

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JANUARY 15, 2014 AT 5:30 P.M.**

(The following may contain inaudible or misunderstood words due to the recording quality.)

ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM; PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE STAFF PRIOR TO THE BEGINNING OF THE MEETING. MEMBERS OF THE PUBLIC SHALL BE GIVEN A TOTAL OF THREE (3) MINUTES FOR ALL ITEMS LISTED ON THE CONSENT AGENDA. MEMBERS OF THE PUBLIC WILL BE GIVEN THREE (3) MINUTES TO SPEAK ON EACH REGULAR AGENDA ITEM. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.

**CITY CLERK CALL TO ORDER**

**CHAIRPERSON THOMAS:** We'll now call the City of Riviera Beach Council Meeting to order. Madam Clerk, would you please call the roll?

**CITY CLERK WARD:** Yes, Mr. Chair.

**Roll Call**

**CITY CLERK WARD:** Mayor Thomas Masters?

**MAYOR MASTERS:** Present.

**CITY CLERK WARD:** Councilperson Cedrick Thomas?

**CHAIRPERSON THOMAS:** Here.

**CITY CLERK WARD:** Chair Pro Tem Dawn Pardo.

**CHAIR PRO TEM PARDO:** Present.

**CITY CLERK WARD:** Councilperson Bruce Guyton? Councilperson Judy Davis?

**COUNCILPERSON J. DAVIS:** Here.

**CITY CLERK WARD:** Councilperson Terence Davis?

**COUNCILPERSON T. DAVIS:** Present.

**CITY CLERK WARD:** City Manager Ruth Jones?

**CITY MANAGER JONES:** Present.

**CITY CLERK WARD:** City Clerk Carrie Ward is present. City Attorney Pamala Ryan.

**CITY ATTORNEY RYAN:** Present.

**CITY CLERK WARD:** You have a quorum, Mr. Chair, and you may proceed.

**CHAIRPERSON THOMAS:** Thank you very much.

#### **INVOCATION/PLEDGE OF ALLEGIANCE**

**CHAIRPERSON THOMAS:** Would everyone please stand for the invocation by Mayor Masters and the Pledge by Councilman T. Davis, please.

**MAYOR MASTERS:** Mr. Chair, excuse me. This is going to be the oral invocation?

**CHAIRPERSON THOMAS:** Yes. (Inaudible).

**MAYOR MASTERS:** Our Father, we thank You for last year, for every month, every day. You brought us through 365 days. And now, God, we ask that You may lead us in our steps, tame our tongue, empower our spirit, energize our thoughts and the words of our mouths and the meditation of our hearts will always be acceptable; that we will do the right thing. We ask that You would unify us, give us one purpose, that we can serve our city, that our city will continue to become the best waterfront city which to live, work and play and pray, and that we realize that we're one city, one people. This we ask in Your name, amen. Pledge Allegiance.

#### **AGENDA APPROVAL: ADDITIONS, DELETIONS, SUBSTITUTIONS**

**CHAIRPERSON THOMAS:** Okay. I know everybody wasn't quite used to that but we'll be inviting in different ministers from different faiths to do the invocation. Okay.

**UNIDENTIFIED SPEAKER:** (Inaudible).

**CHAIRPERSON THOMAS:** Well, we don't want to offend anybody but that's what we'll be doing at this time. The -- the approval of the agenda. Are there any deletions, additions or substitutions?

**CITY MANAGER JONES:** No, sir, Mr. Chair.

**CHAIRPERSON THOMAS:** Okay. I'll entertain a motion for approval, adoption of the agenda.

**COUNCILPERSON T. DAVIS:** So moved. So moved.

**CHAIR PRO TEM PARDO:** Second.

**CHAIRPERSON THOMAS:** It's been properly moved and second. Are there any additional questions, concerns, unreadiness? Hearing none, Madam Clerk?

**CITY CLERK WARD:** Councilperson T. Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Judy Davis?

**COUNCILPERSON J. DAVIS:** Yes.

**CITY CLERK WARD:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Chair Thomas?

**CHAIRPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Unanimous vote.

#### **DISCLOSURE BY COUNCIL**

**CHAIRPERSON THOMAS:** Okay. Are there any disclosures by Council? All right. Hearing none we'll move down to the consent agenda.

#### **ADOPTION OF AGENDA**

#### **CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILPERSON SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.**

**CHAIRPERSON THOMAS:** Is there a motion?

**COUNCILPERSON T. DAVIS:** So moved.

**COUNCILPERSON J. DAVIS:** Second.

**CHAIRPERSON THOMAS:** It's been properly moved and second. Is there anyone that would like to speak on a consent item? Okay. Let the record reflect that I didn't see anyone at this time. Are there any questions, concerns, unreadiness? Hearing none, Madam Clerk.

**CITY CLERK WARD:** Councilperson Judy Davis?

**COUNCILPERSON J. DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson Terence Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**CITY CLERK WARD:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Chair Thomas?

**CHAIRPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Unanimous vote. Okay. Up first we'll have a presentation by the Southside Coalition Crime Watch Group to Mr. Earl Davis.

## **MINUTES**

### **1. MINUTES OF THE DECEMBER 4, 2013 REGULAR CITY COUNCIL MEETING**

#### **RESOLUTIONS**

**2. RESOLUTION NO. 01-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING THAT THE STATE OF FLORIDA FUND THE COST OF QUIET ZONES AT RAILROAD CROSSINGS LOCATED WITHIN THE ALL ABOARD FLORIDA PROJECT IN THE CITY OF RIVIERA BEACH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**3. RESOLUTION NO. 02-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REVISING THE FEE SCHEDULE FOR LIEN ASSESSMENT REQUESTS; AND PROVIDING AN EFFECTIVE DATE.**

**4. RESOLUTION NO. 03-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY TO ACCEPT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$188,761 FROM PALM BEACH COUNTY FOR FISCAL YEAR 2014-2015 FOR THE RECONSTRUCTION OF WEST 37<sup>TH</sup> STREET BETWEEN AVENUE J AND AVENUE K; AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO APPROPRIATE A BUDGET AND APPROPRIATE FUND BALANCE FROM 301-1116-541-2-6355 IN THE PAVING AND DRAINAGE CONSTRUCTION FUND IN THE AMOUNT OF \$205,000; AND PROVIDING AN EFFECTIVE DATE.**

**END OF CONSENT AGENDA**

**PETITIONS AND COMMUNICATIONS FOR FILING**

## AWARDS AND PRESENTATIONS

### 5. PRESENTATION BY THE SOUTHSIDE COALITION CRIME WATCH GROUP TO MR. EARL DAVIS.

**SOUTHSIDE COALITION:** Come on. Will all our Southside Coalition members come up, as well? Good afternoon, everyone here. Thanks for letting us come and recognize Mr. Davis. Mr. Davis has been our President of the Southside Coalition for over 18 years. And we've given him a plaque recognize --

**CHAIRPERSON THOMAS:** The mike, yeah.

**SOUTHSIDE COALITION:** -- we are giving him a plaque because he has said he was ready to retire. And we gave him a plaque from our group. And this is what it reads: Southside Coalition Crime Watch Group present to Mr. Earl Davis. We want to thank you for your 18 years of dedicated service as President of our organization since 1995 to 2013, presented by R. Butler, our new president, December the 4<sup>th</sup>, 2013. You want to give that to him.

**R. BUTLER:** Mr. Davis?

**EARL DAVIS:** Okay. Thank you, D.

**R. BUTLER:** All right. You're welcome.

**EARL DAVIS:** Thank you. Thank you.

**SOUTHSIDE COALITION:** Mr. -- Mr. Davis was a very hard-working president and he's still going to be assisting us as much as he can. And we want you to know that we love you, Mr. Davis. We had a party in December when we had our meeting for Mr. Davis and his family to come over. And so we want him to know we love him. Uh-huh.

**EARL DAVIS:** Okay.

**SOUTHSIDE COALITION:** And thank you.

**CHAIRPERSON THOMAS:** Mr. Davis, would you like to say something?

**SOUTHSIDE COALITION:** Yeah.

**EARL DAVIS:** Well, I would just like to say, give an honor to Christ, my family, and to the Southside Coalition. I want the guys and girls to know I still love them and I'll do everything within my power to help them continue to go forward. Thank you.

**CHAIRPERSON THOMAS:** Thank you. And congratulations.

**MAYOR MASTERS:** Mr. Chair?

**SOUTHSIDE COALITION:** Thank you all so much.

**CHAIRPERSON THOMAS:** Mr. Mayor?

**MAYOR MASTERS:** I want to say couple of things very briefly. First of all, if anybody believes that Mr. Earl Davis is going to retire, they must be asleep because Mr. Davis, as long as he's Mr. Davis, as long as he's in that neighborhood and community, he's not gonna just retire retire. He may rest a little bit but he will always be president emeritus and will always be active in the Southside community. I'd like to thank him on behalf of the Office of the Mayor and others, council members and administration, for all that you've done in that area and all that you've done over the City. Particularly your love, your support for seniors. I know personally; I've seen you. I've watched you. And you've inspired me to do as much as I can and more for the seniors and neighborhoods that have leadership like Earl Davis. Thank you, Mr. Chair.

**CHAIRPERSON THOMAS:** Thank you, Mr. Mayor. Up next will be a proclamation by the Mayor declaring January 9<sup>th</sup>, 2014, as Phi Beta Sigma Fraternity, Inc. Gamma Zeta Sigma Chapter Day.

**6. PROCLAMATION – DECLARING JANUARY 9, 2014 PHI BETA SIGMA FRATERNITY, INC. GAMMA ZETA SIGMA CHAPTER DAY**

**CHAIRPERSON THOMAS:** Mr. Mayor? Please let the record reflect before this very, very fine proclamation comes that Councilman Guyton is in attendance.

**MAYOR MASTERS:** Mr. Chair, I would ask if you would come and join me in this proclamation, because I know that you are a great part of this organization.

**CHAIRPERSON THOMAS:** I definitely would.

**MAYOR MASTERS:** And while you're coming I'll read very slowly. It's a proclamation from the Office of the Mayor of the City of Riviera Beach, Palm Beach, Palm Beach County, Florida, and should I also add sanctioned and seconded by the illustrious Chair Mr. Thomas. Whereas Phi Beta Sigma Fraternity, Incorporated, is an international social service and professional fraternity founded at Howard University in Washington, D.C., on January the 9<sup>th</sup>. And let me just digress, which happens to be my mother's birthday, on January the 9<sup>th</sup>, 1914. And the Chair will read from there. You can read the last column.

**CHAIRPERSON THOMAS:** Okay. "And whereas Phi Beta Sigma Fraternity, Inc., is now celebrating 100 years of service through a membership of more than 200,000 men and more than 700 chapters across the United States, Africa, Europe, Asia and the Caribbean; and whereas Phi Beta Sigma Fraternity, Inc., exceeded the prevailing models of black Greek letter fraternal organizations by being first to establish alumni chapters, youth mentoring clubs, a federal credit union, chapters in Africa, and a collegiate chapter outside of the United States. And is the only fraternity to hold a constitutional bond with a predominantly African-American sorority, Zeta Phi Beta. And whereas Phi Beta Sigma Fraternity, Inc., includes many notable members, including many heads of state such as Benjamin Nnamdi Azikiwe, past president of Nigeria,

Kwame Nkrumah from -- the president of the Republic of Ghana, and William Tolbert and William V.S. Tubman, both former presidents of Liberia. Other esteemed members include scientist George Washington Carver, Alain LeRoy Locke, the first black Rhodes scholar, Huey P. Newton, cofounder of the Black Panther party, Civil Rights activist Jose Williams and the Reverend Al Sharpton, performers such as jazz pianist Ramsey Lewis, movie star Terrence Howard and TV personality Al Roker; professional athletes Jerry Rice and Emmitt Smith, an our very own, of course -- myself, Cedrick Thomas, current member of City Council. And whereas in 2009, Phi Beta Sigma Fraternity, Inc., became the first African-American Greek organization to induct a former U.S. President when former President Bill Clinton became a member. And whereas two local Phi Beta Sigma Fraternity, Inc., chapters have served residents of Palm Beach County for decades, the Gamma Zeta Sigma Chapter since 1952, and the Zeta Iota Sigma Chapter since 1977. Living out the fraternity's motto: Culture for service and service for humanity."

**MAYOR MASTERS:** Whereas, Mr. Chairman pronounced all those very difficult African names, I'm still trying to learn to pronounce -- I purposely gave him that paragraph. And whereas the -- one of our best attorneys, Attorney Wayne Richards, is a member of this fraternity and I recognize his work as a fraternity brother and a lawyer that we're very proud of. Now, therefore, be it resolved that I, Thomas A. Masters, Mayor of the City of Riviera Beach, Florida, by the power vested in me by the residents of Riviera Beach, Florida, I do hereby pro claim and join in proclamation of this day with my fellow colleague and Chair Cedrick Thomas as Phi Beta Sigma Fraternity, Inc., Gamma Zeta Sigma Chapter Day in the City of Riviera Beach. Thank you. And I have also set my hand and cause the official seal of the City of Riviera Beach to be affixed on this document on the 15<sup>th</sup> day of January, along with the illustrious City Clerk Carrie E. Ward, Chair Cedrick Thomas, Mayor Thomas A. Masters. Thank you, Mr. Chair.

**CHAIRPERSON THOMAS:** Mr. President?

**DARRYL LEONARD:** Thank you. Thank you, Mayor and to the Chair and to the members of the Council and City of Riviera Beach. We, the members of Phi Beta Sigma continue to do the work of community service with our youth and many other organizations that we do partnerships with, and we take this time to say thank you, thank you, thank you. We look forward to the Martin Luther King Parade this Saturday and we hope to see all of you there.

**CHAIRPERSON THOMAS:** Take a picture. Want to take a few pictures?

**UNIDENTIFIED SPEAKER:** Mayor? Mayor stepping in?

**MAYOR MASTERS:** Yes. Guess I'm the shortest one here, right?

**UNIDENTIFIED SPEAKER:** (Inaudible).

**CHAIRPERSON THOMAS:** Okay. I'd like to thank the City and the Mayor for that recognized, our centennial. As I'm aware, our constitutionally bound sisters, the Zeta

Phi Beta, will be experiencing their Founders' Day tomorrow. They were founded in 1920. Okay. We're going to move to the next Awards and Presentation, Recognition of Accomplishments of Derrick McCray by Councilman Bruce Guyton.

## **7. RECOGNITION OF ACCOMPLISHMENTS OF DERRICK MCCRAY BY COUNCILMAN BRUCE A. GUYTON.**

**CHAIRPERSON THOMAS:** Who is also a fraternity brother, as you probably recognized by the nice colored jacket he has on.

**COUNCILPERSON GUYTON:** I'm a proud member of Kappa Alpha Psi, thank you very much. If you take a quick look at the screen, that's just a little teaser of why he's being recognized. He has been chosen -- chosen to be a judge on one of the shows, "Holy Smokers," that does barbecue. So in recognition of that, let me just say Derrick is a homeboy, a friend, and a long-time supporter. And when I saw that he was being chosen or had been chosen to do a national television show, the first thing came to my mind is that he needs to be recognized. Irrespective of the fraternity he may be a part of, he's still a friend of mine. He's still a good friend. And too often the only thing that we see together in Riviera Beach is the negative publicity. We have a lot of people establishing a lot of good things and we just don't share it enough with the rest of our community, the county, the state and the nation. So I'd like to take this opportunity to ask my legislative aide who has the difficult task of working for me, to come up and read his short bio for us, please.

**SYLVIA BLUE:** Mr. Derrick McCray is well-established. He's a native of Riviera Beach and the owner of McCray's Backyard Bar-B-Q. He's the oldest son of the late Reverend Herman McCray and Miss Lillian McCray who were the founders of the original McCray's Bar-B-Q which opened in 1977 here in the City of Riviera Beach. He graduated from Palm Beach Gardens High School where he was an honor roll student and excelled in football. He attended Florida A & M University where he played football. After college he went to Los Angeles and worked professionally in the entertainment industry. Upon returning to Riviera Beach, he began working with teenagers and young adults throughout the City of Riviera Beach Recreation Department and the Boys & Girls Club. Derrick officially opened McCray's backyard Bar-B-Q on July 4<sup>th</sup>, 2006. Through his business he has given countless scholarships and sponsorships in the community. He provides book bags and school supplies to students at the beginning of every year. Derrick has made numerous accomplishments personally and professionally. By far, the biggest event that Derrick has participated in is the Super Bowl and other official NFL Super Bowl events. He has worked numerous Super Bowls on numerous occasions, and Mr. Guyton, I couldn't get that official number. Most recently --

**DERRICK McCRAY:** Six.

**SYLVIA BLUE:** Six?

**DERRICK McCRAY:** Yeah.

**SYLVIA BLUE:** Excuse me. It was six.

**DERRICK McCRAY:** Yeah.

**COUNCILPERSON GUYTON:** (Inaudible).

**SYLVIA BLUE:** Derrick most recently was tasked as lead judge on the Discovery channel television "Holy Smokers," which is a barbecue competition between churches around the country and it's set to air late in 2014. In celebration of Black History Month 2014, Legacy Palm Beach magazine will honor Derrick in their special edition that will be published as an insert in the Palm Beach Post. Derrick has been recognized for numerous accomplishments, some of which include -- Mr. Guyton, he's a member of the Phi Beta Sigma Fraternity.

**COUNCILPERSON GUYTON:** I know.

**SYLVIA BLUE:** He catered for President Barak Obama, Vice president Joe Biden and President Bill Clinton. He was featured on the Fox Business Network for his business accomplishments. The Chamber of Palm Beach County, Small Business, he was a finalist for that year. 100 Most Influential Black Business Owners in Success Florida magazine. And he was honored by the Palm Beach County League of Black Educators. Next month Derrick will travel to New York for the NFL's Playing -- Players' Networking Exhibit at the Super Bowl.

**UNIDENTIFIED SPEAKER:** (Inaudible)?

**DERRICK McCRAY:** Yeah.

**SYLVIA BLUE:** Right now -- right now he is working on franchising that delicious McCray's barbecue sauce, packaging their ribs and carrying on his daddy's legacy. Derrick, we're very, very proud of you.

**DERRICK McCRAY:** Thank you. Thank you.

**COUNCILPERSON GUYTON:** And now the official certificate. And it reads Certificate of -- Certificate of Accomplishment presented to Mr. Derrick McCray in recognition of your outstanding accomplishments by being cast lead judge, "Holy Smokers," presented this 15<sup>th</sup> day of January 2014, signed by Bruce A. Guyton, Councilman District 1. Thank you, my friend.

**DERRICK McCRAY:** Thank you.

**COUNCILPERSON GUYTON:** (Inaudible).

**DERRICK McCRAY:** Oh. First of all, I always wanna thank God first and then my dad, you know, 'cause without him this wouldn't be possible. But everything that I've ever tried to do has been about my parents first. That's what the Bible tells us, to honor our father and mother, that our days will be long in the land that our God has given thee.

So that's what's really been important, and to also give back to the community, 'cause it -- it ain't -- it ain't about me. It's about the people in the community, the kids, and what we do to help them be successful. So I just try to be a beacon and light for them. So thank you so much.

**CHAIRPERSON THOMAS:** Congratulations, Mr. McCray.

**DERRICK McCRAY:** Bu Phi, Phi Beta Sigma.

**CHAIRPERSON THOMAS:** You know it.

**COUNCILPERSON GUYTON:** All right. Thank you, Derrick.

**DERRICK McCRAY:** Thank you.

**COUNCILPERSON GUYTON:** Thank you for all your hard work. And that is the end of my presentation, Mr. Chair, and I turn it back over to you.

**CHAIRPERSON THOMAS:** Thank you, sir. Up next we'll have a proclamation by the Office of the Mayor declaring January 16<sup>th</sup>, 2014, as Edna Hall Riley Walker Day in the City of Riviera Beach.

**8. PROCLAMATION FROM THE OFFICE OF MAYOR THOMAS A. MASTERS DECLARING JANUARY 16, 2014, AS "EDNA HALL RILEY WALKER DAY" IN THE CITY OF RIVIERA BEACH.**

**MAYOR MASTERS:** While this young lady is coming, I'm going to ask the youngest Councilperson that we have to join me in presenting the proclamation to one of the oldest residents that we have in the City of Riviera Beach, Councilman Terence Davis. If you would, come and join us. It is a great honor, Mrs. Walker, as the Mayor of this city to proclaim your day in the City because you've been so blessed to live not 100 -- 100 years and you told me coming up on the elevator you don't feel like it. You don't feel like a hundred. Isn't that what you said?

