same
3 thing, that they were really overwhelmingly, like you
4 say when you read the e-mails, you know, 95 percent of
5 them, 98 percent of them were in favor for, you know,
6 keeping it the way it is and just having it zoned
7 correctly. But -- and I think that that's what the
8 neighbors want. I think that's possibly, you know,
9 that's something that we should strongly consider.
10 But since it was zoned incorrectly, Brian --
11 excuse me -- Jeff, since it was zoned incorrectly and
12 when that property was purchased, would this lead us to
13 a lawsuit, a massive lawsuit later on at some point?
14 MR. GAGNON: So even based off the public
15 comments provided tonight, there is an attorney
16 representing the property owner that provided
17 correspondence that has stated something along those
18 lines, as far as it's a possibility.
19 But I think the reality of the situation is
20 the City's Comprehensive Plan and Future Land Use Map
21 has had a Special Preservation designation on it for at
22 least a decade, if not two decades. So according to
23 Florida statutes, our Zoning Map needs to be consistent
24 with our Future Land Use Map. So unfortunately, it's a
25 discussion that might happen. It's a real possibility.

Page 66

1 But, you know, I think we're trying to move forward in
2 the best manner possible.
3 MR. WYLY: No, and I agree with that. I was
4 just a little concerned, because if I was in a
5 situation to where I purchased a car, and I purchased
6 the car up under these circumstances, and then later on
7 those circumstances changed and then I couldn't sell
8 the car or something like that for the price of the
9 value of the car, then I know I would be a little upset
10 also.
11 So when that was explained to me also, I was
12 a little, you know, apprehensive about what should we
13 do in this situation. Of course, what's best for the
14 City, that takes precedence; I understand that. But I
15 just want to make sure that our job, especially on the
16 Planning and Zoning Board, is to make sure the City is
17 protected also, are we doing the right thing in this
18 process to do this without facing any kind of financial
19 responsibility, and hopefully not, you know, comes back
20 to bite us later on.
21 MS. BUSBY: Mr. Wyly, you raise very valid
22 concerns. And we have Mr. Andrew Baumann, who's an
23 attorney in this area of law that's very specialized,
24 and he can actually offer an opinion as well this
25 evening. So I'd ask if Mr. Baumann, with permission of

Page 67

1 the Chair, be able to speak.
2 CHAIR BURGESS: Yes, of course.
3 MS. BUSBY: Thank you, Chair.
4 MR. BAUMANN: Andrew Baumann from Lewis
5 Longman & Walker. We serve as outside special counsel
6 for City of Riviera Beach.
7 These are all obviously very valid concerns.
8 The property owners at issue here are very litigious,
9 and it's likely that whether, frankly, whether the
10 Planning and Zoning Board acts today on this or it
11 proceeds forward based on the Comprehensive Plan alone,
12 litigation is likely inevitable at some point regarding
13 the Lozman property and the Taylor property. The Taylor
14 property has already been in litigation, a couple of
15 cases.
16 The fact of the matter is that the City's
17 Comprehensive Plan has, for just about 30 years,
18 contained this designation, since about 1990, or maybe
19 it's the late nineties, but it's 25 years -- let's call
20 it 25 years. And that requirement in the Comprehensive
21 Plan has been in place and has been the law controlling
22 these properties since the nineties.
23 The Zoning Code predated the Comprehensive
24 Plan. And the Zoning Code goes back -- Jeff, you could
25 maybe correct me, but I thought it went back to the,

Page 68

1 frankly, to the seventies that laid out the current
2 zoning designation.
3 What has happened in this case is that people
4 have maybe been a little confused or have attempted to
5 mislead by pointing at the Zoning Code, when the
6 Comprehensive Plan has always had this requirement
7 since the nineties. The law requires the Zoning Code
8 to conform to the Comprehensive Plan. So the Zoning
9 Code in this case has been drafted very carefully to
10 make sure that no new restrictions are being added to
11 these properties that weren't already in place with the
12 Comprehensive Plan.
13 Now, in the case of Mr. Lozman, Mr. Lozman
14 purchased most of these properties, what, in the last
15 ten years? He purchased them with the Comprehensive
16 Plan already in place, with these controls already in
17 place. So the City's position has been that pertaining
18 to Mr. Lozman, for example, nothing new has been added.
19 We're correcting an error, an oversight, if you will,
20 that the Zoning Code wasn't brought up to date at the
21 time of that particular round of amendments to the
22 Comprehensive Plan.
23 This is not unusual for cities. Cities all
24 over the state, many cities in this county encounter
25 occasions where, since the Comprehensive Plan can be

Page 69

1 amended multiple times a year, can be amended in -- you
2 know, by initiation of a developer or whatnot, that the
3 City comes back at some point later on and discovers,
4 oh, we need to bring the Zoning Code up to meet the --
5 to match the Comprehensive Plan. So our goal here is
6 to provide clarity, to make sure that the two
7 regulations mesh, as required by Florida statute, and
8 really speak with one voice.

