

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, DECEMBER 3, 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. At this time please turn your cell phones to the office or vibrate position. If you'd like to speak on a consented agenda item, please turn in your cards now, because the items come up fairly quickly. Also, we're going to welcome Mr. Glen to our city -- to the dais this evening standing in for our City Attorney Pamala Ryan. Madam Clerk, please call the roll.

ROLL CALL

DEPUTY CITY CLERK ANTHONY: Mayor Thomas Masters? Chairperson Judy Davis?

CHAIRPERSON DAVIS: Here.

DEPUTY CITY CLERK ANTHONY: Chair Pro Tem Dawn Pardo?

CHAIR PRO TEM PARDO: Present.

DEPUTY CITY CLERK ANTHONY: Councilperson Bruce Guyton?

COUNCILPERSON GUYTON: Here.

DEPUTY CITY CLERK ANTHONY: Councilperson Cedrick Thomas? Councilperson Terence Davis?

COUNCILPERSON DAVIS: Here.

DEPUTY CITY CLERK ANTHONY: City Manager Ruth Jones?

CITY MANAGER JONES: Present.

DEPUTY CITY CLERK ANTHONY: Deputy City Clerk -- Clerk Claudene Anthony is present. Attorney Glen Torcivia sitting in for City Attorney Ryan?

ACTING CITY ATTORNEY TORCIVIA: Here.

DEPUTY CITY CLERK ANTHONY: (Inaudible).

CHAIRPERSON DAVIS: You got it. Okay. All right. Let's all stand for a moment of silence and the pledge led by Mr. Davis.

INVOCATION

PLEDGE OF ALLEGIANCE

(Everyone stood for a moment of silence with the Pledge of Allegiance being led by Councilperson Davis).

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

AGENDA APPROVAL: ADDITIONS, DELETIONS, SUBSTITUTIONS

CITY MANAGER JONES: Yes, Madam Chair. I would like to add item number 11A to the consent agenda. And this is authorizing the Mayor and the City Clerk to execute a reinstated and amended interlocal agreement between the City of Riviera Beach Youth Empowerment Program and the County. There were expenditures from the original agreement and funding expired September 30th. There were expenditures from the summer that did not come in until after then. And so the County said in order for us to be able to receive the \$8,200 from summer programs --

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: -- we needed to reinstate it and it would run through March of 2015 or what -- whichever one comes first or the expenditure of the funds.

CHAIRPERSON DAVIS: Okay.

CITY MANAGER JONES: I would like consideration to reorder the agenda so that we hear item number 23 prior to Awards and Presentations.

CHAIRPERSON DAVIS: Okay.

CITY MANAGER JONES: There is an addition of item number 29 under Community Benefits. And this is an award to the Public Works Department of \$999 from Councilman Terence Davis for the painting of the wall at National Village and Timber Pine development.

CHAIRPERSON DAVIS: Okay. Is that it?

CITY MANAGER JONES: Yes.

CHAIRPERSON DAVIS: Okay. Is there -- are there any Disclosures by Council?

DISCLOSURE BY COUNCIL

CHAIRPERSON DAVIS: I hear none. Is there a motion to adopt the agenda?

ADOPTION OF AGENDA

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Okay. We're now down to our 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: Is there a motion to approve Consent or does anyone want to pull an item?

CHAIR PRO TEM PARDO: Motion to approve.

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

CITY MANAGER JONES: You have a card on number 9.

CHAIRPERSON DAVIS: Oh, you're absolutely right. Sorry. Miss Kisner?

MISS KISNER: I got my answer.

CHAIRPERSON DAVIS: You got your answer? Okay, great. Okay. We were in the middle of calling the roll. Okay.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Okay. Taking item 23 out of order, which is Ordinance on First Reading.

MINUTES

1. MINUTES OF THE CITY COUNCIL WORKSHOP HELD, AUGUST 11, 2014.

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD, OCTOBER 15, 2014.

RESOLUTIONS

3. RESOLUTION NO. 130-14 A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO PROCEED TOWARD THE ISSUANCE OF THE CITY'S PUBLIC IMPROVEMENT REVENUE BONDS, IN ONE OR MORE SERIES, IN ACCORDANCE WITH THE CITY'S DEBT MANAGEMENT POLICY, FOR THE PURPOSE OF FUNDING ALL OR A PORTION OF THE CURRENT UNFUNDED ACTUARIAL ACCRUED LIABILITY OF THE CITY'S PENSION PLANS AND RETIREMENT SYSTEMS; AUTHORIZING THE OFFICIALS OF THE CITY TO DO ALL THINGS NECESSARY OR ADVISABLE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
4. RESOLUTION NO. 131-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING FUNDS IN THE AMOUNT OF \$625,000. FROM THE DEPARTMENT OF JUSTICE COPS HIRING PROGRAM GRANT #2014UMWX0156 WITH MATCHING FUNDS OF \$523,534.33 OVER A THREE-YEAR PERIOD TO IMPLEMENT A SCHOOL RESOURCE OFFICER UNIT AND AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE TO EXECUTE THE GRANT ON BEHALF OF THE CITY OF RIVIERA BEACH; AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO SET UP A BUDGET FOR SAME; AND PROVIDING AN EFFECTIVE DATE..
5. RESOLUTION NO. 132-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT, FOR REIMBURSEMENT OF UP TO \$16,660.00 PER YEAR FOR ON-WATER LAW ENFORCEMENT SERVICES IN COUNTY WATERWAYS DURING MANATEE SEASON; AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE AGREEMENT; AND THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO SET UP A BUDGET FOR THE SAME; AND PROVIDING AN EFFECTIVE DAT.
6. RESOLUTION NO. 133-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO PALM BEACH COUNTY, ON BEHALF OF THE CITY, FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$199,000 FOR THE FISCAL

YEAR 2015-16 FOR DRAINAGE IMPROVEMENTS ON WEST 18TH THRU WEST 22ND STREETS EAST OF AVENUE S; AND PROVIDING FOR AN EFFECTIVE DATE.

7. RESOLUTION NO. 134-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AMENDMENT 007 TO THE DISASTER RECOVERY INITIATIVE PROGRAM AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY, AMENDING THE MAXIMUM NUMBER OF REHABILITATION PROJECTS FROM TWENTY (20) TO TWENTY-THREE (23), BY INCREASING THE MAXIMUM AMOUNT OF COMPENSATION TO THE CONSULTANT PER COMPLETED PROJECT FROM \$5,000 TO \$7,000, AND BY INCREASING THE MAXIMUM CUMULATIVE AMOUNT PAID TO THE CONSULTANT FROM \$105,000 TO \$161,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
8. RESOLUTION NO. 135-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AMENDMENT 004 TO THE REHABILITATION CONSULTANT SERVICES CONTRACT BETWEEN THE CITY OF RIVIERA BEACH AND GUARDIAN COMMUNITY RESOURCE MANAGEMENT, INC., EXTENDING THE CONTRACT EXPIRATION DATE FROM DECEMBER 31, 2014 TO JUNE 30, 2015, AMENDING THE MAXIMUM NUMBER OF REHABILITATION PROJECTS FROM TWENTY (20) TO TWENTY-THREE (23), BY INCREASING THE MAXIMUM AMOUNT OF COMPENSATION TO THE CONSULTANT PER COMPLETED PROJECT FROM \$5,000 TO \$7,000, AND BY INCREASING THE MAXIMUM CUMULATIVE AMOUNT PAID TO THE CONSULTANT FROM \$105,000 TO \$161,000, IN ASSOCIATION WITH THE DISASTER RECOVERY INITIATIVE PROGRAM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
9. RESOLUTION NO. 136-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE JOB CLASSIFICATION LIST DELETING AND RECLASSIFYING CERTAIN CLASSIFIED AND UNCLASSIFIED POSITIONS; AND PROVIDING AN EFFECTIVE DATE.
10. RESOLUTION NO. 137-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FOR THE YOUTH EMPOWERMENT TEEN PROGRAM IN THE AMOUNT OF \$100,000; AUTHORIZING THE FINANCE/ADMINISTRATIVE SERVICES DIRECTOR TO SET UP A BUDGET FOR THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

11. **RESOLUTION NO. 138-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF MARIA MELENDEZ V. CITY OF RIVIERA BEACH, CASE NO. 502014CA001878XXXMB AH, IN THE TOTAL AMOUNT OF \$35,000; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT ON BEHALF OF THE CITY AFTER RECEIVING A GENERAL RELEASE; AND PROVIDING AN EFFECTIVE DATE.**

END OF CONSENT AGENDA

PETITIONS AND COMMUNICATIONS FOR FILING

AWARDS AND PRESENTATIONS

COUNCILPERSON GUYTON: Who's first on the agenda? Who's first with presentations?

CHAIRPERSON DAVIS: Mayor Masters.

MAYOR MASTERS: Thank you, Madam Chair.

12. **PRESENTATION FROM THE OFFICE OF MAYOR THOMAS A. MASTERS OF THANKSGIVING CERTIFICATES OF APPRECIATION TO THOSE WHO GAVE THEIR SUPPORT TO THE MAYOR IN HELPING HIM TO BE A BLESSING TO RESIDENTS OF RIVIERA BEACH.**

MAYOR MASTERS: Thank you. Well, I always want to be a blessing to the residents of Riviera Beach and anywhere else. I believe in blessing as I'm sure we all do. I'm going to ask Councilman Terence Davis if he would come down to assist me in this -- in our project, if he will. Let me first thank two people. I want to thank first and foremost the Chief of Staff of the Office of the Mayor. And when I say Chief of Staff, I really mean that. We have people volunteering, work with us from the veterans group and seniors, juniors, you name it. They gravitate to our office to volunteer time and their service and their commitment.

But the person that makes these things happen and the person that coordinates and confirm and verify and keep things going is this young lady who's shorter than me who's standing next to me, Debbie LeBlanc-Isaac, for all of her hard work in dealing with all of the different people at the various sites and making it work and making it happen. I would like for the audience to give Debbie LeBlanc-Isaac a hand of appreciation, if you will.

Secondly, I was very pleased and blessed to have one of our colleagues to work hand in hand with us in this project of Thanksgiving. As you know, this is something I've been

doing for many years, even before I became the Mayor, throughout church and when became -- when I became the Mayor, then we just stepped it up to another level. But none of this could not have happened without Councilman Terence Davis and his staff, Regina Williams, for joining her and helping Debbie. She's only one person. She needed all the help she could get.

So we want to give these certificates out to the various people that were helpers one way or the other. Some financially, some with their time. Some actually distributing the turkeys off the trucks and whatever else. But we want to be totally transparent with this project as we've always been.

So we want to do it tonight. And thank you, Madam Chair, to allow your patience to kick in with me. I'm -- I'm getting a little older now. I'm not as young as I used to be. So I'm old and slow. So I've got to take my time. So Debbie, you come on and you tell me what -- what we're doing. Who's first?

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: Well, the Office of the Mayor gave out turkeys in several locations this year and starting with the Pentecostal Church of God and Christ on Saturday, November 22nd. And on that day, thanks to Daniel Taylor, his son Luke, Cheney Brothers and Mr. John Daddano for a contribution of 100 turkeys, we were able to be a tremendous blessing right there that day. So we're giving each of them a certificate and we'd like for the Mayor to make the presentation.

MAYOR MASTERS: And Terence.

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: And Terence. I'm sorry.

MAYOR MASTERS: Okay. Terence, if you could just read what the certificate says one time and then we could pass it to the various individuals.

COUNCILPERSON DAVIS: Okay. "Certificate of Appreciation awarded to John Daddiano [phonetic] for your participation with the Office of the Mayor and the City of Riviera Beach in our annual Thanksgiving Turkey Giveaway. Your support helped to make Thanksgiving 2014 very special for many residents of the City of the Riviera Beach, and with want to say thank you for what all you've done." So this is for Mr. John Daddiano -- Daddano.

JOHN DADDANO: Thank you, appreciate it.

COUNCILPERSON DAVIS: All right. Mr. Luke Taylor and Cheney Brothers.

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: And then Daniel, too. Are you going to take that for (inaudible)? Okay.

MAYOR MASTERS: And we do want to -- for the record, to acknowledge that Luke has a good name. He'll be Dr. Luke one day, but he was the youngest helper that we had with his dad and did a great job. And we also want to highlight that Luke has done a lot

of these kinds of events in his class so he was -- he was at home helping to give turkeys out to the people. We didn't work you too hard, did you, Luke?

LUKE TAYLOR: (Shakes head).

MAYOR MASTERS: Would you like to have a word?

LUKE TAYLOR: No.

MAYOR MASTERS: Okay. Well, thank you, anyway.

DANIEL TAYLOR: I -- I'll have a word. Can I have a word?

MAYOR MASTERS: Yes, you may.

DANIEL TAYLOR: Yeah. My name's Daniel Taylor. Not only am I property owner, but I was also born in the City of Riviera Beach 53 years ago. And I just want to thank everybody who came out and volunteered. And next year, for 2015, I'm going to commit to 250 turkeys so we'll make the improvement till then. Okay? Thank you.

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: Okay. Okay. Will you come, too? Okay. Next we want to also thank Steve Rubiano and Dunkin' Donut at the Riviera Beach site on Military Trail just north or south of Lone Pine. And this was his second year for being so generous to Stonybrook. So we also wanted Miss Reina Murray, who is the office manager there at Stonybrook, to also come forward to accept this certificate.

MAYOR MASTERS: Miss -- Miss Stonybrook, it was a pleasure working with you, as this is our first time with you being on staff. Your -- your -- your love, your service for the commitment of the residents of Stonybrook was just beyond, you know, words to express. And the -- Steve -- Steve Rubiano --

REINA MURRAY: Uh-huh.

MAYOR MASTERS: -- was so impressed with you that he decided that he's going to perhaps buy a hundred or 200 bicycles for Christmas, about \$7,000 worth of bicycles to give to the young people in not just Stonybrook but any other Brook in our community. So thank you and thank Steve. Debbie, Steve gave us how many turkeys?

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: 150.

MAYOR MASTERS: 150 turkeys.

REINA MURRAY: Yes.

MAYOR MASTERS: Thank you. And maybe a little bit more because we were able to take some to our seniors at Lindsey Davis and other places.

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: Yeah, Stonybrook.

MAYOR MASTERS: Oh, for Stonybrook.

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: Yeah.

MAYOR MASTERS: Okay. Would you like to have a word?

REINA MURRAY: Oh, sure. I would love to. Good evening, everyone.

CHAIRPERSON DAVIS: Good evening.

COUNCILPERSON GUYTON: Good evening.

REINA MURRAY: Again, my name is Reina Murray. I'm an assistant manager for Stonybrook. And I want to send a thanks out to Reverend Masters -- Master -- I'm sorry, Mayor Masters.

MAYOR MASTERS: That's okay. I (inaudible).

REINA MURRAY: I wrote a little statement of -- thank you for the opportunity to be here today and for the recognition. As you know, Stonybrook Apartments is a low-income community that strives to serve the poor and underprivileged in our city. We have come a long way in the last two years, spending -- well over three-quarters of a billion dollars has been spent in capital improvement items since 2012.

However, not all progress can or -- or should be measured in a dollar. The social programs presented by Mayor Masters and Reverend Henley has done much to improve the quality of life of many residents. The Mayor's turkey handout last week has a fantastic success with many families able to give thanks with traditional dinners when they may not have otherwise been able to afford it.

In speaking on behalf of both management and residents, we extend our heartfelt thanks to Mayor Masters and Steve Rubiano of Dunkin' Donuts for always thinking of Stonybrook and for the Mayor's ongoing effort at our complex. We hope we can continue to work together to better the lives of Riviera Beach residents. And we appreciate it very much.

CHAIRPERSON DAVIS: All right. Thank you, ma'am.

REINA MURRAY: And thank you.

MAYOR MASTERS: Thank you so much. And -- and let me just say this. It's -- it's a wonderful thing to be on the same side --

REINA MURRAY: Yes. I --

MAYOR MASTERS: -- with management and not out there picketing and demonstrating or -- that we had to do to get on the same side.

REINA MURRAY: Yeah.

MAYOR MASTERS: So we're on the same page. We're just going to make things better for the residents of Stonybrook.

REINA MURRAY: Yes, sir.

MAYOR MASTERS: Thank you very much.