**EDNA HALL RILEY WALKER:** Yes.

**MAYOR MASTERS:** All right. How are you tonight?

**UNIDENTIFIED SPEAKER:** How are you doing?

**EDNA HALL RILEY WALKER:** Fine.

**MAYOR MASTERS:** Fine? Okay. Can we gate cordless mike? I would appreciate it. I'm going to just mention briefly what Derrick McCray said to the young people who may be viewing and listening. Honor your mother and your father. Represent them -- I'm going to paraphrase, that the days here on earth will be long-lived. And I tell young people everywhere I go, if you want to have extended life, more than 70, the first rule is to honor your mother and your father. And I know you did that because you're living

proof with us tonight. Proclamation from the Office. Whereas the hundred years and counting, that Edna Hall Riley Walker has lived and been filled with love, hard work and faith. And whereas, Edna Hall Riley Walker was born in 1913 in Shadeville, Florida -- God only knows where that is. In Shadeville, Florida, a tiny rural town -- there it is -- in North Florida, the first child of Ethel and Morris Hall. And whereas Edna Hall Riley Walker moved south in 1920 to our area and attended Industrial High School in 1935. She married her first husband, Herbert Riley, and would bear them three children. And Councilman Davis will join us at this point.

**COUNCILPERSON T. DAVIS:** Where is it? Where? Right here? After a stint in Orange, New Jersey -- Orange, New Jersey, Edna Hall Riley Walker returned to Florida in 1959, this time to Riviera Beach where she lived continuously since raising her children, working as a talented Worth Avenue seamstress and in her church St. John Missionary Baptist Church.

**UNIDENTIFIED SPEAKER:** Amen.

**COUNCILPERSON T. DAVIS:** And whereas her second husband, Alfred Walker, was deacon at St. John and Edna Hall Riley Walker committed more than 40 year it is this church teaching Sunday School, serving with the ministry, the Missionary Society and the deacon board. And whereas, Edna Hall Riley Walker became, on December 23<sup>rd</sup>, 2013, enjoying a simple life of time spent with the family doing word search puzzles and reading. Time, in order words -- in other words, well spent. Now, therefore --

**MAYOR MASTERS:** And therefore --

**COUNCILPERSON T. DAVIS:** Okay.

**MAYOR MASTERS:** We're gonna do this together.

**COUNCILPERSON T. DAVIS:** Okay. Go ahead, Mayor.

**MAYOR MASTERS:** I, Thomas A. Masters, Mayor of the City of Riviera Beach, Florida --

**COUNCILPERSON T. DAVIS:** And Councilman Terence T.D. Davis --

**MAYOR MASTERS:** -- by the power invested in our office, sanctioned and seconded by the Council, we have this wonderful proclamation that we're presenting to you and, Mother Walker, we are declaring and proclaiming January the 16<sup>th</sup>, 2014, as Edna Hall Riley Walker Day in the City of Riviera Beach. I have signed it. The illustrious Carrie Ward has signed it and I'm going to ask is there anything you want to say?

**EDNA HALL RILEY WALKER:** Well, I --

**MAYOR MASTERS:** Anything.

**EDNA HALL RILEY WALKER:** I don't know.

**MAYOR MASTERS:** How do you feel?

**EDNA HALL RILEY WALKER:** How do I feel?

**MAYOR MASTERS:** Yes.

**EDNA HALL RILEY WALKER:** I feel pretty good.

**MAYOR MASTERS:** Good. Well, you look good. Thank you so much for coming. We love you and whatever we can do, we're there for you. Thank you, Mr. Chair.

**CHAIRPERSON THOMAS:** Okay. Thank you and congratulations. Let's make sure we can give her -- get her on TV. Were we able to get her face on television?

**UNIDENTIFIED SPEAKER:** Yes (inaudible).

**CHAIRPERSON THOMAS:** Okay. He did? Okay. Just want to make sure. All right. Okay. Okay. Mayor, you still -- you want to be down there or up here or -- presentation, Mayor Thomas A. Masters about his trip to Johannesburg, South Africa, to attend the funeral services.

**9. PRESENTATION BY MAYOR THOMAS A. MASTERS ABOUT HIS TRIP TO JOHANNESBURG, SOUTH AFRICA, TO ATTEND FUNERAL SERVICES FOR NELSON MANDELA.**

**MAYOR MASTERS:** Thank you, Mr. Chair. In the interest of time, I'm not going to show the video clips of the -- the highlights of the trip. If anyone want to see them they can certainly go to our Facebook page, Mayor Bishop Thomas Masters and probably the City website, and maybe we'll show them at -- at a later date. But we have a delegation from South Africa here tonight from Johannesburg, Dr. David Molapo and the delegation from South Africa so I'm going to yield my time to Dr. David Molapo, who was 19 years of age when Nelson Mandela was released and was standing at the gate waiting for him to be released. Let's give a round of applause to Dr. David Molapo.

**DR. MOLAPO:** Thank you to Mr. Mayor, Thomas A. Masters. Wanted to say thank you so much to the City for allowing Mr. Thomas, the Mayor, to come during our trying times in South Africa. It was an honor and a privilege to host him with the Reverend Jesse Jackson. But I did make mention that he look like a South African. Jesse Jackson is tall. That's an American. But when I looked at the Mayor I -- I thought, man, you're from the 'hood. You're an African man. But during our time of mourning, the Mayor gave us words of comfort. During our time of difficulties, he encouraged us, inspired us. But not only that, while he was in South Africa, he also started talking about the City of Riviera Beach, which is why we're here today. Everyone is talking about the City of Riviera Beach, and we are here from South Africa saying we would like, Mr. Mayor and to this City and to the people of -- of this city, to challenge you that we believe that we need to do three things. One, we are planning to bring a trade delegation to the City of Riviera Beach to look at what opportunities are there. Number two, not only looking at opportunities. We'd like to promote tourism because I believe that when God created

the world, the Bible says He looked at a particular spot and He said it was good. And I believe he looked at Africa, particularly South Africa. Because all the minerals, everything that you need is underground is in South Africa. So it's delegation that we're bringing here for trade. Number two, opportunities for tourism. But obviously number three, to look at how we can learn from each other, to have an exchange program. And Mr. Mayor, we also want to challenge you, that after we have brought the trade delegation, we'd also like to challenge you to bring so South Africa a trade delegation from City of Riviera Beach, 'cause we need to act locally but think globally. And I believe that during the death of Nelson Mandela, it is the birth of a relationship between Johannesburg and the City of Riviera Beach. Finally, we have invited the Mayor to come to our August conference in South Africa to be one of the keynote speakers and will be beaming this the whole of the continent. And, yes, do not worry. We will not be asking for the taxpayers to pay the bill. We will be footing the bill. He will be our guest. And then finally, I'd like to have the last word to a brother via North Carolina who now is in South Africa, Marlon Smith. Say something, my brother.

**MARLON SMITH:** Thank you very much. And I just want to say I'm very excited to be here. One of the things Dr. David Molapo and Mamikie and his family, it's all about expanding our vision. And with the celebration of the young lady who just celebrated a hundred years, where will we be a hundred years from now? And so I think with this forward thinking, the City of Riviera Beach, we need to really look at how can we establish these partnerships, global partnerships. And so I'm very excited for what you're doing. I'm excited to also know that I have a fellow Kappa brother. All right? And so it feels good to be amongst --

**COUNCILPERSON GUYTON:** (Inaudible).

**MARLON SMITH:** There you go. There you go. But I first went to South Africa in 1993 and opened up an office in South Africa. I was living in California at the time. And one of the things I wanted to share with us is that entrepreneurship, you know -- I was reading even the blotter, and we were talking about crime and so on and so forth. But one of the things we have to do is we have to think long term. And when we give our young people opportunities and we give them exposure -- you know, working with David, we brought a group of young people to South Africa. So I'm very excited to be here and I just am looking forward to what the future holds.

**DR. MOLAPO:** In South African terms, Amanja Viva [phonetic] long live City of Riviera, long live to Mayor Thomas A. Masters. God bless.

**CHAIRPERSON THOMAS:** All right. Thank you.

**MAYOR MASTERS:** And long live all the City Council members and long live Riviera Beach. Thank you very much, Mr. Chair. I do want to invite Councilman Bruce Guyton to go with us on that next trip since you're a part of that great fraternity. And we might let Chair Thomas go along with us, you know?

**COUNCILPERSON GUYTON:** Are y'all paying for it?

**MAYOR MASTERS:** No. We're gonna let you pay that part. Thank you so much.

**CHAIRPERSON THOMAS:** Mayor, the young lady that was standing with you, we didn't really get a chance to see or talk to them, but I noticed that one of them had on a beautiful outfit. And I just wanted to make sure that we saw that. I'm sure some of the women will probably want to be --

**MAYOR MASTERS:** Come back quickly. Quickly.

**CHAIRPERSON THOMAS:** -- making sure they know how to -- to -- to get one of those.

**COUNCILPERSON GUYTON:** Dressed in that African get-up?

**CHAIRPERSON THOMAS:** Yeah. She's -- please just state your name. And I know it's not a fashion show but we just want to see you once again.

**MAMIKIE MOLAPO:** Thank you. My name is Mamikie Molapo and I'm married to that tall man who was speaking right here.

**CHAIRPERSON THOMAS:** Tall man speaking right here.

**MAMIKIE MOLAPO:** And -- and if you come to Africa, ladies, if you need this, come to South Africa on the trade delegation and I'll hook you up.

**CHAIRPERSON THOMAS:** Okay. Thank you.

**COUNCILPERSON J. DAVIS:** I might have to go, too.

**CHAIRPERSON THOMAS:** Thank you very much. Thank you very much. Okay. Beautiful. All right. That brings us to a close of our Awards and Presentation. We're going to ask you to make sure that you silence your cell phones so that it does not interfere with our audio for our meeting. Okay. We're going to move down to Ordinances on Second Reading.

## **PUBLIC HEARINGS**

### **ORDINANCES ON SECOND READING**

**10. ORDINANCE NO. 4039 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUBMITTING TO THE CITY ELECTORS A PROPOSED AMENDMENT TO THE CITY CHARTER AMENDING ARTICLE VII, SECTION 3.5 ENTITLED "CITY MARINA PROPERTY" BY KEEPING CITY OWNERSHIP OF THE MARINA BUT REMOVING CERTAIN USE RESTRICTIONS ON THE MARINA AND SUBMERGED LANDS AND THE RESTRICTION THAT MARINA PROPERTIES, NEWCOMB HALL, SPANISH COURTS AND BICENTENNIAL PARK SHALL BE OWNED, MANAGED, AND OPERATED SOLELY BY THE CITY OF RIVIERA BEACH; PROVIDING THE**

**REQUISITE BALLOT LANGUAGE TO BE PRESENTED AT THE SPECIAL ELECTION TO BE HELD ON MARCH 11, 2014; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR CODIFICATION IN THE CITY CHARTER; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER, SEVERABILITY, AND CONFLICTS.**

**COUNCILPERSON GUYTON:** So moved.

**CHAIR PRO TEM PARDO:** Second.

**CHAIRPERSON THOMAS:** It's been properly moved and second. We do not have any comment cards at this time. But because of the significance of this -- okay. Everybody knows the rules but I don't want anybody to think we're trying to forget them. So identify by saying you -- let me see your hands. Okay. The two of you just come up to the -- to the podium right now. Miss Brown, you can go first. Miss Brabham, you can go second. You have three minutes to make your -- your comments. Miss Brown, good evening.

**BESSIE BROWN:** Hello. Good evening. The question I have to ask on this is that since you codified the 2010 referendum, why is the CRA continuing to manage the marina? That's -- that's a question that I'm asking and I really would like to have an answer to that question. I have asked several questions in here and at several meetings and I -- and I -- and I never get my answers. I really, really would appreciate it if I can get some answers to some of these questions.

**CHAIRPERSON THOMAS:** We're going to go out of the process today. Restate your - your question again so that it's answered at the presentation.

**BESSIE BROWN:** I said since -- since the -- the Council took the -- finally initiated and went ahead and codified the -- well, the 2010 referendum to the charter, I am asking why is the CRA continuing to manage the -- the properties of the marina?

**CHAIRPERSON THOMAS:** Okay. Why is the CR -- okay. No problem. You can finish with your comments.

**BESSIE BROWN:** And that's it.

**CHAIRPERSON THOMAS:** Okay. Thank you very much. Miss Brabham? Miss Brabham, go ahead. Good evening. You have three minutes.

**MARY BRABHAM:** Good evening. Happy New Year to each and every one.

**CHAIRPERSON THOMAS:** Happy New Year.

**MARY BRABHAM:** I would just like to say that with this, the voters will get a chance. This is what they have asked for. And I am encouraging the voters to get up and vote. Your local election affects you and impacts you. Now, you have the choice to move this City forward or you have a choice to keep this City complacent and do nothing. It is a

lot at stake for the entire City of Riviera Beach. I said once before the City has engaged in so many plans. I dissected this item here. You put in there, "Solely operated by the City, Spanish Courts, Bicentennial Park, Newcomb Hall."

When we look at the word "solely," it means self, alone, single, completely, in its entirety. They sit -- the CRA does sit in the City of Riviera Beach. I always look at whatever is in Riviera Beach, we owns it. We own everything that in -- that is in this city. We approves everything that comes in and goes out of this city. It's time for the residents to get together, to come together. What do you want? This is 2014. The children, the seniors, the entire community doesn't have anything. The MLK is coming up. No. We couldn't. We couldn't have a place where it would fully accommodate. Our children do not have anything. It's no revenues and no taxes. The place is sitting down there like a barren land. Residents, get up and vote. Get up and vote. Your local government affects you. So I'm -- I'm encouraging the residents, you make that decision. Get up and vote. We're too complacent. We're too complacent. We're still in the struggle for equality, education, health. Get up and vote. Stop being complacent. They look at us and say, You're not gonna do. So when you don't do, don't complain. Please don't complain. Make a difference. Get up and vote to move this city forward. Thank you.

**CHAIRPERSON THOMAS:** Okay. Thank you, Miss Brabham. The reason why I allowed those comment cards even though they weren't in, because this is a significant issue in our city. I want to make sure that everybody is able to voice their opinion on this. Miss Ryan is going to do a presentation. Miss Ryan, in that presentation, what was asked by Miss Brown and maybe she's asking for herself as well as some -- some of the other citizens, why is the CRA still managing properties over there. I -- I wasn't quite sure that they were but please a/TKR-S that in your presentation. Thank you.

**CITY ATTORNEY RYAN:** Thank you, Mr. Chair. At the last city council meeting on December 2013, this item was on first reading. There were a lot of comments. And one of the council members made a comment that the language needed to be on the -- the - - on a PowerPoint or something so that the public could see it. And then I found out that Mr. Guyton was having a town hall meeting where he asked me to speak about the charter amendments. So I thought it might be good to go ahead and do the presentation tonight so that everyone understands about city charter amendments, the process and procedure. I will try to be as quick as I can, but I -- I thought it was very important for the voters to understand how we got to this point. So I'm going to do a brief PowerPoint discussion on the process and procedures for charter amendments and how this particular charter amendment --

**CHAIRPERSON THOMAS:** Excuse me one second, Miss Ryan. I just want to have the Technical Department check the mikes. We're -- we're being notified that the TV land can't quite hear us. So let's go ahead and address that, please, quickly, if you can. Miss Ryan, go ahead and continue, please.

**CITY ATTORNEY RYAN:** Okay. Okay. Process and procedures for city charter amendments. Charter amendments can be introduced in two ways according to Florida

Statute Section 166.031. By the governing body through an ordinance, which is what you have tonight. And by the electors through the petition process. If you go through the petition process, the electors have to have at least 10 percent of registered electors to sign a petition.

The proposed amendment has to be contained in the petition and it must be presented to the City -- to the governing body, in this case the city council. It can be about a commission, as well -- for placement on the ballot. After the governing body -- in this case the city council -- reviews the petition, the -- the body will send the ballot summary to the supervisor of elections for placement on the election ballot. The supervisor of election's job is to make sure that the language is -- is there and it's -- meets the 75-word limit, and she will make sample ballots available to the general public before the election. The ballot summary itself is not the charter amendment. The ballot summary can contain no more than 75 words. And the title can contain no more than 15 words. I'm making a point of mentioning this now because you will see when you get to this charter amendment how we have complied with this section of the charter -- of the -- the Florida Statutes. In the question that goes before the electorate, it must have a yes or no answer. There is no place for you to put your comments down. They can't be trick questions. It's either yes or no.

In this instance I'm going to talk about now the charter and the City Marina property. In 2007 the city council convened a charter review committee which made recommendations for inclusion into a new charter. I have this as a highlight but I want to tell you that they -- it was a very lengthy process. The city council reviewed the recommendations over a series of -- after they had a series of meetings. And finally in 2008, the city council presented 20 charter amendments to the electorate, including a question creating a new charter section entitled City Marina Property. Before 2008, there was no section of the City's charter that dealt with the City's marina. The 2008 -- in the 2008 election, the City Marina Property amendment passed. The charter then read in section 3.5 of the -- the -- the charter, "The City's municipal marina shall not be sold. However, the city council may enter into management, license or lease agreements with marina users and/or outside operators for a term of not more than 50 years in order to facilitate marina activities, use or operations. This provision may be implemented by ordinance, adopted by the city council." So what you see is the language that was adopted and placed into the City's charter in 2008.

Thereafter, there were a series of events, which I'm not going to go through in this PowerPoint, which apparently led the Riviera Beach Citizens' Task Force to introduce a petition to amend the section I just read of the charter. The language went -- again, I'm not going to go through the details but there was some litigation. There was some back and forth. But ultimately the language was approved. And the new language is underlined for your -- for your convenience. I just read the top section so I'm not going to read it again. But where there was a period after operations, the new language was added as underlined and I am going to read it. It states, "And to provide that the use of dedicated submerged public lands be limited to municipal park and recreational purposes according to the terms of State of Florida dedication number 24438-A (2725-50) by the Board of Trustees of the Internal Improvement Fund to include the marina

and public municipal marina properties, Newcomb Hall, Bicentennial Park and Spanish Courts, shall be owned, managed and operated solely by the City of Riviera Beach for municipal and public uses. The use of the marina shall not be changed to industrial commercial, to include an industrial commercial boat repair operation. This provision may be implemented by ordinance adopted by the city council."

After that amendment was passed, in January 2011, the Committee for a Better Riviera Beach introduced a new petition to repeal the amendment that I just read. So this was three months after the approval of the language I just read to you. The ballot read as follows. And again, remember, no more than 15 words for the title and no more than 75 words for the actual ballot summary. "Repeal of November 2010 Charter Amendment which imposed restrictions on use of City Marina." That was the title that was placed on the ballot. And the question asked was, "Shall the City of Riviera Beach's Charter be amended to repeal the changes made to Article VII, Section 3.5, which were approved at the November 2<sup>nd</sup>, 2010 General Election?" That question was presented to the city council and ultimately approved by the supervisor of elections as having the requisite number of signatures and it was placed on the ballot. It was approved in March 2011. Just a little more than four months after the prior approval. So basically, what the electors did was to repeal that entire section that was underlined -- I'll show it again in a moment -- and go back to the original 2008 language.

However, the Court -- and there's been a lot of litigation on that, as well, which we're not gonna go through at this moment, but suffice it to say that the Court has ruled that the ballot summary that I just read did not adequately explain the chief purpose of the amendment. When you read the amendment in isolation, what the judge is saying that -- is, is that those who voted for this amendment really didn't have -- didn't really know what they were voting about because it didn't give enough details. The judge felt that it -- more details could have been given in 75 words or less. We can agree or disagree with that, but that's what the judge -- the judge's order. So the judge ordered the City to place the new ballot language back on a subsequent election. The judge did not tell us which election to place it on. But the city council has determined that it -- that it wants to go ahead and put the language on.

In the packet tonight, the question that is on second reading is in this PowerPoint. The title is exactly 15 words, "Charter amendment keeping City ownership of the municipal marina but removing certain requirements and restrictions." The question that, if -- if approved by the city's council tonight that will be printed on the ballots for the citizens to vote on, is as follows. And it is exactly 75 words. We had to work hard to get it in 75 but we did it. "In November 2010, an amendment to the Charter was approved, requiring the marina, marina properties, Newcomb Hall, Spanish Courts, and Bicentennial Park be owned, managed and operated solely by the City of Riviera Beach. It also restricted the use of the marina and associated submerged lands. Shall the City Charter section "City Marina Property" be amended to remove the above requirements and restrictions imposed in November 2010 while keeping City ownership of the municipal marina?" That is a yes or no question.

