

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 2, 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 DAVIS: Good evening, everyone. Welcome to our regularly scheduled City Council meeting. City Clerk, please call us to order. Can everybody please calm down a little bit?

ROLL CALL

CITY CLERK WARD: Mayor Thomas Masters?

MAYOR MASTERS: (No audible response).

CITY CLERK WARD: Mayor Thomas Masters?

MAYOR MASTERS: Present, Madam Clerk.

CITY CLERK WARD: Chairperson Judy Davis?

CHAIRPERSON DAVIS: Here.

CITY CLERK WARD: Chair Pro Tem Dawn Pardo?

CHAIR PRO TEM PARDO: Present.

CITY CLERK WARD: Councilperson Bruce Guyton?

COUNCILPERSON GUYTON: Here.

CITY CLERK WARD: Councilperson Cedrick Thomas?

COUNCILPERSON THOMAS: Here.

CITY CLERK WARD: Councilperson Terence Davis?

COUNCILPERSON DAVIS: Here.

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, Madam Chair, and you may proceed.

CHAIRPERSON DAVIS: Thank you. Just a reminder, would everyone please turn their cell phones to the off or vibrate position, and also, if you would like to speak on a consent agenda item, please turn it in now because all matters listed under consent will be taken by one motion. Okay. Let's all stand for the invocation and the Pledge led by Mr. Guyton.

INVOCATION/PLEDGE OF ALLEGIANCE

(Everyone stood for the Pledge of Allegiance being led by Councilperson Guyton).

AGENDA APPROVAL: ADDITIONS, DELETIONS, SUBSTITUTIONS

CHAIRPERSON DAVIS: Okay. Mrs. Jones, do we have any additions, deletions or substitutions?

CITY MANAGER JONES: Yes, Madam Chair. There is one deletion under Awards and Presentations. Item number 6. Presentation from the Office of Chairwoman Judy Davis. That item is requested to be deleted. And for your consideration would like to add a Community Benefit, item number 10, from Councilman Cedrick Thomas.

CHAIRPERSON DAVIS: Okay. Are there any disclosures by Council?

DISCLOSURE BY COUNCIL

CHAIRPERSON DAVIS: There being none, is there a motion to adopt the agenda?

ADOPTION OF AGENDA

COUNCILPERSON GUYTON: So moved.

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay. We're now down to Consent Agenda.

COMMENTS FROM THE PUBLIC ON CONSENT AGENDA (THREE MINUTES LIMITATION)

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 DAVIS: I have -- wait a minute. I have nothing, no cards on Consent. Is there a motion to approve Consent?

COUNCILPERSON GUYTON: So moved.

CHAIR PRO TEM PARDO: Second.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay. We're down to Petitions and Communications for Filing, Awards and Presentations, item 7.

MINUTES

1. **MINUTES OF THE MAY 5, 2014 CITY COUNCIL WORKSHOP**
2. **MINUTES OF THE MAY 7, 2014 REGULAR CITY COUNCIL MEETING**
3. **MINUTES OF THE MAY 21, 2014 REGULAR CITY COUNCIL MEETING**

RESOLUTIONS

4. **RESOLUTION NO. 58-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AMENDMENT 006 TO THE DISASTER RECOVERY INITIATIVE PROGRAM AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY, AMENDING THE PROGRAM DEADLINE FROM SEPTEMBER 20, 2014, TO JUNE 30, 2015; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**
5. **RESOLUTION NO. 59-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE GRANT APPLICATION SUBMITTAL AND ACCEPTANCE OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE – EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAMS (JAG) IN THE AMOUNT OF \$39,125; AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO SET UP THE BUDGET; AND PROVIDING AN EFFECTIVE DATE.**

END OF CONSENT AGENDA

PETITIONS AND COMMUNICATIONS FOR FILING

AWARDS AND PRESENTATIONS

6. **PRESENTATION FROM THE OFFICE OF CHAIRWOMAN JUDY L. DAVIS TO THE CITY OF RIVIERA BEACH PARKS AND RECREATION DEPARTMENT IN RECOGNITION OF THEIR GOOD WORK.**

7. A \$2,000 DONATION PRESENTED BY THE WEST PALM BEACH FISHING CLUB TO THE CITY OF RIVIERA BEACH EDUCATION SCHOLARSHIP FUND.

CHAIRPERSON DAVIS: Is there a motion?

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Or is there a presentation?

CHAIR PRO TEM PARDO: Yes. It's Twyford.

TOM TWYFORD: Good evening.

CHAIRPERSON DAVIS: Okay. Let's -- let's go ahead and put the motion on the floor. Is there a motion?

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay. And a second. That was Pardo and Thomas. Okay.

CHAIR PRO TEM PARDO: All right. Welcome.

TOM TWYFORD: Thank you. I'll be brief.

CHAIRPERSON DAVIS: Okay.

TOM TWYFORD: My name is Tom Twyford. I'm the President of the West Palm Beach Fishing Club. Twelve years ago I stood before this council, proposing a community partnership fishing tournament to be hosted out of the city marina. And I can stand here before you and tell you we've had 12 really good years hosting this event at the city marina. It's called the Palm Beach County KDW Classic. KDW stands for kingfish, dolphin and wahoo, two -- or three really popular species of fish that we fish for here.

And the City's been our co-host sponsor of the event since we started it in 2003, and it's really been a great event for the community. It's now one of the largest one-day fishing tournaments in the State of Florida. We had 226 boats participate this year, close to 1,000 people at the marina for the awards portion. It's a really fun event. We make a show out of it and people seem to really have a good time. From the City's point of view it's been a wonderful way to showcase all of the improvements at the marina. I work very closely with Ed Legue and his staff. They've been wonderful the 12 years I've been working there, producing this event. And we always pull off a winner despite what the weather throws at us sometimes. And since we started the event we've been making donations to the City's Scholarship Fund as one of the charities that we raise money for. And tonight I have a \$2,000 check for the Scholarship Fund.

CHAIR PRO TEM PARDO: Wow. Awesome.

TOM TWYFORD: Bringing our total donations close to \$20,000 since we started this event. And I would just like to add that, you know, we do a lot of things in the

community beyond just supporting the City's Scholarship. One of our marquee events is called Kids' Fishing Days. Three days every year in the summertime we take a lot of inner city and underprivileged kids out for a fishing adventure and education program. And many of those kids are from the City of Riviera Beach. I work closely with Kenneth Payne at Wells Recreation Center here in the City.

CHAIR PRO TEM PARDO: Uh-huh.

TOM TWYFORD: We've donated a lot of rods and reels over the years for some of Kenneth's programs there at Wells Rec. and the Boys & Girls Club here in Riviera Beach. So this particular tournament raises money for not just the Scholarship Fund but for a lot of other community initiatives that impact kids in the community. We're really excited about the things that are happening at Riviera Beach Marina. We think there's a really bright future for events like ours. I -- I believe our event is probably the largest event that is hosted at the marina every year.

We bring in more people and a lot of these people that fish this tournament are from outside the area. And so they're coming here and they're seeing what the marina has to offer. And when all of the upland development is done at the -- at the marina there, it'll be the whole package. And I believe that our event will continue to attract people that will continue to come throughout the year and bring business to the City and to the marina. So we're really thankful to have the City as our co-host and partner in this community project for these past 12 years and we look forward to doing it again next year and for many years to come. So thank you very much. Yeah.

CHAIRPERSON DAVIS: Thank you, sir.

CHAIR PRO TEM PARDO: Thank you.

MAYOR MASTERS: Madam Chair?

TOM TWYFORD: Who do I give the money to? All right. Thank you.

MAYOR MASTERS: I have a comment for you.

CHAIRPERSON DAVIS: Okay. Mr. Mayor?

MAYOR MASTERS: Yeah, thank you, Madam -- Madam Chair. Sir, stand right there for a --

TOM TWYFORD: Yeah.

MAYOR MASTERS: -- stay there for a second. I'm very appreciative, grateful and thankful for all that you've done and all that you're doing, particularly as it relates to the Education Scholarship Fund. I know I see Miss Rose Anne Brown in the back. I don't know whether she was here for that purpose but she's clapping so --

TOM TWYFORD: I talked to her earlier today.

MAYOR MASTERS: Yeah, so she's that person that's been beating the bushes to get funding because it is so important to the City that we support scholarships of young people that want to go to college and further education. But I wanted to ask you this. Of your West Palm Beach Fishing Club --

TOM TWYFORD: Uh-huh.

MAYOR MASTERS: -- you said there are other people coming from without -- from other cities.

TOM TWYFORD: Uh-huh.

MAYOR MASTERS: Are there other clubs, fishing clubs, as well?

TOM TWYFORD: Well, I wish I could say there were some like ours but --

CHAIR PRO TEM PARDO: You're the best.

TOM TWYFORD: -- we're -- we're the biggest and the best.

MAYOR MASTERS: Okay. My --

TOM TWYFORD: And I -- I just say that because we are literally one of the oldest fishing clubs in the world. Our building is on the historic register. We're in the process of becoming a part of the national register of historic places. It's a very, very unique organization and very civically based. It started in 1934 and our contributions have been pretty -- pretty impressive for the past nearly 80 years. And while there are other fishing clubs, there's not many that would be in a position to do what we do.

MAYOR MASTERS: Well, the reason why I asked you that question and the -- my purpose is I'm working tenaciously, almost around the clock, with Miss Rose Anne Brown to raise funds for the Scholarship Fund. So if you have -- or if you can submit a list of others that I can contact, I will be happy to work and try to get some more funding from some of your partners and other people for -- in order that every child who's applied for this application for scholarship to go to college or university will not be turned down. So if you have a list or anyone that I can contact through the Office of the Mayor --

TOM TWYFORD: Sure.

MAYOR MASTERS: -- with Miss Brown, I would greatly appreciate it.

TOM TWYFORD: I will -- I will let Rose Anne know. I have attended a number of those scholarship ceremonies.

MAYOR MASTERS: Thank you.

TOM TWYFORD: And they're very, very inspiring.

MAYOR MASTERS: Thank you. 'Cause --

TOM TWYFORD: They're great kids.

MAYOR MASTERS: Thank you, sir.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay. Mayor, I'm really glad you brought that up because I am going to challenge you. Next year when the KDW has their tournament at the marina, I would encourage you to go down and volunteer some time and you will be able to meet the thousands of people that come through. It's a two-day event. And, you know, that's how you'll really --

MAYOR MASTERS: I -- I --

CHAIR PRO TEM PARDO: -- you'll be able to --

MAYOR MASTERS: -- no problem.

TOM TWYFORD: You're -- you're all invited. I mean, every year.

CHAIR PRO TEM PARDO: -- meet these people and --

TOM TWYFORD: We'd -- we'd love to have you there.

MAYOR MASTERS: And she wants to challenge me because I (inaudible).

TOM TWYFORD: Dawn --

CHAIR PRO TEM PARDO: I'm there.

TOM TWYFORD: -- Dawn sells raffle tickets.

CHAIR PRO TEM PARDO: I do.

MAYOR MASTERS: Unfortunately, Miss --

CHAIR PRO TEM PARDO: So I would encourage everyone else.

MAYOR MASTERS: Yeah. Unfortunately --

CHAIR PRO TEM PARDO: And here they are, you know, bringing --

MAYOR MASTERS: -- I just need to respond.

CHAIR PRO TEM PARDO: -- right, money to our kids.

MAYOR MASTERS: I just need to respond, Madam Chair, to Miss Pardo.

CHAIRPERSON DAVIS: Sure.

MAYOR MASTERS: Unfortunately, you probably don't know but I have a deathly allergy to fish, seafood. I can't be near the marina too long. So I can't -- I have to find another way to support it. Thank you. Seafood. Everybody -- I thought everybody know that but sorry. That's --

CHAIRPERSON DAVIS: Okay. Thank you very much, sir.

CHAIR PRO TEM PARDO: Thanks, Tom.

CHAIRPERSON DAVIS: I really appreciate it.

TOM TWYFORD: Thank you.

CHAIRPERSON DAVIS: And I'm going to yet get down there. Every year I -- I -- I -- I -- I say I'm going to do it and something comes up and I can't. But I'm going to really, really try very hard to get down there next year. Okay?

CHAIR PRO TEM PARDO: It's fun.

CHAIRPERSON DAVIS: All right. Thank you. We are now down to our Public Hearings.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Yes, Mr. Thomas.

COUNCILPERSON THOMAS: We had a -- I guess a motion to accept the funds and we never carried it through.

CHAIRPERSON DAVIS: Oh, thank you, sir.

COUNCILPERSON THOMAS: I just want to bring it back to your attention. No problem.

CHAIRPERSON DAVIS: Thank you very much, sir. I appreciate it.

COUNCILPERSON THOMAS: You're very welcome.

CHAIRPERSON DAVIS: Okay. Is there -- Madam Clerk, please call the roll.

CHAIR PRO TEM PARDO: The question.

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: (No audible response).

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: That vote is --

CHAIRPERSON DAVIS: Thank you very much.

CITY CLERK WARD: -- that vote is approved with Councilperson Guyton -- and how are you voting, Councilman?

COUNCILPERSON GUYTON: Yes.

CHAIRPERSON DAVIS: Okay.

CITY CLERK WARD: Your -- that vote is approved unanimously.

CHAIRPERSON DAVIS: All right. We're now down to Ordinances on First Reading. Item 8.

PUBLIC HEARINGS

ORDINANCES ON FIRST READING

8. **ORDINANCE NO. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR UP TO SIX MONTHS AS TO THE FILING, RECEIVING AND/OR PROCESSING OF ANY APPLICATION FOR PROPERTY DEVELOPMENT APPROVAL FOR ALL PARCELS LOCATED ON THE EAST SIDE OF SINGER ISLAND ADJACENT TO THE ATLANTIC OCEAN IN ORDER TO EVALUATE AND AMEND PROPERTY DEVELOPMENT STANDARDS, INCLUDING MINIMUM BUILDING SETBACKS; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON DAVIS: Second.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay. I have two -- I have some public comment cards so let's go ahead and get those out of the way before you start. Miss Podesta or --

CARI PODESTA: Uh-huh.

CHAIRPERSON DAVIS: Okay. You have three minutes, ma'am, and please state your name and -- and address for the record.

CARI PODESTA: My name is Cari -- Cari Podesta and I'm at 1601 Forum Place in West Palm Beach, Florida, 33401. May -- Madam Chair, Council, my name is Cari Podesta and I'm here on behalf of the Harbor Point Association and the owners of Harbor Point. We appeared before you a couple of weeks ago on this very -- on an amended -- a prior version of this ordinance. You will hear from a representative of the buyer of the Harbor Point property, Kolter, that they -- this ordinance is unnecessary in light of the fact that our buyer Kolter is willing to redevelop the Harbor Point property subject to whatever reasonable erosion control measures that staff -- staff and Kolter can -- can work out and on what I believe it is consistent with what staff is considering at the -- at this present time.

You will hear from a representative, Kolter. We're kind of out of order here. So again, the ordinance is unnecessary in light of their willingness to work with the City on that. I'm here to tell you that if Kolter does not close and a hurricane occurs at Harbor Point during these next six months, that the owners will be left with hundreds of thousands of dollars of damage. The property is in very bad shape. The elevator, for instance, permit is expiring and will need to be replaced at a cost of about \$300,000 to the owners. So if the sale doesn't got -- go through now, the property may -- will -- won't be -- and the property is not redeveloped by Kolter, then the owners are going to be bearing the brunt of that.