REINA MURRAY: Okay. Thank you.

MAYOR MASTERS: Okay. The next young man that was very instrumental in the turkey giveaway, particularly at Stonybrook and he is not a stranger to Stonybrook, because he has volunteered several times several years to the residents for one reason or the other. "Major Alex Freeman' law enforcement career spans over 21 years --" and Major Alex Freeman, if you will come at this time as I read this. "Major Alex -- Alex Freeman' law enforcement career spans over 21 years, which includes his current position as major of police for the Riviera Beach Police Department since 1993. Those who know --" I call him Alex -- "those who know Major Freeman understand why police work is such a natural-life calling for him, a natural-life calling for him. He's passionate about helping others and he believes what I have seen, that because he has been richly blessed, he should give back to the community, which includes working with local, regional and national organizations." And he's always done this so this wasn't just something just popped out of the hat. He's always been donating, giving back to the least of these. "In 2002, Major Freeman was named Officer of the Year by Victim Services of Palm Beach County for his dedicated service to the citizens of Palm Beach County." Ladies and gentlemen, help me to welcome tonight Major Freeman.

MAJOR FREEMAN: Madam -- Madam Chair and Council and also the audience, it was a -- it was my honor to partner with the Mayor in -- in his efforts to give out turkeys in Stonybrooks. And what made it such a great honor for me is that, you know, after being a 46 -- 46-year-resident of this city and a 21-year practitioner here in law enforcement, and I was one of the first families when Stonybrook came into fruition to live out here. So it was a great honor for me to go back to Stonybrooks and give back to Stonybrooks. So I just wanted to share that with you all. You know, it was just a great honor. And also to share with you all that this week is my last week with the City of Riviera Beach. I'll be retiring after 21 years.

CHAIRPERSON DAVIS: Wow.

MAYOR MASTERS: And again, that is Major Alex Freeman and the best is yet to come from him. Thank you, Alex Freeman. Then on Tuesday we moved our Thanksgiving giveaway, thanks to Dunkin' Donuts again, to Lindsey Davis Senior Community Center which is very close to my heart where Miss Dell Grotta Bostic [phonetic] helped collect names of the senior residents who regularly attend the center and signed up to receive the turkey. She was very responsive to the Office of the Mayor in making sure that I knew how many people we needed, how many people we needed to provide a turkey to. And I think it was about over 40 senior residents. And everyone showed up on time, got in and out with their turkey in a very orderly fashion

and no one invited me over for Thanksgiving dinner, by the way. But next year maybe one of them will. So Miss Bostic, are you here? Let's give Miss Bostic a very big hand.

MISS BOSTIC: On behalf of the Senior Citizen Program at Lindsey Davis, we'd like to thank Mayor Masters.

MAYOR MASTERS: Thank you.

MISS BOSTIC: Because everybody went home with a turkey and they came back and said they really enjoyed Thanksgiving.

MAYOR MASTERS: Thank you. Last but not least, another young lady who went beyond the call of duty who, in -- for helping us in providing turkeys for the seniors, as well. I'm calling at this time a Miss KaShamba Miller to receive a certificate of appreciation. KaShamba Miller has given back to her community over the years as an educator by providing free educational tutoring for our youth. As a small business owner, co-owner of JD Anderson Construction, her company provided much-needed repairs to the homes of a disabled -- disabled senior citizens free of charge to the resident, donating food, clothing and shoes to some of our local nonprofit organizations and provided funding to a local youth empowerment center that gives back to the community. Mr. Davis, would you finish the last paragraph? You want my --

COUNCILPERSON DAVIS: (Shakes head).

MAYOR MASTERS: Debbie, come on, read the last --

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: also as a community member, KaShamba has given back by participating in Paint our -- Paint your Heart Out. She volunteered with a local nonprofit to serve hot meals to the homeless, donated time at a local food bank, cleaned up the community with the Great American Cleanup Project, and was the team captain at Relay for Life for several years, representing the Voters' League of the Palm Beaches.

MAYOR MASTERS: Ladies and gentlemen, again, will you help me to welcome KaShamba Miller for her service in this Thanksgiving -- KaShamba Miller. Would you have a word at this time?

KaSHAMBA MILLER: Yes. Good evening. I just wanted to say it was a pleasure working with the Mayor and the team handing out turkeys. This is something I've done as -- as you've heard a few minutes ago, I've done all my life. I grew up in a home where we were always cooking meals for many of the community members and just always giving back. My grandfather was one of the first black African -- I'm sorry, one of the first African-American policemen in West Palm Beach and my grandmother was a teacher for 34 years. So I grew up in a home of public servants and I guess it -- it's just in me. So I -- this was nothing new. I'm used to giving back and I enjoy it. I feel that I -- I benefited from it going along, so I have to give back. So thank so much.

MAYOR MASTERS: Thank you, KaShamba Miller, and I forgot to mention everybody knows her dad Monk Miller and her mother Jackie Green at the bank, TD Bank. Last but not least, another staff member who made all of this possible with hard work, working long hours, I want to award the last one to Sister Regina Williams. Thank you. We don't need to welcome her 'cause she's staff. Thank you.

LEGISLATIVE ASSISTANT WILLIAMS: I just want to say thank you, Mayor, and thank you, Councilman Terence Davis, and thank you for giving me the opportunity to show m

MAYOR MASTERS: Madam Chair, while you're reading, let me just mention that on December -- the date that we're going to Stonybrook?

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: 19.

MAYOR MASTERS: December the 19th, we've been notified by some organizations that they would like to come into Stonybrooks. So the residents who are listening to us, we're coming back with all kinds of things, new clothing and almost -- some clothing with tags on, some without. And also canned stuff and all kinds of things. And it's absolutely free. I go to Stonybrook often because we cannot forget what is termed the least of these. There's some good people there. So -- and there's some that may not be, as well as anywhere in the city. But Stonybrook is very close to my heart. And I'm going to always be there for the good that I can do or try to do for the people who live there. Thank you, Madam Chair, and thank you, Council. Thank you, City Manager. Thank you, Debbie LeBlanc-Isaacs. Thank you, staff. Thank you for everybody whose names that I may not have of whatever you did to make someone have a happy Thanksgiving and to put a turkey on their plate. Thank you very much.

CHAIRPERSON DAVIS: Okay. Thank you, sir. And I think you probably need to stay up here. The next one is a proclamation from the Office of the Mayor pro claiming December 13th as HIV/AIDS Awareness Day in the City of Riviera Beach.

**13. PROCLAMATION FROM THE OFFICE OF MAYOR THOMAS A. MASTERS
PROCLAIMING DECEMBER 13, 2014, AS HIV/AIDS AWARENESS DAY IN THE
CITY OF RIVIERA BEACH**

MAYOR MASTERS: Thank you, Madam Chair, again. A proclamation from the Office of the Mayor, City of Riviera Beach, Palm Beach County, Florida. Whereas every nine and a half minutes, one person is infected with HIV, the virus that causes acute immunity deficiency syndrome virus, also known as AIDS. And according to National Center for Disease Control, AIDS is the second-leading cause of death in the State of Florida. And whereas, the CDC also says that the growing number of African-Americans with AIDS in 20 -- in a 2013 report, one in 40 black males and at least one in 61 black adult females in Florida are living with the disease, making blacks the racial ethnic group most affected by HIV and the group most at risk for contracting the virus in the United States.

And whereas, Heart, Health and Healing Ministries, Incorporated also known as Triple H for short, provides HIV testing and counseling at nontraditional and nonclinical venues

in Palm Beach County, including on local street corners to promote HIV education, prevention, testing and treatment. And that last year alone they tested 4,000 residents in our local community and a lot of their work was done right here in the City of Riviera Beach.

Whereas, in recognition of World AIDS Test Day on December the 1st, 2014, and in honor of numerous AIDS awareness activities within the County, Triple H is again hosting a Health Fair Business Expo, a community event, for all people at Wells Recreation Center on Saturday, December the 13th, 2014. Now, therefore be it resolved that I, Thomas A. Masters, the elected Mayor by the people of the City of Riviera Beach, and by the power invested in me by the people of this city, do hereby proclaim Saturday, December 13th, 2014, as HIV/AIDS Awareness Day in the City of Riviera Beach and witness, therefore, I have hereunto set my hand and caused the official seal of the City of Riviera Beach by the people to be affixed on this 3rd day of December 2014 A.D., Carrie E. Ward, City Clerk, Thomas A. Masters, Mayor. . She hasn't arrived?

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: No, I don't think she has arrived yet.

MAYOR MASTERS: Okay. We'll give it to Debbie and Debbie will make sure she gets it when she comes. Is that it for me, Madam Chair?

CHAIRPERSON DAVIS: I believe so, Mayor.

MAYOR MASTERS: Thank you, Madam Chair.

CHAIRPERSON DAVIS: Okay? Okay. We're now down to item 14 is a presentation from the Office -- Office of Councilman Bruce Guyton to Mr. Peppi Hendrix.

14. PRESENTATION FROM THE OFFICE OF COUNCILMAN BRUCE A. GUYTON TO MR. PEPPI HENDRIX, MINISTER OF MUSIC.

COUNCILPERSON GUYTON: Thank you, Madam Chair. This is a very special presentation to me. As you know, I give out presentations to those who are involved in the community. This one is one that hails from a family of public servants. And full disclosure, he hails from my family. This is my cousin and he's very active and his mother is here and where is my assistant? And Miss Sylvia Blue is going to give us a little overview. Let me just say that Mr. Peppi Hendrix is one who is in the school system training young kids. He is also a minister of music. As you see there on the screen, he has a website where there's nothing but gospel music. And he also volunteers to help charity events. So I felt that it was appropriate that when we have young people out here working, that they are recognized for their good service. So we're going to have Miss Blue do a little bio reading and then we'll award my cousin the Community Service Award.

LEGISLATIVE ASSISTANT BLUE: Good evening, Madam Chair, members of the City Council, Madam Manager, Mr. Mayor. Mr. Piaget "Peppi" Hendrix -- that's what he said his name is. Mr. Piaget --

COUNCILPERSON DAVIS: -- is his name.

LEGISLATIVE ASSISTANT BLUE: -- Peppi Hendrix is a native of West Palm Beach, Florida. He is the son of the late Daniel W. Hendrix, the first African-American elected to the Palm Beach County School Board and to win a citywide seat. I'm sorry, countywide seat. He also was one of the first African-American professors to teach at Palm Beach Junior College with the college integrated. Peppi's mother, who is here, Miss Panchita Hendrix, taught music in the Palm Beach County school system for 31 years.

Peppi was educated in the Palm Beach County school system up to the ninth grade, attending Westward Elementary School where he is now currently teaching. He attended Golfview Junior High School and John I. Leonard High School. Peppi has an AA degree from Faulkner University in Liberal Arts, a BS degree in Elementary Education from Alabama A & M University, graduating with honors, and is a MS degree candidate in Management & Administration of Educational Programs at Nova Southeastern University. Peppi currently is an elementary education teacher of 15 years in the Palm Beach school system now teaching at the elementary school he attended.

He has taught in elementary and middle schools. He has also taught music in the elementary school setting. Peppi has served as a Grade Chairperson, a team leader, Discipline Committee Chair, Drop-Out Prevention Coordinator and EBC school representative. Peppi has been a member of the Palm Beach County CTA for 15 years. Most recently he was honored by the Black Educators' Caucus of Palm Beach County for being an Outstanding Educator, receiving the Hudnell Award.

Outside of the educational arena, Peppi has served the community over many years creating opportunities for youth and young adults showing talent in the field of gospel music. Peppi founded the South Florida Gospel Music Awards in 2004, creating a musical venue to give recognition and honor to deserving musical artists who are not only making use of their musical talent, but making a difference in their communities. Each year, hundreds of independent gospel musical artists gather from around the United States and abroad for award ceremonies, concerts, musical educational forums and workshops. Peppi has also served as the state president of the Florida Gospel Announcers' Guild of GW -- or GMWA, Incorporated, since 2009. This is a coalition of radio announcers, gospel recording artists, ministers of music, pastors and gospel enthusiasts who seek to promote gospel music in the forefront of associate by radio and television.

For this effort, Peppi was given the National Horizon Award from the National GMWA, Incorporated, for being an up-and-coming gospel radio announcer using the talent to better serve the community.

With just four guilds of Florida -- in Florida, when Peppi took over as State President of the Florida Gospel's Announcers' Guild, there are now a total of 10 guilds started under Peppi's leadership. The guilds are located in Miami, Florida, Lauderdale, Broward,

Palm Beach, the Treasure Coast, Orlando, Jacksonville, Tallahassee, Pensacola, North Central Florida, (Gainesville), Southwest Florida and pending application in Daytona Beach.

CHAIRPERSON DAVIS: Wow.

LEGISLATIVE ASSISTANT BLUE: Peppi was most recently nominated for the African-American Achievement Award for Community Service sponsored by the JM Lexus Family Enterprises. Peppi is a member of the Ephesus Seven Day Adventist Church, West Palm Beach, Florida. He has been a member all of his life. He has served in the capacity of elder, musician and youth leader. He has also served on the Community Services Committee, lending hand to many events that help the poor and those in need of disadvantage. Peppi is married to the love of his life, Miss Kristina Darville-Hendrix. Together they have four sons, Alex, Justin, Jeremiah and Daniel.

COUNCILPERSON GUYTON: Thank you. Well, you can see why I'm very proud of my cousin. He's definitely given back to the community. Very humble. I can hear people thinking, unlike you. But -- but he is very -- very giving and I'm proud of him and I thought that it would be worthy of our community knowing what a young man is doing is doing in our community to better the community. So Peppi, come on up and have a few words.

CHAIRPERSON DAVIS: While -- while he's coming, let the record reflect that Mayor Masters is now on the dais.

PEPPI HENDRIX: I want to say good evening to the Council and good evening to Councilman Bruce Guyton, as well as his staff in supporting me in this endeavor and for this honor. You know, it's something when you do something that you really love, and gospel music is something I really love and has been a part of -- integral part of my life all of my life, passed down through my mother and my many aunties, Aunt Lilla McKinney and Ginnie Mae Turner and all of those individuals who were here in Riviera Beach making a difference by way of gospel music. So it's something that I really love and I certainly appreciate this honor to be able to cultivate youth and young adult with their talent, their God-given talent, is certainly an honor. And I thank you so much for this award on this evening.

CHAIRPERSON DAVIS: Peppi, excuse me. Mom, if you want to come out here and take a picture? Your mom? You can come right out here and take the picture, if you'd like, instead of from back there.

PANCHITA HENDRIX: (Inaudible).

CHAIRPERSON DAVIS: Sure.

MAYOR MASTERS: Madam Chair?

COUNCILPERSON GUYTON: You can take it while --

CHAIRPERSON DAVIS: Sure.

COUNCILPERSON GUYTON: -- while I'm reading here. And the plaque says, "To Peppi Hendrix, minister of music. Your works are produced by faith. Your labor is prompted by love. Your endurance is inspired by hope. Thank you for exemplary community service. May God continue to richly bless your ministry of music, presented by Bruce A. Guyton, Councilman." Thank you, cuz.

MAYOR MASTERS: Madam Chair?

COUNCILPERSON GUYTON: Okay.

CHAIRPERSON DAVIS: Hold on one second.

COUNCILPERSON GUYTON: And I also have a certificate for my cuz. It says, "Certificate of Recognition presented to Mr. Peppi Hendrix in recognition of exemplary community service presented this 3rd day of December 2014." Thank you for all you do in the community, my friend.

PEPPI HENDRIX: Thank you.

CHAIRPERSON DAVIS: Before -- before you leave --

COUNCILPERSON GUYTON: Thank you, Madam Chair.

CHAIRPERSON DAVIS: -- Mayor Masters?

MAYOR MASTERS: Yes. Peppi, I'll -- I'll wait. Well, good evening. I want to just say to -- he can hear me -- to Peppi Hendrix for -- I want to say thank you for all that you have -- that you have done in this community. We've been friends for many, many years. Of course, you're a good friend of my brother Walter and my sister Cora Masters Barry. But I want you to know that your running for the school board was not in vain. I want everybody to know that Peppi pushed for metal detectors in the public schools in Palm Beach County, particularly the middle schools and the high school. And I'm not going to drop the ball on that. I'm going to continue to push. It's going to happen, because when somebody gets shot or killed at a school like in the case of Nate Brazil and Mr. Gruneau [phonetic], then they're going to want to get those metal detectors.