If that amendment passes, this is what the charter amendment will actually say. And that's also what's in the ordinance. This is the amendment. What you read was the ballot summary but this is the effect of the ballot summary. What it does is it takes the language back to the 2008 language. It removes everything that was added in 2010. This is the -- it would do the same thing that the Committee for a Better Riviera Beach attempted to do the first time in 2011 so that it would read -- it would stop at "use or operations." Do I need to read it again?

**UNIDENTIFIED SPEAKER:** (Inaudible).

**CITY ATTORNEY RYAN:** Okay. Did somebody say please? They said no? I won't read it again. But this is the actual language that would go back into the -- the City Charter.

Difficulties with the current language. One of the reasons -- in addition to the -- the fact that the Committee for a Better Riviera Beach wanted to change the language and they went through the whole petition process -- well, I won't get into their reasons but I will say this. That the city council at that time also considered putting its own charter amendment on. And one of the reasons that we're putting it on by ordinance is to ensure that no matter what happens in the court action concerning the Committee for a Better Riviera Beach's language, the -- this city council wanted to make sure that it had its own independent ordinance which would do essentially the same thing. The difficulties with the current language, really there -- there are numerous difficulties. But the major ones are that we are not sure what it means. And I say "we," talking about the City. But I think it -- it goes for a lot of citizens, as well, because we -- we've really asked a lot of people what they think it means.

If you read -- I've highlighted the first section and what I will call the third section. The first section says, "The city's municipal marina shall not be sold," and goes into the fact that the city council can enter into management, license or lease agreements for no more than 50 years. However, there seems to be conflict with the third section which says that the marina and public municipal marina properties, Newcomb Hall, Bicentennial Park and Spanish Courts, shall be owned, managed and operated solely by the City of Riviera Beach.

As Miss Brabham stated in her comments, "solely" means alone. And if the City has to own, manage and operate all of these properties, staff is unsure as to how we can license or enter into a management, license or lease agreement with an outside operator for up to 50 years. So there seems to be internal conflict in the language. The other side of that is it restricts development. Just, you know, adding on to what I said before, because the -- only the City can own, manage and operate, there is very little opportunity for private development or even for the City to develop the property in such a way that it would allow private development to come in. So, you know, there's an issue with private developers actually building in -- in the marina area and also with the City building in the marina area and then trying to lease the property, because we are so unsure as to what that second part means. So I hope that this kind of explains why the city council is putting this issue on the ballot for March 2014, March 11<sup>th</sup>, 2014.

And to answer -- that's my -- the end of my PowerPoint presentation. But to answer the question that Miss Brown raised, I -- that the City -- the CRA is managing the marina property, I -- I'm not on the CRA -- I'm not the attorney for the CRA, but it is my understanding that the CRA is not managing the property at all. The City still has a Marina Department. It has a Marina Director, Ed Legue. It's no secret that the CRA is attempting to do what it's supposed to do, which is to develop the properties located within the CRA. And it's my understanding that the executive director and staff are working to make that a reality. So to the extent that the -- the CRA is working to try to develop the marina as best it can, yes, it is doing that. But the CRA is not managing the City's property.

**CHAIRPERSON THOMAS:** Thank you very much. Board comments?

**COUNCILPERSON J. DAVIS:** Mr. Chair?

**CHAIRPERSON THOMAS:** Miss Davis.

**COUNCILPERSON J. DAVIS:** Miss Ryan, if my memory serves me correctly, was there not also a vote by the voting public to -- for a 50-year lease of the marina?

**CITY ATTORNEY RYAN:** That was the vote in 2008.

**COUNCILPERSON J. DAVIS:** That was the 2000 [sic] vote. So my -- my point is that the language being in the charter is something that the voters approved in 2008 anyway.

**CITY ATTORNEY RYAN:** That is correct.

**COUNCILPERSON J. DAVIS:** So here we are now where there's still some controversy about whether or not to lease properties, lease space in the marina for 50 years when the voters have already voted in favor of that. And that's just the thing that I wanted to point out.

**CHAIRPERSON THOMAS:** Any other comments? Okay.

**COUNCILPERSON GUYTON:** Mr. Chair?

**CHAIRPERSON THOMAS:** Mr. Guyton.

**COUNCILPERSON GUYTON:** Just very quickly, in full disclosure, I was a part of the 2011 effort as a member of the Committee for a Better Riviera Beach then. I am still a member of the Committee for a Better Riviera Beach. And it was our intent then to eliminate any language that may restrict private development. I do know and have talked to some people who were on the other side of this issue and I'm told that that was not the intent to some degree, and I don't want to speak for them or even suggest that I know what they were thinking. But that is what I have been personally been told. But the problem that we have been running into is that investors are reluctant to come here and invest with that language being in the charter and not being clear. So it is my

position that if this city is ever going to move forward, this is our opportunity to clear the language up, to give potential investors some comfort level that our charter does allow private development down there. And as most know -- and I've said it many times -- to jump-start any economy, we're going to need the private sector. The City's not going to be the one to be able to do that alone. All we do is set policy. Our funds are limited, and it's the private sector that comes in and make the investments and create the jobs and hopefully give our residents an opportunity to participate -- and employment, to establish some level of dignity. So that's all I have, Mr. Chair.

**CHAIRPERSON THOMAS:** Okay. If there's no further questions --

**MAYOR MASTERS:** Mr. Chair?

**CHAIRPERSON THOMAS:** Mr. Mayor?

**MAYOR MASTERS:** Yes, thank you, Mr. Chair. Just a couple of questions. And this is for the attorney. And this is just to make sure that we don't end back -- well, you never can -- you never can say never -- end back in court again. But my question is, I guess, a hypothetical question but yet a realistic one, as well. What happens -- well, the -- the first referendum was called what, 2010? Attorney?

**CITY ATTORNEY RYAN:** Yes, 2010.

**MAYOR MASTERS:** Okay. What happens if the task force or whoever is responsible for that amendment appeals -- appeals the decision of the judge to put another one back on to clarify? What -- just what happens at the end of the day if those citizens appeal and win and we have a new amendment that's progressive, as well and it wins? So you've got both of them winning. If a -- if a judge, you know, says, Well, you've gotta go back and, you know, they win the appeal, and we win on the -- the new amendment? Is there a problem? I mean, which one would have standing?

**CITY ATTORNEY RYAN:** You're saying if the -- the -- the -- the case that's in court right now?

**MAYOR MASTERS:** I don't know what's in court --

**CITY ATTORNEY RYAN:** I don't --

**MAYOR MASTERS:** -- and what's not in court. Just --

**CITY ATTORNEY RYAN:** -- I don't -- then I'm confused. I'm not really sure.

**MAYOR MASTERS:** Well, is there -- is there an appeal going on now? I mean --

**CITY ATTORNEY RYAN:** There is an appeal --

**MAYOR MASTERS:** Okay.

**CITY ATTORNEY RYAN:** -- of Judge Kelley's order. I do not know the substance of the appeal. There were several issues that Judge Kelley ruled on, and most of them were favorable to the City. So the task force can appeal several of those issues. And that is why, instead of just putting this on as a resolution, we put it on as an ordinance, so that it's not only in compliance with Judge Kelley's order -- because he didn't say how to put it on. But the city council is making an independent decision of its own to place this amendment on the -- on the -- on the -- the ballot.

**MAYOR MASTERS:** Okay.

**CITY ATTORNEY RYAN:** So if they appeal, if -- if -- you can always file a lawsuit. You know that. So they can -- you know, if -- if someone's unhappy with the result of this election, this is a very -- it has a very complicated history.

**MAYOR MASTERS:** Okay. And then --

**CITY ATTORNEY RYAN:** But it can still become more complicated.

**MAYOR MASTERS:** -- and then my final question very briefly: The second referendum was what, three to six months after the first one?

**CITY ATTORNEY RYAN:** The second referendum was on the ballot four months after the first one.

**MAYOR MASTERS:** Okay.

**CITY ATTORNEY RYAN:** November 2010 and then March 2011. Yes.

**MAYOR MASTERS:** Is it possible that you can think about in the future maybe some type of ordinance or whatever it takes to have a time certain that -- something where we won't be yo-yoing, one wins, the other one goes back and wins.

**CITY ATTORNEY RYAN:** Right.

**MAYOR MASTERS:** Is it a way to restrict that, a year or --

**CITY ATTORNEY RYAN:** Right. The -- no.

**MAYOR MASTERS:** -- two years?

**CITY ATTORNEY RYAN:** The --

**MAYOR MASTERS:** It can just happen the next day?

**CITY ATTORNEY RYAN:** -- this -- right. Because it's by a Florida Statute. And Florida Statutes simply say that if a -- if a group has 10 percent of -- has a petition with 10 percent of the -- you know, the electors signing the petition, they can have an amendment that's constitutional placed on the ballot.

**MAYOR MASTERS:** Okay.

**CITY ATTORNEY RYAN:** So it can be the next day. A person can start all over again.

**MAYOR MASTERS:** Thank you, Madam Attorney.

**CHAIRPERSON THOMAS:** Okay. If there's no further questions, Madam Clerk?

**CITY CLERK WARD:** Councilperson Judy Davis?

**COUNCILPERSON J. DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson T. Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**CITY CLERK WARD:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Chair Thomas?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Councilman Guyton?

**COUNCILPERSON GUYTON:** Yes.

**CITY CLERK WARD:** Unanimous vote. Okay. We're going to move down to Ordinances on First Reading.

#### **ORDINANCES ON FIRST READING**

**11. ORDINANCE NO. 4040 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING", BY AMENDING ARTICLE VI ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS", BY AMENDING SECTION 31-547 ENTITLED "WALLS AND FENCES" TO ALLOW ELECTRIC FENCES BY SPECIAL EXCEPTION IN THE LIMITED INDUSTRIAL (IL) ZONING DISTRICT; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**CHAIRPERSON THOMAS:** Is there a motion?

**COUNCILPERSON T. DAVIS:** So moved.

**CHAIRPERSON THOMAS:** It's been properly moved. Is there a second?

**COUNCILPERSON J. DAVIS:** I'll second for discussion.

**CHAIRPERSON THOMAS:** It's been properly moved and second. We have several comment cards here. I'll go ahead and take these comment cards. And, Staff, if there's any questions, please jot them down so that we can answer them in the presentation. Up first will be Juan Atkins. Good evening, Mr. Atkins. You have three minutes to make your comments.

**JUAN ATKINS:** Thank you. To the Chair, Chair Pro Tem, Council, citizens and staff, my name is Juan K. Atkins and I reside at 1117 W. 10<sup>th</sup> Street, Riviera Beach, Florida. I also serve as the co-director of Atkins Tender Loving Care, a family-owned and operated gold seal accredited child day care facility that has been in business for 37 years. The pioneers for that business are my parents, John and Betty Atkins, and I would like to quickly recognize them.

I don't frequent council meetings very often so my presence here is indicative of the level of concern that I have for this proposed ordinance amendment. I stand opposed to any ordinance that gives the opportunity for an electric fence to be erected in close proximity of a residential area. I have a greater concern that there is even consideration to allow this type of use in close proximity to a child care center. We are all concerned about the possible precedence that will be made by making such an allowance.

I am not interested in my community that I love, live, work and play in be dumped on by something that I would dare suggest that the applicant nor their representatives would not allow in their own residential communities. As it stands, the Riviera Beach Department of Community Development led by Miss Mary McKinney recommends denial of this ordinance change. As it now stands, both public safety departments, namely fire and police, are not in support of this ordinance change. But most significantly, the residents and other stakeholders in our community do not support this ordinance change.

I encourage all of you to please listen to all of the professionals who fall under the City's employment and all of us who have entrusted you by electing you to office and to not allow this precedent-setting move to take place. I love my community and I am really concerned about how such a change could impact my livelihood, quality of life and our ability to serve children. I do recognize and have empathy for the need for local businesses in Old Dominion in particular, to protect his assets thereby preserving his ability to profit. I also have that same responsibility to protect my own business and my place of residence. In a final analysis, we're the ones who live here. They don't. Should this measure actually pass and it subsequently gets through the special exception process successfully, it will be on to the next project in Riviera Beach while we are here to cope with all of the realities of what would occur. What reality? One particular reality that could occur is a warning sign that reads, "Alarmed electric fence, 7,000 volts," within visual view of our residents. I ask that you stand for what is most prudent for all of us. Please vote no for this ordinance amendment. Thank you.

**CHAIRPERSON THOMAS:** Okay. Thank you very much for your comments, Mr. Atkins. Next up we'll have Tijuana Williams. Good evening, Miss Williams. You have three minutes to make your comments.

**TIJUANA WILLIAMS:** Good evening. My name is Tijuana Atkins Williams and I am a product of Riviera Beach. I was born and raised right on 10<sup>th</sup> Street. And I am currently the director for the Atkins TLC site at the 1144 W. 10<sup>th</sup> Street location which is the property where our playground is near the proposed electric fence. I have several concerns regarding this ordinance changed and the potential negative impact on our community. I just want to share a few of -- a few of them with you. For obvious reasons, the safety of our children is our primary concern. I have a picture that I took this summer and it shows a rising third grader. She's now in third grade. And we serve children up to the age of fifth graders in our after -- after-school program. And in this picture you can clearly see that she has access to such a hazard. And the picture that's posted there, our preschooler like the one pictured there could easily reach through and -- and touch and have access to the fence. So we obviously have safety concerns.

Secondly, another concern that we have is just the overall appearance -- appearance of blight. We all know that Riviera Beach is the best city to live, work and play. What message are we sending to our residents in our community if we allow such a fence to be erected and near a residential area?

Another concern that I have is why should we allow a company that ignores the law, illegally installs a fence and then tries to change the ordinance to allow a fence to do so? By doing a quick Google search -- I did this back in the summer -- I was able to find out some information about the company that's proposing this change. There is a track record of such things where the fence -- fences are illegally installed and then they go to local municipalities to change -- I'll give you two examples. In 2010 -- and these are fairly recent examples. In El Paso, Texas, the City of El Paso Code Enforcement ordered that eight -- not just one -- we have one -- but eight fences be disabled after discovering that they had been illegally installed. Another is in Ocala in 2012, the same thing happened. They were discovered. So I ask you that you deny the request to allow such a fence to be installed in industrial areas. Thank you very much.

**CHAIRPERSON THOMAS:** Thank you very much for your comments. I need Mr. Jones or somebody from our staff to confirm if what that last speaker just said was true about this particular company in those cities.

**TIJUANA WILLIAMS:** (Inaudible).

**CHAIRPERSON THOMAS:** Please confirm it on our own. I -- I -- it's no disrespect to Miss Williams. I want us to find it's --

**DEPUTY CITY MANAGER JONES:** (Inaudible).

**CHAIRPERSON THOMAS:** -- say that again?

**DEPUTY CITY MANAGER JONES:** I'll take care of it, sir.

**CHAIRPERSON THOMAS:** Okay. All right. Next up will be Lashea Brooks. My -- my question, while Miss Brooks is coming, is just to make sure that is -- is this a track record of this company to -- to do that? Is staff understanding what my questions --

**DEPUTY CITY MANAGER JONES:** Yes.

**CHAIRPERSON THOMAS:** Okay. Miss Brooks, good evening. You have three minutes to make your comments.

**LASHEA BROOKS:** Good evening. Thank you. S. Lashea, Shanita [phonetic] Lashea Brooks. I live at 1349 W. 35<sup>th</sup> Street in Riviera Beach. Lived in Riviera Beach most of my life. And I also sit on the Planning & Zoning Board. I'm here because this item has been before the Planning & Zoning Board several times in several variations. And every time this item was voted down. So it didn't get through the Planning & Zoning Advisory Board. We do realize that we are an advisory board. So now it's coming through to you directly.

I personally love my city, besides being on the Planning & Zoning Board. And I don't think that we want to be known as a city to have electrified fence in areas that backs up or is adjoining to housing. There's a church there for this particular fence. There's a church there. They have church activities. Schools. And Mr. Atkins, I just have to say, taught me in eighth grade so I'm very, you know -- he -- he's been around for a long time. The chief attended every Planning & Zoning meeting that this item was presented. The chief did not support this item. The fire chief -- the police chief, the fire chief, every one -- every department had -- that they presented to us was not in support of this. Actually, I'll -- Seadek, they're not in support of it. So if everyone in the department is not in support of this, I can't understand why anybody would want an electrified fence in this zone that children -- that we know what children can do. We were children. We know we can slip through little things and we -- there's a school right across the street there, elementary school. Kids take that path. You know they'll go through a pathway.

You know they'll take the shortcut. We did it. We walked along the dangerous wall for many years in Monroe Heights there that we were not allowed and our parents probably would have killed us if they realized that we were walking on that wall, 'cause it was very dangerous. So I'm just asking that you really think about it. I know we need businesses. I just think as the chief suggested, there are other ways and other measures that we can use or they can use to protect their assets. I just want to ask that you please not allow this electrified fence in our city. Thank you.

**CHAIRPERSON THOMAS:** Thank you very much for your comments. Next up will be Pastor Chandler.

**WAYNE RICHARDS:** Mr. Chairman, Pastor Chandler had to leave but he -- he -- he signed a note here. The police -- the policeman witnessed it. He wanted it read into the record. He just left (inaudible).

**CHAIRPERSON THOMAS:** Okay. Is --

**CITY ATTORNEY RYAN:** Can you speak into the mike?

**WAYNE RICHARDS:** I'm sorry.

**CHAIRPERSON THOMAS:** Oh, okay. That's -- that's inappropriate. Our staff should have that.

**WAYNE RICHARDS:** The -- the policeman witnessed his signing.

**CHAIRPERSON THOMAS:** Okay.

**WAYNE RICHARDS:** Pastor Chandler.

**CHAIRPERSON THOMAS:** It should be on a comment card but bring it up. I'll -- I'll read it into the record. Okay. This -- okay. This does look like it's signed by someone with the last name Chandler. It reads, "I, Pastor David Chandler, of New Hope and on behalf of Pastor J. Easley of the Life Center, we do not oppose of the new language in the proposed by -- of electric security fences in Riviera Beach." And I read that verbatim. It says, "Regards," and it looks like it says Pastor Chandler. So we'll actually attach this to it. Let me make sure I read it again so it's not confusing. I'm reading verbatim as I see it. "I, Pastor David Chandler, of New Hope and on behalf of Pastor J. Easley of the Life Center, we do not oppose of the new language in the proposal by -- of electric security fences in Riviera Beach." Okay. Next up we'll have Alfred Jones. Good evening, Mr. Jones. You have three minutes to make your comments.

**ALFRED JONES:** Thank you very much. Council members, Mayor, Judy -- she happens to be a -- she happens to be a personal friend of mine.

**CHAIRPERSON THOMAS:** That was cool.

**ALFRED JONES:** I -- my name is Alfred Jones and I do not live in Riviera Beach. However, I do have a vested interest in this subject. Two of my grandchildren attend Atkins, which is a very fine establishment. And I can -- I am opposed to this on the grounds that I consider this an attractive nuisance. Children are going to be children. There's nothing we can do about that. The first time a kid -- a ball goes across the fence or a kid sees that beautiful wall and starts to climb it and falls on to that electrified fence, we're going to have a tragedy.

I have just retired last July from the School District of Palm Beach County. And we, at the District, used a -- used other methods that are very effective. There are cameras. There are motion sensors that can serve. And those should be considered. This electrified fence is a very, very disingenuous idea. I -- I can't go along with that. And it also is, in my opinion, almost a slap in the face of law enforcement. You have a very good police department here in Riviera Beach. If you had a motion detector and it went off like it does in schools when we have a lot of -- we had a lot of break-ins, the cops were there in -- in -- in -- in post haste and a lot of apprehensions were made. There are other alternatives.

Don't -- please don't do this. This is not what you want to do. I don't know what the level of loss for Old Dominion is but one life can wipe all of that out. One child's life. If you use the cameras, you could identify the -- the persons who are coming across your fence. If you use the motion detectors, you can very easily -- no problem -- know that

there's a disturbance out there. And there -- and these are the most sophisticated devices that we could -- we could -- we can employ here. This is not, again, what you want to do. I have several friends also on your police department that I've talked to about this. And they agree with me. I've -- you have a chief of police. I don't know him personally. I do know a lot of his officers. They're saying that they consider this also a slap in the face to the law enforcement body here. Please, gentlemen -- ladies and gentlemen of the Council, vote this down. This is not what you want to do. A single life is at stake here, if not more.