Even if the closing is delayed a few months due to the uniqueness of this transaction, then the transaction may not close. And the property may not be redeveloped if the transaction does not close now due to the uniqueness internal to Harbor Point. If the council is inclined to impose a moratorium, then we -- then we strongly request and ask that you narrowly -- narrow the ordinance as much as possible. One is the duration of the ordinance. Make it as -- the minimum amount of time as -- as possible. The other would be to exclude applications for permits to repair structures or improvements that may be damaged by a hurricane or other casualty during the next six months which is hurricane season. And finally we would ask that you would also make sure it's clear that only applications related to site plan approval are covered by the ordinance and to exclude any other type of request related to but not necessarily dependent upon development, as that -- so that these processes may proceed. Thank you very much.

CHAIRPERSON DAVIS: Thank you, ma'am. Leon St. John? Good evening, sir.

LEON ST. JOHN: Good evening. My name's Leon St. John. I'm an owner and I live at Harbor Point and have for many years. I was before the council, I think it was two

weeks ago.

CHAIRPERSON DAVIS: Uh-huh.

LEON ST. JOHN: In opposition, I suppose, of the ordinance because we have this contract that you've heard about. And my -- and the reason I'm here -- (timer buzzing) -

CHAIRPERSON DAVIS: Don't worry about it. Keep going.

LEON ST. JOHN: The reason I am here is just to speak on behalf of the owners, that we do have the hurricane season coming up. We have an older building. And if we have damage, the owners are going to have to pay for it. If the sale goes through, we're going to -- in the future, we're looking at a lot of improvements to the property and just -- and also I would like -- I guess I have a question I'd just like to state. Is it possible for the developer -- I don't represent the developer and I don't represent the association, per se. I represent the owners. It seems to me that it could be possible for the developer to go ahead and -- and file whatever their site plan or plans, whatever, and start that process now. And then whatever -- if the ordinance is amended or adopted, down the road just make sure that the -- that site plan and the developer complies with the new ordinance. Is that possible that we can get this ball rolling so we don't have to stop everything for one, two, three, four, five months? Is that possible?

CHAIRPERSON DAVIS: Okay. We'll answer your questions. Miss Jones is taking notes there. And we'll answer your questions when everybody --

LEON ST. JOHN: Okay.

CHAIRPERSON DAVIS: -- speaks. Okay?

LEON ST. JOHN: Thank you.

CHAIRPERSON DAVIS: All right. Thank you. Wayne Richards?

WAYNE RICHARDS: Good evening, Mr. Mayor.

MAYOR MASTERS: Good evening.

WAYNE RICHARDS: Council.

CHAIRPERSON DAVIS: Good evening.

WAYNE RICHARDS: President, good evening, Council, City Attorney, staff, residents. My name is Wayne Richards and I do have the pleasure of representing the buyer Kolter Urban Group. Kolter is the contract purchaser of the Harbor Point Condominium property, as you are aware. They entered into a contract approximately six to seven months ago with the Harbor Point Condominium Association. And in -- over the last six or seven months, they've had numerous meetings with staff and just very recently with Councilwoman Dawn Pardo. And as always, Miss Pardo was very gracious and

welcoming to us as we met with her. Miss Pardo was -- made it very clear, though, her concerns about beach erosion. She made it very clear that she -- she and her colleagues most likely did not want to incur unnecessary expenses years from now because protections weren't put into place. Well, Kolter understands those concerns. Kolter respects those concerns and Kolter is willing to do what is reasonably necessary to address them today. Today, last week or tomorrow. Our concern is that of time.

Quite frankly, the sellers of these condominiums are comprised of many different backgrounds and different positions and it's very difficult to keep this group together. And we are -- we are unsure that we can actually keep them together. This deal is in jeopardy of -- of, honestly, falling apart. Kolter, as you've heard, will agree to include in their conditions of approval erosion measures that are reasonably required. So we would ask that you please continue to work with -- work with us and not put everything on the shelf for up to six months. However, if this body decides to pass the moratorium, we're asking you to please consider two items. Please allow staff to work with us to process the application. When I say process, not to submit it but to understand what we're doing and make sure we have staff's ongoing buy-in so we're not simply sitting on our hands for three, four, five, six months.

The staff has indicated their willingness to do that, so we're -- we're thankful for that. Thank you. Finally, please limit its duration. At your last hearing staff indicated they did not anticipate using a full six months. They actually said possibly two to three months. I know that state law and case law speaks of up to six months. If you don't need it, please don't use it. We're trying to keep the deal together and we'll do what is reasonably necessary to protect for beach erosion. They haven't said no yet. So please, don't do it. If you do it, please limit the duration and allow us to work with staff beginning immediately. Thank you very much; appreciate your time.

CHAIRPERSON DAVIS: Thank you very much, sir. Mr. Larry Smith.

LARRY SMITH: Good evening, Mayor, Madam Chair.

CHAIRPERSON DAVIS: Good evening, sir.

LARRY SMITH: Members of the Council.

MAYOR MASTERS: Good evening.

LARRY SMITH: I'm Larry Smith. I represent the property owner at 3100 N. Ocean which some of you may remember as the Amrit Resort approval. And I wrote a letter to Miss Ryan yesterday and copied each of you on it and -- and the city manager. And basically our position is this. We feel that we have a vested project. We were approved in 2004. We did a small site plan amendment in 2005. We acted on that approval and started -- pulled building permits, pull -- pulled construction permits, did infrastructure improvements, paid the City \$670,000 pursuant to those approvals. Our position is the project is vested. We now have a relatively minor site plan amendment, changing some unit mix. We put that in in April, April 1st.

So we've been in process already three months. We have staff comments back. One

of the comments was, Get a new survey. That's done. I actually attached it -- a part of the survey to -- to the letter that each one of you had. And -- and -- and our -- our stuff is about ready to be submitted again. So we don't think that if you do pass the moratorium it should apply to this property. And, you know, I don't think that there's a problem in this area necessarily for coastal erosion but that's somewhat secondary to my position that this is a vested project. Thank you very much.

CHAIRPERSON DAVIS: Okay. Thank you, sir. Okay. That's the end of the comment cards. Miss Jones?

CITY MANAGER JONES: Yes. This item is before you on first read and it was readvertised in order to accommodate the additional area that was being included at the suggestion of the last meeting. So now I would like to ask Jeff Gagnon, our Community Development Office, to outline the parameters of the requested moratorium.

CHAIRPERSON DAVIS: Okay. Mr. Gagnon?

PLANNING & ZONING ADMINISTRATOR GAGNON: Thank you. Good afternoon, Mayor and City Council.

CHAIRPERSON DAVIS: Welcome. I think this is your first time here, isn't it?

PLANNING & ZONING ADMINISTRATOR GAGNON: Well --

CHAIRPERSON DAVIS: Being the --

PLANNING & ZONING ADMINISTRATOR GAGNON: -- I'm normally here but normally not at the microphones.

CHAIRPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: I'm hoping that the presentation tonight will help answer some of the questions that were previously brought up by our constituents; however, there are specific questions that you'd like me to revisit, we can do that, as well.

CHAIRPERSON DAVIS: Come closer to your mike. Yeah.

PLANNING & ZONING ADMINISTRATOR GAGNON: Yes. I'm going to use the cursor here just because I know the laser pointer doesn't work for people at home. It's difficult to see but this is U.S. 1 running north and south. Blue Heron Boulevard, which turns into N. Ocean Drive and the green color here shows the proposed boundary of the moratorium that we're discussing tonight. The next image, which is also difficult to see, however, there are street names, as well as parcels shown, and the moratorium boundaries indicated here.

CHAIRPERSON DAVIS: Excuse me. I have one question. Could you back up that slide right there? What is that little portion that's carved out? Right there just -- north of Pine Point?

PLANNING & ZONING ADMINISTRATOR GAGNON: Here?

CHAIRPERSON DAVIS: Yeah.

PLANNING & ZONING ADMINISTRATOR GAGNON: This is the City's fire station.

CHAIRPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: And the -- the moratorium was for parcels that had a coastal setback for the property itself. So being that there was no part of this parcel that had a coastal property line, it would not be part of the moratorium. So this, once again, gives the border, a better understanding of the boundary of the moratorium. Within that boundary there are 36 parcels. Mr. Smith had already discussed 3100 N. Ocean Drive.

There was a previous site plan that was approved that was known at the Amrit. In April of this year a new site plan was applied for. Staff had gone through an initial review process and had provided the applicant with feedback depending on -- you know, I don't think there's an argument as far as the original approval of the Amrit. I think that there's been documentation showing that's vested. However, moving forward, if the moratorium were to be enacted, I think processing of the existing application may be delayed. So that's just something I wanted to make the board aware of.

CHAIRPERSON DAVIS: Okay. You said may. Is it -- is it or isn't it?

PLANNING & ZONING ADMINISTRATOR GAGNON: Well, my understanding, the -- the current language would prohibit processing so even though it was previously submitted, staff would be unable to continue processing that application until the moratorium is resolved.

CHAIRPERSON DAVIS: Yeah, okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: Also within the 36 parcels, it spans over four different zoning districts. Previously the moratorium was just based in the RM-20 zoning district. However, it will now encompass both RM-20, RH, RMH-20 and CF zoning districts. And I just wanted to share an excerpt from a letter that was addressed on the 26th of June to the City. It was from Palm Beach County ERM. This was taken directly from the letter, "Since 2001, the County has placed approximately 431,000 cubic yards of sand onto a restored dune along the accessible beach north of Ocean Reach -- Ocean Reef Park at a cost of approximately \$8.5 million." So this is over the span of the past 13 years; however, it -- it demonstrates the amount of money that's been spent on renourishment projects and it's substantial.

And here's some photos of -- they were shown during last council meeting on the 18th, I believe. But I just wanted to revisit them. So these were taken at various locations throughout Singer Island on the oceanfront. And that concludes the presentation.

CHAIRPERSON DAVIS: You know, what I would be interested in seeing, if we have aeriels from however far back to see if the -- if the buildings were that close to the

shoreline, you know? I -- I think that would help me as far as, you know, to see whether or not it's always been -- the buildings have always been that close.

PLANNING & ZONING ADMINISTRATOR GAGNON: Right. I have seen a really interesting aerial that shows the regression of the shoreline over time.

CHAIRPERSON DAVIS: Uh-huh.

PLANNING & ZONING ADMINISTRATOR GAGNON: I have a -- a digital copy of that for a portion of -- of Singer Island in our jurisdiction.

CHAIRPERSON DAVIS: Uh-huh.

PLANNING & ZONING ADMINISTRATOR GAGNON: But it's only for a portion of it. But I believe that's information we can get from Palm Beach County ERM.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Yes. I have a -- I have a couple of questions. The first question is -- and I know that I was on vacation at the time that this was originally brought up. But our purpose of this moratorium is to do what?

PLANNING & ZONING ADMINISTRATOR GAGNON: The purpose of the moratorium is to provide staff with adequate time to do research, to see what the need is, if the need should be demonstrated to potentially modify the coastal setback along Singer Island. And that would impact potentially four zoning districts.

COUNCILPERSON THOMAS: And if it's not?

PLANNING & ZONING ADMINISTRATOR GAGNON: If -- if staff does research and says, You know what? The -- the data that we've compiled indicates no change is needed, then at that point in time we could say we've done our research. There wouldn't be any adjustment to those specific zoning codes. So that ordinance wouldn't have to go forward. So at that point the moratorium would be lifted and some of the -- the property owners, specifically 3100, some of their concerns may be alleviated.

COUNCILPERSON THOMAS: Well, okay. Well, my -- my next two questions regard -- is in regard to those two properties.

PLANNING & ZONING ADMINISTRATOR GAGNON: Uh-huh.

COUNCILPERSON THOMAS: The first one, I heard the attorney for that particular group -- I believe it was the Amrit -- say that they've -- they've put in \$600,000 plus in fees. Is that accurate? Is that an accurate statement?

PLANNING & ZONING ADMINISTRATOR GAGNON: I believe that is accurate, yes,

sir.

COUNCILPERSON THOMAS: And why would we now be saying that you can't continue whatever type of work that you were doing there? Why would be -- why would that affect them?

PLANNING & ZONING ADMINISTRATOR GAGNON: Right. That's a good question. I believe the original site plan for -- the building was called the Amrit. That was approved back in, I believe, 2005.

CHAIRPERSON DAVIS: Uh-huh.

PLANNING & ZONING ADMINISTRATOR GAGNON: I could be off by a couple years. But the -- the work that was done or the contributions that were provided were for that specific site plan. So I don't believe that the City is arguing that that site plan is vested and the property owner is more than welcome to proceed with construction of that site plan. However, what happened in April of this year is a new development request has been submitted which, in my opinion, is very different than the Amrit site plan that was originally approved.

COUNCILPERSON THOMAS: So is it the same company? Did they -- did they sell this to somebody or --

PLANNING & ZONING ADMINISTRATOR GAGNON: It's -- it's the same property owner.

COUNCILPERSON THOMAS: Uh-huh.

PLANNING & ZONING ADMINISTRATOR GAGNON: But I think they just have a different vision for the property now.

COUNCILPERSON THOMAS: Okay. So I -- from what I understand, it was something minor. Is it more than --

CITY ATTORNEY RYAN: No, it's the same.

COUNCILPERSON THOMAS: -- some windows or doors or something that they were saying?

PLANNING & ZONING ADMINISTRATOR GAGNON: I -- in my opinion it would be significantly more than windows and doors.

CITY ATTORNEY RYAN: See, I don't know --

COUNCILPERSON THOMAS: Significantly. Can you give an example of significantly?

PLANNING & ZONING ADMINISTRATOR GAGNON: Yes. The building footprints are proposed to be changed. The occupancy, even though it's being reduced as far as number of units, that's proposed to be changed. So in general the intent of the original

site plan, again, in my opinion, is not the same as what was approved for the Amrit development.

COUNCILPERSON THOMAS: Okay. So basically it's a new project, is what you're saying?

PLANNING & ZONING ADMINISTRATOR GAGNON: Yes.

COUNCILPERSON THOMAS: Okay. So for the -- for the other -- for the other building, the -- what's the name of it again? I don't want to --

PLANNING & ZONING ADMINISTRATOR GAGNON: Harbor Point, which is --

COUNCILPERSON THOMAS: -- Harbor Point.

PLANNING & ZONING ADMINISTRATOR GAGNON: -- 5000 N. Ocean.

COUNCILPERSON THOMAS: Okay. What is the benefit of not going through with -- did -- first of all, did they submit any -- any applications or anything prior to us enacting this?

PLANNING & ZONING ADMINISTRATOR GAGNON: There has been no official application submitted. I know that there were meetings and discussions with staff prior to. However, there's no official application submitted at this time.

COUNCILPERSON THOMAS: They've not tried to do this at all? That group hasn't come in and --

PLANNING & ZONING ADMINISTRATOR GAGNON: Application has not been submitted, no, sir.