But I want to tell you, after losing -- and I know what it means. But I want to share with you just these words from my sister. When I lost the first time, Cora Masters called me in the back room and she said, "Tommy, do you know what just happened?" I said, "Yeah, I know. I lost." She said, "No, you didn't." I said, "What do you mean, Cora? I don't want to hear that." She said, "You didn't lose." I said, "What are you talking about?" She said, "You won." I said, "What do you mean, I won?" She said, "You're 42 percent. You're just that close, closer to winning next time. You just work a little harder. You're that closer and you -- you will win the next time." And I did just what she said do. Went back in the community and worked a little harder and ever since

that day the Lord has blessed me to win four times. So the first time you -- you learn and you grow. You will go and glow. May God bless you in your endeavor. You didn't lose. You won. You're just that closer to really winning. Thank you very much, Madam Chair.

COUNCILPERSON DAVIS: Thank you. And Walt, if you can quickly display the website where residents and others can find gospel music 24 hours a day. It's WPEPradio.com. WPEPradio.com. Many in our -- our community love gospel music. And from what I understand, it's the only one in Palm Beach County.

MAYOR MASTERS: Only one.

COUNCILPERSON GUYTON: Am I correct? The only gospel music website in Palm Beach --

MAYOR MASTERS: 24 hours.

COUNCILPERSON GUYTON: -- County that runs 24 hours. My cousin, who I'm proud of, Mr. Peppi Hendrix.

CHAIRPERSON DAVIS: Thank you, and congratulations, Mr. Hendrix. Okay. We are moving on to number 15 which is an Update from the Commission on Social Justice. That will be Mr. Michael Sloser.

15. UPDATE FROM THE COMMISSION ON SOCIAL JUSTICE.

MICHAEL SLOSER: Good evening.

CHAIRPERSON DAVIS: Good evening, sir.

MICHAEL SLOSER: I'm Michael Sloser, 4100 N. Ocean Drive. Mayor Masters, Chair Davis, Chair Pro Tem Pardo.

MAYOR MASTERS: Good evening.

MICHAEL SLOSER: You're waiting for the other half of the team who has to be at church tonight. And so he sends his apologies and said, "Oh, you'll be fine on your own. Just go do it." So here I am. I -- a little quick history as to what we did and where we're going. We were formed over two years ago by you to be a separate body in the community to work on projects that would help deal with crime and the various parts of crime that contribute to crime in the city.

Over the -- over the last couple of years, we've done a number of projects, both with our name on it and behind the scenes that we hope would contribute to the quality of life. We worked on work -- business projects. We worked on getting access for Affordable Health Care last year when computers were all down and we tried to implement a way to have a stopgap on it. We are very happy to see that the library took up our proposal to do a teen room. And I haven't been over there but I did see an e-mail the other day.

There's a new television over there. So I'm learning it very -- Councilwoman Pardo, thank you very much. We are -- we are doing everything we can to reach out.

But there's a project that I -- I want to bring to you tonight. And some of you know about it. And some -- a lot more of you will be hearing about it. Dr. Drayton and I have a strange way of working. We sort of go and listen to projects and we look at each other and go, "I don't like that." So we don't do that. Or, "That's a great idea. Let's do it." And it shocks some of the people we work with. About a year and a half ago, we were in a meeting with George Carter, who's the head of the Maritime -- the school.

CHAIR PRO TEM PARDO: Academy.

MICHAEL SLOSER: Maritime Academy. And he sat there and said, "You know, one of the things I've always dreamed about doing was having a youth city council." And we looked at each and it was, like, spontaneously we went, "That's a great idea. Let's do it." So we went to work on it, and we went to work trying to find the kids that we wanted. And we had a lot of false starts, and I won't pretend that it wasn't an easy task. But we recently came upon an opportunity. Now, when we decided to do this, a lot of possibilities were suggested.

It was suggested that we can have a special council that will do just things, that talks about what goes on. And me being -- having an inherently -- what's the word I'm looking for? Not lazy but it's a simple way of approaching it, said, "Why don't we just do a mirror image of what the city council and city government looks like? And then we just fill them with kids from the community?" Which is what we did. And we were fortunate to be able to partner with Inlet Grove and the Maritime Academy as a starting point.

And we've been having a series of meetings with them over the last couple of months. And I gotta tell you, it's a lot of money. We now call them our kids. And our kids are absolutely terrific. And we have had meetings with them. And we have gotten them to the point where we think they're ready for prime time.

CHAIRPERSON DAVIS: Oh, wow.

MICHAEL SLOSER: Their advisor is a little gun-shy about it. Two weeks ago we had a -- a meeting with a number of staff and representatives of all departments. I never realized how much rivalry there was between different departments. I believe Mr. Madden brought some -- a goody bag and I believe the city clerk told us why it's the oldest institution going back thousands of years. I didn't know that. The fire department said they didn't bring a goody bag but they seemed like if they had only known about it they would have done it. And it was an absolute scream. And the kids really bought into it to the point where I had one of the kids walk up to me and -- and say, "Hi, I'm" whatever -- whichever one it was. Adam, I think. He -- he said, "I'm the councilperson from the First District. And I went, "Oh, really?"

CHAIRPERSON DAVIS: Okay.

MICHAEL SLOSER: I'm -- I'm -- I'm really impressed by that.

CHAIRPERSON DAVIS: Sounds good.

MICHAEL SLOSER: We are at that point now wherein we want to publicly bring this out and let people be aware of it. Next Thursday, a week from today, at 3:30, they take their maiden voyage. I've already asked a few of you to join us for their dry run on Tuesday, because it's going to be a little rough around the edges. But we've reached the point we -- I have -- with permission from -- from the deputy city manager, we have asked the O'Donnell Agency to do some PR for us. And I have the media advisory ready to go out that will announce this. We're hoping to have media coverage there that day.

We are going to be on Channel 18. I talked to Channel 18 about this. We also have, by the way, one of our kids who just freaked out when he heard about Channel 18. He wants to be with Channel 18 so -- a young man named Sterling, who's going to be working in there with him. We have filled a bunch of positions. We have more to fill. And I'm here tonight to do two things: To urge as much support from the community as possible. Yeah, it'll be on Channel 18 but it'll be really nice to have a lot of people sitting around and encouraging them. They are really great kids. Yes, we have a city manager. I see a city manager smiling at me. Someone really jumped into that job and said, "That's great."

CHAIRPERSON DAVIS: Wow.

MICHAEL SLOSER: "I like that idea." So I hope you -- I hope you're still impressed a week from Thursday. But we are very excited about this. And what we want to do is give them a couple of months to work out the kinks and do it. The process will be they will have one item at least from your agenda. And I've been sitting here all night trying to figure out which one to translate. I think that one that was on the consent agenda for youth empowerment. I think if we simplify that I think we can make that work. They're going to be giving us their thoughts tomorrow. I'm going to be going hat in hand to the City Clerk's Office asking for help to do an agenda for them, a real live agenda. I -- I seen Carrie Ward, like, almost eight months ago and she said it was great, "Come to -- come to us when you're ready." So I'm ready. I --

CHAIRPERSON DAVIS: Fantastic.

MICHAEL SLOSER: -- will -- I will -- I will -- I will be there to visit you. And we -- we will be ready to go and then every so -- every so often we would like to come back to you with our kids in tow, with our mayor and with our chairperson and other key -- and our city manager to bring a report to you. Because they're going to talk about stuff that you don't talk about. We don't talk about. But they're going to talk about the stuff that makes a difference to teenagers. And what we want to do is first of all, we need more people. I'm missing two assistant chiefs of police. I don't have a CRA director yet. I mean, I've got a whole list of people we don't have. But it's -- everybody wants to be mayor and they want to be council and they want to be city manager. And two people wanted to be, I think, the legal person. And let's see, I forget how many wanted a

couple of other jobs. City -- city clerk went quickly after the wonderful presentation they got. So this is going to be an opportunity for the community.

I leave you with a thought and it's not my original thought. It's a thought that comes from George Carter. And it's actually a quote that he's actually given to one of the newsletters going out. And it state -- he said, "I believe we will begin seeing changes in Riviera Beach as a result of this work within six months." And --

CHAIRPERSON DAVIS: Fantastic.

MICHAEL SLOSER: -- if you're a better person, I think you might want to take that bet on the right side, 'cause I think this is a great opportunity for -- for our kids. And that's my report.

CHAIRPERSON DAVIS: Thank you, Mr. Sloser.

MAYOR MASTERS: Madam Chair?

CHAIRPERSON DAVIS: And before --

CITY MANAGER JONES: Mr. Sloser, could you give us the time? I think you gave us the date.

CHAIRPERSON DAVIS: 3:30.

MICHAEL SLOSER: Yes.

CITY MANAGER JONES: 3:30?

MICHAEL SLOSER: 3:30. They go -- they have to get a bus at 6 so I've gotta get them out of here by 5:30, quarter of 6 so they can get transportation --

CHAIRPERSON DAVIS: Uh-huh.

MICHAEL SLOSER: -- home. It's not like you guys. They gotta -- they got parents. They got --

CHAIRPERSON DAVIS: Uh-huh.

MICHAEL SLOSER: -- they got transportation issues. But 3:30 a week from today, December 11.

CHAIRPERSON DAVIS: Okay. And -- and -- and before you --

COUNCILPERSON DAVIS: That's Wednesday.

CHAIRPERSON DAVIS: -- leave, I wanted to -- to say, I -- this is fantastic news to me. When I was an employee with the school district and working for the school board, you know, we had a -- a -- a senior who sat on the dais for real-live meetings. And when I

became a city councilperson back in 2004, sometime between then and 2006, tried to get a student seat here. But unfortunately it didn't work out. But you know, I think that this is a wonderful tool to start with our kids and maybe we can build on it. You know? And maybe have their own city council meeting on a Saturday morning or something, you know? I talked about that some time ago, also. So thank you for your work and -- and -- and -- and Dr. Drayton.

MICHAEL SLOSER: My co-chair.

CHAIRPERSON DAVIS: Of course. Yeah. For -- for bringing this to fruition. Mayor Masters?

MAYOR MASTERS: Who -- yeah, thank you, Madam Chair. I agree with you on both of those ideas. Actually, I -- I think it would be good that maybe the -- the makeup of the -- the board has changed since when you were on earlier. And I think that having some of those young people actually sitting here with us, I think, is -- because learning by doing and being a part of the process, I think is a great idea. And I like your idea of Saturday.

Mr. Sloser, did you have any conversation with Councilman Cedrick Thomas about the youth council?

MICHAEL SLOSER: We had -- Dr. Drayton had a conversation with him. And the conversation was a program that -- an idea or a program, I'm not sure which. We -- as you know, Dr. Drayton and I have breakfast every week and he did tell me about meeting with -- meeting with Councilman Thomas about it. I don't know all the details of it but I believe that they had agreed that Councilman Thomas would be trying to locate people. We're doing a whole outreach program. There -- there are fliers that Dr. Drayton's team is working on. We're -- as soon as I get a copy we're going to put something on Channel 18. Do a promo. And he -- I don't know the essence of it. I do know there was a conversation between those two. And --

MAYOR MASTERS: No, the reason -- the reason why I asked, because at a -- at a meeting that we had with the sister city -- and I know he had mentioned he had gone to the League of -- League of Cities. And I think he mentioned this was something that he wanted to do.

CHAIRPERSON DAVIS: Youth Empowerment.

MAYOR MASTERS: Yeah. As well as have a -- a youth council. So I didn't know whether he's just going to merge with you --

MICHAEL SLOSER: I think -- I think -- I think there was a conversation.

MAYOR MASTERS: -- so I -- I -- okay.

MICHAEL SLOSER: It -- there's -- there's no point doing two.

MAYOR MASTERS: Right.

MICHAEL SLOSER: Unless you had wanted --

MAYOR MASTERS: I know he had mentioned -- and I'm glad to see that you're --

MICHAEL SLOSER: Yeah.

MAYOR MASTERS: -- working -

MICHAEL SLOSER: Yeah.

MAYOR MASTERS: Now, the -- I need to ask you this. Is there any reason why there's not a public school mentioned as far as those young people who are going shadow elected officials? Now, you mentioned two schools both in Riviera Beach, but both schools are charter schools.

MICHAEL SLOSER: Uh-huh.

MAYOR MASTERS: Which is great. I -- you know, I'm a supporter of charter schools. But I also serve the public and public schools and public children. We have -- we have a lot of children that are going to the public schools and is there a reason why they're not included or are they going to be included?

MICHAEL SLOSER: They are. They are. And one -- that's been one of the challenges. That's why we weren't here a year ago to -- to launch this. The issue has been to be getting able to get access to the schools and be able to promote this in the schools. We -- we -- we've made a good-faith attempt to do it. I think the actual launch, which is why we pushed very hard to get this going -- once we launch it, we have something tangible to show in the community. We are making that effort right now. As I said, a flier is going to be prepared.

MAYOR MASTERS: Okay. Well, I'll be very happy to help you in -- in -- in getting into the public schools, particularly Kennedy.

MICHAEL SLOSER: Yeah.

MAYOR MASTERS: And also Palm Beach Lakes. And whoever's going to shadow me --

MICHAEL SLOSER: Uh-huh.

MAYOR MASTERS: -- I really want that person to be a student from a public school.

MICHAEL SLOSER: Okay.

MAYOR MASTERS: And I'm just speaking for me.

MICHAEL SLOSER: Well, right now -- right now you have another shadow but --

MAYOR MASTERS: Okay.

MICHAEL SLOSER: -- they only have short terms. Much shorter than yours.

MAYOR MASTERS: Okay. That's good. And we'll work with both. I do -- I do want to see -- I think it's important for us to have the public schools involved.

MICHAEL SLOSER: I totally agree.

MAYOR MASTERS: And I'll work with you to make sure that happens.

MICHAEL SLOSER: We -- we reached a point where we needed partners to get off the ground.

MAYOR MASTERS: Okay. No problem. I'll make sure -- I'll work with you.

MICHAEL SLOSER: We told -- we told our kids --

CHAIRPERSON DAVIS: Okay.

MICHAEL SLOSER: -- they're our core.

MAYOR MASTERS: Okay. We're on the same page.

MICHAEL SLOSER: Thank you.

CHAIRPERSON DAVIS: Fantastic, thank you very much. Okay. We're now down to Public Hearings, item 16.

PUBLIC HEARINGS

16. RESOLUTION NO. 139-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SPECIAL EXCEPTION APPLICATION FROM RAY A. RANSOM, TO OPERATE AN ASSISTED LIVING FACILITY IN AN RM-15 ZONING DISTRICT, LOCATED AT 1029 W. 28TH STREET AND; AND PROVIDING FOR AN EFFECTIVE DATE.

CHAIRPERSON DAVIS: Is there a motion? Is there a motion?

COUNCILPERSON GUYTON: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. I have one public comment card. I'm a little confused, though, 'cause this -- she's written item 16 but it's -- so she's gone?

UNIDENTIFIED SPEAKER: (Inaudible).

CHAIRPERSON DAVIS: Huh?

UNIDENTIFIED SPEAKER: She (inaudible).

CHAIRPERSON DAVIS: She wrote item 16.

UNIDENTIFIED SPEAKER: I know. (Inaudible).

CHAIRPERSON DAVIS: Oh, Public Comment? Okay. All right. So Miss Jones?

CITY MANAGER JONES: The item that is before you is a special exception application which, according to our regulations, has to come before council. I would like to ask Mary McKinney, the Director of Community Development, to give us an overview of this project.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: Okay. This is a project located on 1029 W. 28th Street, just west of Dixie Highway. And the applicant proposes to operate an assisted living facility with a capacity of up to 15 residents which requires the special exception by the city council. The Planning & Zoning Board reviewed the special exception on October 23rd, 2014, and recommended approval. And city staff determined that the proposed application is consistent with the City's Comprehensive Plan and the City's Land Development Regulations. The -- the application meets the standards required for granting a special exception as provided in city code section 3162.