9 But to be clear, certainly with the Lozman
10 property and the comment letter that was in there, the
11 ordinance has been crafted in a way to make sure that
12 nothing new has been added that isn't already
13 controlling what happens on that property. So if
14 Mr. Lozman wants to sue the City over restrictions in
15 the Comprehensive Plan, for example, that's, frankly,
16 going to happen whether the Zoning Code is fixed or
17 not.

18 MR. WYLY: Another question. When he
19 purchased that, you said about ten years ago he
20 purchased that land, when he purchased it, do we know
21 that he purchased it up under that understanding, that
22 it was zoned that way and he may not be able to do
23 anything with it? Do we know that?

24 MR. BAUMANN: Well, again, we have to be
25 careful to separate zoned and Comprehensive Plan. But

Page 70

1 obviously, two different things. But Mr. Lozman in
2 particular purchased these properties, you know, in
3 sequence, one here, maybe two there over a period of
4 time. But when he purchased the property, certainly
5 the zoning was in place in the condition that it is
6 now, but the Comprehensive Plan, the Special
7 Preservation Future Land Use which restricted this
8 property was also in place.

9 When you buy a property, you're supposed to
10 look at all the regulations, not just the zoning,
11 everything in the public record. Everything is on the
12 City website. You're presumed to have knowledge of the
13 law. This would be the same as you buying your car and
14 looking only at County ordinances, let's say, regarding
15 the car, but you didn't look at the State statute.
16 Well, both of them control, but I can't help it that
17 you only looked at one.

18 MR. WYLY: Okay.

19 MR. BAUMANN: So in this case, we're also
20 trying to add clarity here to make sure that somebody
21 isn't looking at one and not the other, that everything
22 speaks with a single voice and is consistent.

23 MR. WYLY: Now, Mr. Gagnon, one other
24 question also. Let's say, for example, that this
25 property got to the point where it could be

Page 71

1 utilized. I was looking at that property, and I'm
2 saying there's nowhere possible, without taking away
3 the sidewalk or the public sidewalk, where you would
4 have any parking at. Is that something that we take
5 into consideration to where this will be an
6 impossibility for Mr. Lozman to be able to do that?

7 MR. GAGNON: Well, Mr. Wyly, I like to speak
8 in really general terms and really talk about the
9 entire area that this ordinance would impact. So
10 there's definitely multiple property owners that this
11 ordinance would impact. You had stated you, you know,
12 visited that area, you're aware that there's a very
13 small amount of upland area.

14 MR. WYLY: Exactly.

15 MR. GAGNON: The majority is submerged land.
16 So the City regulations, as Mr. Baumann spoke about,
17 that's just one of the regulating entities that would
18 be associated with any sort of potential development of
19 those submerged land sites. There would also be
20 regulations from the Department of Environmental
21 Protection and also the Army Corps of Engineers
22 associated with any sort of fill, or really,
23 modifications to those areas.

24 MR. WYLY: Right.

25 MR. GAGNON: The areas themselves do contain

Page 72

1 threatened and endangered species, seagrasses, things
2 of that nature, mangroves, different varieties of
3 mangroves. So again, the City regulations are just
4 really one regulating entity amongst multiple
5 regulations.

6 Another item that's come up and is much more
7 prevalent now has to do with flood management and water
8 management. So you can imagine if you were to add, you
9 know, fill on one property and displace water in that
10 area --

11 MR. WYLY: Right.

12 MR. GAGNON: -- if everyone were to do that,
13 the water table would continue to rise, or the
14 available area for water to run off of the land would
15 potentially be impacted. So it's definitely a domino
16 effect, and there's multiple regulations would have to
17 be considered in order to really do anything with that
18 property.