**CHAIRPERSON THOMAS:** Thank you very much for your comments. Okay. We -- we have a couple of presentations. We'll take the applicant first and then we'll take staff presentation.

**WAYNE RICHARDS:** Mr. Chairman, good evening.

**CHAIRPERSON THOMAS:** Yes.

**WAYNE RICHARDS:** Uh, Mr. Mayor, Councilpersons, City staff.

**CHAIRPERSON THOMAS:** Please use the mike as much as you can.

**WAYNE RICHARDS:** Thank you. Good evening, Mr. Chairman, Councilpersons, City staff and residents. My name is Wayne Richards. I'm here on behalf of Electric Guard Dog and Old Dominion. With me is Nathan Leaphart, the chief financial officer. Cindy Gsell is here, as well. Sue Delagol [phonetic], co-counsel, and Shawn from Old Dominion in the second row. We have a presentation on this matter. I'm going to have Nathan Leaphart open up the presentation, please. Nathan.

**NATHAN LEAPHART:** In -- in a moment -- sorry. Good evening, by the way. I would like to thank you for the opportunity to speak to you tonight. As Wayne mentioned, my name is Nathan Leaphart. I'm the chief financial officer of Electric Guard Dog. And amongst my long, long, long list of duties is responsibility for compliance with codes across the country. We want to start just by coming up with a new start. We've made some mistakes in Riviera Beach in the past. We installed this system at the Old Dominion site a few years ago. We shouldn't have done it. It was a mistake. There were some misunderstandings that don't really matter at the end of the day. But it was a mistake. And we want to apologize. And -- and it's a sincere apology for which I assure you we paid a tremendous price. And we hope that, you know, we could start with a better relationship with the community, the council and the staff in the future.

Let me introduce you again to Electric Guard Dog. We're -- we're a company based in the Southeast. We're actually up in Columbia, South Carolina. We have employees across the country. We actually have six employees in the State of Florida, including a salesperson and a technician who are right here in the Southern Florida area. We're a pioneer in solar-powered security. So we never plug into the wall. We -- we don't access, you know, main power. We use solar power to power our systems. And that charges a battery which is the only power source for our product, is just this battery.

We provide commercial perimeter security. So companies like Old Dominion are our key customers. And, you know, we're, I -- I think, a reasonably successful company. We've -- we've been listed by the Inc. magazine in their top private -- or fastest-growing private companies. And we've been listed by SDM magazine as one of the largest security companies in the U.S.

We have over 3,000 locations in a thousand jurisdictions across the country. Doing business in 47 states. You see on the screen here some of the types of businesses we secure. UPS and FedEx are probably the one that is you know best. Copart and IAA, which are the largest auto auctions in the country. Dick's Sporting Goods has a distribution center that we protect. And of course, there's Old Dominion and, you know, their competitors in the freight industry that we work with. Wayne?

**WAYNE RICHARDS:** Nathan, thank you. This is an example of -- of the electric Fence. You know, we -- we hear things and we -- we assume things when we hear of an electric fence. Many of us think of razors. This is the typical electric fence that we utilize. It is unobtrusive and is not offensive for the -- the -- the eye. What we are asking for is a modification. Your ordinance currently allows electric fences in the city. There are electric fences in your city today. They are legal. They are allowed as a matter of right, but they are allowed as a matter of right in general industrial areas. This might be a surprise to some of us here today but they're allowed in general industrial even if it abuts residential.

So today I can pull a permit and put an electrical fence up even though it might abut residential. But the good news is, this council is very prudent. There are significant limitations and safeguards in place. There are -- there are redundant systems. Right now in order to put a fence up in general industrial abutting residential, you have to build a six-foot masonry wall so that a person cannot get to that. We're asking that you simply modify your ordinance to allow these fences in not only general industrial, but light industrial. Light industrial is where we have the high-ticket items, the expensive items, the outdoor storage at places such as Old Dominion.

The good news is this: Every time we have gone to a meeting or we've had a meeting with the residents and we've heard on objection, to my surprise -- to my significant surprise, this -- this company has said yes, they will change something. So the good news is they are not asking to have an electric fence that abuts any residential in the limited industrial. And I don't know if many of us here realize that today. So although we could -- although an electric fence can abut residential and general industrial, what we're asking for today is a modification to allow it in limited industrial but if it abuts residential, it cannot, it shall not be electrified. It is a cold fence. We can have a picnic on the fence and there's nothing happening. Some of the limitations that you have in place today. This fence can only be operated nights and weekends. I don't believe children are hanging around at midnight or 1 in the morning. So you have the limitation of the -- of the masonry wall. You have the limitations as to the hours of operation. And we're saying if you allow this in limited industrial, it shall not, it cannot, it will not abut any church, any house, any residence. We're asking for far restrictive opportunity.

This is an aerial shot of the Old Dominion site. That's Australian running up and down or north and south, if you will. Blue Heron is to the north and 11<sup>th</sup> Street and Atkins is to the south. The yellow lines or the light green lines are the areas that would be electrified along Australian, along the neighboring property to the north and to the east. Once again, to the south, it shall not, cannot, will not be electrified. That -- that is significant.

And you already know it's safe. You approved this use four -- I'm sorry, five years ago. There was significant work done. There have been no injuries. There have been no issues, zero.

This product has been approved -- approved by OSHA and by -- help me out with the NRTL?

**NATHAN LEAPHART:** It's a nationally recognized testing laboratory.

**WAYNE RICHARDS:** There are over 3,000 fences up in a thousand counties, a thousand cities in 47 states. There have been no legitimate claims against our product, ever. Zero. So of course we hear, Oh, electric fence. It's gonna be on during the day. We can touch it. We can get barbecued. No. There are 3,000 fences today, zero. Not one but zero. So I would ask that we please, please think about this and look at the facts.

Five of the 80 employees at this company are simply and strictly on compliance. There have been some issues in the past, and it is their job to go around and make sure they - - that they are in compliance with all city and all county ordinances. Many of the times, Mr. Chairman and -- and Council, there are jurisdictions that have not caught up. Their ordinances are old. They have not caught up. They are going around the country literally helping update ordinances and making sure that they are in compliance with ordinances and getting ordinances up to speed. Please.

**NATHAN LEAPHART:** I'd like to address the comment about El Paso earlier. I'll save you some research time. It was us. We -- our company --

**CHAIRPERSON THOMAS:** I'm sorry, sir. Did you -- can you repeat that?

**NATHAN LEAPHART:** -- we -- we did install the fences in El Paso that were referred to earlier. So I -- I know you had asked about that earlier.

**CHAIRPERSON THOMAS:** Without the permission of the City?

**NATHAN LEAPHART:** We -- we did. We did. And -- and I'm gonna -- if -- if you'll give me a second.

**CHAIRPERSON THOMAS:** Yeah. Take all the time you need.

**NATHAN LEAPHART:** So back -- back in 2 -- sorry, back in 2007, the present owners took control of the company. The prior owner of the company was less concerned, I --

I'll say, with complying with these rules than we are. And we had a lot of cleanup work to do. We -- as we've mentioned or -- or will mention, we continue to own this product forever. So we provide service for our customer and it's always ours. So we inherited a big liability. And we immediately acted to add these staff and to actively go after areas of noncompliance and fix the issue. We've invested a ton in it. And it's something that unfortunately we didn't realize was there when we bought the company. But it's something that we have committed to fix and that we don't do today. So it -- the El Paso incident is true. It's not reflective of the current management of the company. And it's the type of mistake that we would not make again.

**CHAIRPERSON THOMAS:** So let me ask this. And I -- are you done with your presentation before --

**WAYNE RICHARDS:** Almost. Almost.

**CHAIRPERSON THOMAS:** Okay. Let me -- yeah, go -- go ahead.

**WAYNE RICHARDS:** Okay. Thank you. This is key. We are in 307 locations in Florida. We are not asking to simply come to Riviera Beach. We are in Palm Springs. We are in West Palm Beach. We're in Palm Beach County. I have a list coming up. We're in over 300 locations. This is not a company trying to dump on our city. This is a company that wants to serve our city and is serving over 300 over locations. Day care. I mean, I have two little children. Nathan has little children. And we heard them and we do care. We amended our proposal. No electric fence abutting any residential. That's the bottom line. This group had a community outreach meeting -- outreach meeting. We invited hundreds of people. We invited the day care. We invited their people. We invited the church. Good news is the church came out. And guess what? They came out and they heard us and they're in support. The pastor was here. He had to leave. He was kind enough to write that letter that the Chairman read and the police officer witnessed him signing it. They came out. They listened.

We're concerned about it -- we're here -- we're concerned about aesthetics. This is at United Rentals. That -- that is an electric fence there. It doesn't look bad at all. This is another electric fence. This is an electric fence in Palm Beach County. And of course, we have the masonry wall abutting residential. The City cannot and will not be proliferated or invaded by these fences. They're very expensive. As -- as Nathan indicated, they own the fences. They lease them to the entity. So if the entity ever leaves, the fence goes with them.

Every application has to come back before us. We didn't mention that. Early on in the process, it was mentioned we don't want too many of these to happen. So now even should you approve us today, the bad news for us, every time you want a fence, we have to go back through the process, through Planning & Zoning. It's a special exception process. And through city council. So we cannot do this as a matter of right. This is a very weakened ordinance. We cannot do this as a matter of right. We have to come before P&Z, our friends at P&Z, and we have to come back before the city council. So there cannot and there will not be a proliferation. We're in Boynton Beach,

we're in Cocoa, Lauderdale Lakes, Miami-Dade, Riviera currently, Hollywood, Pompano, West Palm; we're throughout Florida. This is not a company trying to dump on our city. They're trying to serve our city.

Old Dominion is a phenomenal neighbor. They want this security. Shawn is here from Old Dominion. Mr. Whitman has been here before from Old Dominion. We need this. They need this.

**CHAIRPERSON THOMAS:** Excuse me, Mr. Richards.

**WAYNE RICHARDS:** We're done.

**CHAIRPERSON THOMAS:** I hate to interrupt you but I saw a -- the emblem of the Homeland Security. Is -- what is -- what is the significance of that?

**NATHAN LEAPHART:** So the Old Dominion participates in a program that's driven by Homeland Security called C-TPAT. And it requires trucking companies to take proactive security measures. So they can't wait and see if something happens and then take measures to improve their security. They have to develop a plan, provide it to the Department of Homeland Security, and say, "This is our security plan." One of the reasons we're here today is part of the security plan that Old Dominion put together is we will use electrified fences at our location. They were actually also awarded by the American Trucking Association as a leader, as an excellence in security company, in part because they have a strong security plan and I'd like to think it's partially because they use our product.

**CHAIRPERSON THOMAS:** Okay. But the -- it's not any --

**NATHAN LEAPHART:** There -- there's no demand that they use that specific product. There's a demand that they have a plan, which they have, and it includes our product.

**CHAIRPERSON THOMAS:** Okay. I'm sorry, Mr. Richards. I just didn't want to miss it.

**WAYNE RICHARDS:** No, no. We're about wrapping up. Homeland Security has identified cargo theft as a multi-billion dollar industry, mostly by organized crime. So that's the people we're inviting in. Because we have these great companies as Old Dominion here, the bad guys know that they have millions of dollars sitting in those trucks. And we're inviting that element into our -- they -- they already know it. They -- they just need to hear it today. They -- they -- they know that those items are there. And it's imperative that Old Dominion be protected. When we met with the church, the church said that once our fence went up, even though it was not electrified, they had less people trespassing and creating problems on their site.

We protect employees, neighbors and police because thieves do not attack a property with our product. Just to wrap up, we're asking for this change in limited industrial. That's for businesses with outdoor storage. It will not, it cannot, it shall not abut residential. We heard that loud and clear. We watered this down significantly in respect to our neighbors. It's safe and effective. 3,000 locations, zero incidents. It protects all

of us. It deters crime. It does not look bad and this company does care. We thank you for your time.

**CHAIRPERSON THOMAS:** Thank you. I -- I have some questions but I'm going to take our staff's presentation and then we'll bring you back if -- if everybody has questions. But thank you for your presentation. And sorry that I interrupted a couple of times.

**WAYNE RICHARDS:** Oh, thank you.

**DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY:** Good evening, Mary McKinney, Director of Community Development. And I won't take a lot of your time. The City staff is not in support of this for various reasons and that includes the police chief and the fire chief. The police chief wasn't able to be here this evening. We all know that he's been out. But he has been very verbal. He's attended our Planning & Zoning Board meetings, expressed his concerns, has expressed his opinion on all of the alternative methods for security that should be used. There are many areas of limited industrial that are in resident -- adjacent to or close to residential, including the day care centers. We have had many of the residents come to our Planning & Zoning Board meetings. We've had three separate Planning & Zoning Board meetings where the -- each time the Planning & Zoning Board voted to deny approval of this recommendation to the city council. So we do not approve it. We do not recommend approval. City staff doesn't and neither does the Planning & Zoning Board. We don't think that this is a positive influence for the City of Riviera Beach. We do think there's many other alternative methods to deter crime. And we would ask that you do not consider approving it. However, we do -- did prepare an ordinance that's in your packet should you do decide to approve it.

**CHAIRPERSON THOMAS:** Thank you very much. I'm going to start off with my questions. Mr. Nathan, do -- do you mind -- or your representative, do you mind just coming back for a second? Let me just ask you a question. You briefly touched on it.

**NATHAN LEAPHART:** Sure.

**CHAIRPERSON THOMAS:** One of the speakers spoke about El Paso, Texas, and I do have staff looking it up.

**NATHAN LEAPHART:** Yes.

**CHAIRPERSON THOMAS:** And Ocala, Florida.

**NATHAN LEAPHART:** Yes.

**CHAIRPERSON THOMAS:** You actually said that you wanted to save us some time and research on this; that it actually did happen.

**NATHAN LEAPHART:** Right.

**CHAIRPERSON THOMAS:** How -- how many cities have this happened in?

**NATHAN LEAPHART:** I honestly don't know. We've -- as I mentioned earlier, we've installed 3,000 fences in a thousand -- in a thousand different jurisdictions. So it's -- it's, you know, more than 10, less than a hundred, probably. So --

**CHAIRPERSON THOMAS:** That you all actually --

**NATHAN LEAPHART:** -- that -- where we have --

**CHAIRPERSON THOMAS:** -- went in without permission and installed this -- these fences?

**NATHAN LEAPHART:** It's not always as clear as without permission. So in some of these cases, we go in and we ask permission of a department. They provide permission, provide a permit. And later another department steps in and says, Well, you didn't get permission from my department. You only got permission from that department. So we have a number of locations where we have a permit, believe that we have a permit.

**CHAIRPERSON THOMAS:** Well, I'm -- I'm -- I'm sorry, sir. I'm -- I'm not really speaking about those.

**NATHAN LEAPHART:** Right.

**CHAIRPERSON THOMAS:** I'm speaking of just the ones that we said no or they said no.

**NATHAN LEAPHART:** Yes.

**CHAIRPERSON THOMAS:** And you put the fence up anyway.

**NATHAN LEAPHART:** Yes. That does not happen. We do not do that. We do not go and get a no and then install a fence anyways.

**CHAIRPERSON THOMAS:** Okay. So --

**NATHAN LEAPHART:** It has happened in the past. I -- I -- I would not deny that that's happened. That does not happen in this company today.

**CHAIRPERSON THOMAS:** When -- when did you -- when did you take over this company?

**NATHAN LEAPHART:** We -- we took it over in 2007.

**CHAIRPERSON THOMAS:** And I -- I believe that I heard it was 2008 that it happened in El Paso and --

**NATHAN LEAPHART:** 2 -- 2008 is the period in which we were working on fixing that issue.

**CHAIRPERSON THOMAS:** Okay.

**NATHAN LEAPHART:** After we learned of the issue, we acted to resolve it starting in 2008.

**CHAIRPERSON THOMAS:** Okay. All right. Thank you very much. The staff -- was staff able to research that information? I just don't want to seem like I'm taking information right off, you know, the street.

**CITY MANAGER JONES:** He went to the office to do it, sir.

**CHAIRPERSON THOMAS:** He went to the office to --

**UNIDENTIFIED SPEAKER:** He admitted --

**CHAIRPERSON THOMAS:** Yeah.

**CITY MANAGER JONES:** And he admitted --

**CHAIRPERSON THOMAS:** Yeah. He -- yeah, he -- he did admit to it. My -- my issue with this is I know that Old Dominion is a very good company. They employ our residents. I -- this is really not about Old Dominion. I support that -- that business. I would like to do whatever we can to protect that business, protect their -- their merchandise. You know, my -- my issue is, what is going to be in place if you clearly will go and do whatever you want? How do we know that we can trust or you'll be able to be governed? I'm -- I'm -- I'm -- I'm just not sure of how -- how do -- how will we know that, if we say, Okay, don't -- you can't use this side of it and you just don't. In a couple of weeks, still -- your track record is what's concerning me at this point. So --

**NATHAN LEAPHART:** I think we -- we have two things. There -- there's the -- there's some issues on this particular site with whether or not we'll cut it off during the day and - - and those sorts of things, which we'll provide a way to go online and check that. I -- I know that was a concern of the chief before. So -- so that -- on this specific site, that is a way to address that. I think the second part is just -- simply put is, is Electric Guard Dog a trustworthy company? And my answer for that is yes. We have a troubled history that I can't fix other than to go in and work every day with the help of Cindy and her colleague Michael, to go in and fix the mistakes that the -- the founder of the company made. And I regret that the -- we have those out there. But we acted decisively and with a great deal of expense to fix those issues and make sure that we don't continue to make those mistakes in the future. That's -- that's why we invest so much in this area. That's why I'm the chief financial officer. In a couple of weeks I'm going to have my auditors in my office asking for reports and all that. But I'm here in Riviera Beach today because this is important to us.

**CHAIRPERSON THOMAS:** Do you have any other fence locations in our city?

**NATHAN LEAPHART:** Do I have any -- yes.

**CHAIRPERSON THOMAS:** Where -- where are those located?

**NATHAN LEAPHART:** Sorry, I -- I -- I -- I don't, off the top of my head, know. I -- I -- I know we went through this process back in 2008/2009 to get the ordinance because of a -- another location.

**CHAIRPERSON THOMAS:** Okay. Any other questions for the board while we're getting this information from the board? Miss Davis?

**COUNCILPERSON J. DAVIS:** Yes, Mr. Chair. I just have a couple of questions. I think it was you who said that your fences are only solar-powered

**NATHAN LEAPHART:** Yes, ma'am.

**COUNCILPERSON J. DAVIS:** And how many volts does that generate?

**NATHAN LEAPHART:** Solar power actually feeds a 12-volt battery.

**COUNCILPERSON J. DAVIS:** Okay.

**NATHAN LEAPHART:** The 12-volt battery then powers what's called an energizer.

**COUNCILPERSON J. DAVIS:** Uh-huh.

**NATHAN LEAPHART:** The energizer is just a capacitor which basically stores energy over a period of 1.3 seconds and then releases it for a 1/10,000 second -- 1/10,000<sup>th</sup> of a second pulse that is approximately 7,000 volts. It sounds very high. It's completely harmless.

**COUNCILPERSON J. DAVIS:** Okay.

**NATHAN LEAPHART:** I wish we had the video here, actually.

**COUNCILPERSON J. DAVIS:** I -- I was just trying to wrap my head around that, how the battery could -- solar power could generate that much.

**NATHAN LEAPHART:** Yeah.

**COUNCILPERSON J. DAVIS:** But anyway, and I think my colleague, Councilman Chair Thomas, you only became the new owners in 2007?

**NATHAN LEAPHART:** Yes, ma'am.

**COUNCILPERSON J. DAVIS:** And all of this other stuff had happened prior to and you're trying to correct that, right?

**NATHAN LEAPHART:** The -- especially the El Paso incidence.

**COUNCILPERSON J. DAVIS:** Okay.

**NATHAN LEAPHART:** I mean, we -- there were a number of mistakes the company had made in the past. We've worked hard and -- and again, spent quite a bit to -- to fix.

**COUNCILPERSON J. DAVIS:** Okay. My third question is are the residents, and particularly the owner of the day care center, are they aware of your modification that the -- that the electrified part will not be abutting their property?