Property owners within 500 feet of the proposed development, of the proposed special exception, were notified and the City -- we did not receive any objections to the project. Staff recommends approval with the following conditions: It must be in compliance with state and county laws regulating assisted living facilities. That all future advertising must state that the facility is located within the City of Riviera Beach. A driveway shall not be closer to -- than five feet to the property lines. And we're asking for removal of five feet of existing concrete before a certificate of occupancy is issued by the Building official. A continuous opaque landscape hedge around the perimeter must be provided. And on-site parking is limited to four parking spaces and on-street parking is prohibited. And I believe that the applicant is here this evening if you have any questions of the applicant. Thank you.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay. I have a question, Miss McKinney. What kind of assisted living facility is this? Is this for elderly? Is this for mentally handicapped? What kind of people?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I -- and I think I'd like to have the applicant address that.

DR. RANSOM: Good evening.

CHAIRPERSON DAVIS: State your name and address for the record, sir.

DR. RANSOM: Dr. Ray Ransom. Address is 875 Tripp Drive, West Palm Beach, Florida.

CHAIR PRO TEM PARDO: Okay.

DR. RANSOM: Good evening, Council.

CHAIR PRO TEM PARDO: Good evening.

DR. RANSOM: Madam Chair.

CHAIR PRO TEM PARDO: Did you hear my question?

DR. RANSOM: Yes. The type of assisting living facility of this will be, will be for 18 to no limit as far as age.

CHAIR PRO TEM PARDO: Uh-huh.

DR. RANSOM: What determines the person being accepted into the facility would be just a set of criteria that we have to go by according to the State. We would have limited mental health licensing. So we could accept someone with -- with limited mental health issues.

CHAIR PRO TEM PARDO: Okay. So -- and I think I read in the background that you'll have up to 16 people housed in this 2,400 apartment?

DR. RANSOM: It's going to range -- it ranges between eight and -- eight and 15. Not 16. Eight and 15.

CHAIR PRO TEM PARDO: Okay. Eight and 15. Are you tearing this facility down, this home down, or is it just going to be rehab 'd?

DR. RANSOM: No. It's going to be an addition of 1,500 square feet added on to 896 square feet existing.

CHAIR PRO TEM PARDO: So it's going to be 2,400 square feet?

DR. RANSOM: Yes.

CHAIR PRO TEM PARDO: To house up to 15 people?

DR. RANSOM: Yes.

CHAIR PRO TEM PARDO: Okay. With four parking spots?

DR. RANSOM: Yes.

CHAIR PRO TEM PARDO: Okay. Well, I'll just get it out there. I am not a fan of commercial -- and I look at this as a commercial property -- commercial properties in residential neighborhoods. We have, in my district -- we have issues with vacation rentals. Okay? People buy homes and instead of doing an assisted living facility, they have weekly rentals. So now instead of a residential community be residential, it's really everything and anything in it.

When you have a vacation rental, you -- you really have a little mom and pop motel next to you, because every week you're getting new people in there. And, you know, I have spoken to the State about this. I feel very passionately about this. When you buy into a residential neighborhood, you expect it to be pure residential. You expect someone living next to you, you know, a -- a family living next to you, not, you know, 15 people in a 2,400-square-foot house, all right, where, you know, someone is making money. And I'm not, you know -- I hope you're not taking this the wrong way.

DR. RANSOM: No, not at all.

CHAIR PRO TEM PARDO: But, you know, it's admirable what you're -- what you're trying to do. But I believe it should be in, you know, different zoning. It should be in a more commercial or, you know, something like that. To have it in a residential neighborhood, I'm not comfortable with it.

CHAIRPERSON DAVIS: Uh-huh.

DR. RANSOM: Okay.

CHAIR PRO TEM PARDO: And I did hear that notices went out so notices have to go out to people within 500 feet? Okay. Fine. Five hundred feet. But you know, what about the person in the middle of the block or the people in the middle of the block? Are they aware that something like this is coming into their residential neighborhood?

DR. RANSOM: Could I -- I --

CHAIR PRO TEM PARDO: And that is my problem with it. And I have been very consistent on this. We had this issue several years ago with Reverend Mays. He wanted to put some of these facilities in. And we did not allow it. And you know, I -- I just feel very strongly about it. Residential should be residential. It should be for a family and not for 15 people being housed in a 2,400-square-foot house. That's it. Thank you, ma'am.

CHAIRPERSON DAVIS: You want to --

DR. RANSOM: Yeah. Could I --

CHAIRPERSON DAVIS: -- respond?

DR. RANSOM: -- comment on it?

CHAIRPERSON DAVIS: Sure.

DR. RANSOM: First of all, we would have privacy fencing. And that's around the back of the building and around the sides. You would not see the residents from the street. This property is 80 feet from a commercial area. It's off of Old Dixie Highway, the third lot.

CHAIR PRO TEM PARDO: I -- I know where it is.

DR. RANSOM: And it's not in the middle of the community. It's actually closer to Old Dixie Highway. There is no one on the -- at the current time, no one on the east side.

CHAIR PRO TEM PARDO: At the current time.

DR. RANSOM: No one in front. And you have multifamily across the street to a west and a house that is an investment property next door on the west. There is a wall dividing it, five-foot-high concrete wall in the back. It's not in the center of the neighborhood and we're required to keep the facility pretty secure in terms of -- of someone wandering away. You know, it would be a secure facility. I mean, we don't -- the State is so strict that we are not going to put ourselves in a position that we have an effect on surrounding neighbors or have complaints to that extent, of people wandering and eloping.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: And --

CHAIRPERSON DAVIS: I -- I have -- are you finished?

CHAIR PRO TEM PARDO: No. No. And I just want to make another comment.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: You know, we have this -- something similar over on Singer Island. All of a sudden the market went bad. People had, you know, homes and they needed to do something with it. And then the next thing you know, we have rehabs in these residential neighborhoods. You know, there is an assisted -- it was an assisted living facility; then it turned into a -- a rehab. And it's very difficult to get the community to back something like that, because again, they buy into a residential neighborhood thinking a family will be living in that house. And not, you know, 15 people. And, you know, I know that along Dixie Highway is zoned differently. You know, maybe you could find something along Dixie Highway. But again, residential should be purely residential. So you're not getting me on this one? All right. Thank you.

CHAIRPERSON DAVIS: Good evening, Dr. Ransom.

DR. RANSOM: Good evening.

CHAIRPERSON DAVIS: Thank you very much for participating in the peace and feast in the neighborhood.

DR. RANSOM: You're welcome.

CHAIRPERSON DAVIS: And doing it for free. Thank you very much. But my question is first to Miss McKinney. When were the residents notified?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: The residents were notified prior to the -- 15 days prior to the Planning & Zoning Board meeting, when that occurred.

CHAIRPERSON DAVIS: So that was, okay -- the last one was --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: October --

CHAIRPERSON DAVIS: -- a couple of Thursdays ago?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- 23rd.

CHAIRPERSON DAVIS: 23rd?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And then they were notified again 15 days before this meeting.

CHAIRPERSON DAVIS: Okay. And nobody had any objections whatsoever?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And -- no. And there's also -- we also have a large sign posted in the property in the front yard selling -- telling whoever passes by that there was a meeting scheduled for this and the date of the meeting.

CHAIRPERSON DAVIS: Okay. And sir, okay, I heard you say that you are accepting ages 18 and above. And that includes mental -- people who have mental issues. What about drug abuse?

DR. RANSOM: No.

CHAIRPERSON DAVIS: No?

DR. RANSOM: No.

CHAIRPERSON DAVIS: So it's just people with limited mental issues and the aged or people who just need a -- a home or what?

DR. RANSOM: Well, you don't -- normally you wouldn't have a large number of individuals that are young in this type of facility. It's up to me as an administrator to approve the people coming in. It would be mainly the elderly. Usually it's --

CHAIRPERSON DAVIS: Oh, I thought I heard you say 18.

DR. RANSOM: Yeah, we did say 18. We can. That's the law. We can't discriminate. We have to -- you'd have to be at least 18 years of age to get in.

CHAIRPERSON DAVIS: Okay. So it's your discretion, then?

DR. RANSOM: At my discretion.

CHAIRPERSON DAVIS: Okay.

DR. RANSOM: As far as the parking, there is a stack parking situation for a fifth parking spot in which staff would have. I would have a spot that I would alternate with one of the -- the CNA who is on -- on the -- on call at the time. So there's a fifth spot there. There's four spots but there's a stack parking spot for staff.

CHAIRPERSON DAVIS: Okay.

DR. RANSOM: And -- and one -- one other thing: The assisted living facility, usually the elderly don't have cars.

CHAIRPERSON DAVIS: Uh-huh. I understand. I -- I have a couple of -- of these assisting living facilities in my neighborhood. So, you know, I -- and I have never had any problems of any kind with them. But any concern is -- and you answered my question about, you know -- you know, people with drug problems or something like that. But the mental issue is -- is an issue that I deal with, because, you know, I have a daughter who suffers from mental illness but fortunately who is in a hospital. But I know the kinds of things that can happen if, you know, they are not constantly, you know, kept on their medication and -- and that kind of thing. So is it -- are you going to have staff there 24/7?

DR. RANSOM: Yes, we will. We have CNAs around the clock. I will be there between 40 and 48 hours a week myself.

CHAIRPERSON DAVIS: Okay.

DR. RANSOM: We will have top-notch security and surveillance in terms of common areas and in terms of the perimeters and the areas outside the building. It will be a locked facility.

CHAIRPERSON DAVIS: And it's a secured facility?

DR. RANSOM: Secured facility.

CHAIRPERSON DAVIS: So they -- your -- your --

DR. RANSOM: They can't wander. They would --

CHAIRPERSON DAVIS: -- they can't be wandering around or anything?

DR. RANSOM: No.

CHAIRPERSON DAVIS: Okay. All right. Thank you.

MAYOR MASTERS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Mayor?

MAYOR MASTERS: Thank you. Dr. Ramsey [sic], hi. How are you?

DR. RANSOM: I'm doing okay, Mayor.

MAYOR MASTERS: Glad to see you again tonight. Would you be willing to meet with Assistant Chief Madden who sort of, over the -- our camera system of coordinating the surveillance/security cameras that it will -- that by your IP will be able to be monitored by the Police Department?

DR. RANSOM: Yes.

MAYOR MASTERS: And that way it even gives you another level of -- of security?

DR. RANSOM: Yes. Yes. He could even use the building to monitor the locations around the area if he wants.

MAYOR MASTERS: He'll be able to see --

DR. RANSOM: Yeah.

MAYOR MASTERS: -- be able to see it. The other thing is I -- I -- I kind of somewhat disagree with my -- my colleague who I agree with mostly -- most times. But there's a big difference for me for something on the island compared to a -- a neighborhood such as 28th and Old Dixie. You're near Old Dixie.

DR. RANSOM: Yes.

MAYOR MASTERS: Okay. Now, my -- my thing is just for the opposite reasons, I think because of the violence that we have seen in that area -- there's been more shootings from 28th Street to 34th Street than anywhere in the city. So for me, as Joshua said, "For me and my house," I would welcome as much help, any kind of assisted any kind of way, in that area. We need all the -- I think it needs all the help, that area, as much as possible. And as far as mental illness or mental health issues, you said slight mental health issues?

DR. RANSOM: Yes, limited.

MAYOR MASTERS: Right. And as you know, I think everybody has some kind of slight mental issue. That's why there's there a -- one day a month or used to be, that you get a mental health day. So, you know, people just don't know or don't treat it but, you know, there's different degrees of it, you know? And we all -- I think that's on everybody's plate to a certain extent. But for that particular area, I think it would be a blessing, particularly since no one has objected and I don't -- I think most of -- I think the neighbors will welcome it. I really, really do. I don't think even if you went down the block -- I'll go all the way down the block personally and knock on every door just to make sure if -- if there was a concern. I don't think you're going to have those concerns.

I think it's just the opposite. I think you'll be welcome, a welcome blessing to the area. And I wish that more people would step up in areas where we have crime, violence and shooting. There's been five people killed on -- on 28th and Old -- in -- I think on that location at that store. And -- over the last years. So not only that, we -- you know, this isn't Hollywood. We're not living in Hollywood. And this isn't Palm Beach over on the island in the real Palm Beach. This is the area that needs help. This is an area that needs some counseling help and so -- some other kind of homes and houses. And particularly with, you know, any facility that's going to secure our seniors when they get in the golden age, which I'm approaching. I think it's a blessing. And to assist them in a secured facility, particularly in that neighborhood, I think is wonderful. I -- I really fully support it. I do understand the concerns of my colleague but I -- I don't see the analogy or being analogous in this particular situation. I think maybe that's why you got a special -- what is it? Exception?

DR. RANSOM: Yes.

MAYOR MASTERS: And I think maybe that's why. Thank you, Madam Chair.

CHAIRPERSON DAVIS: Any other questions or comments?

COUNCILPERSON GUYTON: Yes, Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: I have a question for Miss McKinney. And thank you, Mr. (Inaudible). The floor plan that has been approved as it relates to each of the rooms, what is the state standard? Do you have that information?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I do not have that information. But we did -- our Building official did review that. And the floor plan that's proposed did meet the state requirement -- state building requirements for that.

COUNCILPERSON GUYTON: Okay. So --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: For occupancy.

COUNCILPERSON GUYTON: -- so that has met the state requirement for the number of people --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

COUNCILPERSON GUYTON: -- within the square footage that is being proposed?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

COUNCILPERSON GUYTON: And let me just say this. In our community we're going to have challenges. And we continue to have challenges. On 28th Street -- I grew up in Monroe Heights and that is right next door to my neighborhood. But within that block there are more multi-family dwellings than there are single-family.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: There's -- there is quite a few multi-family dwellings.

COUNCILPERSON GUYTON: Yes.

CHAIRPERSON DAVIS: Yeah.

COUNCILPERSON GUYTON: I -- I grew up there. I know.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yeah.

COUNCILPERSON GUYTON: There -- there are more apartments.

CHAIR PRO TEM PARDO: And key is "family."

COUNCILPERSON GUYTON: There -- there is a church on the north side and that grocery store and there are a few -- two, three, maybe -- there were four single-family homes which I'm not certain if they're still single-family. But I guess my point is being, is that it's in an area now that has multi-family dwellings. It's not being plopped in an area where all of the homes are single-family and it will stand out. But I do understand the concerns. And my -- my question would be -- and -- and let me also say I was trying to think of an ACLF that I know of that is not in a residential area. And all of them that I know of are in residential areas.

CHAIRPERSON DAVIS: In Riviera Beach, yeah.

COUNCILPERSON GUYTON: And that's -- that is not uncommon. That's the point I'm making. But there are valid concerns that we wouldn't want that to perpetuate any negativity or bad experiences, even by the people that live there by getting out, drifting out to Old Dixie. And so that concern about security and monitoring, I would like more information about, how would you -- to Mr. Redford -- how would you monitor your residents so that we don't have any unfortunate situations by people who may just kind of drift out into the neighborhood?

DR. RANSOM: Well, I'm licensed as a health -- I mean, as an administrator through the State. And I'm held to certain standards. The Agency for Health Care Administration, if they receive reports of elopement in -- upon doing the review on a regular basis, they will shut us down.

COUNCILPERSON GUYTON: So would it be you or are you hiring someone in addition to you 24 hours? At some point you're going to have to sleep. I mean, is it going to be someone up and monitoring 24 hours a day? That's really my question.

DR. RANSOM: Yes. They're around-the-clock CNAs. And --

COUNCILPERSON GUYTON: Okay. So you'd have --

DR. RANSOM: -- yeah, and in addition to myself. And I'll be there --

COUNCILPERSON GUYTON: Okay.

DR. RANSOM: -- 40 -- 40 to 48 hours a week during the daytime.

COUNCILPERSON GUYTON: And --

DR. RANSOM: In addition to them.

COUNCILPERSON GUYTON: Okay. So it -- will it be one or two CNAs? How many?

DR. RANSOM: One CNA, possibly two. It depends on the capacity of who we have.

COUNCILPERSON GUYTON: Okay.

DR. RANSOM: How many people we have.

COUNCILPERSON GUYTON: Now, the -- the -- the State requirement, do -- does the State require you to have a number of CRAs for --

DR. RANSOM: CNAs, yes.

COUNCILPERSON GUYTON: -- so many people?

CHAIRPERSON DAVIS: CRAs?