19 MR. WYLY: Yes. Thank you both; thank you.

20 CHAIR BURGESS: Okay, Mr. Gallon.

21 MR. GALLON: I really don't have any
22 questions. The attorney explained the situation
23 perfectly for me. And as far as I'm concerned, the
24 people of Singer Island has spoken.

25 CHAIR BURGESS: Thank you, Mr. Gallon.

Page 73

1 Mr. Hunt.
2 MR. HUNT: So Mr. Baumann, has there been
3 litigation to test the strength of the State statute
4 and that whole process so that we have a pretty good
5 basis for at least not making ourselves vulnerable to
6 an unfavorable judgment, recognizing that almost
7 anything can happen? How would you measure the
8 strength of the defense?
9 MR. BAUMANN: Well, the Comprehensive Plan
10 was actually, when it was written, this concern was
11 raised at that time. And the Comprehensive Plan
12 actually has a savings clause written into it that
13 states that if, you know, it is judicially determined
14 that any property owner in the area designated Special
15 Preservation, if it's determined by a court that they
16 have a preexisting vested right to do something, then
17 the Comprehensive Plan would not restrict that. All
18 they would need to do is to get permits from the
19 various local -- or, I'm sorry -- Federal and State
20 entities to, let's say, fill the property or whatever
21 it was.
22 The idea was that if somebody had some
23 preexisting constitutionally protected right to fill
24 the property and do something that a court determined
25 to be in place, the plan had an out so that it didn't

Page 74

1 create a taking.
2 So what has been tested in the past is how
3 that savings clause, if you will, you know, applies.
4 And there is at least one ruling out there from, gosh,
5 15, 17 years ago that states that in at least one
6 instance, a property that had a court determine that
7 they had a right from the State of Florida that
8 included filling the property, the court found that
9 that savings clause was in place and there was no
10 taking the property. So there's already sort of an
11 escape hatch built into the Comprehensive Plan.
12 MR. HUNT: If I understand you correctly, if
13 the property was transferred to a new seller, there's
14 no carryover of that vested right. But what if that
15 property was owned by a family member and it was
16 inherited down the line? Does that become a --
17 MR. BAUMANN: That could be -- frankly, that
18 could be different. That is an example that was
19 actually tested in that old case. So if the property
20 is just transferred in what we're calling a non-arm's
21 length transaction, you don't have a third party coming
22 in, you know, in the open market where they're expected
23 to do their due diligence and that kind of thing, you
24 could have that kind of scenario.
25 But where you have somebody come in, and for

Page 75

1 whatever reason, they become aware that one of these
2 properties in here is for sale and they purchase it
3 sort of on a speculation, if you will, that they can do
4 something with it, there is -- there are a couple of
5 cases that talk about the fact that you have to show
6 what is called a reasonable investment backed
7 expectation to do something with your property in order
8 to have it taken.
9 You can't buy something that flat-out will
10 not accommodate some kind of use and go, oh, I bought
11 it for this, they're not going to let me do it, it's a
12 taking. There's a case called Palazzolo -- for the
13 court reporter, P-a-l-a-z-z-o-l-o, I believe it is --
14 where an individual bought land up in the northeast
15 that was virtually all wetland property and then
16 discovered that he was not going to be able to get
17 approvals from a local government and from the state to
18 build on it and declared that he had a taking, a taking
19 of his property.
20 And the Supreme Court said, well, wait a
21 second, how can you have this reasonable investment
22 backed expectation? You're expected to do your
23 homework. You know what the rules are that apply to
24 it. You chose to buy it anyway. You can't buy your
25 way into a nuisance. You can't buy your way into a

Page 76

1 taking, (inaudible) buy your way into a lawsuit.
2 MR. HUNT: Okay, one last question. If we
3 vote in favor of this action, are we complicating in
4 any way the defense of the City to be able to
5 successfully defend against any suits?
6 MR. BAUMANN: I --
7 MR. HUNT: Does our --
8 MR. BAUMANN: I don't believe so. Does your
9 vote do anything? No. I mean obviously, ultimately it
10 goes to the City Council and whatnot. But in terms of
11 the City, if the City adopts this, I don't believe that
12 it creates a complication, because again, the position
13 is that you're not adding any new restriction to the
14 property that hasn't already been there for more than
15 two decades.
16 MR. HUNT: Okay, thank you.
17 MR. BAUMANN: You're welcome.
18 CHAIR BURGESS: Thank you, Mr. Hunt.
19 Mr. Brown.
20 MR. BROWN: Madam Chair, my questions have
21 basically been answered already. But it's great to use
22 this kind of participation process. I appreciate it.
23 Thanks.
24 CHAIR BURGESS: Thank you, Mr. Brown.
25 Mr. Ncube.