COUNCILPERSON THOMAS: -- said -- oh, well, maybe I misunderstood. I --

PLANNING & ZONING ADMINISTRATOR GAGNON: I guess the -- the background story as I understand it is the current property owners are looking to sell the property.

COUNCILPERSON THOMAS: Uh-huh.

PLANNING & ZONING ADMINISTRATOR GAGNON: The developer is in the stages of acquiring the property; however, the timing of the moratorium has caused a situation for the potential buyer where, you know, they -- they're not sure how they want to proceed so --

COUNCILPERSON THOMAS: And why? Why is it a -- why is it a problem if we're just doing research? Why can't they make this purchase?

PLANNING & ZONING ADMINISTRATOR GAGNON: Well, they could make the purchase. It doesn't prohibit them from doing that. However, as the buyer, they want to have really an understanding and a hundred percent security that they understand what can be done on the property.

COUNCILPERSON THOMAS: Right. I -- I understand that.

PLANNING & ZONING ADMINISTRATOR GAGNON: So -- so what the moratorium is allowing staff to do is research the existing codes to see if they're sufficient. And if staff feels they're insufficient, we can bring new language which would have to go to the Planning & Zoning Board and then through the City Council. So it could impact how the property is developed over time.

COUNCILPERSON THOMAS: Okay. Well, from what -- I think the gentleman I -- I don't quite remember his name. Does he -- he said he lived there, whatever, and there's significant --

CITY ATTORNEY RYAN: St. John. Mr. St. John.

COUNCILPERSON THOMAS: Mr. St. John is his name?

CITY ATTORNEY RYAN: Uh-huh.

CHAIRPERSON DAVIS: Uh-huh. Right.

COUNCILPERSON THOMAS: Well, Mr. St. John said he lived there and there was significant issues or repairs that's needed. And because we're in the -- the hurricane season they were kind of, you know, afraid that these wouldn't be, you know, fixed or whatever repairs --

PLANNING & ZONING ADMINISTRATOR GAGNON: Right.

COUNCILPERSON THOMAS: -- they would have to be responsible for. Is it not a way that we can run these parallel?

PLANNING & ZONING ADMINISTRATOR GAGNON: Well, I -- I think that there may just be a misunderstanding of what the moratorium is doing. About midway through -- I'll -- I'll just read from it. So it's, "Enacting a moratorium for up to six months as to the filing, receiving and/or processing of any application for property development approval." So this is not a permit for building repairs. This is -- this is a new application for property development.

COUNCILPERSON THOMAS: So they would haven't an issue?

CHAIRPERSON DAVIS: But it's costly for them.

COUNCILPERSON THOMAS: It would be okay?

CHAIRPERSON DAVIS: It's costly for them. It's costly for them to do it, I think, so they're -- they're wanting to sell.

CITY ATTORNEY RYAN: Right. They want to get out. That's -- they want to get out.

COUNCILPERSON THOMAS: Oh. The -- the -- the residents want to --

CHAIRPERSON DAVIS: Yeah.

CITY ATTORNEY RYAN: Right. To sell.

CHAIRPERSON DAVIS: Yeah. Right.

COUNCILPERSON THOMAS: -- to sell their --

CHAIRPERSON DAVIS: Their unit.

CITY ATTORNEY RYAN: Right. The attorney -- Madam Chair?

CHAIRPERSON DAVIS: Yes, Miss -- Miss Ryan.

CITY ATTORNEY RYAN: The -- the -- the Attorney Cari Podesta made the point that she wanted to make sure that the moratorium would allow them to make repairs if there were a hurricane, because the building is in such dire straits. Mr. St. John came up and said, Okay. The building is in -- in dire straits and we want to sell.

CHAIRPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: So there are two different issues, both about the building being in dire straits.

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: He's afraid, I think -- speaking for Mr. St. John, that if a hurricane comes and it -- it had -- there are all kinds of damages, that they will not be able to afford to make the repairs and the building will just sit there in disrepair.

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: And Miss Podesta was saying make sure that the moratorium won't stop us from making improvements should a hurricane come and destroy the -- the building.

COUNCILPERSON THOMAS: And Mr. Gagnon said that that won't happen.

CITY ATTORNEY RYAN: No. And I -- and I talked to Miss Podesta about that and that -- Mr. Gagnon's right. That's not the point of the --

CHAIRPERSON DAVIS: Moratorium.

CITY ATTORNEY RYAN: -- the moratorium. If they needed to make repairs, they absolutely can make repairs during the -- the -- the -- the moratorium period.

COUNCILPERSON THOMAS: Okay. All right. Well, maybe I'm just kind of seeing I -- I'm --

COUNCILPERSON DAVIS: Madam Chair?

COUNCILPERSON THOMAS: -- I'm missing something of how it affects the sale or whatever. Does -- can anybody shed some light on that of how this affects the sale?

CITY ATTORNEY RYAN: Well, they would have to talk about that because we're not privy -- and we did -- they did speak about it at the last city council meeting. Mr. Richards made a point of letting us know and he also had a representative from Kolter here, as well, that they want to buy this property. They have met with City representatives. They want the City to abandon a portion of the property that we currently own but I don't think we use. And one of the letters that I got today from Miss Podesta asked that they be allowed to continue through the process and to make a request of council that you will consider abandoning the -- a portion of the property if the -- once the moratorium is lifted and they are given a -- the go-ahead to start redeveloping the property.

COUNCILPERSON THOMAS: Well, those -- those are two different issues to me.

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: The abandonment is something that I don't want to address right now 'cause it -- it -- it's -- it's not relevant to me.

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: That's a whole 'nother process. If that's why they don't want to buy the property or whatever --

CITY ATTORNEY RYAN: No.

COUNCILPERSON THOMAS: -- that's something totally different. If they don't want to buy the property because they're afraid of the moratorium causing them not to improve it or whatever, then that's what I'm concerned about.

CITY ATTORNEY RYAN: Well, I think what they're afraid of is that -- and Mr. Richards talked about it a little bit tonight -- that we will put in regulations that makes the building have to come back further from the ocean side.

CHAIRPERSON DAVIS: Right.

CITY ATTORNEY RYAN: So it's going to have to move west.

CHAIRPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: And if that happens, that means they have less land with which to build on.

CHAIRPERSON DAVIS: Right.

CITY ATTORNEY RYAN: And they're saying they may not be opposed to that. They understand beach erosion. They understand that the City is putting out money every

year for beach erosion and they want to be partners with the City on that. And I think Mr. Richards is requesting the City to not enter into the moratorium but allow staff to work with the developer --

COUNCILPERSON DAVIS: No.

CITY ATTORNEY RYAN: -- in designing -- not necessarily designing but having a -- a - a building and a project that does take into account beach erosion issues but allows them to move forward. If we do that then Kolter will feel comfortable moving forward with the sale with Harbor Point. That's the point.

COUNCILPERSON THOMAS: Why wouldn't we want to do that?

CHAIRPERSON DAVIS: Thanks --

COUNCILPERSON THOMAS: What -- what would prohibit us from wanting to do that?

CHAIRPERSON DAVIS: And I didn't hear them say anything about not going -- not, you know -- I -- I heard they wanted to work along with the moratorium.

COUNCILPERSON THOMAS: Right.

CITY ATTORNEY RYAN: No. He said both. He said in lieu of at first.

COUNCILPERSON THOMAS: Right. But what -- please answer why --

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: -- wouldn't we want to, 'cause I know one -- one moratorium we did, we did allow the company to still communicate back and forth with staff.

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: To make sure that they were --

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: -- why are we not agreeing to do that for this?

CITY ATTORNEY RYAN: Well, we can agree to continue -- we still enacted that moratorium. So we could agree to enact the moratorium and still work with them. But this does say that we're not going to accept applications. If you'll recall, the other group with the last moratorium, they already had an application in. They had an application that was not as far along as Amrit's.

CHAIRPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: So Amrit is in a different situation from them but so is Harbor Point, I would -- would --

COUNCILPERSON THOMAS: Okay. But both of these organizations have attorneys here which makes me think that it's going to affect them in some type of way.

CITY ATTORNEY RYAN: Oh, yeah. It's --

COUNCILPERSON THOMAS: So that's what I'm really trying to get to the bottom of.

CITY ATTORNEY RYAN: Okay.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Yes, Miss Pardo?

CHAIR PRO TEM PARDO: Are you done? Can I --

COUNCILPERSON THOMAS: Well, if you're going to explain it, of course.

CHAIR PRO TEM PARDO: Well, I don't know if I can explain everything but my comments are basically the same as last -- or two weeks ago. Miss McKinney told us at the last meeting that in early -- what was it? Early 1980s the City enacted their construction codes along the ocean. And they started using the DEP 1980 --

CITY ATTORNEY RYAN: 1979.

CHAIR PRO TEM PARDO: -- no, 1979 CCCL line, which allowed the developers to basically build up to the dune line. Okay?

COUNCILPERSON THOMAS: Uh-huh.

CHAIR PRO TEM PARDO: And we have photographs of a condo that was built a couple years ago called Ocean's Edge which built -- it was a Toll Brothers project. They built up to the dune. A hurricane came through before they received their CO.

COUNCILPERSON THOMAS: Uh-huh.

CHAIR PRO TEM PARDO: Okay? Look at this.

COUNCILPERSON THOMAS: Yes.

CHAIR PRO TEM PARDO: All right. The hurricane came through. The foundation was exposed. The City has decided -- now, in the meantime, in 1997, DEP implemented a new line, the 1997 CCCL. And a lot of cities around the -- not just Palm Beach County, but around the State of Florida started using that line, which allow -- which basically mandates that development goes back behind. I think it's a hundred feet west of the dune line. And what that does is it, in time, will alleviate some of the erosion. Will all of the erosion go away? Probably not. But studies have shown -- they did a study in North Carolina where they started rezoning their coastal properties, all the little mom-and-pop motels. They made them go further west. And now their erosion isn't as severe as it was. So that is something that the City has decided we need to take a look at it. And it's really, you know -- do we want development? Absolutely. But

it needs to be responsible development and at the end of the day, the taxpayers have to stop the -- we need to figure out a way where we don't pay as much money as we do right now for our contribution for beach renourishment. If you all recall, several years ago we signed an agreement with the County, \$200,000 a year for 10 years.

CHAIRPERSON DAVIS: And it's more than that now.

CHAIR PRO TEM PARDO: That was our contribution. Hurricane Sandy came through and we had to pay -- instead of the 200,000, we had to pay almost 350 --

CITY MANAGER JONES: -- and 56.

CHAIR PRO TEM PARDO: Right.

CITY MANAGER JONES: Yeah. 350.

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: \$350,000. Okay? Now the County -- and Miss Jones and I are going down next week. The County wants us to pay almost a half a million dollars to -- as our contribution for this portion of the beach. And I think we owe it to the taxpayers of Riviera Beach to take a look at this. We said we -- you know, let's implement a six-month moratorium. Miss McKinney made it clear it's not going to take her six months. It would probably take less than four months. And she also said that every step of the way she would be consulting with the -- the potential developers that are looking to develop on the beach.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: Amrit is in the works right now and Miss Ryan's going to have to tell us whether or not, you know, we need to keep them out because they're so far along in the site plan. Harbor Point, they have not submitted a site plan yet. And please know, there are other old condominiums over on the Island where developers have been coming in and -- and, you know, just questioning what they would be able to do if they decided to do it. So what we're trying to do here is be responsible to our taxpayers.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: And at the end of the day I hope everyone is able to redevelop their properties. But we cannot be on the hook for constantly taking our tax dollars, throwing it on the beach and then stepping back and watching all of that hard earned money be, you know -- float away over to the Bahamas.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: So that's all we're trying to do here.

CHAIRPERSON DAVIS: Okay. And my -- my question is -- and you alluded to it. I

want to know where -- where -- where is Amrit? Go back to the map, Mr. Gagnon. Where is Amrit on this map? Do -- do -- do you know where it is?

PLANNING & ZONING ADMINISTRATOR GAGNON: Yes. The Amrit parcel -- it's actually two separate parcels located in this area.

CHAIRPERSON DAVIS: And it's closer to the street, isn't it, rather than to the --

PLANNING & ZONING ADMINISTRATOR GAGNON: Both parcels have property lines that are adjacent to N. Ocean Drive and also the coastal line.

CHAIRPERSON DAVIS: Okay. But I was going to ask Mr. -- Miss Ryan, you know, being that they had submitted their application June -- April 1st, where do we stand with that?

CITY ATTORNEY RYAN: Madam Chair, frankly I haven't had a chance to look at the application with staff. I did get a letter as did the Council from their attorney yesterday. We have given them a letter dating back to 2013 that said, as Mr. Gagnon said, that their original site plan is definitely vested. So if they came in and wanted to build that site plan, they could do that today. However, I don't know how far along they are with the -- the new submittals. The letter says, "The staff is currently progresses the application and has provided comments on the application." I would say that if they have -- if they've expended money based upon the comments that -- that staff has given -- given them, that their new application would probably be exempt. However, I don't want to state that emphatically, having not looked at it at this point. But a portion of Amrit is definitely going to be off the table because we have said that they're vested in our correspondence to them.

MAYOR MASTERS: Madam Chair?

COUNCILPERSON THOMAS: Wait a minute.

CHAIRPERSON DAVIS: I heard the Mayor and then I'll come to you, Mr. Thomas.

MAYOR MASTERS: Okay. Attorney Richards, would come back. Now, who are you represent, again?

WAYNE RICHARDS: The proposed purchaser and developer, Kolter Urban Group.

MAYOR MASTERS: Okay. And how many months have your client been meeting with staff?

WAYNE RICHARDS: Approximately since January. Probably late January of this year.

MAYOR MASTERS: Okay. So we're in the seventh month now?

WAYNE RICHARDS: Yes, we are.

MAYOR MASTERS: In your meetings with staff did the issue of the erosion possibility

or any of these things that we have talked about tonight ever come up?

WAYNE RICHARDS: Mr. Mayor, I have been with Kolter for probably only the last two and a half months so I can only speak about the last two and a half months. But I -- the answer is no, from my meetings. However, Councilwoman Pardo was very emphatic that she was concerned about beach erosion and she wanted to make sure that we addressed that, that it would be handled. And Kolter is willing, able and desirous of addressing those issues today and tomorrow.

MAYOR MASTERS: Okay.

WAYNE RICHARDS: Without a six-month delay.

MAYOR MASTERS: So I just want to make sure that I get this right because I heard both of my colleagues -- and -- and I understand the -- all of us are adamant about the shoreline and we all feel the same way. However, there's something that's just not connecting here for me. I don't know what that is but I'm just not connect -- I'm not getting these dots all connected. I want to make sure certainly we want to -- we're always thinking about taxpayers. But we want -- I just want to make sure that whatever we do is the right thing.

WAYNE RICHARDS: Of course.

MAYOR MASTERS: Period. You know? And I'm trying to figure this out as best as I can because I -- I know that there's been a lot of money that's been spent already. I heard what the Attorney said and I'm listening to what you're saying is that you're willing to sit down with staff and see if this could be worked out in -- in a way that our administration and your clients, whoever, would -- could agree --

WAYNE RICHARDS: Mr. Mayor.

MAYOR MASTERS: -- without a moratorium?