DR. RANSOM: We're required to have a certain number of C -- CNAs --

CHAIRPERSON DAVIS: He said CRAs.

DR. RANSOM: -- based on the capacity of the facility.

COUNCILPERSON GUYTON: Okay. Okay.

DR. RANSOM: So we'd have to have a minimum of three if it really -- yeah.

COUNCILPERSON GUYTON: Simultaneously or --

DR. RANSOM: No, back-to-back. Eight-hour shifts.

COUNCILPERSON GUYTON: Eight-hour shifts.

DR. RANSOM: And on the weekend, seven days a week, 168 hours.

COUNCILPERSON GUYTON: Okay. Okay. I -- I think the concerns are valid that have been expressed. But an ACLF, to me, is a little slightly different from a vacation home. And I do understand the concerns that --

CHAIR PRO TEM PARDO: (Inaudible) vacation home.

COUNCILPERSON GUYTON: -- have taken place on the island. As most know, I have friends there. And we discuss these issues. But the area that this home is in is mostly multi-family and I don't personally see where it would not blend in, so to speak, as long as the residents are being monitored and they're not allowed to drift out into the community. And as long as that is going to be addressed, I don't have a problem with granting a special exception. And did you also say you would have cameras, as well?

DR. RANSOM: Yes, cameras. I'll actually be able to monitor the place from when -- even when I'm not there. On my iPad.

MAYOR MASTERS: He also said --

DR. RANSOM: Common areas inside and --

MAYOR MASTERS: -- he'll patch into the police department.

DR. RANSOM: -- common -- and areas outside the building.

COUNCILPERSON GUYTON: Okay.

DR. RANSOM: Could I -- could I add that, I mean, my area of expertise is real estate. And business administration, that's my PhD. The location I -- I evaluated the location and I determined that there -- you have more people who have invested on that street as investors, absentee investors than anywhere else.

COUNCILPERSON GUYTON: Uh-huh. Okay.

DR. RANSOM: They really don't -- to me they don't care. I'm a real estate investor myself. I'm here from the standpoint of caring. I'm trying to put something in a location that requires a significant amount of money to bring that area up. I've done it in West Palm. I purchased a lot of property on one street and brought the area up. And I'm now trying to come back to Riviera Beach. This is one of the streets that I want to focus on to try to bring the area up. And I think this would be an ideal or a prime business there because I am in the business of providing residents and -- and I'm combining it with

health care at this point. And I have certain family members who are actually in the health care business, also. But I think it would be an ideal spot for an assisted living facility because you have the Lindsey Davis Center with elderly down the street that we can coincide with. And I -- I know about the -- the reputation of the street and all. I grew up in Monroe Heights, too.

COUNCILPERSON GUYTON: Well, let me -- yeah, I was about to say that.

DR. RANSOM: But it doesn't -- it -- I'm the kind of person to come in to change things. And I'm -- I don't -- I don't fear the neighborhooded element.

COUNCILPERSON GUYTON: Uh-huh.

DR. RANSOM: And I grew up there.

COUNCILPERSON GUYTON: Okay. And -- and let me just say, too -- he just brought up another point that I knew but I don't know if others knew. He's home-grown. And he understand the dynamics of our community. And he understand what's there and what it takes to have a positive contribution to the area that -- that he's -- he's seeking. And I do think that run properly, it would be a plus as opposed to a negative. And -- and I -- I'm in support of it, as long as it meet all of the state requirements. Thank you, Madam Chair.

CHAIR PRO TEM PARDO: And I -- Madam Chair?

CHAIRPERSON DAVIS: All right. Miss Pardo?

CHAIR PRO TEM PARDO: Okay. Going back, I still can't wrap my head around 2,400 square feet with 15 people in it. I think my house is a little under 2,400 and there's two of us and a, you know, hundred-pound dog and we get in our -- each other's way. When -- at what point does the fire department get involved in this? Because, you know, there -- there has to be some kind of safety issues.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. And -- and all of the other departments have reviewed the request for the special exception and didn't have -- have had no objections, including fire and police. But when they come in with building plans, there will be police, fire, building, zoning will review their plans to make sure they're compliant with all of the requirements for this type of facility. And this actual diagram doesn't have the bedroom layout on it. But the bedroom layout actually does work in the 2,200-square-foot facility. But it all has to -- it will be sprinkled and it's --

CHAIR PRO TEM PARDO: So people sharing rooms?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: There will be people --

CHAIR PRO TEM PARDO: 'Cause you're not getting 15 bedrooms out of that 2,400 square foot.

CHAIRPERSON DAVIS: Right.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: No. There will be people sharing bedrooms, right.

CHAIR PRO TEM PARDO: Yeah. So you could have, like, three --

CHAIRPERSON DAVIS: That's how most living -- assisting living facilities operate.

CHAIR PRO TEM PARDO: -- with a kitchen. What are you going to have, like, 325-square-foot rooms?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I think kitchen and -- I think they're about -- they're 10-by-10 or 10-by-11, are the sizes of the rooms. There were two bathrooms I believe. I don't -- maybe I missed one. But there were at least two.

DR. RANSOM: They're -- they're 10-by-12 minimum.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Okay.

MAYOR MASTERS: Come -- go to the mike.

DR. RANSOM: 120 square feet. Some are single, some are double. They're 10-by-12, minimum 120 square feet for double occupancy. We have one or two that might be single occupancy. But there -- one -- one thing that's unique about this particular project is that we're putting in what's not required, which is a hydrotherapy tub. Not just one, but two. And that helps the elderly a great deal. And it's not two bathrooms. We're putting in four. We have one existing and putting three additional bathrooms in.

CHAIR PRO TEM PARDO: Okay. So --

CHAIRPERSON DAVIS: So the plans haven't come to us yet.

CHAIR PRO TEM PARDO: Right. So the fire department is going to go through everything and make sure --

DR. RANSOM: Yes, and --

CHAIR PRO TEM PARDO: -- that there's, you know, adequate exits?

DR. RANSOM: Yes. Yes.

CHAIR PRO TEM PARDO: You know, God forbid there's a fire there. And even with these, you know -- these special tubs that you're going to be, you know, which someone has to monitor if you're going to have elderly people in them.

DR. RANSOM: Right. I'm --

CHAIR PRO TEM PARDO: Okay. All right. All right. I'm good. Thank you.

DR. RANSOM: -- I'm --

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: Mr. Renfroe [sic], maybe you could answer the question I asked to Miss McKinney. What is the square footage of each room?

DR. RANSOM: 120 square feet minimum. The ones that we have on the plans are 120, 122. They might not all be double occupancy.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: 10-by-12.

DR. RANSOM: 10-by-12.

COUNCILPERSON GUYTON: 10-by-12?

DR. RANSOM: Yeah. With -- and plus a closet.

COUNCILPERSON GUYTON: Okay. That was my question.

CHAIRPERSON DAVIS: Mr. Davis, you have --

CHAIR PRO TEM PARDO: A closet in --

COUNCILPERSON DAVIS: Yes. I have a few questions. Hello, Doctor. Thank you. A few brief questions. You mentioned earlier that you've done some work in West Palm Beach?

DR. RANSOM: Yes.

COUNCILPERSON DAVIS: Developing certain areas. What areas specifically did you help bring up over there?

DR. RANSOM: 19th Street, which is a gang street, 21st Street, a gang street. 11th Street. Those areas.

COUNCILPERSON DAVIS: Okay. When you -- have you ever done this particular type of business anywhere else before coming here with this type of facility?

DR. RANSOM: No. The closest I've come is to renting to elderly people -- excuse me - - with property that I own myself. I own quite a (inaudible).

COUNCILPERSON DAVIS: Okay. Just, like, individuals?

DR. RANSOM: Yes.

COUNCILPERSON DAVIS: Okay. When you put this plan together, what about it that you can say to us or to our community that makes it unique that's something that you offer for our community? What makes it unique? What makes it stand out from any other facility that would make it fit?

DR. RANSOM: Well, first of all, I'm the GC and the designer. State licensed. And I intend to implement things in there that are kind of unique to the extent that it's -- it -- it goes to the quality of the care that's given to the -- to the elderly of this facility.

COUNCILPERSON DAVIS: Okay. My question is to elaborate more on that. Let's talk about more programming.

DR. RANSOM: Yes. We're required --

COUNCILPERSON DAVIS: There's a -- there's a -- various -- based on what's been presented to us, you can have people there from the ages of 18 to 45 to 62. What happens when you put, like, that different dynamic together on the one facility? What type of social or safety issues that that may bring as a social worker or law enforcement that that -- what would you put in place to prevent something from happening or make that work?

DR. RANSOM: It's -- it's my judgment in terms of who goes in there.

COUNCILPERSON DAVIS: Uh-huh.

DR. RANSOM: I've had a lot of experience in dealing with a lot of people with a lot of mental situations.

COUNCILPERSON DAVIS: Uh-huh.

DR. RANSOM: And I have no intention of putting anyone in there that might hurt someone.

COUNCILPERSON DAVIS: Uh-huh.

DR. RANSOM: Or might have a -- a serious mental problem we can't deal with.

COUNCILPERSON DAVIS: Uh-huh.

DR. RANSOM: We more than likely will be tilted more towards the 65 and older.

COUNCILPERSON DAVIS: To -- okay.

DR. RANSOM: Yes.

COUNCILPERSON DAVIS: How many jobs will this create?

DR. RANSOM: Three -- four. Four full-time jobs and contracted workers, we would have the dietician, licensed nurses, a couple of the people come in in terms of contract.

We might have more. We might have an additional CNA. We need to see how it runs. And the State can require us to have an additional CNA, also, if it doesn't seem like we're running efficient enough.

COUNCILPERSON DAVIS: So what will be the total listed of support staff that you will have. The support staff. You're talking about social -- along with the CNA. Do you have a Social Service person there? Will you have someone that -- that deals with mental health every day? Let me change directions. If I'm someone, I'm coming off the street. I'm a highly functional level everyday resident. I've got a low-income job. I just want to find me a place to stay. Is there something that will prevent me from getting there or is there something -- this allows just anybody to qualify before it gets to you before you make the ultimate decision? 'Cause -- 'cause do you go over every application initially or do you have someone that's staffed to deal with it and then bring that to you before approval?

DR. RANSOM: No. I'm -- I'm the person who reviews everything. There are assessments that have to be done by these people. They have to be recommended as having a mental health problem and to be adequately qualified to be in an assisted living facility.

COUNCILPERSON DAVIS: Okay.

DR. RANSOM: Not just anybody with mental health problems can come in there. So --

COUNCILPERSON DAVIS: So they have to come through a referral process?

DR. RANSOM: Referral process. And as you can --

COUNCILPERSON DAVIS: So what agencies would you be working with?

DR. RANSOM: -- (inaudible) -- state agencies, uh, Mental health departments, just different mental health agencies who evaluate --

COUNCILPERSON DAVIS: Like CARF and all those people?

DR. RANSOM: CARF, could, yeah, recommend, make recommendations.

COUNCILPERSON DAVIS: They can make recommendations, as well?

DR. RANSOM: But there's an 18-23 form that they have to go through as far as a physician and so forth.

COUNCILPERSON DAVIS: Uh-huh.

DR. RANSOM: That has to be evaluated and all.

COUNCILPERSON DAVIS: And do you offer any transportation to your -- your tenants?

DR. RANSOM: We will have transportation, yes.

COUNCILPERSON DAVIS: What type of transportation will you be providing?

DR. RANSOM: We'll work with certain people who provide transportation to the elderly.

COUNCILPERSON DAVIS: Oh, the agencies that, like --

DR. RANSOM: Yeah.

COUNCILPERSON DAVIS: -- Palm Tran with the vans and stuff that they come pick you up?

DR. RANSOM: Yes. We coordinate that.

COUNCILPERSON DAVIS: You coordinate with that?

DR. RANSOM: Uh-huh.

COUNCILPERSON DAVIS: Uh-huh. Thank you.

DR. RANSOM: Uh-huh.

COUNCILPERSON DAVIS: Miss -- I'm trying to figure -- who do I go to? Miss Jones? No, I mean, Miss McKinney -- Miss Jones, somebody help me with this situation. While I do like to support potential great businesses on every corner of our city, but I like to make sure that we do our due diligence throughout this entire process.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Uh-huh.

COUNCILPERSON DAVIS: This is a very sensitive process.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Uh-huh.

COUNCILPERSON DAVIS: I know where Doc's heart is at. I know what he wants to do. But I have a serious concern with the safety of not just his residents, because we don't know who's coming. I -- honestly, neither does he until the application process begin. I would like to know what -- what notes were stated during the Planning & Zoning that the public safety issues came up? What concerns did they have in their notes?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: From the Planning & Zoning Board regarding public safety?

COUNCILPERSON DAVIS: Yes.

CHAIR PRO TEM PARDO: One more question.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I have to ask Jeff Gagnon, then, 'cause I don't recall them being any. Jeff, do you recall any issues on public safety?

COUNCILPERSON DAVIS: Maybe through the police department, fire, any -- I mean, are there any issues that come up that would make us --

P&Z ADMINISTRATOR GAGNON: Good afternoon. Jeff Gagnon, Planning & Zoning Administrator. From what I recall from the Planning & Zoning Board meeting, Dr. Ransom brought up the security capabilities of the facility.

COUNCILPERSON DAVIS: Uh-huh.

P&Z ADMINISTRATOR GAGNON: So he provided information in regards to video surveillance that was discussed tonight. Also, the perimeter fencing was discussed as a --

COUNCILPERSON DAVIS: Uh-huh.

P&Z ADMINISTRATOR GAGNON: -- major component to also deter people from entering the site, as well.

COUNCILPERSON DAVIS: Quick -- on the Planning & Zoning, one of the things I was looking for were the minutes for that meeting so I can kind of get an understanding of what was said in that meeting. I -- I didn't have those minutes available to me.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Actually, I did send out the link to --

COUNCILPERSON DAVIS: You sent the link out?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- to the -- right -- I think it was the day after the meeting I sent them out.

COUNCILPERSON DAVIS: The day after the meeting is the e-mail that you sent out?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I did.

COUNCILPERSON DAVIS: Okay. My -- I don't -- I like you, Doc, as a person. You -- you're a great professional. I know your story. I -- I watched your mission. But when you put -- you're talking about business plans, you're looking at areas in Riviera Beach, one of the questions I have is did anyone -- did you ever get a chance to sit down with staff and find out what areas across our entire city that would be best suited for that potential project? And did that ever -- conversation ever happen?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: No. We didn't have a conversation with Dr. Ransom about that. But I think that he did his own due diligence

on that. However, when we look at an application, we look to see if it's allowed in that zoning district.

COUNCILPERSON DAVIS: Right.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And what's the criteria that's required.

COUNCILPERSON DAVIS: Uh-huh.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And if the project meets all the criteria --

COUNCILPERSON DAVIS: Right.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- and doesn't have any unusual negative aspects to it, then we're basically required to recommend approval of it.

COUNCILPERSON DAVIS: To -- to recommendation for approval.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right.

COUNCILPERSON DAVIS: 'Cause -- 'cause my -- my only concern is we have no idea at this point what regulations that's going to determine who's going to be in there, what ages, are they going to mix, what staff is going to be prepared to make those decisions other than Doc, his support staff. How do our agency are gonna -- policing agencies is gonna work with you with that particular block. That block has been through a lot. Yes, it does need some real serious attention. But it needs the right attention. Not just any type of -- any form of attention. I just really feel like this process is something that I will - - will definitely need a little bit more time to -- 'cause I don't want to kill it tonight. But I really feel like, Doc, if you could work with staff to maybe find an area that was better suited, because based on what's been happening over the last few years, I don't feel comfortable putting someone into a facility, into a hostile situation that's been a little hostile recently, but not always. But we don't know what's going to happen. And then once -- if something does happen, we're going to be held accountable up on this particular board on the decision that we make today.

I just want more time to be able to -- I don't know how my board feel about it -- to really sort through this and allow you to work with staff to making sure that, hey, where are you best suited to fit in our city, because we do want you here. But where is the best fit for you -- for your -- your particular operation, what you're trying to do. Because it is needed. But where is it needed? You know, that area does need a lot of redevelopment. It does need a lot of action. But like I say, it need a specific type of action. Staff, I just want us to be very careful before making this approval. It -- just as a business, it's -- I'm not prepared to go a specific direction tonight based on what's been going on in that area. Not until I get a chance to actually speak to some of the residents personally on that block so I can hear from them about how things have transpired.