Page 77

1 MR. NCUBE: Yes, I guess I do have a couple
2 comments. I am a little bit concerned about this, just
3 given the history of this issue. I remember hearing
4 about this a while back, and I think there's a chance,
5 I don't know what it is, but I think there's a chance
6 that this could actually end up in the Supreme Court
7 again. And that's my big concern, is that you already
8 had two Supreme Court cases against this one person. I
9 don't think that's ever happened in the history of this
10 country, okay?
11 And then, you know, so we already know the
12 guy is motivated, he's heavily motivated, he has
13 nothing else to do but to just like, I don't know, come
14 up with issues to fight the City. And we're going to
15 end up -- I feel like Singer Island is outsourcing this
16 dispute to the City, where we're going to end up
17 spending millions of dollars fighting, going to the
18 Circuit Court, Supreme Court, and then you end up
19 losing. So that's going to end up invalidating
20 everything that we're voting for. You lose millions of
21 dollars, thousands of hours, and we're already zero and
22 two when it goes to the Supreme Court.
23 So my concern is, look, I don't understand
24 all the legal stuff that's going on here, but I think
25 that, you know, we just have to look at the history of

Page 78

1 what's been going on here, and you know, and realize
2 there's a real possibility that if we do this, it's
3 going to become a legal battle. We're going to end up
4 in court for two years, you're going to go to the
5 Supreme Court, and we have not won a case yet.
6 And I think that's just a -- you know, I just
7 want to be as broad as possible, and I mean am I wrong
8 about that? That's the one question. Is there
9 anything in what I said is not correct?
10 MR. BAUMANN: In terms of Mr. Lozman in
11 particular having taken two cases to the United States
12 Supreme Court?
13 MR. NCUBE: I'm saying like is there a chance
14 that everything that we vote for could get overturned
15 after years of litigation, going to the Supreme Court,
16 the Supreme Court rules against the City and then
17 everything that we do today is just invalidated?
18 MR. BAUMANN: I think that's true of probably
19 any action that this Board takes. You know, I think
20 the difference in this instance is that you rightly
21 recognize that there's one or more interested parties
22 that seem to, you know, relish going to court. But
23 other than that, I don't see how it's any different
24 from any other action. The Planning and Zoning Board
25 can take an action on virtually any application or any

Page 79

1 rezoning that could wind up in court and be overturned.
2 I will say that it is very unusual for a case
3 to go to the United States Supreme Court. In terms of
4 the number of cases that are, you know, filed in the
5 world -- or in the country, and how many wind up there?
6 It's a miniscule amount. You know, in terms of a
7 property rights takings type case, I mean it's a
8 possibility, but it's a fairly slim one, I would say,
9 that it winds up all the way in the Supreme Court.
10 I think that I would agree that all of this
11 is going to wind up in court somewhere, in some court.
12 Whether it goes to the Florida, the United States
13 Supreme Court, that's anyone's guess. I mean in most
14 cases, they have to decide to take the case, you know,
15 something about an interest -- or interests, enough of
16 them, that they've decided to take it.
17 In the instance of the houseboat, for
18 example, well, that was a case that was directly
19 following upon Federal maritime law, so it had a very
20 strong Federal flavor to it, if you will. Most of, you
21 know, most takings cases, if you will, are done in
22 State court, and then maybe they try to go to Federal
23 court later on. But that's the minority of them that
24 go that far.
25 CHAIR BURGESS: Thank you, Mr. Baumann.

Page 80

1 I think Jeff wants to get in. Go ahead,
2 Jeff.
3 MR. GAGNON: Thank you, Madam Chair.
4 I think the other side of the coin that we
5 also need to consider is the City's Comprehensive Plan
6 actually provides guidance for the City to proceed with
7 the creation of these regulations. As far back as ten
8 years ago was supposedly the due date.
9 So the same way that property owners or other
10 parties that are interested in a situation could compel
11 some sort of legal action, there could potentially be
12 another group that comes forward and compels the City
13 to move forward with their own Comprehensive Plan,
14 which is also backed by the State statute that
15 specifically says that the City cannot proceed with a
16 zoning map that's not in compliance with the
17 Comprehensive Plan and Future Land Use Map. So it's
18 kind of a rock and a hard place to consider, but both
19 of those are potential options.
20 MR. NCUBE: Okay, Jeff, and let me interrupt
21 you there. Let's say somebody else comes and takes the
22 counter side of that. Why don't they have that fight
23 with Lozman? To me, the only concern I have is I feel
24 like that we're kind of just like outsourcing a legal
25 battle, and we're using the City's tax dollars to fight