**NATHAN LEAPHART:** We have -- I can't speak for -- for them but we've certainly tried to make them aware of it.

**COUNCILPERSON J. DAVIS:** Is there any way that I can get an answer to that, Mr. Chair?

**CHAIRPERSON THOMAS:** Of course. Of course. Mr. Atkins or a representative from Atkins Day Care, do -- are you all aware of that particular --

**COUNCILPERSON J. DAVIS:** Modification.

**CHAIRPERSON THOMAS:** -- modification that it won't be electrified on that side of your --

**COUNCILPERSON J. DAVIS:** On the side.

**CHAIRPERSON THOMAS:** -- property?

**COUNCILPERSON J. DAVIS:** Could you come up to the mike, please?

**CHAIRPERSON THOMAS:** Come -- yeah, come -- come -- come to the mike, please.

**JUAN ATKINS:** If you don't mind, can you pull up that map? But you -- Chair Thomas, yes, I am aware that they propose a modification to not allow the electrified portion of the fence to intersect --

**COUNCILPERSON J. DAVIS:** Your side.

**JUAN ATKINS:** -- a residential area. However --

**COUNCILPERSON J. DAVIS:** Or a day care or church or --

**JUAN ATKINS:** Right.

**COUNCILPERSON J. DAVIS:** Okay.

**JUAN ATKINS:** But -- but again, my concern transcends that adjustment. Yes, it -- it -- it -- I mean, it's -- it's an attempt to move in the right direction. But our feeling is that there are -- there are other issues that come into play. The fact that an electric fence in close proximity of the child care center could have some implications with respect to our

licensing agency. They have not formally taken a position and they have not done that. So we just have concerns about that. We also have concerned --

**CHAIRPERSON THOMAS:** Okay. Hold on one second. Hold on one second. I -- I -- the -- the councilman just wanted to make sure that -- that you had that information. Any other thing?

**COUNCILPERSON J. DAVIS:** Yeah. I -- I -- okay.

**CHAIRPERSON THOMAS:** Okay. Thank you.

**COUNCILPERSON J. DAVIS:** I do have a couple other questions, though.

**CHAIRPERSON THOMAS:** I'll be right to you. Yes, ma'am. You still have the floor.

**COUNCILPERSON J. DAVIS:** Thank you, Mr. Atkins.

**CHAIRPERSON THOMAS:** Thank you, Mr. Atkins.

**COUNCILPERSON J. DAVIS:** And you know, I'm -- I'm -- I don't work for FP&L. 7,000 volts sounds like a lot. So the little girl that was talked about -- and I'm assuming 7,000 volts is enough to kill a person?

**NATHAN LEAPHART:** Well, 7,000 volts of continuous electricity certainly would. We don't provide a continuous pulse. We -- it's a -- it's a pulse of electricity, not continuous like you have out of a power outlet.

**COUNCILPERSON J. DAVIS:** So it's something, like, that goes like this?

**NATHAN LEAPHART:** So -- right. So --

**COUNCILPERSON J. DAVIS:** So how -- how --

**NATHAN LEAPHART:** -- it is completely safe.

**COUNCILPERSON J. DAVIS:** Okay. My --

**NATHAN LEAPHART:** And --

**COUNCILPERSON J. DAVIS:** -- so I'm trying to figure out, then, how -- I don't -- I didn't see the article of what happened with this little girl. So how does this -- how is this fence relevant in how she died?

**NATHAN LEAPHART:** I would say that is -- I -- I'm familiar with the article you're referring to. I would say that it is completely irrelevant. It's a complete -- it's not a system anything like what we design. It's not even a system. It's a case where a mad scientist decided he wanted to hook up -- and mad scientist, I'm, you know --

**COUNCILPERSON J. DAVIS:** Oh, you mean like an owner of that particular business?

**NATHAN LEAPHART:** -- not -- not -- it's some -- some owner of a property decided to take an extension cord, plug it into a wall.

**COUNCILPERSON J. DAVIS:** Oh, Lord.

**NATHAN LEAPHART:** Strip one end of it and connect it to just some bare wire. And a child was harmed. That -- that man, ma'am, is a murderer. And he deserves to be punished for the crime that he committed.

**COUNCILPERSON J. DAVIS:** Okay. You -- you answered my question.

**NATHAN LEAPHART:** That is not the product that we sell.

**COUNCILPERSON J. DAVIS:** Okay. You answered my question. So, you know, and you also mentioned how the police could monitor whether this, you know -- this -- this fence is on or off or whatever via being online.

**NATHAN LEAPHART:** That's right.

**COUNCILPERSON J. DAVIS:** How does that work?

**NATHAN LEAPHART:** We would provide a website and a login information for them to be able to go in and look at it any time they wanted. Additionally, we will install a traffic light and I'll describe it in the public forum, anyways. But we'll -- we'll -- we'll --

**COUNCILPERSON J. DAVIS:** But -- but what -- what -- but I'll -- but hold on.

**NATHAN LEAPHART:** Okay.

**COUNCILPERSON J. DAVIS:** I'm talking about the --

**NATHAN LEAPHART:** Okay.

**COUNCILPERSON J. DAVIS:** -- online part.

**NATHAN LEAPHART:** Yes, ma'am.

**COUNCILPERSON J. DAVIS:** What prevents the company from turning it on or off at any given time?

**NATHAN LEAPHART:** It gets -- it is logged by this system on the Web any time that happens. We -- we actually can't cut it on and off without accessing the panel.

**COUNCILPERSON J. DAVIS:** Uh-huh.

**NATHAN LEAPHART:** And the panel automatically logs it online.

**COUNCILPERSON J. DAVIS:** Okay. Those are my questions, Mr. Chair.

**CHAIRPERSON THOMAS:** Okay. We're going to go to Miss Pardo who was next.

**CHAIR PRO TEM PARDO:** My question is on the voltage. So who monitors the voltage? If you're telling us that it will be 7,000 volts every, you know, 100<sup>th</sup> of a second, who monitors that? And then is there a voltmeter that the City would go and check randomly to make sure that only 7,000 volts are coming out of it? How does that work?

**CHAIRPERSON THOMAS:** There's not a -- a voltmeter. I mean, we actually could provide a voltmeter to check that. Our technicians do check it when they're doing maintenance. Not so much to -- worried about because it's high but to make sure it hasn't gone too low. The -- the product is designed in such a manner that it really could not go up above to a dangerous level. Keep in mind, the power source, the sole power source is a 12-volt battery. So on a continuous basis, the -- the most voltage you can get is 12. It's just going to be extremely short pulses of the 7,000 volts. We have a testing laboratory who test our product and ensures that all it can do is provide that 7,000-volt pulse every 1.3 seconds for 1/10,000<sup>th</sup> of a second. And if they couldn't determine that that product would do that, they wouldn't allow it. And the failure mode for the product then is basically it stops working and put out any voltage. It can't shoot up to 700,000 volts or anything like that just because it doesn't have enough power to do so.

**CHAIR PRO TEM PARDO:** Okay.

**WAYNE RICHARDS:** Cindy, would you stand up for a moment?

**CHAIR PRO TEM PARDO:** For what?

**WAYNE RICHARDS:** Miss -- Miss Pardo? To further answer.

**CHAIR PRO TEM PARDO:** No. I think that was good enough.

**WAYNE RICHARDS:** Okay.

**CHAIR PRO TEM PARDO:** All right. And then the only -- this statement I'm going to make, you know, I am not a safety professional. I rely for -- for things like this, I rely on our staff. We have a police chief and we have a fire chief. They are the professionals. And they came out and they said that they could not support this; that they were thinking about the safety of their employees. I heard from Mr. Atkins -- and I could tell you, even if -- if my child was over at Atkins, and they were bordered on, you know -- on your property but you were only putting it, you know -- putting the fence on two sides or three sides, I still wouldn't want my child going over there. And I heard what you said about the church, too, and the church saying that they would be okay with it. Sure. They're going to be okay with it because who's going to walk by the property? You know, people are going to be petrified to walk by the property. So I could tell you right now that in this case I'm supporting my chiefs. I'm supporting my police chief. I'm supporting my fire chief. And good luck to you. Thank you.

**CHAIRPERSON THOMAS:** Okay. I have a few more questions but let me take Mr. Guyton or Mr. Davis because you all haven't said anything, if you choose to. If not I'll -- I'll finish questions my questions.

**COUNCILPERSON GUYTON:** I just have --

**CHAIRPERSON THOMAS:** Mr. Guyton?

**COUNCILPERSON GUYTON:** Thank you, Mr. Chair. I just have one question. And as I do with everyone, I convey my position if they want to meet with me prior to coming, and I expressed my concerns to them earlier. I told them why and basically it's similar to Vice Chair Pardo with respect to the residents are not in support of it, the staff is not in support of it, and it's not an allowed use now. My direct comments to them that first I have a lot of empathy because I'm pro-business. Staff can even tell you I shared that with them. However, if -- if I'm going to do something that is not permitted, I need something. I -- I either need the residents' support; I either need staff's support. I need something that would justify me veering from what is allowed. And more preferably, the residents' support I would prefer. But I would just like to ask this question. And I've already told them how I was going to vote this evening so my vote is not going to be a surprise. But have you explored the alternatives that staff alluded to or have suggested before taking the measure of the electric fence?

**NATHAN LEAPHART:** I -- thank you, sir. I -- as a preface, I'd just like to add that the church does support the -- the measure.

**COUNCILPERSON GUYTON:** (Inaudible).

**NATHAN LEAPHART:** I -- oh, yes. Old Dominion has explored all -- all these options. As -- as I mentioned earlier, the --

**COUNCILPERSON GUYTON:** Or wait, wait, wait, wait, slow down. You're talking kind of fast.

**NATHAN LEAPHART:** Oh, I'm -- I apologize.

**COUNCILPERSON GUYTON:** I provided a list because I requested options from staff.

**NATHAN LEAPHART:** Yes.

**COUNCILPERSON GUYTON:** Because I struggled with this and I wanted all of the information that I needed to make an informed decision.

**NATHAN LEAPHART:** Yes.

**COUNCILPERSON GUYTON:** You said that you all have explored those options.

**NATHAN LEAPHART:** Yes, sir. So --

**COUNCILPERSON GUYTON:** Is that -- wait, slow down. Is there any evidence that you have explored those options?

**NATHAN LEAPHART:** I would say the --

**COUNCILPERSON GUYTON:** That you can provide to me that --

**NATHAN LEAPHART:** -- the -- okay.

**COUNCILPERSON GUYTON:** -- that would corroborate what you're saying?

**NATHAN LEAPHART:** Well, the -- the first option on your list as I -- as I recall was lighting, which is actually existing at the Old Dominion location today.

**COUNCILPERSON GUYTON:** You know, well, I -- I don't have that list. Did you have that list?

**NATHAN LEAPHART:** I -- I don't have it in front of me right now. I --

**COUNCILPERSON GUYTON:** Okay. But it was about 10 different things on that list that the chief and --

**NATHAN LEAPHART:** Yeah. The -- the --

**COUNCILPERSON GUYTON:** -- our Seadek director recommended because I didn't want to say that, no, you're not going to support the fence but you have no options.

**NATHAN LEAPHART:** Right.

**COUNCILPERSON GUYTON:** So that is when they shared with me the options that -- that they shared with you.

**NATHAN LEAPHART:** Yes. And the nationwide security director for Old Dominion Freight Lines has tried all sorts of security solutions.

**COUNCILPERSON GUYTON:** No, no. Okay.

**NATHAN LEAPHART:** He's -- he's -- now, he hasn't tried every --

**COUNCILPERSON GUYTON:** At -- at -- at this location.

**NATHAN LEAPHART:** -- single one of them at -- at Riviera Beach.

**COUNCILPERSON GUYTON:** Okay.

**NATHAN LEAPHART:** I don't -- I believe that it would be difficult for a company, though, once they have found a product they know works to then -- for him to tell his shareholders, his owners, We're going to accept losses. While we try things that we have tried before at other locations that we know don't work or haven't worked at those

locations, we need to try them again at this location to prove that they don't work at this location, either.

**COUNCILPERSON GUYTON:** And -- and that's a good point they tried them at other locations.

**NATHAN LEAPHART:** Yes.

**COUNCILPERSON GUYTON:** Each location, I think, is unique within itself.

**NATHAN LEAPHART:** That is true.

**COUNCILPERSON GUYTON:** The politics may be different. The surrounding environment may be different. The response of the police department may be different. So I -- I'm -- actually, personally, I understand you. Because if I had valuables and people might have been inclined to take them by -- I would feel violated, as a company, as a person would.

**NATHAN LEAPHART:** Yes.

**COUNCILPERSON GUYTON:** But when you're dealing in the public sector, there are a lot of moving parts that you've got to deal with. And it's best in my opinion to try to meet with those in order to try to meet a happy medium. I have the list here now.

**NATHAN LEAPHART:** Yes.

**COUNCILPERSON GUYTON:** But -- but I'm not going to belabor the point because if you don't have evidence that you've tried some of these this, that's -- that's pretty much where I'm going. Because if you tried most of these and you can show evidence to me, I would be more comfortable with taking another route.

**NATHAN LEAPHART:** Okay.

**COUNCILPERSON GUYTON:** But until you've tried some of these other precautions, I'm not ready right now to go to the electric fence option. But that would give me something that I could convey to those who opposed. They've tried X, Y, Z. It has not worked.

**NATHAN LEAPHART:** Uh-huh.

**COUNCILPERSON GUYTON:** We need to give these people an option to protect their property. So -- but that's where I am. I've shared that with you earlier. My position has not changed and -- but it is my hope that you would seriously consider some other options. And -- and should they not work, I would be the first to speak up for you.

**NATHAN LEAPHART:** Yes, sir. Thank you very much. I'll -- I'll recount that to Old Dominion. And they -- again, I know that they've tried those at dozens of locations.

**COUNCILPERSON GUYTON:** I understand.

**NATHAN LEAPHART:** But they could -- they could try it again, yeah.

**CHAIRPERSON THOMAS:** Okay. Mr. Davis, do you have anything?

**COUNCILPERSON T. DAVIS:** Nothing else to say.

**CHAIRPERSON THOMAS:** Okay. I -- I do have a couple of questions for staff, for our staff, please. Thank you, Mr. Nathan.

**NATHAN LEAPHART:** Thank you.

**CHAIRPERSON THOMAS:** I appreciate it. Miss McKinney, is this -- is this just going to take effect for the existing business that's there or is this a -- is this special exception only going to be for Old Dominion, but if Old Dominion leaves, will the -- the company that may come in after them, would they still have this right or --

**DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY:** no. This ordinance here would allow any limited industrial property in the city to apply for an electric fence in limited industrial. So any property. It's not specific to theirs. It's for any limited industrial property.

**CHAIRPERSON THOMAS:** Okay. So even if this company says, Hey, listen, we don't do that anymore. We're going to, you know, abide by whatever, you know, the rules are, if another company was to come in, then they wouldn't even have to come before us? They'd be allowed to --

**DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY:** Well, if a -- let's say it's not this. Let's say it's another location that limited industrial. And they came in to -- they didn't have an electric fence. They could come in and apply for one under this ordinance. Let's just -- let's say they did have one, even though it's not allowed in that zoning district. So it really couldn't occur. They couldn't have one now. There's nonexistent in limited industrial now. So anyone who transferred property in limited industrial is not going to have an electric fence.

**CHAIRPERSON THOMAS:** I see.

**DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY:** They put up the electric fence after they said they made the improvements in their company, put it up in 2011, well after they said they made the improvements in their company. And then if you only put an electric fence as they were suggesting on three sides, then there's absolutely no use to have an electric fence. The -- another concern that we have -- and I can speak for the chief. I feel very comfortable speaking for him, also tonight, is that they could increase the voltage on them at any time. There's no way for us to monitor that. So it's a very dangerous precedent to set for businesses that are in close proximity to residential and facilities like day care facilities.

**CHAIRPERSON THOMAS:** Okay. I understand that.

**COUNCILPERSON J. DAVIS:** Mr. --

**CHAIRPERSON THOMAS:** I -- hold on one sec, Miss Davis.

**COUNCILPERSON J. DAVIS:** Okay.

**CHAIRPERSON THOMAS:** It was something that was being stated by Mr. Atkins that really caused me some concern reference to the potential for -- I heard him say licensing he didn't have. That -- that really bothers me, a business that's been here for 37 years, if their licensing could be effected by that. Do we know if that's a concern?

**DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY:** We don't know that for a fact, but Mr. Atkins is having conversations with the licensing -- state licensing department about that so that is, I think -- I don't know if this -- but that --

**CHAIRPERSON THOMAS:** Not -- not right now, sir. Let me --

**NATHAN LEAPHART:** I'd just like to respond to that.

**DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY:** Right. But that is -- I don't think this is working but that is --

**CHAIRPERSON THOMAS:** Okay. It's working. Go ahead.

**DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY:** Okay. That is something that Mr. Atkins has to do on a yearly basis for renewing his license. So he's -- he's dealing with that on his level with the state representatives. It's not a City -- it --

**CHAIRPERSON THOMAS:** Okay. But I -- I -- I understand it's not the City being initiated -- initiating that. I just want to know if we knew of anything about that. That's a very serious concern to me. And if we --

**DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY:** No. No, but he -- right, he has mentioned that to us, that he has that concern that that could be a --

**CHAIRPERSON THOMAS:** Prior to this meeting?

**DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY:** Yes.

**CHAIRPERSON THOMAS:** Okay. That's -- that's something that will -- will cause me some -- some concern. Just out of an overabundance of just trying to be fair, Mr. Nathan, I'll let you come to the mike and say whatever it is you want to say. But it's only just out of overabundance of making sure that you can have a chance to talk to the council on that.

**NATHAN LEAPHART:** Yeah. Thank you, Chair Thomas.

**CHAIRPERSON THOMAS:** Uh-huh.

**NATHAN LEAPHART:** We've -- we've reviewed the -- the rules related to that and we can find no existing, you know, rule that -- that prohibits what a neighboring property has on it for a day care center. However, I will also make an absolutely commitment that if the State of Florida changes their licensing rules and says that the neighboring property cannot have an electric fence on it, even if the electric fence does not abut the property, which it will not, I'll take it down. I -- I -- you know, I will make that commitment to Mr. Atkins today. If he comes to me and says, Nathan, they came out with a new rule in the State of Florida and I can't have my day care -- I can't keep my license because of that electric fence. If that happens, I will take it down. I'm not -- I don't want to shut down a 37-year-old business. That's not going to make Old Dominion look good. It's not going to make Electric Guard Dog look good. We -- we will take it down if -- if that ends up being a problem for their license.

**CHAIRPERSON THOMAS:** Okay.

**NATHAN LEAPHART:** I don't believe it will happen. It would be completely unprecedented, but if it happens, we'll make that commitment.

**CHAIRPERSON THOMAS:** Okay. Thank you very much. You've --

**NATHAN LEAPHART:** Thank you.

**CHAIRPERSON THOMAS:** -- been -- you've been very kind. All right. I'm going to go to Miss Davis once more and then we'll -- we'll call --

**MAYOR MASTERS:** I have --

**CHAIRPERSON THOMAS:** I'm -- no. Well, go ahead, Mr. Mayor. We -- I didn't know that you wanted to comment. Go ahead.

**MAYOR MASTERS:** A question about your business. Do you have any of these electrical fences currently close to any day cares?

**NATHAN LEAPHART:** As I stated before, we have over 3,000 of these installed across the country. And -- and I'm not familiar with -- with all locations. I know we have many of them in residential or -- or close to residential zones, abutting residential zones. I know of apartment complexes, a flea market, churches. I -- I can't state --

**MAYOR MASTERS:** Okay. Let me -- let me -- let me re-ask the question.

**NATHAN LEAPHART:** I -- I --

**MAYOR MASTERS:** Do you know in -- in the -- in this area, particularly this region --

**NATHAN LEAPHART:** Yes, sir.

**MAYOR MASTERS:** -- of any of these electric fences close to any day care?

**NATHAN LEAPHART:** I do not know.

**MAYOR MASTERS:** Okay. I think that's it for you for a second.

**NATHAN LEAPHART:** Okay.

**MAYOR MASTERS:** I would like to ask the manager, I would like to ask the chief a question as it relates to security. Our -- our assistant administrator, either one.

**CHAIRPERSON THOMAS:** The chief's not here. Oh, Assistant Chief is.

**MAYOR MASTERS:** Mr. Madden.

**CITY MANAGER JONES:** Assistant Chief Madden is here for the police department.

**MAYOR MASTERS:** Is that okay?

**CITY MANAGER JONES:** Yes.

**MAYOR MASTERS:** Thank you. Assistant Chief Madden, the security system that we have with the cameras, is it a fact that a business can purchase this camera and that camera can be monitored by the police department, that we can see whatever goes on there? Is it -- how does that work? And this is not just for your business but for any business, that I think there's -- they have an opportunity to get our camera; is that correct?