WAYNE RICHARDS: Mr. Mayor, you are correct. Initially --

MAYOR MASTERS: I -- hold on. Let -- go ahead. I'm sorry.

WAYNE RICHARDS: No. Okay. Thank you.

MAYOR MASTERS: I'm just trying to figure this out for me.

WAYNE RICHARDS: No. You're -- you're accurate and Miss -- Miss Pardo was very clear in our meetings that we had approximately three and a half weeks ago that a seawall would most likely be required. Kolter is willing to build a seawall. We -- we have recently heard there may be a movement on the CCCL or a setback from the CCCL. They're willing and anxious to reach agreement with the City. We're very concerned that the deal will fall through. These owners are a disparate group and it's hard to keep 20 or 30 different people on the same page. And there are finite deadlines in their purchase agreement. So we're not saying no to anything. We're simply saying,

Please don't pass the moratorium. If you do, maybe limit it to the three months that you heard is really required. Don't hold it up too long.

MAYOR MASTERS: And I'm -- and I'm just trying to understand the balance here because I'm all about trying to get to the balance and what is right and what is fair. And without creating an undue hardship on anyone. And the dots are not connecting for me.

WAYNE RICHARDS: Okay.

MAYOR MASTERS: Thank you.

WAYNE RICHARDS: Thank you.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

COUNCILPERSON THOMAS: Madam -- I --

CHAIRPERSON DAVIS: Oh, I'm sorry. I -- Mr. Thomas was next and then you, Miss Pardo.

CHAIR PRO TEM PARDO: Wait. Sorry.

COUNCILPERSON THOMAS: Listen, I -- I -- I have a question. Mr. Richards, you said that you all have been -- or your client has been meeting since January?

PLANNING & ZONING ADMINISTRATOR GAGNON: I'm sorry. Just a point of order, as well. And Miss Ryan may remember this meeting, as well. I have much respect for Mr. Richards; however, we did have a meeting with Mr. Richards and other representatives. I believe it was the end of May. And staff emphatically called out the fact that the coastal erosion was a major issue. We made reference to the fact that Palm Beach County ERM provided the City with a letter in either late 2007 or 2008. We went as far to discuss a potential easement on the property to provide for sand nourishment.

COUNCILPERSON THOMAS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: So I believe there Richards misspoke.

COUNCILPERSON THOMAS: Okay. But you didn't really mean point of order. You just wanted to add some clarification. I got it. Point of clarification. I got it. I got it. I got it.

WAYNE RICHARDS: Mr. Gagnon is correct.

COUNCILPERSON THOMAS: I'm like, I don't know -- and hold on one second, please. I don't want to do that. I'm trying to get some -- some questions here. You all have been doing -- no, I -- the questions are for you, Mr. Richards. You all have been -- or

your client has been discussing this since January. Why is it taking so long for the purchase to happen?

WAYNE RICHARDS: There are -- as with -- as with most complicated commercial transactions, this agreement has many conditions, A, B, C, D, E, F, G. We're -- we're probably at the sixth now. We're making great -- we're making great headway to getting to the -- to the -- the goal line and this hit us. So we're -- we're making great progress and there's a very finite deadline that's coming up.

COUNCILPERSON THOMAS: Okay. But what my issue is, is it says for up to six months. So it could take a week or it could take 26 weeks, however many that is. I get it. I get it. But what I don't -- what I'm trying to do is understand both sides of this.

WAYNE RICHARDS: Right.

COUNCILPERSON THOMAS: We definitely have to protect the shorelines and protect the residents that are over there, so it's needed for us to -- to look into this. But I don't want a deal to fall through. I don't want the residents that are there to not be able to -- to -- to -- to be able to do what they need to do as -- as owners. So I'm -- I'm -- I'm at a -- I'm at a crossroads here trying to understand how, you know -- what else is it that you or your clients, you know, need or are asking for. The moratorium is for up to six months. You've already said, Okay. Just don't take six months, and we've pretty much said that it won't take six months. What else are you asking for? What else could, you know -- could we do to -- to try to help you all with this? Because I -- we definitely need to make sure that we're not putting out a half million dollars every year for -- for beach renourishments in terms of just sand. So what else can we -- can we do to help?

WAYNE RICHARDS: First of all, thank -- thank you, Mr. Mayor, thank you, Mr. Thomas, for trying to understand the issues and -- and what will work for everyone with the citizens being first. I understand that and I -- I sincerely appreciate it. We don't believe the moratorium is required. We -- we are really -- there is one small condominium that has been in, I'm told, for one to two meetings or discussions. We're -- we're the big hitter now that's coming in, will do what staff and ERM requires. But if you feel that you must pass it because you have to make sure we do this, please limit the duration of the time, 'cause that -- that -- that would probably give us some of the contractual relief that we need where we can go forward.

COUNCILPERSON THOMAS: So would you like to say -- us say up to four months?

WAYNE RICHARDS: We heard staff say it could probably be done in three.

CHAIR PRO TEM PARDO: Verbalize it instead of --

CITY ATTORNEY RYAN: Yeah.

CHAIR PRO TEM PARDO: Yeah. Verbalize it.

WAYNE RICHARDS: Well, we heard staff -- I'm sorry. I'm showing three numbers. We heard staff --

CITY ATTORNEY RYAN: Talk.

WAYNE RICHARDS: -- say that it could probably be done in three. So please limit --

COUNCILPERSON THOMAS: Okay.

WAYNE RICHARDS: -- if you must do it, please limit the duration.

COUNCILPERSON THOMAS: Gotcha. Thank you. Thank you, Mr. Richards.

WAYNE RICHARDS: Thank you.

COUNCILPERSON THOMAS: Mr. Gagnon, is three months good enough time?

PLANNING & ZONING ADMINISTRATOR GAGNON: I -- I don't recall what Miss McKinney said at the last meeting as far as what time was needed.

CHAIRPERSON DAVIS: Up to six months.

PLANNING & ZONING ADMINISTRATOR GAGNON: However, I will say if staff makes a determination that new regulations are needed, it would have to go to the Planning & Zoning Board for at least one reading and it would have to go to the City Council for two, being that it would be an ordinance. So is it possible? Yes, possible. Very difficult? Likely so. I don't know if three months is a doable timeline.

COUNCILPERSON GUYTON: Hmm. Oh.

COUNCILPERSON THOMAS: How long do you think it's going to take for the research? And what are you going to be researching?

PLANNING & ZONING ADMINISTRATOR GAGNON: Well, we -- we did begin the research already. We've been communicating with Palm Beach County ERM, as well. So that is underway and that's really part of the reason why the moratorium was really thought to be needed at this point in time. So the research side isn't what I'm as concerned about. I'm worried about the actual legal process that it would take in order for any proposed language to go to the Planning & Zoning Board, have public input, then come back to city council for two readings.

COUNCILPERSON THOMAS: But if we -- if we said three months and we needed to extend it, we could do that, could we not?

CHAIRPERSON DAVIS: Sure.

PLANNING & ZONING ADMINISTRATOR GAGNON: That -- it's possible, yes.

COUNCILPERSON THOMAS: Miss Ryan, could we do that?

CITY ATTORNEY RYAN: Right. But -- you could but it's expensive. You have to advertise and -- in the paper and, you know, I -- I -- honestly, I think leave it at six months, hope for the best because he's right. Number one -- and Jeff is being kind but

there are a lot of projects going on. And I can't see having these regulations done and -- and to the city council in -- in three months time. That's -- it's just not going to happen.

CHAIRPERSON DAVIS: Can I interject?

COUNCILPERSON THOMAS: Well, I just -- I --

CHAIRPERSON DAVIS: Go ahead.

COUNCILPERSON THOMAS: -- I was -- I just -- I just want to -- I -- I don't want it to appear that we're trying -- we -- we're here to work with, you know, the residents and make life better for the residents. I'm really not concerned about developers as much as I am the residents, to be totally honest with you. But if they're saying, Hey, look, our building is deplorable, then first of all, I'm gonna wonder why we don't have Code or somebody over there trying to find out what these deplorable conditions are first. But second, I'm trying to figure out what can we do, you know, to help these individuals? What can we do to -- to make this happen? There's somebody who wants to buy. The sellers want to sell. I don't want them not to be able to -- to -- to purchase the property. And I don't want it to seem as if we're being punitive. I want -- we need it. I know that we need it. I support the moratorium.

But if you're just saying, Listen, we need the six months 'cause we don't want to work on it for the -- for the first two months or we got so many other things down the pipeline, then say that so that we at least understand what, you know -- what the concept is. It says up to six months. So I'm comfortable with that. But what I'm -- what I'm trying to do, what is the -- what I'm trying to figure out is what is the reality of can this happen in three months? Are we going to step this up? Because we do have two businesses or two properties that are kind of tied up in this. And they're -- they're very important. So that -- that's what I'm trying to get to. Can this be done, and if it can, why don't we go ahead and approve this and you all start meetings and start working on it to get it done?

CHAIRPERSON DAVIS: And this -- this is what -- what I was going to suggest is, what I'm hearing is you want to basically move forward with your application and all of that in addition to -- at the same time, work with staff on developing the moratorium. And if there needs to be a setback or whatever, then, you know, you're willing to do that. Am I -- did I hear that correctly? Or not?

WAYNE RICHARDS: If this body does enact the moratorium, Council Chairman -- Chairwoman, yes, we would work -- we would want to work with staff so that the preapplication is -- is being looked at. They know it's coming. And we have a general understanding that staff is okay with it. So yes, we would sit down with them on a weekly basis. We'll even help them draft the new regulations.

CHAIRPERSON DAVIS: So the answer to my question is --

WAYNE RICHARDS: Yes.

CHAIRPERSON DAVIS: Okay. So --

COUNCILPERSON GUYTON: Madam Chair?

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: Wait, I -- I have the floor next.

CHAIRPERSON DAVIS: Did I hear -- oh.

COUNCILPERSON GUYTON: (Inaudible).

CHAIRPERSON DAVIS: Did --

CITY ATTORNEY RYAN: You have council members who haven't been heard.

COUNCILPERSON THOMAS: Yeah.

CHAIRPERSON DAVIS: Did I hear you, Mayor?

COUNCILPERSON THOMAS: No.

MAYOR MASTERS: I haven't said anything.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: All right.

CHAIRPERSON DAVIS: But before we come to you -- before --

MAYOR MASTERS: But I will when you get finished.

CHAIRPERSON DAVIS: -- 'cause we haven't heard from --

CHAIR PRO TEM PARDO: All right.

CHAIRPERSON DAVIS: -- anybody down here.

COUNCILPERSON GUYTON: Thank you.

COUNCILPERSON THOMAS: Yeah.

CHAIRPERSON DAVIS: Was it Mr. Guyton?

COUNCILPERSON GUYTON: Yes. And I think it was Mr. Davis, too. Let me just speak on the duration of time. It is customary to request more time that you need for obvious reasons.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON GUYTON: What they're giving us is a guesstimation.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON GUYTON: They can't give us a time certain on when this would be completed. They can give us an estimated time frame. If we shorten the time frame and they don't meet that deadline, we've given them false hope. I would rather request more time than needed, put some fire under their behind and tell them to get it done, and when it's done in three months or four months, it's done. We remove the moratorium. But to give them false hope and then we don't meet that deadline, we're doing everybody disservice. That's my humble opinion. It is customary to request more time than needed. This is not out of the ordinary. But we give directions to staff, and we make priorities.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON GUYTON: If this is a priority, we tell them that.

CHAIRPERSON DAVIS: Yeah. Strong emphasis on four months.

CITY MANAGER JONES: Four months.

COUNCILPERSON GUYTON: We want it back X number of months, understanding that things happen and they may be pulled away from this. This -- this -- this won't be the only project they're working on. As much as this is important to everybody involved, we still have a city to run. And we have ongoing projects. And those people who are involved in those other projects feel their project is just as important.

CITY ATTORNEY RYAN: Absolutely.

COUNCILPERSON GUYTON: I mean, everybody has their priority. So for us to limit the time frame and then they don't make it and then we have a lot of upset people, we can avoid that by requesting more time than we need, put some fire on the staff, give them a time to try to get it back to us and then should something happen that is unforeseen, they don't have false hopes.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: And -- and I think that would be our best approach, because, you know, trying to limit time down and say that we'll do it in three or four months and they don't make it and everybody get upset and we could avoid it.

CHAIRPERSON DAVIS: Mr. Davis, you had something?

COUNCILPERSON DAVIS: Yes, thank you. I share a lot of the same concerns. It's -- it's quite obvious that when you're asking for something you always give yourself a little wiggle room. But the biggest concern I have here is the residents. I spoke to quite a few residents on that property and they seem to be under the assumption that we're holding up a project. But as I'm listening today, in the first four months there was one application. And then around April or May once Commissioner Richards got -- not -- Attorney Richards got involved -- I apologize -- a second application of another project

was submitted; is that correct? I just want to make sure I follow this right. That's all.

PLANNING & ZONING ADMINISTRATOR GAGNON: There -- there are two separate properties that are being discussed. 3100 --

COUNCILPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: -- is the Amrit.

COUNCILPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: And that had a previous development approval.

COUNCILPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: And there currently is an application that's being reviewed by staff. 5000 N. Ocean Drive --

COUNCILPERSON DAVIS: Just one application for that one property? Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: -- is Harbor Point.

COUNCILPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: And there's no application submitted for that property.

COUNCILPERSON DAVIS: So it -- those are just the only two applications that it would impact that specific area or the -- any of the projects going on along U.S. 1?

PLANNING & ZONING ADMINISTRATOR GAGNON: Well, 3100 N. Ocean Drive has an active application.

COUNCILPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: And that's the only active application within this moratorium boundary.

COUNCILPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: 5000 N. Ocean Drive, which is Harbor Point --

COUNCILPERSON DAVIS: Uh-huh.

PLANNING & ZONING ADMINISTRATOR GAGNON: -- they are the -- the property owners are looking to sell to Kolter; however, there has been no application or site plan submitted to staff for review at this time.

COUNCILPERSON DAVIS: So if I'm -- if I'm staying in that unit, which I don't, and there's a buyer and there's a seller that's representing the actual property owner, them selling them -- selling that property really won't have anything to do with this because when they buy they just own it. What happens next, then they go into the development phase on what they want to do with that property. Am I correct?

PLANNING & ZONING ADMINISTRATOR GAGNON: That's correct.

COUNCILPERSON DAVIS: So they can sell that property. Them -- the residents can then start looking for somewhere else to go as the property being sold and closed. I know it's an extensive process with the commercial real estate deal, but them buying -- them selling the property would not necessarily have an impact on the moratorium, correct? 'Cause that's something totally separate on what they're going to do with it once they actually own it.

PLANNING & ZONING ADMINISTRATOR GAGNON: Legally --

COUNCILPERSON DAVIS: That's one --

PLANNING & ZONING ADMINISTRATOR GAGNON: -- yes, legally the property can be sold.