Page 81

1 a battle that could be fought between -- because you
2 have two special interests. One doesn't want to
3 develop this land, another one does. Okay, go fight
4 your battle in court. You know, do that, use your own
5 money to do that. Why do we have to get the City's
6 money involved to fight your battle? That's where I'm
7 coming from.
8 I mean, you know, I like the -- you know, I
9 understand the sentiment of preserving the, you know,
10 the land and everything like that. I'm not -- you
11 know, I'm not for this development per se. I'm kind of
12 agnostic to it. I'm just looking at it like if
13 there's -- let's say there's some billionaire out there
14 that really wants to preserve this, you know, this land
15 and they don't want any development there, well, they
16 can get in a legal battle with their own money and stop
17 the project.
18 But it's almost like, well, instead of them
19 using their money, it's like let's just get the City to
20 come up with something and be passive aggressive, and
21 then we get into a fight with the person who wants to
22 develop, and now it's our money that's being used and
23 we're doing it as opposed to, you know, let two people
24 with money fight each other over it. That's the only
25 thing that I -- that's the only concern I have.

Page 82

1 MS. BUSBY: Chair Burgess, may I speak?
2 CHAIR BURGESS: (Inaudible.)
3 MS. BUSBY: Thank you.
4 Well, in response to that, I also want to
5 remind the Board, respectfully, that the Florida
6 statute does require that the City's zoning map be
7 compatible with the Future Land Use Map. And I don't
8 think that by doing that, the City is doing anything
9 that it shouldn't be doing. Thank you.
10 MS. CLARK: May I jump in?
11 CHAIR BURGESS: Thank you, Ms. Busby.
12 Go ahead, Ms. Harris Clark. We'll hear from
13 you now, and then Mr. Gustafson next.
14 MS. CLARK: Okay. We've always known that
15 this was going to be a Pandora's box for the last five,
16 six years, and maybe even longer. And we've heard from
17 the residents, and it could be just a vote of
18 confidence.
19 And getting back to what my colleagues have
20 said, that we have many developers that come here with
21 bad projects for misconfigured land and ask us to make
22 these concessions to work for their misconfigured land.
23 And it's a bad project, and some of us say yes. And
24 this is -- may not be a good project, and we're going
25 to vote maybe no. My concern is precedent. I don't

Page 83

1 want a precedent that we set here come back and get us.
2 And I also want to find out if all of our t's
3 have been crossed and i's dotted in the sense that the
4 Special Preservation coding for this is really tight
5 and there isn't an ability for some sort of overlay
6 that would be able to -- I want to say this right --
7 some sort of overlay to create -- where is it at? I'm
8 sorry, I just got to find it, what I'm saying. An
9 overlay that can be applied to the Special Preservation
10 that would accommodate any universal applied changes
11 made in the new code, I want to make sure there aren't
12 loopholes. That's my question.
13 CHAIR BURGESS: Okay, I guess that's for
14 staff.
15 MR. GAGNON: Yes, thank you, Chair.
16 The new code is structured almost identically
17 to the language that's within the Comprehensive Plan.
18 And that's done so intentionally, because what the City
19 wants to be able to really say, if there's any
20 challenge in the future, is that we're not modifying
21 any sort of development rights that are either there or
22 not there when the Comprehensive Plan was adopted and
23 that Future Land Use Map was adopted and the Special
24 Preservation Future Land Use Map and text associated
25 with the Future Land Use Map was adopted.