**ASSISTANT CHIEF MADDEN:** Yes. That program is a security camera registration program where they put in their own cameras and provide us access to those cameras. So they actually own the system but provide us access through the Internet.

**MAYOR MASTERS:** Okay. Now, what about, is -- is it possible that the business can purchase -- well, they can't purchase our camera. That has to stay with the -- with the City. But they would have -- we would have access and be able to see anything that goes on. We'd be able to see that through -- the people that -- that sit there and monitor; is that correct?

**ASSISTANT CHIEF MADDEN:** Correct. They provide the access.

**MAYOR MASTERS:** Thank you. No other questions.

**CHAIRPERSON THOMAS:** Assistant Chief Madden, before you leave, 'cause I don't want anybody, first of all, thinking that we're taking any liability or responsibility for their business. But that is only -- we don't monitor those 24 hours. That's only giving us access if something happens that we can click in and monitor that, correct?

**ASSISTANT CHIEF MADDEN:** That is correct.

**CHAIRPERSON THOMAS:** Okay. I just want to make sure that we -- that we put that out there. That's not something that we just have somebody sitting there watching these cameras. We -- we don't.

**ASSISTANT CHIEF MADDEN:** Correct. And we have literature and we -- when we engage a business in -- for that type of partnership, we fully advise them and provide that literature that explains that.

**CHAIRPERSON THOMAS:** Okay. Thank you. Miss Davis, I know you wanted to say something.

**COUNCILPERSON J. DAVIS:** Yes, last couple of questions, Mr. Chair. And I -- the Mayor touched on a couple of them -- touched on one of them. Understanding that this was something that the police offered, Mr. -- would you -- can he come back up?

**CHAIRPERSON THOMAS:** Yes, of course.

**COUNCILPERSON J. DAVIS:** Did you just decide not -- that that would not work for you or --

**NATHAN LEAPHART:** Well, I'm -- I'm not personally familiar with the program. I -- I just learned of it. I'm not sure if Old Dominion is familiar with it or not. I -- I know that if monitored camera systems worked in every instance, if -- if they were always effective at -- at stopping crime and deterring crime, we wouldn't have a business.

**COUNCILPERSON J. DAVIS:** Okay. Well, my -- my -- my point is that I don't think --

**CHAIRPERSON THOMAS:** And Miss -- Miss Davis, hold on. Mr. Nathan may not be the person -- would you like to speak to the person from Old Dominion? 'Cause they're just -- they're just the company that provides the fence. The person from Old Dominion would probably have to say whether they (inaudible) or --

**COUNCILPERSON J. DAVIS:** Oh, yes. Okay.

**NATHAN LEAPHART:** I -- I -- I just know the -- the gentleman who's in charge of making security decisions for Old Dominion was not able to make it here tonight so I -- I -- Shawn is -- if he'd like to speak, he's welcome to but I'm not sure if he could respond to that.

**CHAIRPERSON THOMAS:** Okay. That's up to you up to you, Miss Davis, if you want.

**COUNCILPERSON J. DAVIS:** Well, I -- I -- yeah. Old Dominion can come up because my -- my next question is --

**CHAIRPERSON THOMAS:** That's the business, yeah, so do you -- are you comfortable with coming up, sir?

**COUNCILPERSON J. DAVIS:** And -- and the reason I'm asking is because I want to know what things you did explore and if -- if the -- if our police department has talked to you about this particular aspect, you know, have you -- did you consider it or why didn't you?

**CHAIRPERSON THOMAS:** Just state your name for the record, please, sir.

**SHAWN PRITCHETT:** Name's Shawn Pritchett. Work for Old Dominion Freight Lines. And --

**CHAIRPERSON THOMAS:** The mike. The mike. Can you -- I know you're kind of tall, yeah.

**SHAWN PRITCHETT:** And in my position I don't necessarily deal directly with all the security an all that. I'm more of the operations manager, make sure everybody's working, doing what they're supposed to do. We do have cameras on property and everything. We just had a car break-in the other day. We provided the police with copies of the person that broke into the car. Nothing's turned up as of yet. We're just trying to protect what we own and protect our employees.

**COUNCILPERSON J. DAVIS:** Okay. So you do have the cameras and motion sensors and you have, you know --

**SHAWN PRITCHETT:** We have our -- our --

**COUNCILPERSON J. DAVIS:** -- well, you rejected --

**SHAWN PRITCHETT:** -- yard is very well-lit all night.

**COUNCILPERSON J. DAVIS:** -- Would you -- could you tell me about what your -- what amount of loss have you -- losses you've suffered here in Riviera Beach?

**SHAWN PRITCHETT:** Within the first year, being in the new terminal that we're in over there, we had -- I believe it was five break-ins and they -- it kind of came back. It seemed like it was the same person every time. I --

**COUNCILPERSON J. DAVIS:** Can you put an amount what -- what your -- your loss is?

**SHAWN PRITCHETT:** A dollar amount?

**COUNCILPERSON J. DAVIS:** Or do -- yes.

**SHAWN PRITCHETT:** That, I don't know because I don't deal in the claims department.

**COUNCILPERSON J. DAVIS:** So five -- five break-ins in how long?

**SHAWN PRITCHETT:** Less than a year.

**COUNCILPERSON J. DAVIS:** In a year?

**SHAWN PRITCHETT:** Yes, ma'am.

**COUNCILPERSON J. DAVIS:** And since you've been there, about --

**SHAWN PRITCHETT:** Once -- once that temporary fence went up that wasn't active, it stopped. Nobody came over the fences anymore.

**COUNCILPERSON J. DAVIS:** Okay. So if we ran our police reports, we would have --

**SHAWN PRITCHETT:** Yes, ma'am.

**COUNCILPERSON J. DAVIS:** -- those reports that can be attested to?

**SHAWN PRITCHETT:** Yes, ma'am.

**COUNCILPERSON J. DAVIS:** Okay. And like my -- my colleague has stated, you know, I really do empathize with Old Dominion because, you know, I -- I did go and meet with you some time ago back when you talked about this electric fence. And as my colleague has said, you know, I'm usually one on this board -- one of -- of some on this board who generally tried to support my staff. And basically they have told me that, you know, they can't support this. And the other reason is -- that I -- I probably will not support is it because it opens up -- it sets a precedent for any other company in a limited liability area. And I just don't think we want to have, you know, all of these electric fences pop up. And again, I -- I really sympathize with you, empathize with you. And I hope that you will continue to work with the police so that, you know, hopefully we can find some kind of solution to the problem. Okay.

**CHAIRPERSON THOMAS:** Okay. If there is nothing else from the board, if the motion is still standing, we'll call the question.

**CITY CLERK WARD:** Councilperson Judy Davis?

**COUNCILPERSON J. DAVIS:** No.

**CITY CLERK WARD:** Councilperson T. Davis?

**COUNCILPERSON T. DAVIS:** No.

**CITY CLERK WARD:** Councilperson par do?

**CHAIR PRO TEM PARDO:** No.

**CITY CLERK WARD:** Chair Thomas?

**CHAIRPERSON THOMAS:** No.

**COUNCILPERSON GUYTON:** You didn't call me.

**CITY CLERK WARD:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** No.

**CHAIRPERSON THOMAS:** Okay. We're going to move down to Public Comment.

**COMMENTS FROM THE PUBLIC -7:00 PM Non-Agenda Item Speakers (Three Minute Limitation)**

Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct during Official Meetings", which had been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium, from the meeting and/or the building, if necessary. Please govern yourselves accordingly.

Public Comments shall begin at 7:00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is being considered at 7:00 PM, then comments from the public shall begin immediately after the item has been concluded.

**CHAIRPERSON THOMAS:** I only have three comment cards here. Does the staff have any more?

**CITY MANAGER JONES:** There's one right there now.

**CHAIRPERSON THOMAS:** Okay. Four. Okay. We're closing Public Comment with those four. First we'll take Bessie Brown.

**MAYOR MASTERS:** Mr. Chair, while she's coming --

**CHAIRPERSON THOMAS:** Miss Brown?

**BESSIE BROWN:** I'm coming.

**MAYOR MASTERS:** Mr. Chair, while she's coming, I -- I guess the -- the protocol is that if we have any questions or want to make any statements, you know, of those four, we wait until all of them have completed and then we have an opportunity to respond?

**CHAIRPERSON THOMAS:** It depends. You have some questions?

**MAYOR MASTERS:** No, I'm just wondering. I mean, it's -- it's been both ways. I just -- what is it tonight?

**CHAIRPERSON THOMAS:** I -- I would like for it to wait if it's not --

**MAYOR MASTERS:** Okay. No, that's fine.

**CHAIRPERSON THOMAS:** -- pressing. Miss Brown, you have three minutes. Good evening.

**BESSIE BROWN:** Well, one -- one thing I would like to say while we're here, I did not have a card in on the electric fence. But I think that our council should stop having people coming in here telling us how to zone our properties for -- to make exceptions just for them. I'm sure they are businesses and all that, but listen, children are over there. Children have been over there. And that place is actually directly across from an elementary school. So even if it doesn't touch the Atkins' property, children are coming across that -- coming across Australian, anyway.

I -- I just think you -- you need to be more concerned about the -- the children and what's going on in this city than -- than the company at this point, because they've broken a law. They've already put the fence up and taken it down. We haven't, you know -- they -- are -- are -- are we asking for any pay for that? You know, but -- but instead of saying, I'll do this if this happens, he's already done what he wanted to do. You just need to say no. We -- Planning & Zoning don't agree, done.

And I have a question. I just want to ask, according -- when you -- because we're doing the ballot, the -- about why the -- I'm trying to ask why does this ballot not require the signatures. I just really want to ask. And I also asked for a copy of that information that you put up so we could -- I could actually see what happens, what was all that happening, 'cause that -- that -- it wasn't in the backup and I really wanted to see it. Because I want to be clear, also, because we have -- I have a vested interest in the 2010 referendum.

And I -- and this information here -- and I'm just trying to find out why does -- I actually saw that you said either the council can do it or you can do it by petition. But it was actually the -- the citizens for -- you know, Concerned Citizens for a Better Riviera Beach item, you know, election ballot. But now it seems as though the City is doing it. I'm just trying to find out why -- you know, why does -- I know why you -- you can do it without signatures. But if the judge address the 2011, the old one, is it you -- so then Concerned Citizens don't have to get the signatures? That's -- that's really my question.

**CHAIRPERSON THOMAS:** Okay. Thank you. Uh-oh. No, you still have 22 seconds. Okay. You're done.

**BESSIE BROWN:** No, I'm done.

**CHAIRPERSON THOMAS:** Okay. No problem. We're writing that down. Okay. Up next -- thank you for your comments, Miss Brown. Up next we'll have Margaret Shepherd.

**MARGARET SHEPHERD:** Margaret Shepherd, Riviera Beach. Mr. Chair, I did have a card in for number 10. I did have a card in for that.

**CHAIRPERSON THOMAS:** You -- you did?

**MARGARET SHEPHERD:** Yes, sir, I did.

**CHAIRPERSON THOMAS:** Okay. Well, we -- we -- we do apologize for -- for that but it's -- it's -- it's gone. I asked -- actually, I asked anybody who wanted to speak on it even after the cards were -- and I took the two hands that was there.

**MARGARET SHEPHERD:** I know. You -- you were talking so fast tonight, sir.

**CHAIRPERSON THOMAS:** So -- oh. No problem. We apologize.

**MARGARET SHEPHERD:** But -- but it's okay. It's great. Can I have my three minutes back because he took -- took a couple of my minutes.

**CHAIRPERSON THOMAS:** No, no, no. Continue on. But go right ahead.

**MARGARET SHEPHERD:** Oh, come -- I was --

**CHAIRPERSON THOMAS:** We'll give you another minute next week.

**MARGARET SHEPHERD:** Okay. Thank you, Mr. Thomas.

**CHAIRPERSON THOMAS:** Yes, ma'am. Next week, now.

**MARGARET SHEPHERD:** Oh, my goodness.

**CHAIRPERSON THOMAS:** Go ahead.

**MARGARET SHEPHERD:** I'm here talking about the language going on the ballot and -- and with the residents that's in the community. I want to say that I did hear the language. Thank you, Mrs. Ryan. You're doing an excellent job. You are really critiquing it very well, and the public is very intrigued with you. So I want to thank you for that. Also, it's -- it's my -- my opinion just listening to the language -- and I don't want to just draw it out because everybody I talked to, I just say -- just say yes. I think Miss Brabham touched on it very well.

If nothing else we did not learn, that West Palm Beach has an outlet, 1,500 people -- 1,500 jobs; 5,000 people applied for those jobs. Just imagine if this resolution pass, we will have an influx of people coming here to Riviera Beach. I would like, though, that our residents have first choice at the jobs, if they're qualified, now. If they have the license and they're qualified, I think those jobs should be open up to Riviera Beach residents. We have waited so long for this. I'm anticipating it. And you know, I don't look on it as it's not going to happen. I have told people we have to make it happen. We have to come out to the polls and we must vote. That is the only way we can get this particular resolution, this bill passed. And with that I thank you, and Mr. Guyton, I want to let you know that they heard on channel 18 last week, we appreciate you.

**COUNCILPERSON GUYTON:** Thank you.

**MARGARET SHEPHERD:** If we didn't, if you'd notice that when the election went forth, how many -- how -- how many people voted for you? That should tell each one of you all how important you are to us, by our votes. Only 2,000 people came out to vote. Those are the people that you are entrusted to, to take care of us, each one of you. And Mr. Thomas, I wanted to say to you the public is generally happy with you, also. When the voting went forth, I think, last year, whenever, they wanted a chairman that can get us moving. And I think that really, you know, kind of weighted on your big broad shoulders. And they are -- they're happy. I -- the public is generally happy with what this board is doing. So I want to encourage you. We are ready to move and we thank you.

**CHAIRPERSON THOMAS:** Thank you, Miss Shepherd. That was so nice. I'm -- I'm going to give you two minutes next week. I'm going to give you two minutes next week.

**MARGARET SHEPHERD:** (Inaudible).

**CHAIRPERSON THOMAS:** Thank you for your comments.

**MARGARET SHEPHERD:** Thank you (inaudible). Thank you.

**CHAIRPERSON THOMAS:** Next up will be Miss Mary Brabham. You wanted to take the long way, Miss Brabham? I gotcha. I understand. I understand.

**MARY BRABHAM:** Oh, this arthritis. Oh, this arthritis.

**CHAIRPERSON THOMAS:** Good evening, Miss Brabham. You have three minutes to make your comments.

**MARY BRABHAM:** Good -- good evening. First of all I would like to say thank you to the community partnership for the Christmas turkeys for the seniors over at Lindsey Davis. I want to thank the police department that assisted with the delivery of the turkeys. They were too much for Miss Brabham to bring and handle. Assistant Chief Harris, Sergeant Randy and other community leaders that came over there and we had a great little celebration there with the seniors over there. And also Miss Jan, the volunteer over there. I thank her for her cooperation, also.

In your package there you all got -- you all received a petition for Avenue T to be changed to Mr. C.H. Dixon. Longevity belongs to God and not man. He was 107 years old. You have a 19-page petition there with 200 signatures within a day-and-a-half period. So we would like that. I am the president and we've gotten with other residents in and outside of Riviera Beach. So we would like that taken care of ASAP. Thank you.

**CHAIRPERSON THOMAS:** Thank you very much.

**MARY BRABHAM:** So Chair Thomas, that's your district. So we're looking for you to proceed. It's -- we already say the Dixon.

**CHAIRPERSON THOMAS:** Yes.

**MARY BRABHAM:** So we would just want to make it official.

**CHAIRPERSON THOMAS:** Yes, ma'am.

**MARY BRABHAM:** Thank you.

**CHAIRPERSON THOMAS:** Thank you very much for your comments.

**MARY BRABHAM:** So each one of you all got all of those names. I want y'all to look at those names. And you also got in your package -- Miss Brabham has a long sheet here. The March on Washington for Jobs and Freedom. You all got -- you all received one of those, too. If you look at that package there, every nationality was at that march except for Miss Brabham. And I'm sorry. I was not there. I wish that I could have been there. The Jews, the gentiles, the rabbi. Fifty years and we're still struggling at the same point. That should tell you something. We have plenty of work here to be done. Dr. King was a unifier and that's what I -- I look at this board as being for this community. It is a gala that will be held on the 25<sup>th</sup>. Miss Brabham wants to see everyone there. If we are to market this city and sell this city, it starts with each one of you. Tickets are \$25. The -- the colors are black and red and it's -- cocktail hour will be 6:00 p.m., formal attire. And the speaker is Dr. Cornel West. Now, not Adam West. Dr. Cornel West. There's nothing wrong with Alan West but it's Dr. Cornel West.

**UNIDENTIFIED SPEAKER:** Nothing wrong.

**MARY BRABHAM:** So we're asking for your participation to market and sell this city. You see those names on that list there? Miss Brabham, Miss Tina. You all stand up. Mr. Dixon children. Yes. I just want to --

**CHAIRPERSON THOMAS:** No, no, Miss Brabham, Miss -- Miss -- Miss Brabham. Miss Brabham. I've --

**MARY BRABHAM:** -- Tina and Barbara, those are the Dixon children. Thank you.

**CHAIRPERSON THOMAS:** Miss -- Miss -- Miss Brabham, now, I done gave you some of Miss Shepherd's minutes for next week. Miss Shepherd, I want you to know that Miss Brabham took some of your minutes. Miss Brabham also has a preempted --

**MARY BRABHAM:** Some of my minutes?

**CHAIRPERSON THOMAS:** For next week. Miss Brabham has also preempted as has happened before this particular petition. I'm glad that she's done some of the work. We do have a policy in place. I've already stated to the family as a representative there that I would be bringing this before the board. You -- you preempted just a little bit 'cause we do have a policy and I just wanted to make sure that we were doing in the policy. But this petition is good.

**MARY BRABHAM:** Thank you.

**CHAIRPERSON THOMAS:** And -- and we do appreciate it. And -- and thank you for your comments.

**MAYOR MASTERS:** Mr. Chair?

**CHAIRPERSON THOMAS:** Mr. Mayor? Certainly don't want to preempt our policy protocol, but as you know, you and I were blessed to attend the funeral service of the oldest resident of Riviera Beach, Mr. Dixon. And as I said -- stated to the family members and to others, that it would be a great honor to have this street named after Mr. Dixon and I know that you -- you publicly stated that, as well. And we're looking forward to -- for this happening. We just feel it's a -- it would be a great thing to our city. And I -- and I personally feel that when people come to visit and tours -- tourists come to Riviera Beach, to know that we had a -- a man lived here among us, 107 years of age. People will probably want to know where did he live. I want to see the actual place. And maybe you would think about having a big picture of Mr. Dixon who I loved so much as a brother and did so -- so much longevity and relationship with the City and his whole family. And I -- I appreciate the signatures. And it certainly just speaks to how well he was loved and liked and appreciated among his neighbors. And as we have this protocol --

**CHAIRPERSON THOMAS:** Mr. Mayor, I'm just -- can you just bring that to a close? I do want to finish.

**MAYOR MASTERS:** Yes, I do. I just want to just state also that you will probably be receiving another petition on the same level as relates to names a street after Pastor A.C. Evans, as well. Thank you. And a park after the lady, Miss McCray. Thank you. Thank you.

**CHAIRPERSON THOMAS:** Okay. Last but certainly not least, Mr. Richard Wester.

**RICHARD WESTER:** Thank you. Thank you.

**CHAIRPERSON THOMAS:** Good evening, Mr. Wester. You have three minutes to make your comments.

**RICHARD WESTER:** Yeah, Richard Wester, retired fire chief. Well, I see -- I've been asking for the last, I guess, five or six years about putting Bobby Brooks' name out there. And everybody come in here with names, throwing names left and right. Poor Bobby Brooks. Even his ex-wife wouldn't even put his name up there on his podium out there. But listen, what I want to talk about, Mr. Thomas, seem like you're starting to recognize the taxpayers here. And, I mean, I want to commend you for that.

Mr. Guyton, usually you quick on the trigger. And Mr. Lozman came in here with a lot of stuff about you and had all these documents and everything. And any time somebody is beating the taxpayers out of some money, they're going to hear from me. And you wasn't fast enough, see. 'Cause I want to apologize to you 'cause you got that straightened out. So I'm glad to know you didn't beat the taxpayers out, not when the City's trying to beat you.