Even when there's nothing really going on. How they feel about the area and how do they feel about this potential vendor -- I mean, business coming to our city.

I would like to take my time to do that. But at this time I'm just going to yield right now to see what the rest of my colleagues, what they want to say. That's all.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo.

CHAIR PRO TEM PARDO: Okay. I have a question for Mr. Rasom -- Ransom.

CHAIRPERSON DAVIS: Ransom.

CHAIR PRO TEM PARDO: I'm sorry, sir. Who is -- and what affiliation does Olson Moore Management have with this property?

DR. RANSOM: I am Olson Moore Management.

CHAIR PRO TEM PARDO: Okay. So you live in Alaska?

DR. RANSOM: No. That's a residence I have.

CHAIR PRO TEM PARDO: In Alaska. So -- okay. I'm -- I'm questioning it because I did look at the tax rolls and I see that you did own the property in 2011 and it looked like it was quitclaimed to that company. And then their address is in Alaska. So that's why I questioned it.

DR. RANSOM: It -- it's a holding company for privacy. That's all.

CHAIR PRO TEM PARDO: Okay. All right. Thank you.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: My last thing, we live in a society that is not perfect. And our democracy allow people to make investments, decide what they want to do with the property. And certainly we have to oversee it to ensure that there's nothing obvious. That's why it goes through staff. They make sure they're complying with the State. But sometime we -- my own humble opinion -- discourage business people. And I -- I think that's a slippery slope. I grew up in this community, and the best way to neutralize negative activity is with positive activity. And suggest that something positive may not be appropriate because there's been negativity, I don't buy that one.

CHAIR PRO TEM PARDO: Look at 7-Eleven.

COUNCILPERSON GUYTON: And -- and it's my hope that at some point we will allow staff to do the due diligence to make sure that it meets all the state requirements, they cross the T's, dot the I's. Someone want to invest in our community, ACLF, whatever other business, as long as there is nothing, in my opinion or in staff's opinion, that would jeopardize the health and welfare of our community, I think that we need to let business people be business people. And -- and I think sometimes we're not intentional and I think it's -- it has good intent, but we give business people, I think, sometimes the impression that maybe Riviera Beach is not the place to invest. We all have our issues. I -- I have mine with projects and certainly we are entitled to them. But I'm just making an overall statement about how we engage and deal with business people. And we have a process that if they meet certain requirements, even if we wanted to deny it, we could. But we would be exposed if we don't have a legitimate reason for rejecting it. Other than we don't like it in that area. And so it's my hope that we would let staff give us their recommendations and we don't have to take them unless we find something that staff has missed that we need to consider. And if that's the case, I would invite staff and not just Community Development, any other department. Fire, police, anybody that has some issues. I'm one of those data, document, evidence type of guys. Just bring the data. Bring the documents. Let's consider everything on the table and then we'll make a rational decision. But I don't want to make it on emotions. So I -- if somebody's got some data or documents why we shouldn't move forward, I would like to see it. But the documents that we have are telling us that he's meeting the requirements that we have set forth. When I say "we," not us personally but it's in our ordinance or in our regulations to take it to the next level. They still have to get approval, if I'm not mistaken -- has fire and police weighed in yet?

CHAIRPERSON DAVIS: Yes.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

COUNCILPERSON DAVIS: What did they say?

CHAIRPERSON DAVIS: Police says no. Police is saying no, by the way.

COUNCILPERSON GUYTON: And well, I -- and I was curious how it got to this point if police didn't weigh in. Chief, you -- you're shaking your head. Could -- could I have some input from you, Chief?

POLICE CHIEF WILLIAMS: Madam Chair, Mayor, members of Council, the answer to your question is no. I was detained in my office and I was watching and monitoring. And when this came up I immediately called my staff. I said, "I don't recall us having a discussion about this item." And they confirmed with me that we had not been a part of the process. So this is a special exception and special means special. You are making a special dispensation and consideration. Any new business in our city is going to have an impact on governmental services. All you ask your staff to do is to provide the analysis of that impact on services. I have haven't had that opportunity. I don't know about the fire chief.

CHAIRPERSON DAVIS: And I -- I have a question to you, Miss Jones. Why haven't -- hasn't -- why did police not have a say?

CITY MANAGER JONES: I don't know. It goes through the process. I would have to ask the Director of Community Development how it got on the agenda --

CHAIRPERSON DAVIS: I was prepared to ask her.

CITY MANAGER JONES: -- without -- or got to P&Z without everyone --

CHAIR PRO TEM PARDO: Yeah, right.

CITY MANAGER JONES: -- totally vetting this project.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: We don't do that. We send them to police, fire, every relevant department before we send them to Planning & Zoning Board.

CHAIRPERSON DAVIS: Well, did somebody specifically sign off from --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And I'm -- staff is looking up to see if we have the comments in our digital -- but we would -- we wouldn't do that and we don't do that.

CHAIR PRO TEM PARDO: Madam Chair?

MAYOR MASTERS: Madam Chair?

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo and then Mayor --

COUNCILPERSON GUYTON: Well, I think I had the floor.

CHAIRPERSON DAVIS: Hold on.

CHAIR PRO TEM PARDO: All right. I'd like to --

CHAIRPERSON DAVIS: Hold on one second. Hold on.

CHAIR PRO TEM PARDO: -- go next.

CHAIRPERSON DAVIS: Mr. Guyton still has the floor.

COUNCILPERSON GUYTON: Thank you. Miss McKinney, the -- no, Chief, I had a question for Chief.

POLICE CHIEF WILLIAMS: Yes, sir.

COUNCILPERSON GUYTON: As it relates to this specific project, is it something about that area? You still have to do an official analysis, but is there something that, just from your personal knowledge, you have concerns about this type of use in that area or is -- talk to me. Is -- 'cause -- 'cause you seem to have some --

POLICE CHIEF WILLIAMS: No. No, Mr. --

COUNCILPERSON GUYTON: -- passion if --

POLICE CHIEF WILLIAMS: No, no, no, no, no. I -- I --

COUNCILPERSON GUYTON: -- so I -- I'm a man, like, just lay it out on the table.

POLICE CHIEF WILLIAMS: -- I have to -- I have passion --

COUNCILPERSON GUYTON: Let's discuss it.

POLICE CHIEF WILLIAMS: -- I have passion for our systems and our processes.

COUNCILPERSON GUYTON: Understood.

POLICE CHIEF WILLIAMS: I have passion for things that could potentially impact the delivery of law enforcement services, because that's what you pay me to be responsible for.

COUNCILPERSON GUYTON: Uh-huh.

POLICE CHIEF WILLIAMS: I would love to have the opportunity when new businesses are introduced in an area to -- to weigh in simply --

COUNCILPERSON GUYTON: I agree.

POLICE CHIEF WILLIAMS: -- from the law enforcement perspective.

COUNCILPERSON GUYTON: I agree. And -- and I was under the impression --

POLICE CHIEF WILLIAMS: I'm pro-business, encourage businesses and -- but we need to find a way.

COUNCILPERSON GUYTON: Yeah. Well, we're going to correct that. But I thought maybe there was something specific that you wanted --

POLICE CHIEF WILLIAMS: No. I haven't had a chance to -- to -- to vet it.

COUNCILPERSON GUYTON: Okay.

POLICE CHIEF WILLIAMS: I haven't had a chance to do an analysis.

COUNCILPERSON GUYTON: Okay. And -- and if you haven't, I would certainly be inclined to allow you to do that. I don't know if Miss McKinney's staff has found any comments from the police department. But I just wanted to know if there was something that -- that you wanted to share with us --

POLICE CHIEF WILLIAMS: No.

COUNCILPERSON GUYTON: -- about that.

POLICE CHIEF WILLIAMS: No. No, sir. Nothing. The passion that you felt was me -- would -- having failed in not providing what -- all the information I think you need in order to make an informed decision.

COUNCILPERSON GUYTON: Your comment? Yes.

POLICE CHIEF WILLIAMS: That's all. That was -- I -- that was the passion there.

COUNCILPERSON GUYTON: Okay.

POLICE CHIEF WILLIAMS: Yeah.

CHAIRPERSON DAVIS: Okay. Miss Pardo, Mayor Masters after.

CHAIR PRO TEM PARDO: Okay. Thank you, Madam Chair. I'd like to make a motion to postpone this till the next meeting.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: Madam Chair, I still have a comment.

COUNCILPERSON GUYTON: And --

CHAIRPERSON DAVIS: Okay. Go ahead, Mayor.

MAYOR MASTERS: Okay. If -- if --

CHAIRPERSON DAVIS: If it's about this, it's already done.

MAYOR MASTERS: Well, no. No, it's nothing to unrail that 'cause I -- I agree with that. But I just want to make sure that I -- that I heard correctly. 'Cause I'm sitting here and it seemed like to me that Miss McKinney's -- Miss McKinney said on the record that the police and the fire and all these people had signed off on it. But now all of a sudden it seems like the police didn't sign off. So I don't understand how I can hear one thing that the -- Miss McKinney says, and I -- unless I heard something different, but I heard, I thought, that she definitely said that they had signed off. So it's -- it's troubling and embarrassing for me to hear one thing and we get caught up in trying to move this and then later on the police department was overlooked. I don't understand that. Thank you.

CHAIRPERSON DAVIS: Okay. We're going on to item 17.

DEPUTY CITY CLERK ANTHONY: Resolution Number 140-14.

CHAIRPERSON DAVIS: Oh, I'm sorry. No, no, no. We've got to take public comments. We're past 7:00.

17. RESOLUTION NO. 140-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN, SPECIAL EXCEPTION, AND PLAT APPLICATION FROM MR. NATHAN LANDERS FOR THREE BUILDINGS: A 7,453 SQUARE FOOT RETAIL BUILDING, A 2,100 SQUARE FOOT RESTAURANT WITH DRIVE THRU, AND A 4,400 SQUARE FOOT RETAIL BUILDING, FOR THE PARCEL CURRENTLY IDENTIFIED BY PCN 56-43-42-30-20-001-0010, LOCATED ON THE NORTH SIDE OF BLUE HERON BOULEVARD, EAST OF CONGRESS AVENUE, AND WEST OF AVENUE 'S'; AND PROVIDING FOR AN EFFECTIVE DATE

CHAIRPERSON DAVIS: Is there a motion?

COUNCILPERSON GUYTON: So moved.

CHAIRPERSON DAVIS: Is there a second? Is there a second?

CHAIR PRO TEM PARDO: Second.

CHAIRPERSON DAVIS: Okay. Miss Jones?

CITY MANAGER JONES: The item you have before you is approval of a site plan that has been submitted to Planning & Zoning and approved. The particular area that we're talking about right now is on the north side of Blue Heron, east of Congress. It -- to give you the best feel, if you know where the Dunkin' Donut is and the Laundromat, there's a space, mode space, that's where this location is. So hopefully that'll help the residents get in mind where this particular location is. At this point I'd like to ask Mary McKinney, the Director of Community Development, to give you further background on this project.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: This is the wrong thing. Okay. I'll start while they're fixing my exhibits. This property is about 2.97 acres in size and it's currently vacant and undeveloped. The proposed development will include three buildings: a 7,453-square-foot retail building, a 2,100-square-foot restaurant with drive-thru, and a 4,400-square-foot retail building. And there you can see the aerial of it there on the board.

The development of the restaurant with the drive-thru is which requires a special exception approval by City Council within the general commercial zoning district. And Section 3159 of the city code require -- establishes the requirements for site plan approval and 3162 for a special exception review. The Planning & Zoning Board reviewed the site plan special exception and the plat applications on October 23rd, 2014, and recommended approval. Staff has also determined that the development proposal is consistent with the City's Comprehensive Plan and the City's Land Development Regulations. Staff also found the development proposal meets the standards for granting a special exception per city code Section 3162. Property owners within 500 feet of the proposed development were sent notifications and City did not receive any objections to the project. And staff recommends approval with the following conditions: A two-year landscaping performance bond for 110 percent of the value of the landscaping and irrigation is required before the CO is issued. Construction must be initiated within 18 months of the effective date of this resolution in accordance with the City's code, and all future advertising must state that the development is located in the City of Riviera Beach.

The applicant is here this evening if the City Council has any questions of the applicant. And thank you. I -- I just moved and put the site plan up there which shows you the layout of the proposed three developments.

CHAIRPERSON DAVIS: Is -- do I see auto parts store?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes. O'Reilly Auto Parts Store --

CHAIRPERSON DAVIS: That's one of the (inaudible)?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- is the -- one of the developments. Taco Bell is the one in the center. And --

CHAIRPERSON DAVIS: And what's the last one?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- the last one, it's a proposed retail, which there hasn't been a vendor acquired yet for that parcel.

CHAIRPERSON DAVIS: Okay. When I see auto parts I -- is -- are they here?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: They are.

CHAIRPERSON DAVIS: I have a couple of questions.

NATHAN LANDERS: Good evening. My name's Nathan Landers. Address is 4440 PGA -- excuse me, suite 600 PGA Boulevard, Palm Beach Gardens, Florida.

CHAIRPERSON DAVIS: Okay. Concerning the auto parts store. You know, Blue Heron Boulevard is one of our major thoroughfares just as U.S. 1 is. We have an auto parts store on Broadway. And my concern about that particular store is that, you know, people go in and buy the parts that they need and then they come right back out in the parking lot and work on their cars. I -- and that's not what I would want to see here.

NATHAN LANDERS: No. There -- there is no operational facility here. And --

CHAIRPERSON DAVIS: No. I'm -- I'm -- I'm saying --

NATHAN LANDERS: No, I understand.

CHAIRPERSON DAVIS: -- there's no operational facility there, either, but, you know, they buy the part and they still come back and work on their cars. So if that's what's -- what you're going to allow --

NATHAN LANDERS: No, that's not allowed. That's not.

CHAIRPERSON DAVIS: How are you going to address --

NATHAN LANDERS: As part -- I --

CHAIRPERSON DAVIS: -- somebody doing it?

NATHAN LANDERS: It's -- it'll be monitored by the actual tenant themselves -- O'Reilly Auto Parts is this particular auto parts -- to make sure that's -- that's part of their guidelines for the stores.

CHAIRPERSON DAVIS: Is -- okay. I'd like to see something in -- when you -- when they bring forth the, I guess, plans for the building or whatever --

COUNCILPERSON DAVIS: I agree.

CHAIRPERSON DAVIS: -- something in writing that that is just something that's not going to be allowed.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And we can include a condition in here that that's not allowed and that they will be fined. A violation will be issued and --

CHAIRPERSON DAVIS: And --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- that there will be a fine for the violation. We can include that as a condition in the resolution.

CHAIRPERSON DAVIS: And the other thing is, you know, while we have two, I guess, businesses that you've named, why you -- is there a reason you don't -- you just don't have anything yet for the third?

NATHAN LANDERS: That is correct. We're working on that. However, that will still have to go back through for approval once the use is established. So --

CHAIRPERSON DAVIS: It would be nice if you could get a restaurant.

NATHAN LANDERS: Yeah. We were -- I am very diligently pursuing different opportunities there for sure. So we're doing the best we possibly can. But these two are -- are -- are raring and ready to go.

CHAIRPERSON DAVIS: Okay.

NATHAN LANDERS: And are looking forward to being part of this community.

CHAIRPERSON DAVIS: All right. Any other questions or comments?

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: Yeah. Mr. -- I'm sorry, I didn't get your name.

CHAIRPERSON DAVIS: Landers.

NATHAN LANDERS: Landers.

COUNCILPERSON GUYTON: -- Landers.

NATHAN LANDERS: Yes, sir.

COUNCILPERSON GUYTON: First let me thank you for choosing Riviera Beach. That location has been vacant for years.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON GUYTON: I've been, as others have been, hoping that between Congress Avenue and Old Dixie, that we can get some economic activity. My question is, in those two stores, do you know what the projected number of employees would be?

NATHAN LANDERS: I believe it's estimated to be approximately 30 employees.

CHAIRPERSON DAVIS: Great.

COUNCILPERSON GUYTON: Thirty?

NATHAN LANDERS: Correct.