Page 84

1 So it's really not intending to create any
2 additional overlay or any sort of gotch you type of
3 moment. It's really supposed to clarify the fact that
4 the Special Preservation Future Land Use really takes
5 the lead as far as what can be developed within that
6 area, and this will make sure that the Zoning Code
7 stresses that further.
8 MS. CLARK: And would we take that same sort
9 of application for other situations that are very
10 similar? It may not be SP, but it may be something
11 different, but it's still kind of the same when a
12 developer comes in and asks us to make changes in our
13 coding to accommodate their weird configuration of
14 property that they purchased and they didn't do their
15 proper research. I yield.
16 MR. GAGNON: Yes, if I may, Madam Chair.
17 I think that, jumping off that comment as a
18 reference point, you know, the Planning and Zoning
19 Board and City Council have considered other developer
20 initiated applications to both modify the Future Land
21 Use Map designation of some parcels as well as the
22 Zoning District in order to proceed with some future
23 development.
24 In this case, it's a City initiated process,
25 and we already have the Future Land Use in place. So

Page 85

1 this is just really clarifying the Zoning Code and
2 making sure it's consistent so there's no uncertainty
3 moving forward.
4 CHAIR BURGESS: Okay, thank you, Jeff.
5 I'm sorry, I'm going to go back to Mr. Ncube
6 really quick. Were you finished with all of your
7 questions?
8 MR. NCUBE: Yes.
9 CHAIR BURGESS: Okay. Mr. Gustafson.
10 VICE CHAIR GUSTAFSON: Hello and good
11 evening, everyone.
12 CHAIR BURGESS: Good evening.
13 VICE CHAIR GUSTAFSON: Good evening. It's
14 been a long night.
15 First of all, I'd like to thank everyone and
16 all the residents for taking the time to put their
17 opinions in on this matter. I know it's pretty strong
18 on Singer Island, as well as all residents. And I want
19 to thank Ms. Davidson and Mr. Gagnon for taking the
20 time to read them all.
21 Mr. Baumann, thank you for your expertise in
22 this.
23 I don't have too many more questions, but I
24 do want to say that I am in favor of having the Zoning
25 Code match the Comprehensive Plan, and I am in favor of

Page 86

1 moving this forward. Thank you very much. I yield.
2 CHAIR BURGESS: Thank you. So with all of
3 that said, I really don't have anything else to add.
4 It's been very good hearing from everyone and their
5 questions and hearing from our expert and staff. And
6 so with that being said, is there a motion?
7 Go ahead, Mr. Gustafson. I think your hand
8 went up first. Oh, his microphone is off.
9 MR. HUNT: Good move. Muted.
10 VICE CHAIR GUSTAFSON: I make a motion to
11 approve the proposed creation of the Special
12 Preservation District to match the Comprehensive Plan
13 with the Zoning Code.
14 CHAIR BURGESS: Is there a second?
15 MR. GALLON: Second.
16 MR. HUNT: Second.
17 CHAIR BURGESS: And who was that, Mr. Gallon
18 or Mr. Hunt?
19 MR. GALLON: Mr. Gallon.
20 CHAIR BURGESS: Okay, seconded by Mr. Gallon.
21 Roll call.
22 MS. DAVIDSON: Anthony Brown.
23 MR. BROWN: Yes.
24 MS. DAVIDSON: James Gallon.
25 MR. GALLON: Yes.

Page 87

1 MS. DAVIDSON: Stephen Hunt.
2 MR. HUNT: Yes.
3 MS. DAVIDSON: William Wyly.
4 MR. WYLY: Yes.
5 MS. DAVIDSON: Evelyn Harris Clark.
6 MS. CLARK: Yes.
7 MS. DAVIDSON: Jon Gustafson.
8 VICE CHAIR GUSTAFSON: Yes.
9 MS. DAVIDSON: Rena Burgess.
10 CHAIR BURGESS: Yes.
11 MS. DAVIDSON: Unanimous vote.
12 CHAIR BURGESS: All right, we're going to
13 skip down to the next item, general discussion and
14 public comments.
15 I'm sorry, go ahead, Ms. Busby.
16 MS. BUSBY: Chair Burgess, I just want to be
17 clear, because the motion was generalized, and it was a
18 good motion, however, do you think we can do a motion
19 to approve the ordinance so that we include everything
20 that's in the ordinance in that motion?
21 VICE CHAIR GUSTAFSON: Yes.
22 MS. BUSBY: Thank you.
23 CHAIR BURGESS: So at this point, would that
24 previous one that we just voted on and passed, would it
25 have to be amended or --