**COUNCILPERSON GUYTON:** Thank you very much.

**RICHARD WESTER:** And I apologize for that.

**COUNCILPERSON GUYTON:** Thank you.

**RICHARD WESTER:** Every -- for some reason, people got my name on some kind of crazy list around here about what I support and people that don't want to -- ask Sylvia Blue what petition I signed. She came to my house in my driveway and I think I signed a petition that you're on.

**COUNCILPERSON GUYTON:** Yeah.

**RICHARD WESTER:** So whatever list y'all got me on --

**COUNCILPERSON GUYTON:** For progress.

**RICHARD WESTER:** -- whatever list y'all got me on, I could speak for myself if you ask me. And Dan Calloway, that youth recreation he's got, thousands of dollars he's been given to. I heard Miss Brabham say seniors was over there begging for turkeys or something. And I know he's been given thousands of dollars for Thanksgiving and Christmas and all of that. And I couldn't find out where he gave out no turkeys or nothing. And there's these seniors over there looking for turkeys. What's he doing with all this money y'all are giving him? Every time you look around, thousand here, thousand here, 1,500 here. I think the Mayor got to give him 7 or \$800 tonight. Oh, yeah. My -- my -- it's a New Year here so we gotta get started on that police and fire again 'cause City Manager sent -- or approved a quarter of a million dollars to be spent on that police and fire over there. And like I said before, if you don't know what you're going to do, don't do nothing till it's time to do it. Spent -- approved a quarter of a million dollars, then somebody say, Hey, we got a building over here for 7 million. Oh, well, let's -- let's forget about that quarter of a million. Let's spend another 7 million. What you gonna do about that? We ain't gonna forget about it. Are we, Mayor? I hope not.

**MAYOR MASTERS:** No. No, we're not.

**RICHARD WESTER:** Well, you -- you're spearheading it.

**MAYOR MASTERS:** I'm -- I'm (inaudible).

**RICHARD WESTER:** And that's what I wanted to say. I -- I just wanted to say that because if everybody's finding all these here streets and -- no problem with it. Naming after people, I don't understand. You got a complex here. You got a marquee right out there and wasn't nobody -- all it's gotta take is one person say -- recommend it and two other votes. Somebody will do it. City Manager told me, What are we going to do at the -- Martin Luther King's birthday? Then they say, What are we going to do with that, uh, Black History Week? She and the City -- she and Bobby Brooks' ex-wife told me that standing right back here two -- two years ago. And, Oh, we're going to get Mr. (Inaudible) to paint it.

**CHAIRPERSON THOMAS:** All right. Thank you for your comments --

**RICHARD WESTER:** Yeah, I know.

**CHAIRPERSON THOMAS:** -- Mr. Wester. I do want to correct something on the record. I just can't sit here and act like that's -- all of that was true. Youth Recreation Association did partner with my Annual Turkey Giveaway to do some turkeys. So they did partner with me. Mr. Calloway and his organization did partner with -- with me on that. So I don't know what else they did but I just can't let that go out and just say they didn't do anything. I don't know what the business is in terms of their finances. I do know that they reached out and they have supported that, the Annual Turkey Giveaway, so I do want to put that on the record.

**RICHARD WESTER:** (Inaudible).

**COUNCILPERSON GUYTON:** Mr. Chair?

**CHAIRPERSON THOMAS:** Okay. I'm going to -- yeah, Mr. Guyton.

**COUNCILPERSON GUYTON:** Just one more thing about the Youth -- Youth Recreation Association. Every Thanksgiving they feed Villa Franciscan, somewhere in the area of about 3 to 400 dinners or more. I'm invited every year. And I do know that that money is going back in the community. But maybe it needs to be publicized more.

**RICHARD WESTER:** Yeah.

**COUNCILPERSON GUYTON:** But -- yeah, and -- and I was part of contributing and invited to all of those affairs, as well. So I just want to put that on the record.

**CHAIRPERSON THOMAS:** Item 12.

**MAYOR MASTERS:** Mr. Chair? I need to make a statement on that, too. Thank you.

**CHAIRPERSON THOMAS:** Okay, Mr. Mayor.

**MAYOR MASTERS:** Just quickly. Mr. Wester, I am definitely in support 100 percent and I'm looking forward to seeing the day, also, when the complex -- when the name goes up out there. And hopefully they're working on it. But I support it. I support it 100 percent and I think others do, as well. As far as Mr. Calloway, he also supported and helped us with the Christmas, Thanksgiving -- and those monies also are for his youth programs this year that I do support. And we can certainly make it a public document as to what it would be used for 'cause you have a right, and others, to know. Thank you.

**CHAIRPERSON THOMAS:** Item 12.

**REGULAR**

12. RESOLUTION NO. 04-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING THE ORIGINAL SECOND AMENDMENT TO THE OCEAN MALL GROUND LEASERETAIL AND APPROVING A NEW SECOND AMENDMENT WHICH INCLUDES A REVISED LEGAL DESCRIPTION AND PROVIDES FOR PAYMENT FROM THE TENANT TO THE CITY IN THE AMOUNT OF \$150,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SECOND AMENDMENT; AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO DEPOSIT THE \$150,000 IN ACCOUNT NUMBER 001-1236-572-0-4603 FOR EXPENDITURES TO REPLACE OR REPAIR EQUIPMENT NEEDED AT THE MUNICIPAL BEACH; AND PROVIDING AN EFFECTIVE DATE.

**CHAIR PRO TEM PARDO:** So moved.

**COUNCILPERSON GUYTON:** Second.

**CHAIRPERSON THOMAS:** It's been properly moved and second. One comment card, Miss Shepherd.

**MARGARET SHEPHERD:** That's -- I guess that was the wrong card I put in, Mr. --

**CHAIRPERSON THOMAS:** Oh, yes, ma'am. It was 12. Withdrawn.

**MARGARET SHEPHERD:** I'm sorry.

**CHAIRPERSON THOMAS:** Okay. No problem.

**MAYOR MASTERS:** You still get your two minutes, though.

**CHAIRPERSON THOMAS:** I'm gonna give you an extra minute now on next week Wednesday for your comments. You're gonna have a whole free (inaudible) minutes .

**MAYOR MASTERS:** (Inaudible) six minutes (inaudible) now.

**CHAIRPERSON THOMAS:** Okay. Is there anything from the board? Hearing none, Madam Clerk?

**CITY CLERK WARD:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**CITY CLERK WARD:** Councilperson -- Councilperson T. Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**CITY CLERK WARD:** Councilperson J. Davis?

**COUNCILPERSON J. DAVIS:** Yes.

**CITY CLERK WARD:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**CITY CLERK WARD:** Chair Thomas?

**CHAIRPERSON THOMAS:** Yes.

**CITY CLERK WARD:** Unanimous vote.

**CHAIRPERSON THOMAS:** Okay. Moving down to item 13. Let's -- let's look alive. Let's move through this. Community Benefits request.

## **DISCUSSION AND DELIBERATION**

### **COMMUNITY BENEFITS REQUEST**

#### **13. YOUTH RECREATION ASSOCIATION-\$700-MAYOR THOMAS A. MASTERS-TO DEFRAID COSTS ASSOCIATED WITH ITS COMMUNITY PROGRAMMING.**

**CHAIRPERSON THOMAS:** All in favor -- excuse me. Is there a motion?

**CHAIR PRO TEM PARDO:** So moved.

**COUNCILPERSON J. DAVIS:** So moved.

**CHAIRPERSON THOMAS:** It's been moved. It's been moved.

**COUNCILPERSON J. DAVIS:** I said so moved.

**MAYOR MASTERS:** Second?

**CHAIRPERSON THOMAS:** It's been --

**COUNCILPERSON J. DAVIS:** I said, "So" -- who did you get the, "So moved," by?

**CHAIRPERSON THOMAS:** The, "So moved," came from Dawn Pardo.

**COUNCILPERSON J. DAVIS:** Second.

**CHAIRPERSON THOMAS:** I'm -- okay. Second's coming from Councilman Judy Davis. Any question -- any questions, unreadiness, concerns? All in favor signify by saying aye.

**CHAIR PRO TEM PARDO:** Aye.

**COUNCILPERSON T. DAVIS:** Aye.

**CHAIRPERSON THOMAS:** Aye. Any opposers, same sign. You gotta answer, colleagues. You gotta answer. You gotta answer. You gotta answer. I'm gonna do this again. All in favor signify by saying aye. Aye.

**COUNCILPERSON T. DAVIS:** Aye. Madam Clerk, call the roll.

**COUNCILPERSON J. DAVIS:** You just can't --

**CITY CLERK WARD:** You need -- we need --

**COUNCILPERSON J. DAVIS:** I --

**CITY CLERK WARD:** -- five ayes.

**CHAIRPERSON THOMAS:** Call -- call -- call --

**COUNCILPERSON J. DAVIS:** -- (inaudible).

**CHAIRPERSON THOMAS:** -- just call the roll.

**COUNCILPERSON J. DAVIS:** We -- we say it and then just --

**CHAIR PRO TEM PARDO:** Yeah. We all said it.

**CHAIRPERSON THOMAS:** Call the roll. I don't hear it so we're going to call the roll so everybody can hear it. Call the roll.

**CITY CLERK WARD:** Councilman Guyton?

**COUNCILPERSON GUYTON:** (No audible response).

**CITY CLERK WARD:** Oh, he's not here. Councilperson T. Davis.

**COUNCILPERSON T. DAVIS:** Aye.

**CITY CLERK WARD:** Councilperson Judy Davis.

**COUNCILPERSON J. DAVIS:** Aye.

**CITY CLERK WARD:** Councilperson Judy Davis?

**COUNCILPERSON J. DAVIS:** Aye.

**CITY CLERK WARD:** Oh, I'm sorry. Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Aye.

**CITY CLERK WARD:** Chair Thomas.

**CHAIRPERSON THOMAS:** Yes. Aye.

**CITY CLERK WARD:** Aye --

**CHAIRPERSON THOMAS:** Okay. We --

**CITY CLERK WARD:** -- unanimous vote.

**CHAIRPERSON THOMAS:** -- at that -- all right. We're going to move down to Florida Resource Center for Women and Children, \$500 --

**CHAIR PRO TEM PARDO:** So moved.

**COUNCILPERSON J. DAVIS:** Second.

**CHAIRPERSON THOMAS:** I gotta still read it. \$500 Mayor Thomas A. Masters to defray costs associated with the "Seed" Program.

**14. FLORIDA RESOURCE CENTER FOR WOMEN AND CHILDREN--\$500--MAYOR THOMAS A. MASTERS--TO DEFRAY COSTS ASSOCIATED WITH THE 'SEED'PROGRAM.**

**CHAIRPERSON THOMAS:** It's been properly moved and second. Any questions, concerns, unreadiness? Hearing none, all in favor signify by saying aye.

(All unanimously affirm).

**CHAIRPERSON THOMAS:** Any opposers, same sign. None heard, that motion is unanimously approved. Item 15.

**15. CLUB 100 CHARITIES, INC.--\$250.00 -- MAYOR THOMAS A. MASTERS--TO DEFRAY COSTS OF COMMUNITY PROGRAMMING.**

**CHAIR PRO TEM PARDO:** So moved

**CHAIRPERSON THOMAS:** And it's been properly moved.

**COUNCILPERSON J. DAVIS:** Second.

**COUNCILPERSON T. DAVIS:** Second.

**CHAIRPERSON THOMAS:** It's been properly moved and second. Any additional questions, concern, unreadiness? Hearing none, all in favor signify by saying aye. Aye.

**COUNCILPERSON T. DAVIS:** Aye.

**CHAIR PRO TEM PARDO:** Aye.

**CHAIRPERSON THOMAS:** Any opposers, same sign. That motion is unanimously approved. Item 16.

**16. R.J. HENDLEY CHRISTIAN COMMUNITY SCHOOL – \$100 – COUNCILWOMAN JUDY DAVIS – UNIVERSOUL CIRCUS.**

**COUNCILPERSON J. DAVIS:** So moved.

**CHAIR PRO TEM PARDO:** Second.

**CHAIRPERSON THOMAS:** It's been moved and second.

**CHAIR PRO TEM PARDO:** Aye.

**CHAIRPERSON THOMAS:** Any additional questions, concerns, unreadiness? All in favor signify by saying aye. Aye.

**CHAIR PRO TEM PARDO:** Aye.

**COUNCILPERSON T. DAVIS:** Aye.

**CHAIRPERSON THOMAS:** Any opposers, same sign. That motion is unanimously approved. Item 17.

**17. RIVIERA BEACH POLICE DEPARTMENT – \$1,500 – JUDY L. DAVIS – SECURITY CAMERAS.**

**COUNCILPERSON J. DAVIS:** So moved.

**CHAIR PRO TEM PARDO:** So moved.

**CHAIRPERSON THOMAS:** It's been properly moved.

**CHAIR PRO TEM PARDO:** Second.

**COUNCILPERSON T. DAVIS:** I'll be second.

**CHAIRPERSON THOMAS:** It's been properly moved and second. Are there any additional questions, concerns, unreadiness? Hearing none, all in favor signify by saying aye. Aye.

**COUNCILPERSON T. DAVIS:** Aye.

**CHAIR PRO TEM PARDO:** Aye.

**CHAIRPERSON THOMAS:** Any opposers, same sign. That motion is unanimously approved. Discussion by City Manager.

**DISCUSSION BY CITY MANAGER**

**CITY MANAGER JONES:** Thank you, Mr. Chair. Very briefly I have one item that I would like to talk with you about. Last year in 2013 the council approved the administration going out and auctions off parcels within the city, parcels that are billable. Some have facilities and houses and -- on them. Others are just vacant but they're properties that we're not getting any taxes on. As a result of that, in our solicitation process, we secured the services of Fisher Auction. That auction is to take place on January the 25<sup>th</sup>, 2014, at Newcomb Hall at 11:00. I would like very briefly if Mr. Lamar Fisher would come forward.

We wanted to be able to show the residents how they can access the -- the website and be able to look at the properties and get all the information they would like prior to the election on the 20 -- the auction on the 25<sup>th</sup>. We wanted to open it up and make sure all of our residents were aware there's been great activity, and I don't know if Mr. Fisher's going to talk about the hits and the reviews and the things that are going on. But he will show us how it works. As of the report that they have submitted to us today, there in the total views on the dedicated page, they've had over 2,400. There's been other ways for them to monitor how many people have accessed the website for information. There's approximately 54, maybe -- to -- about 50 actual properties. So I'm going to ask him to come forward and let the residents know how they can use the website in order to get information on the properties that are available. And I'm gonna ask him to do that expeditiously.

**DEPUTY CITY MANAGER JONES:** Excuse me for a second. I'm having a little technical difficulty accessing the -- the Internet right now, Madam -- Madam Manager. I'm working on it.

**CHAIRPERSON THOMAS:** Okay. Is Mr. Fisher going to say anything different than what the Manager just said, since we don't have the -- the -- the -- the Web up?

**LAMAR FISHER:** Just wanna first of all, Madam Manager, and to the Council and to the Mayor, thank you so much for giving us the opportunity to be able to offer these properties via the auction process. As stated, the auction's going to take place at 11 a.m. on January 25<sup>th</sup>, which is a week from Saturday.

And we have about 53 properties consisting of single-family homes. We have one condominium and some lot parcels. And in order to participate to be able to bid -- I want everybody to understand this -- that you'll need to bring with you on the auction day a cash or cashier's check in the amount of \$1,000 per vacant lot you wish to bid on and \$2,500 per improved property that you wish to bid on. Now, if you only want to bid on one home, you only need to bring \$2,500. But some folks are going to be bidding on multiple properties and so they'll need those multiple deposits in order to be able to participate at the auction. The auction, again, will take place at the Newcomb Banquet Hall, and registration will begin at 8 a.m. and the auction will begin at 11 a.m. So please come out. It'll be a live auction. It will not be a sealed-bid auction. It will be a live auction. In other words, you know, a thousand, I want to get two; now 3,000. I want to get 4,000, so forth. It'll be a live auction.

**CHAIRPERSON THOMAS:** Pretty good.

**LAMAR FISHER:** But they'll be understanding what we're going to say. And we'll go through each property all until about 53. I think we eliminated one today. Mr. Guy notified us of that and so we have about 53 properties to sell. The great news about it is, it's an opportunity, too, for everyone to participate. And I would encourage those who own properties next door to the ones we're selling, that you might want to buy that vacant lot next to you or that home next to you. Please come out and participate, as well as investors. The key here is to be able to get these properties back on the tax rolls and to be able to get those redeveloped to have developers participate, investors participate. So we're excited about it. I know the Mayor is, as well. We had a press conference today. Councilman Davis was with us today to promote it. And we've had great success and so we just need to get everybody --

**CHAIRPERSON THOMAS:** We had a press conference?

**LAMAR FISHER:** -- out we can to be able to bid, 'cause the more people we have competing, the higher dollar we're going to get for you as the City of Riviera Beach.

**CHAIRPERSON THOMAS:** Okay. Thank you. I did not know we had a press conference today. We actually had a press conference today in -- I just heard the gentleman say we had a press conference.

**LAMAR FISHER:** We did, indeed. Uh-huh. At 11:00 we held a press conference. And --

**CHAIRPERSON THOMAS:** Who -- is it your company that held a press conference?

**LAMAR FISHER:** It was my company that initiated it and the Mayor was there and also Councilman Davis, which happened to be in the building. He joined us.

**CHAIR PRO TEM PARDO:** Oh, I was here.

**CHAIRPERSON THOMAS:** Oh. Okay.

**CHAIR PRO TEM PARDO:** Doing --

**CHAIRPERSON THOMAS:** Okay. Not a problem. We'll -- we'll deal with that on a later date. I did hear you say something that will probably be a little confusing that I wish you probably had not said or at least not said it without any additional information. You said that they need to bring \$1,000 deposit for the vacant lots and the \$2,500 deposit for the improved properties, which means there's some type of improvement to it, house, whatever, on it.

**LAMAR FISHER:** Uh-huh.

**CHAIRPERSON THOMAS:** What I did not hear you follow through and say that they would have to have some type of way of getting the rest of the money for the property

unless your company's just going to, you know, pay anything that's over that 1,000 or \$2,500.

**LAMAR FISHER:** Appreciate that, Mr. Chair.

**CHAIRPERSON THOMAS:** No problem.

**LAMAR FISHER:** And there are terms and conditions that are in the website and unfortunately we can't get to that right now. But the closing on the -- on the transactions will happen 30 days after the auction event. And at that time you will have to pay in full your total bid price minus your deposit you already have given us the auction day. So, yes, it is a cash transaction. There are no contingencies. It's an as-is/where-is buy. So that's not contingent upon financing. It's not contingent upon any due diligence post (inaudible) a re-trading price. Once you bid, you're committed to move forward with the transaction.

So your deposit will be taken and you'll close within a 30-day period. And we'll handle the closings and all that and so forth. The properties are going to be sold subject to your final approval and acceptance of price. So what happens on Saturday the 25<sup>th</sup> is we will have all contracts signed once the bidding is final on each property and then we'll submit those to you for your final acceptance on those contracts.

**CHAIRPERSON THOMAS:** Okay. Thank you, Mr. Fisher. Appreciate it.

**LAMAR FISHER:** My pleasure. Thank you again for the opportunity.

**CHAIRPERSON THOMAS:** Okay.

**CITY MANAGER JONES:** That ends my comments, Mr. Chair.

**CHAIRPERSON THOMAS:** Okay. No problem. We're going to go down to Legal.

#### **LEGAL DISCUSSION/REQUEST**

**CITY ATTORNEY RYAN:** Nothing, Mr. Chair.

**CHAIRPERSON THOMAS:** Okay. City Council Committees Report.

#### **CITY COUNCIL COMMITTEE REPORTS**

**CHAIRPERSON THOMAS:** Anything from Mr. Davis for his committee reports?

**COUNCILPERSON T. DAVIS:** Nothing at this time, Mr. Chair.

**CHAIRPERSON THOMAS:** Anything from Miss Pardo, committee reports?

**CHAIR PRO TEM PARDO:** No.

**CHAIRPERSON THOMAS:** Anything from Mr. Guyton, committee reports?

**COUNCILPERSON GUYTON:** No.

**CHAIRPERSON THOMAS:** Anything from Miss Davis, committee reports?

**COUNCILPERSON J. DAVIS:** (Shakes head).

**CHAIRPERSON THOMAS:** None for my committees, as well. Statements by the Mayor and the City Council. And in the New Year we'll start with Miss Davis

#### **STATEMENTS BY THE MAYOR AND CITY COUNCIL**

**COUNCILPERSON J. DAVIS:** Oh, thank you, Mr. Chair.

**CHAIRPERSON THOMAS:** Uh-huh.

**COUNCILPERSON J. DAVIS:** Just want to take the opportunity to let people -- or -- or rather, to -- to thank Mr. Scott Ryder. He is the project administrator who's working on the State Road 710 project. During the Christmas holidays he had a conversation with a crossing guard and discovered that -- and was told that a will the of children on the Beeline Project had little to nothing as far as it relates to presents to open on Christmas morning. And his group decided to take on helping those children have a brighter holiday. So basically what he did, they discovered it was about 75 children along the project corridor from five to 12 years old, and he put out an e-blast asking utility companies, the City, contractors, designers, CEI firms and -- and anybody who could bring in a toy. And I think he wrote here that they collected over 150 toys in 72 hours. So, you know, I know that there's been a lot of controversy with the 710 Project. But that was a really nice gesture on his part and I wanted to recognize him for that and to thank them.