COUNCILPERSON DAVIS: -- see, what -- the reason I say that, because I want the residents to understand that, listen, I want to work with you, but your sale doesn't have anything to do with this particular board. And I don't want to hold them up. I do believe it's fair that -- that staff is asking for more time to do the right thing, which is work with them and make that a priority. Because we do understand it's hurricane season. But there might be other properties in the city that may be affected with hurricane season, as well. I don't -- I didn't pull all the applications. But I just want those residents to understand we -- we do want to work with you. We don't want you to be affected by it. I think the residents need to sit down and talk with their attorney that's representing them and get an understanding on, Hey, listen, if you can sell it, we need to figure out how y'all can do that. Now, with the development process, that's something separate with this moratorium. But I don't want nobody to suggest that this board is holding up a project when it can be sold. Now, if it's sold based on something that's going to happen in the future, and they don't want to do that if we can't have it happen, then that's between the developer and that particular property owner. But don't say that this board is holding up progress for those people which are residents because they're in a hazardous environment because the building's very old and their waiting to get out so they can protect themselves with some new residential situation.

But I support what Councilperson Guyton is saying. That's only fundamentally sound when you're trying to move forward on a moratorium. Now, if you come back in three months, then we can come back and make our modification -- make our changes with lifting this moratorium. So don't -- so let's be very patient with this process because Mary McKinney did say that it won't take as long. If it is three months, it is four months, maybe two months, and then we won't have the problems -- you know, have this conversation now. So I think, you know, this should go out for the six months. I support

the six months. But staff just work diligent. But the only concern I did have, I noticed that Mr. Richards said that he's going to help draft the regulations in the comment. So when you're going to help draft the regulations, are you going to work on -- help draft our regulations or you're just going to work with us as we work on the regulations with these codes?

WAYNE RICHARDS: My client is willing to meet with the staff on a regular basis on our application and what we're doing.

COUNCILPERSON DAVIS: Uh-huh.

WAYNE RICHARDS: And if we can provide any assistance at all, we'll do it, absolutely.

COUNCILPERSON DAVIS: Uh-huh.

WAYNE RICHARDS: To help speed up the process.

COUNCILPERSON DAVIS: Right. I -- yeah, I just want to make sure that when you're saying draft regulations, that you're representing your client and not drafting regulations helping us help your client. But understand that we're going to do the regulations and then y'all are going to respond to it. That's all I'm making sure, correct?

WAYNE RICHARDS: Correct.

COUNCILPERSON DAVIS: Okay.

WAYNE RICHARDS: Correct.

COUNCILPERSON DAVIS: That's all.

COUNCILPERSON THOMAS: Madam Chair?

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo was next and then Mr. Thomas.

CHAIR PRO TEM PARDO: Okay. Mr. Richards mentioned several times that I met with him and Kolter so let me all tell you what happened at that meeting since it's on the table. On May 12th at 4:15 in the afternoon, my aide, Marian Dozier, and I met with Attorney Richards, Bob Vail from Kolter and another gentleman; I don't remember his name but I believe he was the finance guy. And their -- the first thing they wanted to talk about was the easements. They were looking for a commitment for us to abandon, basically, the easement and be -- and what was told to us, once they received the commitment to abandon the easement, then they would move forward with closing on the property. And I told them that I had a couple of concerns but, you know, we could probably work it out as long as Ocean's Edge still had access to the easement, the City of Riviera Beach had access to the easement and they gave the County access to an easement which would allow the County to do beach renourishment south of their property. And so we spoke about that. And I was not willing to give them a -- a

commitment at that time because I hadn't spoken with the staff about it. And then I asked about what kind of development they were proposing. And they mentioned that they wanted to build two condominiums, two buildings on the site. And they would, you know, move them in a way so the -- the development would not look very dense. And if you look, a couple of other condominiums along Singer Drive have done that. And during the conversation I said, So what are you doing about a seawall? How come you're not talking about seawall?

You know, there's -- you're building on a critically eroded beach. And -- and they all looked at me like, We didn't think about a seawall. And then I explained to them that the taxpayers of Riviera Beach have been pouring sand on that beach. And not just the taxpayers of Riviera Beach. The taxpayers in the State of Florida have been pouring money on to that beach. And I explained to them what happened with the -- the building next to them, with Ocean's Edge. And I said to them that they really need to think about a plan for -- for erosion control. And that was basically the end of the meeting. We shook hands and -- and that was it. I haven't heard from them.

I know when the moratorium -- when we put it on the agenda, I did get calls from Attorney Richards asking for me to meet with him and the Kolter developers. And at that point I thought, you know what? I don't want to get involved. Any other comments I was going to make to them would be in a public meeting. So -- oh, the other thing that they did mention was, you know, they would be willing to do some -- you know, something for the public. You know, maybe, you know, doing different things around the community. And I told them that when it comes to things like that, you know, quid pro quo is, you know -- I -- I don't get involved in that. I think a developer should come in and do his project and the return to the community is the increased tax base. But, you know, for the developers out there who have met with me, they all know. You know, I get turned off when you start saying that I'm giving this one and I'm going to donate to this and I'm going to buy you this. You know, these different organizations. And so that's it. So now everyone knows what the conversation was about between me and Kolter. Thank you, ma'am.

CHAIRPERSON DAVIS: Okay, Mr. Thomas.

COUNCILPERSON THOMAS: Yes. Just a couple of questions. On the -- the -- the first question that I was -- I'm asking in reference to the time, it does say up to six months. And I'm okay with that and I do understand what that means so I really didn't need the extra lesson on that. The -- the question that I have is in terms of application. They -- our moratorium is saying that they can't submit for any application. They can't submit any application. Period. Correct?

PLANNING & ZONING ADMINISTRATOR GAGNON: That's correct.

COUNCILPERSON THOMAS: And that since the -- the Harbor Point -- I think you said that's what the name of it is in

CHAIRPERSON DAVIS: Yes.

COUNCILPERSON THOMAS: -- since Harbor Point has not submitted any application, then fine. But for the Amrit, I'm more concerned now since --

CHAIRPERSON DAVIS: Right.

COUNCILPERSON THOMAS: -- they're already in plus their application for whatever new has already been submitted. Now, to me that's what causes a little bit more concern, because we are submitting or we are saying that we're going to -- to approve this moratorium but their application, even for the second project --

CHAIRPERSON DAVIS: Right.

COUNCILPERSON THOMAS: -- is already in.

CHAIRPERSON DAVIS: Since April 1st.

COUNCILPERSON THOMAS: I -- yeah. I -- I don't really feel comfortable with -- with stopping a process that has already started, you know? On the -- like I said, on the --

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: -- on the Harbor Point, I get it. It's not in. We'll try to work with them if we can. But on the Amrit, it is in, unless I'm understanding this incorrectly. It is in, correct?

PLANNING & ZONING ADMINISTRATOR GAGNON: That's correct.

COUNCILPERSON THOMAS: So at that -- at this point before we approve this and not knowing how it's going to affect that particular property, I think we need to have some dialogue on how this moratorium would affect that particular property before we approve this.

CHAIRPERSON DAVIS: And --

CITY ATTORNEY RYAN: Well, this is on first reading so we have another council meeting.

CHAIRPERSON DAVIS: -- but -- but I would -- what I would suggest is -- Mr. Gagnon, do we have any other applications in from Singer Island that were submitted prior to the first reading of this moratorium?

PLANNING & ZONING ADMINISTRATOR GAGNON: Not within the moratorium boundary, no.

CHAIRPERSON DAVIS: Except for the Amrit.

PLANNING & ZONING ADMINISTRATOR GAGNON: No.

CHAIRPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: Just one within the boundary.

CHAIRPERSON DAVIS: Well, then, my -- my position would be that the -- the Amrit would be exempt. I mean, you know, they're grandfathered, as far as I'm concerned. And --

COUNCILPERSON THOMAS: I would have to agree with that. I would have to agree with that. I just want to make sure, though, that nobody gets any, you know, wonderful ideas and starts submitting applications prior to this being -- well, it's still not done until the second reading.

CHAIRPERSON DAVIS: Before the second reading, right.

COUNCILPERSON THOMAS: So I'm saying --

CITY ATTORNEY RYAN: Correct.

CHAIRPERSON DAVIS: But anything prior to tonight, you know -- I mean, anything after tonight --

COUNCILPERSON THOMAS: -- can we -- can --

CHAIRPERSON DAVIS: -- I would say no.

COUNCILPERSON THOMAS: Right. I just want to make sure that we can legally --

CHAIRPERSON DAVIS: Yeah.

CHAIR PRO TEM PARDO: -- do that.

COUNCILPERSON THOMAS: I don't think we can legally do it but I want Miss Ryan to give us an actual answer.

CHAIRPERSON DAVIS: Yeah.

CITY ATTORNEY RYAN: Right. I mean, right. With -- with moratoriums, once you're put on notice that the regulation is going to pass, you can't run in and try to get in before the moratorium.

CHAIRPERSON DAVIS: No.

COUNCILPERSON THOMAS: But we don't know if it's going to pass. We're just saying that we're going to do one.

CITY ATTORNEY RYAN: It doesn't matter. The fact that it's being considered.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: So then we can stop it legally.

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON THOMAS: We can -- we don't have to accept any more applications?

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON THOMAS: Okay. That's fine.

CITY ATTORNEY RYAN: Right. Right. They're put on notice. That's why you have to advertise it. And that's why -- we had this on first reading two weeks ago but because we extended --

CHAIRPERSON DAVIS: Right.

COUNCILPERSON THOMAS: Uh-huh.

CITY ATTORNEY RYAN: -- the boundaries, we thought it prudent to put it back on --

CHAIRPERSON DAVIS: Right.

CITY ATTORNEY RYAN: -- first reading again so that nobody could make the claim that they did not have enough notice.

COUNCILPERSON THOMAS: I --

CITY ATTORNEY RYAN: You get first-read notice and you get second-reading notice.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: Well, Miss -- Miss Davis, I would -- I would have to agree with you that if we're going to do this, that the Amrit needs to be exempt.

CHAIRPERSON DAVIS: Okay. So --

COUNCILPERSON DAVIS: Madam -- I'll wait.

CHAIRPERSON DAVIS: -- go ahead, Mr. Davis.

COUNCILPERSON DAVIS: Here -- okay. Here -- here's my concerns, questions. And I can hear why -- why would you want -- want to grandfather them in. But people change their mind all the time. First of all, we need to find out what type of project they're doing and will it be even significant to what we're asking for if we was to grandfather them in, because they can change their mind any day now. In the middle of this moratorium, now, Oh, we got grandfathered in, and they can make all kind of significant changes and then it would have an impact, not on what we're doing but on what they was -- could have done. We might as well let them in. I don't think it's fair that we even consider, at this time, to grandfather them in because, like I say, you don't know what -- I need to find out first -- and I think this board need to find out what exactly is that project doing now since the application's already in. To what degree, whether

their completion date is looking to be -- expected to be completed. Are they 80 percent into their project? Are they 20 percent? Where are they in their project?

PLANNING & ZONING ADMINISTRATOR GAGNON: I would say that they have invested a significant amount of capital. They have submitted their first site plan to staff.

COUNCILPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: It has been reviewed. As -- as far as having a vested right, I -- I'm not a hundred percent sure if there's case law that discusses that.

COUNCILPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: And maybe in between the first reading and second reading that's something staff can research. However, if they were to be vested, they would still have to adhere to the existing regulations.

CHAIRPERSON DAVIS: Right.

PLANNING & ZONING ADMINISTRATOR GAGNON: So their site plan would be treated as if it -- if it were a normal day.

CHAIRPERSON DAVIS: Uh-huh.

PLANNING & ZONING ADMINISTRATOR GAGNON: And it would be processed the normal way. And that would have them be exempt from the fact that the moratorium calls for a cease of any processing in an application.

COUNCILPERSON DAVIS: Does -- does anybody in the room represent that particular property?

CITY ATTORNEY RYAN: Yeah, that was Mr. --

PLANNING & ZONING ADMINISTRATOR GAGNON: Yes, Mr. Smith does.

COUNCILPERSON DAVIS: Okay. So if he's representing that particular -- okay. So Mr. Richards represent the other property.

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON DAVIS: See, I still want to know what -- what is it that they're doing at that property? That's what I'd like to hear.

CITY ATTORNEY RYAN: You want to know what Amrit is doing?

COUNCILPERSON DAVIS: Yes.

CHAIRPERSON DAVIS: Yeah.

CITY ATTORNEY RYAN: The property right now?

COUNCILPERSON DAVIS: Yeah. Are they doing upgrades on the front-end, the --

CHAIR PRO TEM PARDO: We haven't been given anything on the Amrit.

COUNCILPERSON DAVIS: Yeah, see. We're going to grandfather in -- we don't even know what they're doing.

COUNCILPERSON THOMAS: Well, I just want to grandfather them in --

CHAIRPERSON DAVIS: (Inaudible).

CITY ATTORNEY RYAN: But this is --

COUNCILPERSON THOMAS: -- I'm sorry, Madam Chair. I'm sorry.

CHAIRPERSON DAVIS: Okay. Are you --

COUNCILPERSON DAVIS: I'm -- I'm good. I'm (inaudible).

CHAIRPERSON DAVIS: -- okay, Mr. Thomas?

COUNCILPERSON THOMAS: Sorry. I -- the reason why I'm saying that I wanted to grandfather them is because they've started their process already.

COUNCILPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: And they've -- they've -- they've actually paid for their -- their process, correct?

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: For the -- for the second application? Is that --

PLANNING & ZONING ADMINISTRATOR GAGNON: They -- they've submitted --

COUNCILPERSON THOMAS: -- true?

PLANNING & ZONING ADMINISTRATOR GAGNON: -- yes, they've submitted an application and it was -- it's being processed.

COUNCILPERSON THOMAS: So -- and it's a fee that goes with the submittal of the application.

PLANNING & ZONING ADMINISTRATOR GAGNON: Yes, sir.

COUNCILPERSON THOMAS: That -- that's already been done.

COUNCILPERSON DAVIS: Okay.

PLANNING & ZONING ADMINISTRATOR GAGNON: Yes.

COUNCILPERSON THOMAS: Well, the reason why I'm saying grandfather them is because I just don't see how that can be fair. If we don't know that you're about to do a moratorium --

COUNCILPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: -- and we are deciding to go along our business and do business as normal, we started it already. So that -- that would be the only -- that would be the only thing that I'm -- I'm saying grandfather them in. But you made a good point.

COUNCILPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: I don't want it to change and they say, Okay. Well, instead of doing something that you put in new, because we're grandfathered in, we don't have to abide by that regulation. Now, I'm not -- I'm not willing to do that. I'm not willing to -- to say, Okay. If -- if we cause for whatever to prevent the -- the -- the beach from washing away or whatever and they say, Well, because we're grandfathered in, we don't have to do that, then I'm not -- I'm not good with that. So --

CHAIRPERSON DAVIS: But they've already submitted their application for what they're going to do.

COUNCILPERSON THOMAS: For what they're going to do.

CHAIRPERSON DAVIS: And it has to go to P & Z and follow that whole process so --

COUNCILPERSON THOMAS: Then I'm okay. Because then we can control it by that way.

CHAIRPERSON DAVIS: -- yeah. Absolutely.

COUNCILPERSON THOMAS: Then I'm okay with that.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: Thank you. To follow up on my colleague, Councilman Thomas and Davis, both of whom made very good points as it relates to being grandfathered in, because the application is in. Mr. Davis also -- and Councilman Thomas, made a good point regarding what they're actually doing.

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON GUYTON: And my question to the representative if he -- if I may, Madam Chair, ask him a question?