Page 88

1 MS. BUSBY: Yes, if the member wants to, if
2 the Board member wants to amend it. I'm not trying
3 to -- if the intent is to approve everything in the
4 ordinance, then it should be amended to be clear that
5 you are approving everything that the ordinance
6 indicates.
7 VICE CHAIR GUSTAFSON: I amend the motion to
8 approve the ordinance.
9 CHAIR BURGESS: Okay.
10 MR. GALLON: Second.
11 CHAIR BURGESS: Mr. Gallon, go ahead.
12 Okay, Simone.
13 MS. DAVIDSON: Okay. Anthony Brown.
14 MR. BROWN: Yes.
15 MS. DAVIDSON: James Gallon.
16 MR. GALLON: Yes.
17 MS. DAVIDSON: Stephen Hunt.
18 MR. HUNT: Yes.
19 MS. DAVIDSON: Margaret -- I'm sorry.
20 William Wyly.
21 MR. WYLY: Yes.
22 MS. DAVIDSON: Evelyn Harris Clark.
23 MS. CLARK: Yes.
24 MS. DAVIDSON: Jon Gustafson.
25 VICE CHAIR GUSTAFSON: Yes.

Page 89

1 MS. DAVIDSON: Rena Burgess.
2 CHAIR BURGESS: Yes.
3 MS. DAVIDSON: Unanimous vote.
4 CHAIR BURGESS: Thank you, Ms. Busby, for
5 that clarification.
6 MS. BUSBY: Thank you, Chair.
7 CHAIR BURGESS: No problem.
8 I see you, Jeff. Public comments for item A
9 under general discussion.
10 MR. GAGNON: Yes, thank you, Madam Chair. We
11 didn't have any other public comments. Also, if it
12 pleases the Board, I'd like to see if we can dismiss
13 Mr. Baumann so he can go practice his guitar solos.
14 CHAIR BURGESS: Thank you, Mr. Baumann, for
15 joining us tonight.
16 MS. BUSBY: Thank you.
17 MR. BAUMANN: Thank you all very --
18 CHAIR BURGESS: Bye.
19 MR. BROWN: Thank you.
20 MR. GAGNON: Thank you, sir.
21 (Whereupon, Mr. Baumann left the
22 videoconference.)
23 MR. GAGNON: So other than the correspondence
24 that was read into the record for our agenda item, we
25 had no other additional public comments or

Page 90

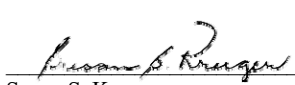
1 correspondence. I guess we can go into Planning and
2 Zoning Board comments.
3 I'm also just -- going to upcoming meetings,
4 we're working out whether or not our next meeting will
5 be through digital media once again. Our intent is to
6 have an on-the-ground meeting, but I think our meeting
7 tonight was actually really successful. It was
8 probably more public comments and feedback for this
9 meeting than we've had in a long period of time, so
10 that was really good to see. So even if we do go back
11 to an on-the-ground meeting, perhaps we continue to
12 really push an online portal or digital way of
13 providing public comments as well.
14 So it's still up in the air whether or not
15 we'll have our meeting on June 11th or June 25th, but
16 those are the tentative dates at this time.
17 Thank you, Madam Chair.
18 CHAIR BURGESS: Thank you. Keep us posted.
19 At this time, I'm just going to open it up
20 for Board comments. If anybody has anything, just
21 raise your hand and I'll call on you and we can hear
22 your comment.
23 Okay, no comments. There's no other
24 business, so is there a motion to adjourn?
25 MR. HUNT: I'll make a motion to adjourn.

Page 91

1 CHAIR BURGESS: All right, we've got a motion
2 to adjourn. Everybody in agreement?
3 MR. WYLY: Yes, everybody (inaudible).
4 MS. CLARK: (Inaudible.)
5 CHAIR BURGESS: All right, have a good
6 evening, everyone. Thank you.
7 MR. GAGNON: Thank you all.
8 CHAIR BURGESS: Good night.
9 (Whereupon, at 9:37 p.m., the proceedings
10 were concluded.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 92

1 CERTIFICATE
2
3
4 THE STATE OF FLORIDA)
5)
6 COUNTY OF PALM BEACH)
7
8 I, Susan S. Kruger, do hereby certify that
9 I was authorized to and did report the foregoing
10 proceedings via videoconference and that the foregoing
11 pages comprise a true and correct transcription of my
12 stenotype notes taken during the proceedings.
13 IN WITNESS WHEREOF, I have hereunto set my
14 hand this 9th day of June, 2020.
15
16
17
18
19
20
21
22
23
24
25


Susan S. Kruger