I also want to thank the Public Works Department and recognize them at a later date because I'm sure many of you have noticed that a lot of improvements have been made on our City streets as far as the striping and a lot of the potholes have been filled, a lot of areas have been repaved, paved over. So just a shout out to that department to say thank you very much. We -- it did -- your work didn't go unnoticed.

And I also want to take this opportunity to welcome the new fire chief, Mr. Reginald Duren, to us. I see you sitting back there so welcome from Councilwoman Judy Davis. Thank you very much. That's all, Mr. Chair.

**CHAIRPERSON THOMAS:** Okay. And Mr. Guyton? Thank you, Miss Davis.

**COUNCILPERSON GUYTON:** Thank you, Mr. Chair. First of all I would like to welcome everyone back to the New Year. I hope everyone had a fun-filled holiday. And I am looking forward to the New Year and exciting things happening. Riviera Beach has been denied and neglected of many opportunities for many years. And I think that we now have the type of council that is ready to really make the decisions to better the quality of life for our residents. And it's not always easy. So I'd like to welcome every back to the -- everyone back to the New Year.

The other thing is there has been a lot of mention about naming Mr. Bobby Brooks, naming this building or some building after Mr. Bobby Brooks who was a very, very respected, competent, well-liked mayor, who actually went out and got most of the money, if not all -- I -- I know that he was very diligent in securing the funds for this complex. I do agree with Mr. Weston [sic]. It's time, I think, for this council to take a position and make a move in an effort to name something after one of the greatest mayors that we've ever had. I would like to ask that if the Chair so be inclined that we can put it on our next agenda for discussion.

**CHAIRPERSON THOMAS:** Not necessary, Mr. Guyton. The entire --

**COUNCILPERSON GUYTON:** Okay.

**CHAIRPERSON THOMAS:** -- complex is named after Bobby E. Brooks. It signified by a sign that's on the wall when you walk in. And there has been activity about trying to put it out there.

**COUNCILPERSON J. DAVIS:** I think three years ago.

**CHAIRPERSON THOMAS:** It's a very expensive endeavor but the actual complex was done prior to most of us getting --

**COUNCILPERSON J. DAVIS:** Years ago.

**CHAIRPERSON THOMAS:** -- I think in 2004.

**COUNCILPERSON GUYTON:** Okay. All right.

**CHAIRPERSON THOMAS:** So it is. It's already named after him.

**COUNCILPERSON GUYTON:** Okay. I -- I think that someone -- some more prominent letters on the building. I don't know if that's asking too much.

**CHAIRPERSON THOMAS:** It's under -- it's under consideration by Manager. But I'll still put it on the -- on the agenda if you want it on the agenda.

**COUNCILPERSON GUYTON:** Okay. All righty.

**UNIDENTIFIED SPEAKER:** No, he's against it.

**COUNCILPERSON J. DAVIS:** Mr. -- just something --

**COUNCILPERSON GUYTON:** I --

**COUNCILPERSON J. DAVIS:** -- on -- on your comment?

**COUNCILPERSON GUYTON:** Okay. Mr. --

**CHAIRPERSON THOMAS:** No, it's your comments.

**COUNCILPERSON J. DAVIS:** No. I just wanted to ask that --

**CHAIRPERSON THOMAS:** So it's --

**COUNCILPERSON GUYTON:** Okay. Okay. And the -- the other thing is we're having -- when I say "we," my office is having a town hall meeting tomorrow at 6 p.m. at Lindsey Davis. And it is a citywide town hall meeting. So come one, come all. This is an opportunity not just to get more information about the proposed language, but if there are other issues you would like to address, we would have most of our department heads in attendance. And that would be an opportunity to get many of your questions answered to whatever issues that you may have questions about.

The other thing, next to my last issue, is that I would like to thank staff for organizing the retreat that I participated in and we all did last week. It was very informative for me. It was very beneficial and I think that if we can continue some of the things with respect to thinking out of the box, embracing ideas that may not be the same as ours, and actually being more open-minded to move forward collectively, I think that our -- our proposed projects would -- would -- would -- would take off. And we can get a lot more buy-in into it.

And the last thing: We -- we have been -- when I say "we," the council has been attacked ferociously by many. And there was one who actually went to the media on us. And come to find out I don't -- and this is my first and last time that I would ever, ever respond to anything that's put on Facebook. But I've got several calls, inquiries, from people who don't even know me, calling me, advising me about some very disparaging and demeaning things that one Richard Ryles put on his Facebook page.

**RICHARD WESTER:** Be careful with that Richard.

**COUNCILPERSON GUYTON:** I'm -- I'm -- it was Ryles. And he put on his Facebook, "Well, why didn't you call my name? You're talking about me on the sly." I don't do the immature childish things like that. I don't go on Facebook, going back and forth. That's real immature. But he's uploading disparaging things about me and saying the council a bunch of buffoons. And this is supposed to be a professional attorney, now. The operative word is "supposed." So I -- but I just want to lay it out there very, very quickly and bluntly, that I am not hard to find. If you send a threat to me, it doesn't have to be on Facebook. He'll take it to the streets. He got some in his back pocket. And this is somebody supposed to be a partner in a law firm. Really?

**CHAIRPERSON THOMAS:** Mr. Guyton, I'm gonna --

**COUNCILPERSON GUYTON:** Okay.

**CHAIRPERSON THOMAS:** -- I'm gonna caution you.

**COUNCILPERSON GUYTON:** I am done.

**CHAIRPERSON THOMAS:** Thank you.

**COUNCILPERSON GUYTON:** If, at any time, he find a pair, I am not hard to find.

**CHAIRPERSON THOMAS:** Mr. -- Mr. Guyton, no, no.

**COUNCILPERSON GUYTON:** Thank you.

**CHAIRPERSON THOMAS:** No. Miss -- Miss Davis, you wanted to say something quickly?

**COUNCILPERSON J. DAVIS:** Oh, yes. And I believe it was when Miss Brooks was --

**UNIDENTIFIED SPEAKER:** Can't hear you.

**COUNCILPERSON J. DAVIS:** I'm sorry. I believe it was when Miss Brooks was here. She brought in, I -- I think it was Former Mayor Michael Brown, who was supposed to be raising some money or something for the new sign. So maybe we need to check and find out where they are with that.

**CHAIRPERSON THOMAS:** Okay. No problem. Miss Pardo?

**CHAIR PRO TEM PARDO:** Thank you, sir. The first thing is I, too, would like to thank the City Manager and her staff for putting together a fabulous retreat. It was great. And we will be definitely moving the City forward. I'd also like to give you guys -- tell you what I've been up to. Sunday night I received a call from a very prominent businessman in South Florida, and he asked me if I would participate in a tour with business executives from Barcelona, Spain. I met with them yesterday. And the first part of the tour, I had our Deputy City Manager Danny Jones and our new Economic Development Manager Troy Perry with me. And we met with these businessmen and women and we talked about Riviera Beach and what Riviera Beach has to offer.

And they were -- they were interested in the marine industry. And what they're trying to do over in Barcelona is expand the marine industry. They, too, are in the super yacht businesslike Rybovich is, like Viking Yachts is. And so we spent the day talking about the obstacles that face them. And it was very interesting that the -- the same issues that they have in Barcelona, Spain, are the same issues that we have in Riviera Beach and in Palm Beach County, trying to expand the industry. We spoke about what happened at the marina a couple years ago. They're going through the same thing right now. They're trying to expand their port. They were able to attract cruise liners a couple years ago. And, you know, the fight was just unbelievable.

So it was great. It was a great conversation. They were very impressed with everything Riviera Beach had to offer. The staff put together a great presentation and they were able to take documents back to Spain with them. At the end of the day we all agreed that we would be following up in the next couple months. I did also go down to West Palm Beach with them and we spent about a half-hour with Mayor Muoio. And, you know -- and we got her perspective on the industry and how they're trying to redevelop the Broadway corridor and turn it into a -- a marine business district.

So I just wanted to share that with everyone. It was a great opportunity for the City of Riviera Beach. And like I said, they walked away very impressed with what we have. They were highly impressed with our waterfront. They were impressed with the marina and the plans we had for the marina. One of their issues, they have -- they have several cruise lines that come in and out of their port. And they found that the people spend one and a half days in Barcelona before they move on, either come back to the States or move on to another country. And you know, they have to figure out how to keep the people there. We spoke about our marina. Our plan is redevelop the marina and, you know, try to attract that cruise passenger that the port has. And instead of them leaving a half a day after they come off of the cruise or half a day before they get onto the cruise, they'll spend a couple more days here in Riviera Beach. So -- so gentlemen, I'd like to thank for coming along and you guys will be hearing more about it. But it was great.

**CHAIRPERSON THOMAS:** Thank you.

**CHAIR PRO TEM PARDO:** Thank you.

**CHAIRPERSON THOMAS:** Mr. Davis?

**COUNCILPERSON T. DAVIS:** Thank you, Mr. Chair. First thing I want to address is -- and Happy New Year. Welcome back. I want to address -- had quite a few phone calls from a few residents concerning the Senior Roofing Program. And one of the most common issues that we had was the age requirement.

**CHAIRPERSON THOMAS:** Try Miss Pardo's mike, please.

**COUNCILPERSON T. DAVIS:** Thank you. I talked with quite a few residents and made a few phone calls, specifically about the Senior Roofing Program. And one of the biggest components, one of the biggest issues that came up was in those phone calls were the age requirement. And a lot of residents are talking about it being 66, and a lot of them was, like, 64, 65, 62. And I want to make sure I address this to my board on how that age requirement is a big issue, how -- who do you determine -- and how do we determine who is a senior.

Number two, I want to invite everyone out on Tuesday, January 28<sup>th</sup> at 5:30 p.m.. The Relay for Life Committee members will be having a kickoff party as they get ready to establish some teams at Wells Recreation Center, which is Tuesday, January 28<sup>th</sup>, at 5:30, which is two Tuesdays from now. And I'll make sure I invite everyone to come out.

The next thing I would like to talk about is as Mary Brabham talked about before, next Saturday on January 25<sup>th</sup> at 7 p.m. at the Doubletree Hotel, we're doing a banquet. Dr. Cornel West will be coming, will be our keynote speaker. And it will be a great opportunity for us to make sure that we get the word out that Dr. Cornel West is here in Riviera Beach. And he's really excited about coming. Not to just speak but he would like to see the City. I told him some things about the City of Riviera Beach, and he's really enthusiastic on the city tour, to learn more and get more involved and engaged

with the City of Riviera Beach. So he don't want to come and just speak. He really wants to know a little bit more about Riviera Beach.

Last and not least, I want to keep -- I don't know what's going on but lately I've been having an issue with a little bit of my mail. It's been opened quite a few times. So I don't know what's going on with staff. But I've been receiving -- a lot of my mail has been already open before I get to it. So I want to make sure I bring that up tonight. That's all.

**CHAIRPERSON THOMAS:** Okay. Mr. Mayor?

**MAYOR MASTERS:** Thank you, Mr. Chair. I'll try to be brief; hopefully within three minutes I'll be concluded. I do want to acknowledge and I'm very thankful that Councilman Terence Davis -- thankful for our city. Councilman Terence Davis is modest so he didn't mention it. But he has been elected the president of the Black Elected Officials of Palm Beach County. It is a first of our city having one of our city elected officials become president. And I think he's probably the youngest president. So I just want to give him a -- just a little applause there. Congressman Alcee Hastings, I think, is coming down to give the honors.

And also, it's also the first that we have a second elected official, Councilman -- Chair Cedrick Thomas is a second vice president or something like that, Mr. Chair?

**CHAIRPERSON THOMAS:** I just do whatever Mr. Davis asks me to do. That's it.

**MAYOR MASTERS:** Well, I'm sure y'all are going to make a great team. A few weeks ago Councilman Bruce Guyton and myself met with Pastor Griffin Davis of the Hilltop Baptist Church along with the City Manager and several other ministers as it relates to the liens in our city. And I know the Manager's working on something, Pastor Davis, so it's in the works. But what the Office of the Mayor is doing, we are working with businesses in our city and volunteers who will volunteer materials, supplies and their time to help our seniors and others who are financially incapacitated, that cannot, on their own, bring their properties up to code. There are several businesses in our city who are willing to give back to the community and help our seniors and others that may find themselves in this same situation. So if our businesses part -- business partners and volunteers, if you're interested in joining that list that you will help our seniors, as well as others, to come up to code or do whatever needs to be done, whether it's painting, getting fixed, grass, whatever. Please contact the Office of the Mayor. And our -- any -- I guess any one of the -- our -- of our colleagues or the City Manager. But we're putting together the list. 845-4145. And we would like to see that happen.

Last -- not least but pretty close, I'm holding a book that was given to me as a gift in Johannesburg, South Africa. This is a book about President Nelson Mandela and the Apartheid Movement and how he saved the nation from civil war. This book will be in -- in the -- in the office and it certainly lays out how great this man was. And I didn't talk a lot about the funeral because we're still putting the -- the DVD and the memorial

services together on DVD. But I can tell you that was the best trip I've ever taken in my life.

And I told our congregation on Sunday morning, going to South Africa firsthandly, listening to the testimonies of this great -- about this great man has made me a better person, better in -- in the areas of being able to forgive and -- and look -- subtract the -- the past, add the present and multiply the future and to know that the best is yet to come. So I just want to say on the record, I have forgiven anyone and everyone that have done mean things or have said mean things to me. I want to respond to you and others in a spirit of love and peace.

If this man can be in prison for 27 years and come out with that kind of spirit, no one has done anything to me that have come close to that. So I want to say to our young people who feel that you have to turn on one another instead of turning to one another, please have this same spirit of forgiveness and let's have peace among the brother and sisters and the residents of our city.

Ndba Mandela, who is the grandson of Nelson Mandela, has committed -- and you can see it on channel -- well, on the Facebook page that the Mayor has. He's coming to Riviera Beach on February the 18<sup>th</sup> as it relates to African-American history to address our young people at our schools and also we're going to have a peace and love rally. Hopefully at Hilltop 'cause that'll be big enough. And he's going to lay out for you how his grandfather was able to overcome hate and malice and become a great leader as he was. May God bless Riviera Beach and remember the best is yet to come.

**CHAIRPERSON THOMAS:** Okay. Thank you, Mayor. My comments will be very brief here. The first thing I want to say is thank the City for honoring my fraternity tonight. We do appreciate you honoring our centennial celebration of being in existence. And I would also like to honor the ladies of Zeta Phi Beta, Incorporated, who will be in existence 94 years on tomorrow. I thought I might want to do that being that my wife is a part of that sorority and like to keep some peace at home, at least some of the time.

And I know most -- January is a lot of days in there that support fraternities. I know -- and sororities. I know the Kappas and the Deltas and, you know, everyone has it so I'm not -- not mentioning them. I just don't really have the dates on my mind right now. And I know you do, Mr. Guyton, but we're going to -- we're going to pass and just say congratulations to everyone who experienced another year in the -- their fraternity.

My concern and my disappointment is that we reached out to Dwyer's football team to participate in the parade and the principal has responded back to us stating that due to a lack of supervision for the football team, that they would not be in attendance. This invitation will go out, since it's a Saturday. If any of Dwyer football team members that live in this city still would like to be in the parade, I'll supervise you for the time that we go through the parade. You can walk with me, ride with me, however you want to do it. But I do want to honor those young men who've accomplished such a great goal of rising to the top of their class in this state. So I do understand that the school district will

not do it, but if your parents are okay with it, you can definitely still participate in the -- in the parade.

I've been getting a few concerns and questions in regards to the Senior Citizens' Luncheon. I do understand it is a sell-out crowd. And a lot of people would like to participate. So if there's any availability, I will be directing those calls to -- to -- to you, Madam Manager, to see if -- if anything is there. In terms of being on program, I don't know why I'm receiving those calls but I am. There's a few individuals who would like to show their talent. I'm going to be delivering that information to you as -- as -- as well.

In regards to the -- to the auction, I've gotten some questions about whether employees can participate in this auction. As far as I know, everybody is able to participate in this. City council, City employees, whoever, wherever. It's an open auction to the public. Bring your -- your deposits and close in 30 days just like everyone else. So everyone is -- is -- is privy to that information.

One other thing I wanted to invite -- if you have any questions or concerns, you know, involving this particular issue at the marina, I spoke with a group of volunteers for the City. And they had some questions about it. We're here to answer questions. Not just us. You can call the Attorney's Office. Not saying that she's going to be able to get to each and every person every day. Believe it or not, she -- she -- she's pretty busy. But you -- you -- don't feel like you do not have the right to ask questions. You have the right to ask any of us questions. If we don't know, we will get it for you. And you can ask us how we feel about it, which way we can -- you know, leaning toward. We represent you. And I want to make sure that you understand that in the New Year, that that's exactly what we intend to do.

We also, in closing -- you also heard this -- today, something that you probably haven't heard in several years, which was a prayer. I allowed the Mayor, because he's our Mayor and he's also a -- a bishop of a church here in our city, to be the first. But I'm -- I'm asking any minister who would like to come in and pray at the beginning of the meeting, it can't be a Sunday prayer. It's just going to be one of those prayers to get us started. Of all nationalities, all faiths, all concerns, all practices. And I say all with -- with some caution, but all will be, you know, allowed to -- to come in and -- and we'll select it at the beginning of the meeting.

We do appreciate it. I want to thank the staff, who did a phenomenal job with this retreat. This is the first year that I've been to a retreat and came back and felt, you know, empowered and ready to work. Dr. Williams was incredible. Talking about not judging a book by its cover, incredible. And all I got left to say is 3-3-3 is all right with me.

**COUNCILPERSON J. DAVIS:** That's right. 3-3-3.

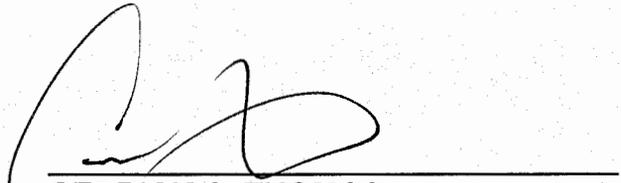
**CHAIRPERSON THOMAS:** And I'll entertain a motion for adjournment.

ADJOURNMENT

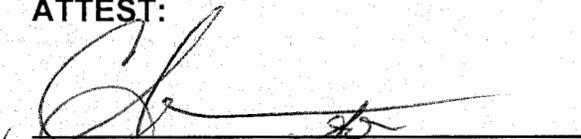
COUNCILPERSON GUYTON: So moved.

APPROVED:

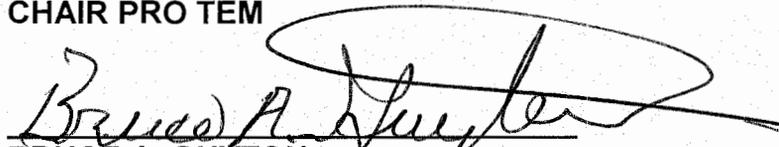
  
THOMAS A. MASTERS  
MAYOR

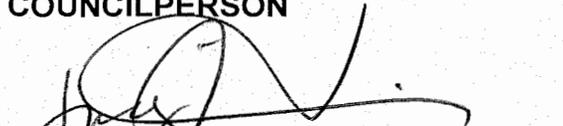
  
CEDRICK A. THOMAS  
CHAIRPERSON

ATTEST:

  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
DAWN S. PARDO  
CHAIR PRO TEM

  
BRUCE A. GUYTON  
COUNCILPERSON

  
JUDY L. DAVIS  
COUNCILPERSON

  
TERENCE D. DAVIS  
COUNCILPERSON

MOTIONED BY: D. PARDO

SECONDED BY: J. DAVIS

B. GUYTON AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

T. DAVIS AYE

DATE APPROVED: 02/19/2014