COUNCILPERSON GUYTON: Okay. All right. And that is very important. First the location, I think, is a good location because west of the railroad tracks, we don't -- we haven't gotten much activity in recent years, and east of Old Dixie. And the number of employees would add to our -- our economy and economic base. So I am in full support of it. I -- the Chair brought up a very, very, very good point as it relates to allowing people to buy the parts and then work on their cars just --

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON GUYTON: -- that's our main thoroughfare now. And that is unsightly and I'm -- I'm -- I'm hoping that we can do something about our other auto parts for --

NATHAN LANDERS: Yeah. Again, it's -- it's based on off-site, you know, for them. You know, again, our parts store being off-site -- kind of like --

COUNCILPERSON GUYTON: But it needs to be enforced.

NATHAN LANDERS: -- kind of like a -- right. Correct. Yeah, I know. Understandable.

COUNCILPERSON GUYTON: That -- that's the issue. Enforcement.

NATHAN LANDERS: Understandable. Understandable.

COUNCILPERSON GUYTON: Yeah. So hopefully we'll have some conditions that if it's not enforced there will be a penalty or a fine and it would entice whoever's the tenant --

NATHAN LANDERS: Uh-huh.

COUNCILPERSON GUYTON: -- to -- to enforce that particular condition. But I do want to thank you for choosing Riviera Beach. Hopefully bringing jobs and in an area where it's badly needed. Thank you.

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: Really briefly, what's the name of the auto parts store?

NATHAN LANDERS: It's O'Reilly Auto Parts. They're a national --

COUNCILPERSON DAVIS: O'Reilly? Where's the -- where's the nearest one?

NATHAN LANDERS: They're just moving down into South Florida. They're -- I believe, possibly Stuart is the closest one.

COUNCILPERSON DAVIS: Stuart?

NATHAN LANDERS: But again, they're just now entering the -- the South Florida but they have multiple locations throughout Florida and Central, West, North Florida.

COUNCILPERSON DAVIS: So you -- okay. So you don't represent O'Reilly. You represent --

NATHAN LANDERS: No. I'm the overall developer of the property.

COUNCILPERSON DAVIS: Oh, okay.

NATHAN LANDERS: Correct. O'Reilly --

COUNCILPERSON DAVIS: Is -- is O'Reilly here?

NATHAN LANDERS: They are not here, no. We will be selling it to them --

COUNCILPERSON DAVIS: Okay.

NATHAN LANDERS: -- and they'll be building it themselves.

COUNCILPERSON DAVIS: So we don't know really how amenable they are to actually job creation within our community as far as giving us the opportunity for those jobs that we'll available to. Yes. Could you bring that information back to us on, like, what jobs would they be amenable to for our community? Because we may approve it but that don't mean that we can get one, two or three or four jobs through this process. That's a concern of mine where something like this can happen and them not being here to answer these questions. It's a major concern. Could you get that answer to then come back and working with the Mayor as he put together his job fair and determining which jobs --

NATHAN LANDERS: Oh, certainly.

COUNCILPERSON DAVIS: -- that we can target?

NATHAN LANDERS: There -- there are definitely contributors --

COUNCILPERSON DAVIS: Whether it's cash -- whether it's cashiers or whatever it may be that --

NATHAN LANDERS: -- (inaudible) --

COUNCILPERSON DAVIS: -- the everyday layperson who don't know nothing about auto parts --

NATHAN LANDERS: Sure.

COUNCILPERSON DAVIS: -- that -- that can potentially go in and be trained on -- on doing --

NATHAN LANDERS: Yeah. I --

COUNCILPERSON DAVIS: I had --

NATHAN LANDERS: -- (inaudible) -- and actually this is a -- as a -- an opportunity to, you know --

COUNCILPERSON DAVIS: -- well, he's not going to do that.

NATHAN LANDERS: -- for them as well as working with the community and -- and definitely will be looking to the community for, you know -- to their employment.

COUNCILPERSON DAVIS: So you're not -- you're not sure yet for the third location. But you're sure about Taco Bell. You're sure about O'Reilly's. One of the questions I do have for the board, let's say Blue Heron, by being a very heavy traffic area from certain times of the day, and someone was to break down on their way down the street and they was to push their car over to O'Reilly's, would there be some special exceptions with allowing them to maybe change out a battery or something like that? Because you may get a lot of that, you know? But -- but I do want to thank you for definitely choosing the City of Riviera Beach, you know? But I'm very concerned about being able to be a part of the -- the jobs process. You know, me as a councilperson, my job is just focus on policy, have this discussion. That's the Mayor's job and the City Manager and the staff to work with you to determine how many of these jobs we're going to dictate and how we're going to get -- whether it's HR, so we can have someone inside and really working with the community that's going to really have an ear to Riviera. We maybe can't get all of them all the time but just shooting for it. Yes, sir?

ROBERT GRASSMAN: I'm -- I'm Robert Grassman. I'm with Bowman Consulting. I'm the -- probably the closest thing we can get to having an O'Reilly representative here. I'm the engineer of record for --

COUNCILPERSON DAVIS: Yes, sir.

ROBERT GRASSMAN: -- the developer for Taco Bell and for O'Reilly.

COUNCILPERSON DAVIS: Okay.

ROBERT GRASSMAN: Operationally, they would probably have to bring in somebody who's familiar on the management side at least with corporate.

COUNCILPERSON DAVIS: Right.

ROBERT GRASSMAN: But it's not really economically feasible for them to bring in all of their staff from everywhere. So while you might have to bring in one or two of the -- the management positions, ideally otherwise they'd -- they'd hire locally.

COUNCILPERSON DAVIS: And build from there?

ROBERT GRASSMAN: Yes.

COUNCILPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: Madam Chair?

MAYOR MASTERS: Madam Chair?

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: I heard --

COUNCILPERSON GUYTON: I've already spoken.

CHAIRPERSON DAVIS: -- you -- Miss Pardo, Mayor and --

COUNCILPERSON GUYTON: I yield to --

CHAIRPERSON DAVIS: -- then Bruce.

CHAIR PRO TEM PARDO: Okay. I apologize for not being here during part of your presentation. But now, I just -- you know, looking at this, I have some questions. So you're proposing that Taco Bell -- is that correct?

NATHAN LANDERS: That is correct.

CHAIR PRO TEM PARDO: Okay. And then the retail, you're not sure what kind of retail. And then you're proposing --

CHAIRPERSON DAVIS: O'Reilly Auto Part.

CHAIR PRO TEM PARDO: -- an auto parts store?

NATHAN LANDERS: Correct. O'Reilly Auto Parts.

CHAIR PRO TEM PARDO: Okay. Now, this is for Miss McKinney. Didn't we have someone come to us -- I don't know if I was on the council or if it was a previous council

-- about an auto parts store on Blue Heron and it turned out it wasn't approved? Does that have to be -- is an auto parts store a special exception?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: No, it's not. I can't recall an auto parts store being proposed on Blue Heron in that area. I know that just to the west of it on the vacant piece there, when that was proposed, the vacant piece was a proposed bank. And then they didn't build that. So that's still, like, a vacant parcel. But I don't recall an auto parts store on Blue Heron, but it's not a special exception.

CHAIR PRO TEM PARDO: Okay. Okay.

CHAIRPERSON DAVIS: There was a conversation --

CHAIR PRO TEM PARDO: And --

CHAIRPERSON DAVIS: -- about one but it wasn't about on Blue Heron.

CHAIR PRO TEM PARDO: Okay.

CHAIRPERSON DAVIS: A long time ago.

CHAIR PRO TEM PARDO: Oh. Okay. So maybe that's what it was.

COUNCILPERSON DAVIS: Why -- why is it a special exception? That's the question.

CHAIR PRO TEM PARDO: Okay. So -- but we have regulations for auto parts stores, correct?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well --

CHAIR PRO TEM PARDO: Like, they can't -- I -- I know the auto parts store that we have on Blue Heron, they can't change their oil in the parking lot and things like that.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right.

CHAIR PRO TEM PARDO: Correct?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And we're going to include that condition in this resolution, that they can't do any auto repair work in their parking lot.

COUNCILPERSON DAVIS: I'll let you ask that question.

CHAIR PRO TEM PARDO: Okay, fine. You know, because we don't want to see that. You know, we're trying to improve Blue Heron Boulevard. You know, we're going to make a major investment in it, and that's the last thing we want to see, people, you know -- but otherwise, I think it's great. I'm, you know -- we need more of that type of retail on Blue Heron Boulevard.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Uh-huh.

CHAIR PRO TEM PARDO: Just to -- to bring it up. And I am -- you know, I know --

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: -- we all have the concerns about hiring local. But just looking at what happened over at the outlets, if you go into those stores, it's all local people. So I'm -- you know, I'm sure, you know, you heard it loud and clear, we're all about hiring local people and I'm sure you will -- you know, when you have your job fairs, you'll reach out to our local people for those jobs, right?

NATHAN LANDERS: Definitely. Definitely.

CHAIRPERSON DAVIS: Okay. Mayor Masters?

MAYOR MASTERS: Yeah. A couple of questions. Taco Bell, will that be a 24-hour Taco Bell or do you know?

ROBERT GRASSMAN: I'm not -- I'm not a hundred percent sure yet. But the -- all the Taco Bells have extended hours. I'm -- I'm sure this one will, also.

CHAIRPERSON DAVIS: Well, we don't -- I don't know if --

CHAIR PRO TEM PARDO: Is it 2 a.m.?

CHAIRPERSON DAVIS: -- we wanna --

ROBERT GRASSMAN: I'm -- I'm not -- I could be --

CHAIR PRO TEM PARDO: Two a.m. on weekends?

ROBERT GRASSMAN: -- I'm not sure -- yeah, I'm not sure --

CHAIRPERSON DAVIS: We don't want 24 hours.

ROBERT GRASSMAN: -- with things like that.

CHAIRPERSON DAVIS: No.

MAYOR MASTERS: Well, you got a McDonald's right down the street that's 24 hours.

CITY MANAGER JONES: That generally isn't a 24-hour --

CHAIRPERSON DAVIS: Well, that was before my time.

MAYOR MASTERS: No. This just happened.

CHAIRPERSON DAVIS: What McDonald's?

MAYOR MASTERS: They just built a new one. There's a -- a Wendy's -- one of them is 24 hours.

CHAIRPERSON DAVIS: I'm sorry.

MAYOR MASTERS: Right now.

CHAIRPERSON DAVIS: But --

CHAIR PRO TEM PARDO: Wendy's not --

CHAIRPERSON DAVIS: -- I wouldn't want a 24-hour --

MAYOR MASTERS: McDonald's. McDonald's.

CHAIRPERSON DAVIS: -- that's just my personal opinion.

COUNCILPERSON DAVIS: They don't exist no more.

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: Okay. The other question that I may -- well, I'm for 24 hours, any kind of food thing opens, 'cause I like to eat late at night sometimes. You know, I don't - I don't have a problem with it. But you know, that's just me. That's just me. I don't see a problem with it open 24 hours. Why not? Gas station's open 24 hours. Anyway, it's not a -- it's not a big deal. But that's just personally. But back to more business side of this conversation, how many people are on your board? Do you have a board of directors for the developers?

NATHAN LANDERS: No. That -- we don't have a board of directors, no.

MAYOR MASTERS: Just -- just you? Just two, three?

NATHAN LANDERS: Correct. I have some partners but, correct.

MAYOR MASTERS: And where are you from? I mean, where -- do you have a headquarters?

NATHAN LANDERS: We're at Palm Beach Gardens.

MAYOR MASTERS: Okay.

NATHAN LANDERS: On PGA Boulevard

MAYOR MASTERS: And O'Reilly -- is it Reilly or O'Reilly?

NATHAN LANDERS: It' O'Reilly. They're a national firm. They're -- they're located throughout the United States.

CHAIR PRO TEM PARDO: Yeah.

NATHAN LANDERS: They have a couple thousand -- I'm not sure what the number is. But they're -- they're very large.

MAYOR MASTERS: Okay.

CHAIR PRO TEM PARDO: (Inaudible).

MAYOR MASTERS: But there isn't one in Southern Florida?

NATHAN LANDERS: They're just moving into the Southeast Florida. Again, they have a number of stores in Central, West, and North Florida. So they're just making a big push right now into -- into this market.

MAYOR MASTERS: Okay. And the other thing I -- I would like to see. We're having a parade. I don't know what the process is gonna -- how expeditious it's going to be, but it would be wonderful -- we have a parade, I think, January the 17th. And if there could be some kind of signs showcasing what's -- what's coming, forthcoming, I just think that would be a good idea. I don't know whether that's possible but it's something that maybe Miss McKinney can explore for the people who will come so they can see what they can expect in the near future or how -- however long it's going to take.

NATHAN LANDERS: Yes. We'll work --

MAYOR MASTERS: You know, just a big --

NATHAN LANDERS: Yeah.

MAYOR MASTERS: -- you know how they put those signs on the (inaudible)?

NATHAN LANDERS: We are looking to -- to -- to put a Coming Soon sign up.

MAYOR MASTERS: That's -- that's what I'm talking about.

NATHAN LANDERS: As -- as soon as the approvals are in place and -- yes.

MAYOR MASTERS: Okay. Thank you.

CHAIRPERSON DAVIS: That's it? Mr. Guyton?

MAYOR MASTERS: I'll see you at the job fair.

COUNCILPERSON GUYTON: Mr. Landers -- I'm bad with names. Good with faces, bad with names.

NATHAN LANDERS: That's okay. Thank you, sir.

COUNCILPERSON GUYTON: You're the developer. Do you own the property or does -- I -- I did -- and I was in --

NATHAN LANDERS: We -- we are under contract and we'll be closing upon approvals.

COUNCILPERSON GUYTON: When I was in grad school I did a paper on that property and a bank owned it at that time. That was back in 2009 or 2010. But my question is, there is more land there to be developed. Are you -- is your company -- are you looking into possibly doing something else there, as well?

NATHAN LANDERS: The property in the rear is actually a part of the apartment community behind so --

COUNCILPERSON GUYTON: Okay. So you're going -- you're abutting the -- the apartments with -- with your development?

NATHAN LANDERS: Correct. Correct.

COUNCILPERSON GUYTON: What about east? You're not take -- are you taking up all of the frontage there?

NATHAN LANDERS: There -- there is vacant property to the west of us right there that's currently --

COUNCILPERSON GUYTON: Yes. Right there.

NATHAN LANDERS: Yeah. That's -- that's owned by Fifth Third Bank, correct.

COUNCILPERSON GUYTON: That's what I'm talking about.

NATHAN LANDERS: And I'm not a hundred percent sure what their plans are, but however, we think this is a big benefit to -- to clean this particular property up. And obviously we'll -- we'll help, you know, drive more interest into those parcels, as well.

COUNCILPERSON GUYTON: Well, that's what I'm encouraging.

NATHAN LANDERS: Yeah.

COUNCILPERSON GUYTON: Okay?

NATHAN LANDERS: Thank you.

COUNCILPERSON GUYTON: All right. Thank you.

CHAIRPERSON DAVIS: Okay. Any other --

COUNCILPERSON DAVIS: Madam Chair, one last question.

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: What is the special exception actually that they're asking for at this time?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: The reason this has a special exception included is because of the drive-thru restaurant.

COUNCILPERSON DAVIS: Okay. That's it?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Uh-huh.

ROBERT GRASSMAN: And if -- if I may, one thing on the -- the condition for -- for use of the parking lot for repair. As -- as Mr. Davis mentioned, I think if there is a way, I think we need to maybe amend that so that it's -- it doesn't allow for vehicles to have to sit in the parking lot awaiting repair if they do have a battery out, you know, or something that's a quick repair, that they can do that there that takes, you know, two minutes and they're done. But, you know, oil changes and things that can be done elsewhere, that they be required to do -- do that work elsewhere.

CHAIR PRO TEM PARDO: Madam Chair.

UNIDENTIFIED SPEAKER: Yeah. I understand. I understand.

CHAIR PRO TEM PARDO: Yeah, Madam Chair?

CHAIRPERSON DAVIS: Miss -- Miss Pardo?

CHAIR PRO TEM PARDO: Yeah. I am not supportive of that. I don't want to see that. You know, I am absolutely not supportive. If you're going to maintain the cars, you go behind --

NATHAN LANDERS: No, no, no.