CHAIRPERSON DAVIS: Absolutely. You mean Amrit or --

COUNCILPERSON GUYTON: I mean Amrit. Yeah. That's -- that's what I said, Amrit.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: I haven't seen your site plans or your footprint. Are -- are you all planning on complying with the new coastal lines that we are discussing here?

LARRY SMITH: Well, we don't know what you're going to do. And I've -- I've been through this a few times with moratoria. And any time somebody mentions moratorium to a developer or developer's lawyer it's like walking through a graveyard. You get chills up your spine.

COUNCILPERSON GUYTON: Okay. All right. Okay. We would -- okay. Let me -- let me be more specific.

LARRY SMITH: Right? So --

COUNCILPERSON GUYTON: We are discussing -- we haven't approved yet implementing a new coastal line. That -- that's -- that's the -- that's the -- that's part of our discussion here.

LARRY SMITH: Right.

COUNCILPERSON GUYTON: That is no secret.

LARRY SMITH: Right.

COUNCILPERSON GUYTON: That is the topic here that's got the other project a little in flux. Understand. So we're discussing, and should we decide to do that, would you be willing to comply with the new coastal line that we may put into our regulations?

LARRY SMITH: I don't know what you're going to do, again. Let me say -- let me answer the question like this. This project got approved in 2004.

COUNCILPERSON GUYTON: Okay. And -- and stop right there.

CHAIRPERSON DAVIS: Well, for something else.

COUNCILPERSON GUYTON: Staff has said that that is vested. Your -- your first one submitted, vested.

LARRY SMITH: Right.

CHAIRPERSON DAVIS: Uh-huh. That was (inaudible).

COUNCILPERSON GUYTON: You came back now. Now you have a new one.

LARRY SMITH: We have --

COUNCILPERSON GUYTON: Wait, wait, let me finish. Now we want to change some things now.

LARRY SMITH: Right.

COUNCILPERSON GUYTON: And staff is saying, Wait, wait. This is not the same as you submitted. This need to take another look now. So let's not play on words here. The one that you submitted back then, we're good with. Move forward. No problems. What we're talking about now is your new application. Two-'04 is vested. No problems. Am I right, staff? If he wanted to move forward on that one, we're good?

PLANNING & ZONING ADMINISTRATOR GAGNON: That's correct.

COUNCILPERSON GUYTON: Good.

CITY ATTORNEY RYAN: I agree with that.

COUNCILPERSON GUYTON: Go do what you do. The new application is what I'm talking about.

CITY ATTORNEY RYAN: I don't know there's a new application.

COUNCILPERSON GUYTON: And I don't want to get confused like, Oh, we submitted it back in 2-'04 and having people think that we're about to change that. No, we're not.

LARRY SMITH: Let me -- let me answer. You asked me about the coastal setback, castal construction control.

COUNCILPERSON GUYTON: Yeah. Exactly.

LARRY SMITH: The 2004 project -- and I know you -- I'm not drawing -- I'm -- I'm -- I'm drawing a comparison between what's -- our application for an amendment to that site plan goes as -- exactly as close to the ocean as the one that was approved in 2004. So to answer your question, if you did anything to move that line back, that would be a problem for us.

COUNCILPERSON GUYTON: So you would not be willing to --

LARRY SMITH: Now --

COUNCILPERSON GUYTON: -- comply if we were to move --

LARRY SMITH: -- that's a problem for us because we have --

COUNCILPERSON GUYTON: -- that?

LARRY SMITH: -- submitted in -- but there's two things here. There's two things. We submitted in April, as Mr. Thomas pointed out, without any discussion of a moratorium. I mean, the first I heard about this was when you extended -- you know, last meeting, I guess, there was a discussion and you extended it to the south.

COUNCILPERSON GUYTON: Uh-huh. Uh-huh.

LARRY SMITH: It was only going to have -- happen to the RM-20 and the language in the ordinance told me that and --

COUNCILPERSON GUYTON: Uh-huh.

LARRY SMITH: -- then I just heard about it so that's why I'm here obviously. Wouldn't even be here otherwise. When y'all extended it down to the south to the -- to the municipal beach boundary, well, I wanted to make sure that it didn't apply. Well, when I talked to Mr. Gagnon, he said, Well, I think it probably will. And I said, Whoa. Let me -- let me start doing some research. So there's two things that I'm -- that I'm suggesting to you. First of all, we have a vested project from 2004. This is an amendment to that project. It's not a brand new project.

CITY ATTORNEY RYAN: That's right.

LARRY SMITH: So that's number one. And number two, we submitted this amendment application in April, three months ago yesterday, without any discussion of a moratorium. So I -- I appreciate the fact --

COUNCILPERSON GUYTON: Okay. And -- and we understand and let's speak briefly --

LARRY SMITH: Okay.

COUNCILPERSON GUYTON: -- about your amendment. Amendments are considered with the magnitude of the change. Let -- let's not play on words here. You can say I'm amending an existing application and it changes 90 percent of what you submitted the first time. That becomes a problem. Wait. Because if it's a material change that's essentially changing your project from what you originally submitted and you're trying to sneak it in under amendment, that becomes a problem. So -- well, wait. So -- so staff has the responsibility to recommend to us or advise us that this suggested amendment is significantly changing what they originally submitted and we probably need to take a better look at this as opposed to saying that this is just an amendment. So granted, you submitted it as an amendment. It's staff's responsibility to determine the magnitude of what you consider an amendment. We may consider it a material change to your project. And therein lies the discretion of staff to recommend to us. You may disagree. You're entitled to do that. This is America. And we have a process to arbitrate when we disagree on things like this. But I don't want you to give the impression that what you submitted in 2004 is minor and may not be, in staff's opinion, a material significant change because their opinion may be different from yours. And I'm just saying that let's keep it honest and on top of the table. Not -- not -- not honest but let's keep the discussion in context that staff has the responsibility to determine the magnitude of your amendment, what you consider.

CHAIRPERSON DAVIS: I have a question. Is your footprint changing at all?

LARRY SMITH: It is a little.

COUNCILPERSON GUYTON: Yes. A lot. And that's -- therein --

COUNCILPERSON THOMAS: Did -- did he answer that it was?

CHAIRPERSON DAVIS: Yes.

COUNCILPERSON DAVIS: Yeah. That's why I asked that question.

CHAIRPERSON DAVIS: And see, that -- that's not what --

COUNCILPERSON THOMAS: Now, that's a problem.

CHAIRPERSON DAVIS: That's a problem --

COUNCILPERSON THOMAS: I'm gonna tell you, that's a problem for me.

CHAIRPERSON DAVIS: -- for me, too.

COUNCILPERSON GUYTON: Well, that's the point I'm making.

CITY ATTORNEY RYAN: Okay.

CHAIRPERSON DAVIS: Okay. All right.

CITY ATTORNEY RYAN: Miss -- Madam Chair, that's why I made the recommendation that you allow staff to look at -- I -- as I said, I received this letter from Mr. Smith yesterday and I have not had an opportunity to meet with staff to determine the magnitude of their application.

CHAIRPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: That's one of the things that we wanted to look at.

COUNCILPERSON GUYTON: Well, that's what we need to do.

CITY ATTORNEY RYAN: So everything that you said is correct.

COUNCILPERSON THOMAS: Okay. That's my question.

CITY ATTORNEY RYAN: We need to look at that and then on second reading, we will have an answer for you as to whether -- you know what? And it may just be completely legal.

CHAIRPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: I will look at the case law. He's submitted some case law. I will look at that. I will look at my own case law. And on second reading we can make the decision on whether or not to --

CHAIRPERSON DAVIS: Yeah. Absolutely.

CITY ATTORNEY RYAN: -- to exclude them from this.

MAYOR MASTERS: Madam Chair?

CHAIRPERSON DAVIS: I heard Mr. Davis first and then Mayor Masters.

COUNCILPERSON DAVIS: Now -- now, it was addressed earlier --

COUNCILPERSON THOMAS: Your mike. Your mike. Your mike.

COUNCILPERSON DAVIS: -- it was addressed earlier whether or not to adopt them into -- to grandfather them in. See, but I was willing to -- to make a motion to -- that we grandfather them considering that they'll abide by the new coastal lines and the rules that -- regulations that we're getting to put --

COUNCILPERSON THOMAS: But they said they're changing their footprint.

CHAIR PRO TEM PARDO: Right.

CHAIRPERSON DAVIS: They're changing the footprint of the building.

COUNCILPERSON THOMAS: So that's --

COUNCILPERSON DAVIS: oh, that's different. That's different, yeah. Okay.

COUNCILPERSON THOMAS: -- that's different.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: I was willing to do that, as well. But they said they're changing the footprint so --

CHAIRPERSON DAVIS: I was, too.

LARRY SMITH: But our -- but our application, regardless of whether you call it a new application or as I maintain, that it's an amendment to the vested project, our application was submitted on April 1st, which is Mr. Thomas's point.

CHAIRPERSON DAVIS: Okay. We -- we -- we understand.

COUNCILPERSON THOMAS: I get it. We got a point. Miss Ryan will have to clear that up.

CHAIRPERSON DAVIS: Okay. Mayor Masters.

MAYOR MASTERS: Yeah. Thank you, Madam Chair. Who else is here from Harbor Point? Who's here from Harbor Point?

CITY ATTORNEY RYAN: The residents?

CARI PODESTA: Yes, Mr. Mayor. Yes, I'm here. I'm Cari Podesta on behalf of Harbor --

MAYOR MASTERS: (Inaudible).

CARI PODESTA: well, Mr. St. John was here, too.

MAYOR MASTERS: Wait. Wait a minute.

CARI PODESTA: Yes, go ahead.

MAYOR MASTERS: Let me ask -- I just want to make sure I'm on the -- on -- on -- that I'm clear.

CARI PODESTA: I want you to be.

MAYOR MASTERS: And I'm -- I'm concerned about Harbor Point.

CARI PODESTA: Thank you.

MAYOR MASTERS: I think that I -- my colleagues have -- have brought up their concerns with the other property. But I have some concerns that I want to talk to you about. I need to know, because the attorney said he just kind of got on this a couple months ago, three -- but how long has Harbor Point been in discussion with the -- with the staff, with our staff on -- on this at all?

CARI PODESTA: Harbor Point Association, my client, has been discussing with staff since 2010, I think, regarding the abandonment of Harbor Point Drive. And the -- we didn't have a buyer at that time. We have been talking with staff. I think I mentioned the last time I was here that we met with staff and we -- now, that was a city -- not the Planning & Zoning staff. But I had met with Planning & Zoning staff back in 2009 because the association back in 2009 had actually submitted its own site plan application and a request to abandon Harbor Point Drive back then and spent over \$150,000 on that process. The -- the reason why it didn't go forward was we told the City that we weren't going to be -- staff, that we wouldn't be developing the property; that someone else would. And they said, Well, we don't want to be talking with you unless you're going to be developing the project yourself. And to be quite honest, the association didn't have the wherewithal to proceed with the application. So those applications died. Can you hear me?

MAYOR MASTERS: Now, let me ask you this. How long -- how long have you had a buyer? I mean --

CARI PODESTA: Good question. We -- we started talking with Kolter back in -- in December we'd entered into a letter of intent. And this is a very complicated transaction. I think it might help if I can explain the transaction. It's not just the sale of property but it's also the termination of a condominium because right now it's a condominium and it's subject to the declaration of Harbor Point Condominium.

MAYOR MASTERS: I understand.

CARI PODESTA: So we have to do a whole process of getting owner approval and terminating the condominium and then winding up the affairs of the association. So --

MAYOR MASTERS: In all of this communication and meetings with our staff, was there ever any of the discussion that there was a possibility -- possibility of a moratorium, that -- at all?

CARI PODESTA: I was not privy to those discussions 'cause I represent the seller and not the buyer who's the -- Kolter, who is the developer. But my understanding -- and -- and in -- in their discussions with staff, that the moratorium was just brought up a couple of days before we were -- before you on the -- the first proposed reading of the first ordinance. And I was in a meeting with staff, I believe, a day or two before for the first time. The first reading -- the first first reading of this ordinance.

MAYOR MASTERS: Thank you. Mr. Richards, please? Can Jeff -- Mr. Gagnon, can you put that ordinance back up on -- on the (inaudible)? I want you to tell me in plain language that a third grader can understand or fourth or fifth grader maybe, what is it about this ordinance -- ordinance that gives you any problem, any trouble? What is it? Is there anything unfair? Is there anything that you think is unjust? Is it -- what -- what - just tell me that I can understand the issue, because I want to make sure the end of the day, that when I go home that I can sleep well knowing that we have done -- particularly that I have done the right thing and spoke correctly, because it troubles me greatly when I feel that something -- that I missed out on something and I'm not seeing something. So I need you to tell me one last time what is it about this as a lawyer that troubles you as it relates to your client?

WAYNE RICHARDS: Because of the contract that my client is in with the condominium owners, the -- the concerns that we have are a moratorium for up to six months.

MAYOR MASTERS: That's the only thing?

WAYNE RICHARDS: That -- that's the concern, a moratorium for up to six months.

MAYOR MASTERS: And why? Why does that concern you that much?

WAYNE RICHARDS: Six months from now we're out of contract. The contract's blown; it's gone.

CHAIRPERSON DAVIS: (Inaudible).

CITY ATTORNEY RYAN: Uh-huh.

MAYOR MASTERS: Please. Hold on just a minute. I -- I -- I can't hear.

WAYNE RICHARDS: The contract of purchase is blown up. It's gone. All the deadlines have been missed. And it's really Miss Podesta who could better address this 'cause she's part of the contract.

MAYOR MASTERS: No, I don't -- no, no, I don't want -- I don't want -- I don't want to just belabor the point.

WAYNE RICHARDS: But the issue is the contract. The issue is the --

MAYOR MASTERS: I just know that -- I understand. I'm trying to understand. But I just want to make sure that whatever is done does -- does not create a situation that -- an adverse situation on -- on your -- on your client. Let me just say this. And I'm -- and I'm done. I see this, both of these properties, both of these cases, if -- if there was a judge here, I -- I see this as a judge saying, Look, both of you guys go back. Get with the attorneys, get together with staff and try to work it out and see you can bring back some type of -- of agreement/understanding. I just don't see -- I just hope that this is not a rush to judgment when I've heard you say that you will almost work out everything. And I just don't know why this can't be worked out without an ordinance. But if it can't, I don't know. I'm not -- I have a last name Masters but I'm not a master on this. But it's just common sense to me to just make sure -- if I was a judge I would say, You guys go back, work it out, and then if you can't get an understanding with -- with the staff, then we -- we proceed on this. That would be my -- my thinking. Thank you, Madam Chair.

CHAIRPERSON DAVIS: You're welcome, sir. Any other questions or comments? Okay. Madam Clerk.

CITY CLERK WARD: Council -- Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote. Okay. We are now down to Public Comments.

**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 Regular City Council Meeting

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 DAVIS: We have four cards here. Miss Juanita Nalls? After her is Miss Mary Brabham. Good evening, Miss Nalls. Welcome. Please state your name and address for the record.

JUANITA NALLS: Thank you. Juanita Nalls, 2011 Avenue H East.

CHAIRPERSON DAVIS: Please come close to the mike so we can hear.

JUANITA NALLS: Okay. Juanita Nalls, 2011 Avenue H East, Riviera Beach. And good evening, Mr. Mayor and the Council.

MAYOR MASTERS: Good evening.

JUANITA NALLS: As a concerned citizen of Park Manor, and I'm speaking in reference to not what's just been going on, in reference to this referendum but in reference to the 7-Eleven that is to replace the bank, okay, at the corner of Blue Heron Boulevard and U.S. 1. And I would like to go on record that Park Manor residents oppose this project and that we hope that our council will listen to the residents and go back to the drawing board in reference to coming up with a better project for redevelopment of that corner. Thank you very much.

CHAIRPERSON DAVIS: You're quite welcome, ma'am. Miss Brabham?

MARY BRABHAM: Wait. Start it over. That's not my time. I want all of my time.

CHAIRPERSON DAVIS: That's right.

MARY BRABHAM: Thank you.

MAYOR MASTERS: That's not something --

MARY BRABHAM: Start it over.

CHAIRPERSON DAVIS: Okay.

MARY BRABHAM: Good evening. Miss Mary Brabham. To --

MAYOR MASTERS: Good evening.

MARY BRABHAM: -- to the City Manager, Chair --

CHAIRPERSON DAVIS: Good evening, ma'am.

MARY BRABHAM: -- and Pro Tem. Okay. I'm also speaking in reference to the 7-Eleven. With the Charrette, we as residents said that we wanted positive redevelopment in the city. You all gotten with us and you all encouraged us to get up and vote for that marina. Anyone who watched the town hall meetings, it was things that was said there that we want you all to take into consideration of. Now, we're not saying that 7-Eleven is -- is -- is -- is horrible. We know that it will conduce [phonetic] crime. We know down at that corner there is -- the traffic is horrendous and we also know that we're fooling ourselves when we say that it will create jobs. We need to stop saying that. If we are to do the things that we are to do, let's do them and stop talking about them. You all should be concentrating down at that marina day in and day out.

Now, that corner down there, we have Publix, Save-A-Lot, as well as Winn-Dixie. I travel there. My residents travel it. Everyone travels that. So how much food can we eat? Every corner in this six-mile radius is a -- is a walk-in food store or a gas station. Come on. We should be better than that. Thank God that we're not in Miami or Fort Lauderdale or Orlando, because I think every street corner will incorporate gas stations and food stores. Trash thrown all over our cities. It was stated that they would have security guards down there. It still will utilize our police force because the police will still have to go down there, make arrests, paperwork, do booking, and not excluding our fire department.

And two, we can encounter more lawsuits. We shouldn't be -- we should be better planners, planners that envision this city here to have the things in this city to make this city workable. And stop just going along with something. Yes, we feel as if this -- this was sneaked in because as Charrette's, we said no more gas station and no more service -- walk-in food joints in this place here. We have enough and enough is enough. So we ask you all to be considerate. We ask you all to -- to -- to take into consideration the peoples that you -- that you said that you was going to represent. And bring in positive change in this city here and not same old, same old. Happy 4th of July to everyone and I hope that you be safe. And you all think on these things. The hen watches the -- the chicks. Who watches the hens? So we as fox from now on will watch the hens. And whenever you're deliberating, continue to deliberate. We sat there over two hours to listen to this last of the deliberation, so you all continue to -- to deliberate. Don't get shut down. If there's key points to be made, do not deviate until you get a sound answer. Thank you.

CHAIRPERSON DAVIS: Thank you, Miss Brabham.

MAYOR MASTERS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Mayor?

MAYOR MASTERS: Miss Brabham, I need to ask you one question, please. I know you've been a resident a long time here in Riviera Beach, much longer than I have. I want you to answer this. Is there any location in this city that has three entities on one corner with 24 hours? Have you seen that?

MARY BRABHAM: Yes. Please, do I dare answer that? Military Trail, Congress.

MAYOR MASTERS: Three?

MARY BRABHAM: Three?

MAYOR MASTERS: Three.

MARY BRABHAM: The Military Trail down there on Blue Heron. We have a service station on --

MAYOR MASTERS: That's only -- that's only two.

MARY BRABHAM: -- and we have two -- we have two --

MAYOR MASTERS: Two.

MARY BRABHAM: -- right here on --

MAYOR MASTERS: But I'd be saying three. My question is three.

MARY BRABHAM: Three? Three.

MAYOR MASTERS: Three.

MARY BRABHAM: Military Trail.

MAYOR MASTERS: That's two. It's only two.

COUNCILPERSON THOMAS: It's three.

MAYOR MASTERS: No, Military. I believe that other's abandoned. And the one is not 24-hour. My point is this, I have not seen a corner yet -- and I've been driving around -- that there's three gas stations or three anything that's open 24 hours. Now, someone said the Walgreen is not gonna be open 24 hours. But that's a mistake.

MARY BRABHAM: Oh, yes, it will. It's just the pharmacy department.

MAYOR MASTERS: It is going to be open 24 hours. It's just a pharmacy.

MARY BRABHAM: It's just the pharmacy department.

MAYOR MASTERS: So the Walgreens will be open 24 hours, the BP will be open 24 hours and the 7-Eleven. I haven't seen that anywhere in this city or in the county.

MARY BRABHAM: Yes. Okay. Well, I didn't know whether you was referencing that.

MAYOR MASTERS: No. Three.

MARY BRABHAM: But when we look at these corners here, our main entryway

corners here and see the travesty that's already existing on those corners there, and it will mitigate crime and our police department will have to be utilized.

MAYOR MASTERS: Thank you.

MARY BRABHAM: So we have to be smart planners.

MAYOR MASTERS: Okay. I just wanted --

MARY BRABHAM: Smart planners.

MAYOR MASTERS: -- to have you saying three, which I -- but you haven't and I haven't either.

MARY BRABHAM: Thank you.

MAYOR MASTERS: Thank you.

CHAIRPERSON DAVIS: Okay. Thank you. And I will say I -- I made that mistake. I just read the sign and thought they were talking about the whole store but they were only talking about the pharmacy. Anthony Valenzuela? Did I pronounce that correctly?

ANTHONY VALENZUELA: Yeah, you did.

CHAIRPERSON DAVIS: Okay. Good evening, sir. You have three minutes. After her -- you --

ANTHONY VALENZUELA: Okay.

CHAIRPERSON DAVIS: -- is --

ANTHONY VALENZUELA: My name is Anthony Valenzuela.

CHAIRPERSON DAVIS: -- Miss Marie.

ANTHONY VALENZUELA: I'm a volunteer at Valley of Love Community. And we're trying to organize a clean-up day to --

CHAIRPERSON DAVIS: Come closer to the microphone, sir, so we can hear you.

ANTHONY VALENZUELA: -- clean up the community.

CHAIRPERSON DAVIS: Okay.

ANTHONY VALENZUELA: We're trying to organize a clean-up day to clean up the community. The lady in the blue hat was talking about the mess. Maybe we can be of some kind of service but we're kind of short in funds. Miss Mary is -- she's the one that runs this Valley of Love Ministry. And we're kind of short on funds as far as supplies and stuff, cleaning up from 19th Street to Avenue E and on Broadway. And we could extend this if we have some funds on trying to get the supplies together, of cleaning up

a lot of the mess that's in the community. 'Cause we're also concerned about the mess in the community.

CHAIRPERSON DAVIS: Are you -- are you done?

ANTHONY VALENZUELA: Yes, ma'am.

CHAIRPERSON DAVIS: Okay. Thank you very much for your comments, sir. Miss Marie? Miss Marie, instead of writing the Valley of Love Ministries or what is -- what is your last name?

MARIE JEAN-PIERRE: Jean-Pierre.

CHAIRPERSON DAVIS: Jean-Pierre? Okay.

MARIE JEAN-PIERRE: Good evening, everybody.

CHAIRPERSON DAVIS: Good evening.

MARIE JEAN-PIERRE: I would like to thank Mayor Master for his donation, also Councilwoman Davis. Thank you very much. And I'm still waiting for the others.

CHAIR PRO TEM PARDO: I have no money left.

MARIE JEAN-PIERRE: Thank you very -- huh?

CHAIR PRO TEM PARDO: I apologize. I have no money left.

MARIE JEAN-PIERRE: Oh, okay. Well, just like Anthony was talking about, 'cause we're having a -- our community cleaning day's going to be Friday, July 11th, from 9 a.m. to 12 p.m. We will need a lot of volunteers, people that can -- you know, because around the ministry is very dirty because there's a lot of less fortunate people around there that throw a lot of stuff. So this day, like, we're going to be cleaning the community so I don't know if the City can, you know, just -- just can provide some garbage bags for us so we can clean up on that. It's going to be July 11th. Not this Friday but then the following Friday.

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: Madam Chair, I think may -- may I?

CHAIRPERSON DAVIS: Yes. Go ahead, sir.

MAYOR MASTERS: I think that Solid Waste or Waste Management, whichever one, will probably help you with supplies. So please call me tomorrow, Miss Marie, and I'll try to hook you up.

MARIE JEAN-PIERRE: Okay. Also --

MAYOR MASTERS: To make sure you -- you get what you need.

MARIE JEAN-PIERRE: Okay. Thank you.

MAYOR MASTERS: Thank you, Madam Chair.

MARIE JEAN-PIERRE: And -- okay. And also, every Thursday we have a -- the free food giveaway, so we give out a lot of food every Thursday from 12 to 3. So we would like to -- to invite the community to come out at 1901 Broadway at the Valley of Love Ministries. For more information they can call me at -- office number's 561-844-2400 or my cell, 561-502-8757. We have a lot of food from meat, vegetables, all kind of food every Thursdays from 12 p.m. to 3 p.m.

CHAIRPERSON DAVIS: Okay. Thank you, ma'am.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Yes, Miss Pardo?

CHAIR PRO TEM PARDO: I -- I have a question. Can people donate food?

MARIE JEAN-PIERRE: Yes.

CHAIR PRO TEM PARDO: To the ministry?

MARIE JEAN-PIERRE: Yes.

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: Okay.

MARIE JEAN-PIERRE: You can donate food, clothes, everything.

CHAIR PRO TEM PARDO: Okay. That's fine. All right. Thank you.

MARIE JEAN-PIERRE: Yeah.

CHAIRPERSON DAVIS: Okay. And you are a 501(c)(3), correct?

MARIE JEAN-PIERRE: Yes.

CHAIRPERSON DAVIS: So it's a tax write-off.

MARIE JEAN-PIERRE: And money, too.

MAYOR MASTERS: Oh, they can donate money?

CHAIRPERSON DAVIS: Okay. We're now down to our Regular Agenda, item 9.

REGULAR

9. RESOLUTION NO. 60-14 AUTHORIZING THE CITY MANAGER TO ISSUE A

THIRTY (30) DAYS NOTICE OF CANCELLATION ON THE AGREEMENT BETWEEN MCKINLEY FINANCIAL SERVICES DBA MCKINLEY INSURANCE SERVICES AND THE CITY OF RIVIERA BEACH.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: So moved.

CHAIR PRO TEM PARDO: Second.

CHAIRPERSON DAVIS: All right. Uh, Miss Jones?

CITY MANAGER JONES: Madam Chair and members of Council, this item is before you in -- to -- in order to comply with the contract that we had with McKinley and the termination clause and giving them a 30-day notice. We're currently in the negotiations with the new selected agent of record and anticipate bringing that contract to you at the second meeting in July for that to commence the 1st of August. So this is approval to terminate the existing contract with McKinley and Associates for agent of record.

CHAIRPERSON DAVIS: Okay. Any questions or comments? Madam Clerk?

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: Okay. We're now down to Discussion and -- oh, I'm sorry, item 10, which is a Community Benefits request from Councilman Thomas for \$240 to All Star Toilet.

COUNCILPERSON GUYTON: So moved.

CHAIR PRO TEM PARDO: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

COUNCILPERSON THOMAS: Well, no, would you like a --

COUNCILPERSON GUYTON: Yeah. We'd like (inaudible).

CITY CLERK WARD: Councilperson Guyton.

COUNCILPERSON THOMAS: Oh, okay. Okay. No problem. No problem.

CITY ATTORNEY RYAN: What are they doing?

CITY CLERK WARD: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

CITY CLERK WARD: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY CLERK WARD: Chair Davis?

CHAIRPERSON DAVIS: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON DAVIS: By all means. Okay. Discussion and Deliberation. Anything from the Manager?

DISCUSSION AND DELIBERATION

DISCUSSION BY CITY MANAGER

CITY MANAGER JONES: Not this evening, thank you.

CHAIRPERSON DAVIS: Miss Ryan?

LEGAL DISCUSSION/REQUEST

CHAIRPERSON DAVIS: I asked you to talk about the correspondence that we've all been getting from a resident, Miss Tina White, concerning the DRI Project at her home.

Would you please update everyone?

CITY ATTORNEY RYAN: Okay. Well, Madam Chair, I sent the Council this afternoon - - you may not have gotten it because it was this afternoon -- a confidential memorandum regarding Miss White's lawsuit against the City and Gray Construction. And I know that she -- she's representing herself and that's why she's able to send the voluminous e-mails to Council. I call them harassing e-mails and I apologize that you're receiving them because most of them are regarding her lawsuit.

But just to give you a brief overview, and I don't know if you want the public to know, Miss White was a participant in the City's Disaster Recovery Initiative which made repairs to residents' homes that suffered from hurricanes in 2004 and 2005. Miss White received over \$36,000 worth of improvements by the City and even more than that from the County. I don't know what the exact amount was from the County. However, for some unknown reason Miss White has filed a lawsuit against the City and is alleging that because -- she's alleging that the mortgage that we put on her property -- and let me go back.

One of the requirements of being a participant in a grant program -- and this is not unusual -- is that the participant must sign a mortgage stating that if they move out of the house in so many years -- in this case I think it was five years -- that they would repay the money that -- that they got. In this case, Miss White received \$36,000 from the City and she voluntarily signed a mortgage when she started the program. And now that she's received the benefit of the program, she's alleging that the City illegally put the mortgage on her property.

And she has asked -- she's asking the Court to remove the mortgage because of the way we do our resolutions, etc., etc. She's -- she filed that in court. The judge has asked her to do a third amended complaint. The Court has already dismissed two complaints of hers already. But instead of amending her complaint, I think she's decided that she will file a complaint with the -- the County, with the Inspector General's Office, with the State of Florida. She's threatened to file bar complaints against me and all of the attorneys who are, you know, working for the City on this, including my assistant attorney.

And I'm sure that she would make threats to you all if she could figure out a way to get to you. But she is making allegations against the City Manager and others. I mean, you're getting the correspondence. All I can tell you is, is that we are defending the case. I've given you a memo that outlines as much as I can because I know that you all were not privy to this initially. And since Miss White started representing herself, she's going to continue to write these -- these e-mails to you. But I want you to be assured that we are defending the City on this and that there are no merits to her allegations.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Are you finished, Miss Ryan?

CITY ATTORNEY RYAN: Yes. I am. I kind of went on.

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: This is to the attorney. Let me get some clarification. You're saying that Miss White got some free service, free improvements to her home?

CITY ATTORNEY RYAN: Yes.

COUNCILPERSON GUYTON: For which she didn't have to pay?

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON GUYTON: Customarily, which is something that is done with all grant monies, there is an agreement signed that you cannot move out or sell a home because we just gave you some free money, essentially.

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON GUYTON: I used to work for HCD. Their time limit used to be 10 years before anything can be done with the property.

COUNCILPERSON THOMAS: It's 30 now. I had to learn the hard way. It's 30.

COUNCILPERSON GUYTON: Yeah. So -- so -- but -- and this resident is complaining about five years of not being able to turn it over or do anything with the property because she got free money?

CITY ATTORNEY RYAN: That's correct. That's pretty -- that's essentially it.

COUNCILPERSON GUYTON: Am I really understanding --

CITY ATTORNEY RYAN: That's -- that's essentially it.

COUNCILPERSON GUYTON: -- the issues at hand here?

CITY ATTORNEY RYAN: Right. And she's raising --

COUNCILPERSON GUYTON: So -- and let me just say this.

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON GUYTON: This is done not just throughout the state but throughout the country.

CITY ATTORNEY RYAN: That is correct.

COUNCILPERSON GUYTON: When you get money, you are required to say that I'm going to be in this home for a while and I'm not going to sell it. And the money that you gave, you know, you can enjoy it. And I -- I don't understand what these lawsuits about -- about now she doesn't want to hold up her end of the deal. Is that -- is that what this is about?

CITY ATTORNEY RYAN: That's -- that's all I can surmise. It is mind-boggling to me.

COUNCILPERSON GUYTON: Okay.

CHAIRPERSON DAVIS: Okay? Thank you, Miss Ryan, for that.

CITY ATTORNEY RYAN: Okay. And -- and again, if you -- I -- I gave you a very extensive memo. If you have questions about it, I tried to outline it. I -- I feel very badly that you're getting these e-mails and you all have not been privy to this because we've just been handling it. But if you have questions, please feel free to call me. Again, I -- I just apologize. I don't know what else to tell you.

CHAIRPERSON DAVIS: Okay. Well, that's why I asked you to bring it forward. Because, you know, the e-mails were really voluminous. So are there any City Council Committee Reports? Okay. Anything from Mayor and Council?

CITY COUNCIL COMMITTEE REPORTS

STATEMENTS BY THE MAYOR AND CITY COUNCIL

CHAIRPERSON DAVIS: Mayor, we'll start with you.

MAYOR MASTERS: Yes, Madam -- Madam Chair. To the citizens of Riviera Beach and others who may view around the county, wherever you may be, who have an interest in our city. As you know, the Office of the Mayor conducted a -- or spearheaded and led a town hall meeting the other night and you can view the sentiments, the comments, questions, the concerns from the police chief and others. It's a matter -- it's on Channel 18 and you can see it probably on our website, as well. But I did say to the residents that I would do my independent research on some issues as relates to 7-Eleven in that area. It is apparent from the town hall meeting that 98 percent if not 99 percent of the residents who live within two blocks from where the proposed 7-Eleven would be located are opposed. It is also apparent that -- well, tonight, the president of the Park Manor Neighborhood Association, which is very, very close, as well, to the site, on the record, opposed. Also we had residents as far west as Federal Gardens area that spoke for others in that area who are opposed. Also on the record, there was a recommendation from the Planning & Zoning Committee that we have who have -- who are opposed. Took a vote. The majority voted that the special exemption should not be granted. Now --

COUNCILPERSON GUYTON: Special exception.

MAYOR MASTERS: Exception. I'm sorry. Special exception should not be granted. The concerns and the issues that seemed to be prevalent are those relating to the location itself, because many felt that it's not conducive to the -- what we're trying to accomplish as far as redevelopment, the gateway to the city. The other issues were crime and safety. Traffic was also a concern. And that is probably going to be the one area that's -- that the -- the special exception probably will stand up as relates to traffic. In -- in addition, I have done some research, and it'll just take me a minute and I'll be through.

If you take the time and Google crime and violence at 7-Eleven stores and convenience stores -- 7-Eleven is the largest in the country -- you will discover that there are some serious issues. So I'm not going to go into that. However, what I also discovered, that -- that the 7-Eleven is opening a new store in America almost every two hours, according to the research. Last but not least, Madam Chair and to the citizens, Berkeley, California -- and I come from California. I'm very familiar with Berkeley and Northern California -- right now are protesting -- and this is very much on point -- they're protesting the possibility of a 7-Eleven being open in their neighborhood for the exact reasons, and they're saying that they have made too much progress on redevelopment that they do not want a 7-Eleven in their neighborhood in Berkeley, California, for -- it's almost exact on point as we have here.

So based upon the information that -- that I have obtained and based upon the -- the feedback that I'm getting from citizens in that immediate area, in the adjacent area and also further away, I cannot find any support other than very minimal support -- and everyone is concerned about traffic.

So I conclude by saying it doesn't take a rocket scientist to agree for me to know where I stand. And when -- at the appropriate time when this comes before the council, I will definitely let you know where I stand based upon what I've heard and based upon what I've seen and based upon this research. But if you want to know before then, you can call me and you can see me and I'll definitely let you know.

The -- July the 8th is also a very historic day, as you know, in our city. For the first time Riviera Beach has its own day at Palm Beach College. Now, this is significant because we have a lot of young people in high school. Now they will be able to have dual enrollment, that they can go to high school and college at the same time and receive college credit free. Veterans, they have a very special program for veterans. So we're asking our young people and adults who want to go to college or who want to go back to college to be here on July the 8th, veterans included. Be here no later than 9:00 a.m. and ride the bus or buses with Councilman Terence Davis, myself and any other of my colleagues or residents that would like to go.

The sister city event, Peace and the Feast was remarkable. We want to thank the leaders of it for putting it on and we are going to continue our message, which is to stop the violence, start the healing, save the children and give peace a chance. And at the sister city event we opened the door to our sister cities, as well as Riviera Beach who would like to join us on this historic day. And the sister cities are the cities of Lake Worth, Lake Park, West Palm Beach, Mangonia Park and Riviera Beach. You are welcome. We consider you our first cousins. You are welcome to join us on this historic day.

And for those of you who may not know, if you're interested in jobs, if you're interested in the Office of the Mayor, as well as the office of the bishop, you can go on your mobile device, whether it's Android, whether it's Apple, whether it's BlackBerry -- any of those devices and just go to your Apple store or your play store and just type in Mayor Masters with no spaces, and our new app, that I'm personally responsible for, is up and running well. So if you want to know, there it is for you. On your mobile. Mayor

Masters, no spaces. Thank you, Madam Chair.

CHAIRPERSON DAVIS: You're welcome, sir. Mr. Thomas?

COUNCILPERSON THOMAS: Nothing.

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Thank you, Madam Chair. I have one thing for the City Manager. There is a huge pothole -- and it's getting deeper and deeper and deeper -- on Park Avenue, just south of the water -- the lift station. Okay? You can't miss it. And I'm surprised that no one has reported it. It's probably another broken pipe because it's just so --

MAYOR MASTERS: Terrible.

CHAIR PRO TEM PARDO: Yeah. It's just so deep.

CITY MANAGER JONES: (Inaudible).

CHAIR PRO TEM PARDO: Correct. So if someone could please take a look at that?

CITY MANAGER JONES: Will do.

CHAIR PRO TEM PARDO: The other thing, I'd like to congratulate our Chair, Miss Davis, and Derrick McCray. You guys put on a phenomenal program on Friday night.

CHAIRPERSON DAVIS: Thank you.

CHAIR PRO TEM PARDO: And it was great to see that you invited elected officials from around the county and they showed up. Including the -- the mayor of the county.

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: And they gave, you know, very inspiring speeches to the families. And what I really liked about it, we had people from the entire community. We had groups of young kids who came as a little pack, you know, eight-, nine-year-olds. And they were led over to the section where the women were feeding the children. And it was great to see that all of the women who were dishing out the food, they went above and beyond to make sure that all of those children had a plate that they could barely hold. And that was --

CITY ATTORNEY RYAN: Oh.

CHAIR PRO TEM PARDO: -- that was just great to see. And we had the grandparents there and mothers and fathers and teenagers. So kudos to you, Madam Chair and to Mr. McCray. You guys did a fabulous, fabulous job.

CHAIRPERSON DAVIS: Thank you very much, Chair Pro Tem.

CHAIR PRO TEM PARDO: Fabulous. And then the last thing I'd -- I'd like to mention is this 7-Eleven. A couple of people spoke about it tonight. They spoke about it at our last meeting. And you know, please remember that 7-Eleven, the -- the plan itself has not come in front of the city council. And my view on the 7-Eleven is I want to see the entire plan. I want to see how it's laid out and at that time I will make my decision on it. I'm not going to tell you right now that I'm against it or I am in favor of it. I want to see the -- the plan and at that time I will make my decision. That's all I have, Madam Chair, thank you.

CHAIRPERSON DAVIS: Okay. Yes, I want to give a shout out to the elected officials who attended. That was West Palm -- well, West Palm Beach Mayor Muoio was supposed to attend. I don't know if she was actually there or not. The Mayor of Lake Park, Mayor DuBois, and Mayor Taylor from the County. I missed part of the event because I had made a prior commitment to serve on the Nominating Committee for the Florida League of Cities and was in Orlando and the -- it was supposed to be over at 3 and I would have gotten back about 5:30 but we went late and I didn't get back until almost 8. So I missed half of it.

But from what I hear from the people who were working with me, it was -- turned out to be a fantastic event. I want to thank the Council and Mayor, particularly Miss Pardo, for your monetary assistance. And McCray's Backyard BBQ, the Youth Recreation Association and Mr. Calvin Cooley and Corey Nearing [phonetic], all of the artists who attended. We had some of everything. We had rappers. We had gospel. We had steel drums. We just had something for everyone. And last but not least I really want to thank Parks & Recreation because those guys worked so hard and Mr. Alan Winn, you weren't -- I don't know if you were working or not but you were there, you know, supporting us all the way. And I really want to thank the almost 3,000 people who came through the park, you know, and had such a wonderful time. And here's what -- what we did, you know?

In response to all of the violence -- you know, after school there's always a spike. Spring break there's always a spike. And Christmas break there's always a spike. So we wanted to do something for young adults, you know, and -- and put the message out there that, Hey, this is a peaceful event. And therefore, the name Peace & Feast came about. And, you know, we -- we set the -- the -- the -- the -- the level that we wanted and people responded. There was not one single incident out there. Even when the lights went off around 10:00 and I'm saying --

COUNCILPERSON THOMAS: I left.

CHAIRPERSON DAVIS: -- Oh, goodness.

COUNCILPERSON THOMAS: When the lights went off, I was deuces.

CHAIRPERSON DAVIS: Yeah. And, you know, still, everybody was very loving towards each other. There were a lot of hugging. There's laughter. And there was no alcohol. Okay? But, you know, it -- it was -- it was just a wonderful event and hope to do it again. I also want to -- to let everybody know that because the planners, one of

which was Mr. Calloway and Derrick McCray from Back -- McCray's Backyard BBQ, have already received a call from the tri-county area in the western area, Pahokee, Glades and I think South Bay, they want to duplicate this in their areas. So it's -- that's a -- it's -- hopefully it's going to spread, you know? And --

UNIDENTIFIED SPEAKER: I think it's (inaudible).

CHAIRPERSON DAVIS: Well -- but anyway, and also lastly, I've been nominated -- oh, well, I will be nominated to serve as the Chair of the Transportation and Intergovernmental Committee for the Florida League. I got that phone call on yesterday so wish me luck. All right. Mr. Davis?

CITY MANAGER JONES: Um --

CHAIRPERSON DAVIS: Oh, I'm sorry. Miss Jones?

CITY MANAGER JONES: -- Councilman Guyton had to leave.

CHAIRPERSON DAVIS: Okay.

CITY MANAGER JONES: So he asked me to make you aware that also he would like for me to announce that on July the 17th, once again he is holding his quarterly town hall meeting at Lindsey Davis from 6 to 7:30. There'll be a message on the On Hold. We'll put it on TV 18. But he just wanted me to announce that tonight so residents could prepare for the town hall meeting on July the 17th from 6 to 7:30.

CHAIRPERSON DAVIS: Okay.

CITY MANAGER JONES: Thank you, Madam Chair.

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: Thank you. To acknowledge Mr. Alan Winn once again, he's always working seven days a week, 24 hours. So when you see Mr. Winn in Riviera Beach --

CHAIRPERSON DAVIS: He is so special.

COUNCILPERSON DAVIS: -- please always just say thank you. I -- I just had to say that, Mr. Winn. Every time I see you you -- you got something going on for the people and we -- we truly appreciate that. An opportunity, the event -- the first annual event that was done -- I hope to see this will be an annual event. It was a great successful event. I also had the opportunity to go out to the Glades for the last three years and participate in their event. So that's good that everybody's trying to continue that type of effort in the community. And I want to congratulate the Mayor and I hope that the residents of Riviera Beach truly take advantage of the opportunity taking your youth to this first annual Riviera Beach Day at Palm Beach State College. 'Cause there ain't so many times -- but usually when we go to college, you -- sometimes a lot of students go by themselves and they get lost trying to find out where's registration, where's the

financial aid office.

Now you get the opportunity to go with the -- bring your parent, bring your grandparent. I think it will be a great family trip for you all to -- 'cause no one's too old to go to college. You know? It would be a great opportunity for you to go, to get on the bus, get to Palm Beach State College, get the tour, find out which public transportation bus that actually leaves Riviera Beach and goes to Palm Beach State College for you to get an opportunity to better your career. And I want to thank you, Mayor, on that.

MAYOR MASTERS: Thank you, Mr. Davis.

COUNCILPERSON DAVIS: I want -- yes. I want to wish everyone a happy 4th of July. Please be safe. As -- as showed this last weekend, we can have a great time. There was no alcohol so I'd encourage you -- and I'm not telling you but encourage you to try to continue to have fun without any alcohol. If you do, make it a one-drink minimum and maximum. But y'all be safe and I wish my colleagues well on this 4th of July. And thank you. And the Riviera Beach residents.

CHAIRPERSON DAVIS: Okay. Is there a motion for adjournment?

ADJOURNMENT

COUNCILPERSON THOMAS: So moved.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Okay.

(CONCLUSION OF MEETING)

APPROVED:



THOMAS A. MASTERS
MAYOR



JUDY L. DAVIS
CHAIRPERSON

ATTEST:



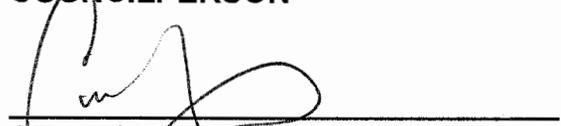
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



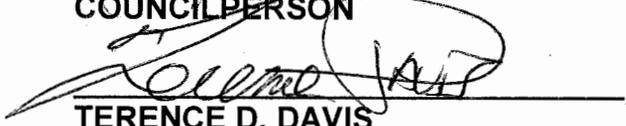
DAWN S. PARDO
CHAIR PRO TEM



BRUCE A. GUYTON
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: T. DAVIS

SECONDED BY: C. THOMAS

B. GUYTON TARDY

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

T. DAVIS AYE

DATE APPROVED: 08/20/2014