CHAIR PRO TEM PARDO: -- whatever.

NATHAN LANDERS: It's -- that's not -- that's not -- that's not -- that's not --

CHAIR PRO TEM PARDO: All right. I'm just telling you.

NATHAN LANDERS: No, no. Understandable.

CHAIR PRO TEM PARDO: And you'll lose me right now.

NATHAN LANDERS: But -- no, no, no. No, ma'am.

CHAIR PRO TEM PARDO: No, I'm serious.

NATHAN LANDERS: No, it's not -- it's not -- no.

CHAIR PRO TEM PARDO: But you know what?

MAYOR MASTERS: You don't want to lose (inaudible).

CHAIR PRO TEM PARDO: And there's no -- everyone -- well, it's -- I'm only one vote. But like I tell everyone. Right? For years, Riviera Beach was the dumping ground.

CHAIRPERSON DAVIS: I know.

CHAIR PRO TEM PARDO: Those days are over.

CHAIRPERSON DAVIS: Over.

NATHAN LANDERS: No. No, by no means that is not --

CHAIR PRO TEM PARDO: They are over. You wouldn't do it in Palm Beach Gardens; you're not going to do it in Riviera Beach.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: We're going to include the condition in the resolution that that not happen in that setting.

CHAIR PRO TEM PARDO: Thank you, Madam --

CHAIRPERSON DAVIS: Because if -- if one person sees somebody changing out a battery --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Exactly. Right.

CHAIRPERSON DAVIS: -- they just -- they'll start doing other stuff.

CHAIR PRO TEM PARDO: Yeah. It's not happening.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: You're right.

CHAIRPERSON DAVIS: So, no. Okay. Great. All right. Any other questions or comments? Okay, Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Okay. That was easy, right? Okay. Okay. We're now down to Ordinances on Second Reading, item 18.

ORDINANCES ON SECOND READING

DEPUTY CITY CLERK ANTHONY: Madam Chair, the following ordinance was advertised in the November 21st, 2014 edition of The Palm Beach Post.

18.ORDINANCE NO. 4054, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING ARTICLE II, ENTITLED "BOARD OF ADJUSTMENT," OF CHAPTER 31, ENTITLED "ZONING," OF THE CITY'S CODE OF ORDINANCES AND CREATING A NEW ARTICLE II, ENTITLED "DEVELOPMENT SPECIAL MAGISTRATE;" PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay. Any presentation, Miss Jones, or anything?

CITY MANAGER JONES: This is second read.

CHAIRPERSON DAVIS: This is second read? Okay. Any other questions or comments? Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Item 19.

DEPUTY CITY CLERK ANTHONY: Madam Chair, the following ordinance was advertised in the November 21st, 2014 edition of The Palm Beach Post.

19. ORDINANCE NO. 4053, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE CITY OF RIVIERA BEACH CODE OF ORDINANCES, CHAPTER 14, ENTITLED "PENSIONS AND RETIREMENT PROGRAMS," ARTICLE III ENTITLED "FIREFIGHTERS PENSION PLAN," SECTION 14-50 ENTITLED "RETIREMENT DISABILITY BENEFITS," BY AMENDING SUBSECTION (a) TO MAKE THE SECTION GENDER NEUTRAL AND CREATING SUBSECTION (b) WHICH PROVIDES OPTIONAL FORMS OF BENEFITS FOR DISABLED RETIREES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay. It's been moved and second. This is second read, also. Any questions or comments? Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Ordinances on First Reading, item 20.

ORDINANCES ON FIRST READING

20. ORDINANCE NO. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12, "OFFENSES - MISCELLANEOUS"; BY ENACTING ARTICLE V, "PANHANDLING", TO PROMULGATE REGULATIONS REGARDING PANHANDLING AND AGGRESSIVE PANHANDLING; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is --

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: Is -- is the chief --

CHAIRPERSON DAVIS: Any questions or comments or a presentation?

COUNCILPERSON GUYTON: Yes. Is the chief still here?

CITY MANAGER JONES: While he's coming, let me just talk briefly --

CHAIR PRO TEM PARDO: She.

CITY MANAGER JONES: -- since this is a first read -- about the project. Oh, there -- she heard us. If you'll recall, earlier in the year we were encouraged to strengthen our panhandling ordinance, particularly as it relates to individuals going in and out of buildings and in parking lots so that they will feel safe. We sent this to the police department and what they have opposed here is what would be the definition for "aggressive panhandling," as well as it would let us know what the penalties for those might be. So now we will have a presentation from Major Snow.

MAJOR SNOW: Good evening. Thank you, Madam City Manager and to our council. As Miss Jones has indicated, there's been a clear distinction in this ordinance between panhandling and aggressive panhandling.

COUNCILPERSON DAVIS: Hmm.

MAJOR SNOW: So we're not looking to impede on any First Amendment Right to seek donations, to speak publicly out in the community. Our issue and our community's issue was more to do with the fact that when people are approached for donations and money, they don't feel that they have the opportunity to leave, walk away, get away from the person. And so this deals with specific locations where panhandling, aggressive panhandling takes place. And also the manner in which aggressive panhandling is defined and then any consequences therefore.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: I'm looking for it but I read somewhere where they would still be allowed to approach cars as long as it's not in an aggressive way. Is there some way that we can completely prohibit that?

MAJOR SNOW: Well, we're allowing folks to approach cars for donations. On a lot of occasions, as an example, Breast Cancer Awareness Month --

COUNCILPERSON GUYTON: Okay.

CHAIRPERSON DAVIS: Firefighters.

COUNCILPERSON GUYTON: You know, I did read that, too.

CHAIRPERSON DAVIS: Yeah.

COUNCILPERSON GUYTON: Yes. So those who are approaching not for a charity, though --

MAJOR SNOW: Correct. Or if they are approach --

COUNCILPERSON GUYTON: -- we can't discriminate and --

MAJOR SNOW: -- we can deal with them on a state statute basis. So if they're impeding traffic --

COUNCILPERSON GUYTON: Yeah.

MAJOR SNOW: -- they can be fined and -- and found in violation of the state traffic violation.

COUNCILPERSON GUYTON: Okay.

CHAIR PRO TEM PARDO: Madam Chair? Oh, sorry.

CHAIRPERSON DAVIS: In the Joint Sister City Meeting this was a -- a topic that was brought up. And the City of Lake Worth has a serious problem with this aggressive panhandling. And they provided us with a copy of their ordinance that they had developed. So brought it to Mrs. Jones to bring to council. Miss Pardo?

CHAIR PRO TEM PARDO: Okay. So does panhandling necessarily -- does it just deal with money? Can you panhandle for something else? And I'm only -- you know what? I started thinking about this when -- when Major Snow started talking about, you know, people going up to cars and stuff like that. This happens at the voting polls. People get

in, you know -- there may be some person looking to try to persuade someone to vote a certain way and they're in that person's face and then they follow them up to that 100-foot line. And some people just run to that hundred-foot line knowing that, you know, the other person can't cross it. So, you know, I wonder if that could be part of this? I don't know. It's something to think about. I can tell you -- come on. We've all spent a long time at the voting polls. And some people -- it -- this is a real serious issue.

CHAIRPERSON DAVIS: It is.

COUNCILPERSON GUYTON: Yeah.

CHAIR PRO TEM PARDO: You know, there are some people --

CHAIRPERSON DAVIS: It's funny, though.

CHAIR PRO TEM PARDO: -- that just do absentee ballots now because they don't want to be accosted or they feel like they're being accosted at the voting poll.

CHAIRPERSON DAVIS: It's true.

CHAIR PRO TEM PARDO: So, you know, even though it's not a monetary value, it's still -- it -- it -- you know, there is a value to the --

COUNCILPERSON GUYTON: So what is the answer? Could we --

CHAIR PRO TEM PARDO: So what do you think? Or maybe this is for our attorney.

CHAIR PRO TEM PARDO: Maybe panhandling is not the word. Glen, you want to weigh in on it?

ACTING CITY ATTORNEY TORCIVIA: Well, it's really the aggressive part that this is addressing, because --

CHAIR PRO TEM PARDO: Yeah. Right.

ACTING CITY ATTORNEY TORCIVIA: -- as -- as Major Snow indicated, there's all kinds of First Amendment issues prohibiting panhandling. And as Mr. Guyton said, you can't discriminate. You can't allow the boot or breast cancer, but not allow Joe Smith --

CHAIR PRO TEM PARDO: Uh-huh.

ACTING CITY ATTORNEY TORCIVIA: -- they can't panhandle. So it's really the aggressive panhandling, if someone goes to touch you or after you say no they keep asking you.

CHAIRPERSON DAVIS: Uh-huh.

ACTING CITY ATTORNEY TORCIVIA: It's just -- it's just trying to prevent -- give the officers some ability to stop that. It's a step in the direction. There is a 15-foot in here.

You can't do this within 15 feet of government buildings. That's less than 100 feet obviously for polling. But we do have a 15-foot in here.

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: So --

COUNCILPERSON DAVIS: Madam Chair, whenever she's done.

CHAIRPERSON DAVIS: So --

CHAIR PRO TEM PARDO: -- so --

CHAIRPERSON DAVIS: -- were you done?

CHAIR PRO TEM PARDO: -- well, you know --

CHAIRPERSON DAVIS: Hold on one second, Mr. Davis.

CHAIR PRO TEM PARDO: -- can we put something like that in it or should we not? Or should we just go --

MAJOR SNOW: Well, and to -- to speak to your point, Madam Pro Tem Pardo, one of the definitions for the aggressive panhandling does speak to how the person feels as they are being approached by the person seeking the donation, the information, the whatever. So if it's violating a criminal state statute. So if they feel imminent bodily harm is coming, that would be an assault. That, again, would be something that we would be able to investigate either under a criminal violation or the aggressive panhandling ordinance violation.

CHAIR PRO TEM PARDO: Okay. Fine. I'm good. Thank you.

COUNCILPERSON DAVIS: Let -- let -- let -- Madam Chair?

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: To the attorney, let me ask the question. Let's say -- a lot of this stuff is based on -- a lot of it's based on interpretation. Let's say that someone's out there; information's going on. And police is called out. What happens if that situation is not considered what this language is discussing? What -- would that put us in any type of legal situation?

ACTING CITY ATTORNEY TORCIVIA: You want me to answer?

COUNCILPERSON DAVIS: Yes, please, sir.

ACTING CITY ATTORNEY TORCIVIA: Obviously every -- any time there's an encounter there's that risk of a legal situation developing. Police are obviously well-trained to try and not cross that line.

COUNCILPERSON DAVIS: Uh-huh. Uh-huh.

ACTING CITY ATTORNEY TORCIVIA: This particular ordinance, you know, we drafted it for Lake Worth. You know, so we're familiar with the Lake Worth. I'm sure you're all familiar with the publicity that the Post provided on that.

COUNCILPERSON DAVIS: Yes.

CHAIRPERSON DAVIS: Right.

ACTING CITY ATTORNEY TORCIVIA: Thank goodness there's -- have been no challenges to it. We researched it. We believe it's enforceable. Other communities -- Fort Lauderdale, for example, has a very similar -- so we really modeled this on others. We weren't looking to break new ground.

COUNCILPERSON DAVIS: Uh-huh.

ACTING CITY ATTORNEY TORCIVIA: 'Cause you break new ground, you're going to get sued in this area.

COUNCILPERSON DAVIS: So we really went down the path that a few other cities around the country have done. And it's building momentum. As you said, the sister cities. And I think you're going to see more and more of these in Palm Beach County.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON DAVIS: Is Chief Williams in?

CHAIRPERSON DAVIS: She's standing in for him.

COUNCILPERSON DAVIS: No. Is he here? No -- no disrespect to you. I just had a specific question for Chief.

MAJOR SNOW: I know he was out helping that resident.

CITY MANAGER JONES: He was (inaudible).

COUNCILPERSON DAVIS: Oh, that situation?

CITY MANAGER JONES: Yeah. Uh-huh.

COUNCILPERSON DAVIS: Okay. If he's not -- here's the concern I have. You know, I looked at this item and Riviera Beach has done a great job with addressing the panhandling issue already. Nothing that we're not trying to govern and make our city a better place, but I really feel like this item is something that could have just been placed under for discussion because our staff has done a great job and I commend you all thus far for what you all have done. But recently in October, I had a situation where I had some -- two young men, teenagers, were out in the community passing out fliers volunteering, doing something for a specific event. And these are young men that

weren't selling drugs. They wasn't doing nothing bad. They were trying to be positive. But someone called the police on them.

And I had to explain to two mothers why someone at City Hall called the police on two young men that were just trying to do something that they felt was positive. And how do we stop stuff like that from happening? Because you can have the same people on the corner selling drugs but no one want to call the police on them. But yet we had two young men right here at City Hall in Riviera Beach passing out fliers for a specific rally -- rally that was throwing on, and someone called the police on them not once but twice. And the second time they was actually removed from the property. And the first time our great chief said it was fine, that they just could not pass the fliers on top of the cars. I said, "Chief, thank you so much."

We later went away. An hour later I get a phone call saying, "We're being removed from the property." And I'm trying to find out, is this something to allow us to put language in to arrest those young men? Because at that time they couldn't be -- they couldn't be arrested. But they was ran off the property. And -- and me as an elected official who got these young men to volunteer, I got put in a tight situation because these mothers trusted me with their children. Not thinking that someone from City Hall would send the police on their children. That was a sad situation. It put me in a rough situation for quite some time because I had to live with it and I had to go home and explain to them that, "Hey, you trusted your young men with me and this is what happened. But at the same time, continue to be positive and do something for your community." But I just think -- you know, like I said, I'm going to commend you. Hey, you all have done a great job with this. I don't see any panhandling issues going on in our city right now. Our city's moving fast. Traffic is doing well. Keep doing what you do, but I think this item is something that could have been placed under discussion. At no time should we even, you know, this -- it's sensitive to me because I really got upset that these young men -- someone called the police on these young men who were from our community.

MAJOR SNOW: And I sense it and I sense the --

COUNCILPERSON DAVIS: And now this discussion is coming up.

MAJOR SNOW: Right.

COUNCILPERSON DAVIS: And I was trying to sit back and be quiet. But when someone's talking about -- talking about literature, it became a problem for me. You know?

MAJOR SNOW: And I appreciate what you're bringing to us. There's nothing in this ordinance that would enable us to arrest for First Amendment free speech exercises, which is what you're discussing here. So --

COUNCILPERSON DAVIS: Thank you so much.

MAJOR SNOW: -- this is not meant to be a mechanism to arrest folks that are passing out literature.

COUNCILPERSON DAVIS: I just want to make sure that -- I know you didn't but I wanted to put that on the record if -- if anyone's even considering that, not tonight.

MAJOR SNOW: I appreciate it.

MAYOR MASTERS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Mayor?

MAYOR MASTERS: Thank you, ma'am. My -- my concern is we -- we always hear from time to time that someone felt threatened or they felt their life was threatened, and many times we find out that's not the case; that we've heard that sometimes with law enforcement agencies in other parts of the country that an officer shot or killed somebody because they thought their life was threatened. And you come to find out there wasn't a weapon or whatever. So what I'm saying, in -- in this particular situation, if somebody says, "Well, I just felt threatened," or, "I didn't like his approach," I mean, the -- you're not there to witness it. I mean, how do you -- when you come to a scene, how can you decipher -- I mean, it could be somebody just don't like this person and want to get this person arrested or get this person fined or get this person in trouble and -- or could be actually lying on the individuals. So how do you know? I mean, how do -- what do we do in that kind of situation, I mean, that you've witnessed?

MAJOR SNOW: In any situation that we're called to, Mayor Masters, our officers are trained to investigate any complaint, whether it's large or small. It -- to every victim it's large. And we treat them that way. So we investigate. We follow leads. And if there's not inform probable cause to support an arrest, they do not move forward.

MAYOR MASTERS: Okay. The other thing is the -- the fine is -- do you know how much the fine --

MAJOR SNOW: Correct.

MAYOR MASTERS: 500?

MAJOR SNOW: Up -- up to 500, yes.

MAYOR MASTERS: Okay. What does that mean, up to 500? Means it could be \$25; it could be 50? It could be a hundred?

MAJOR SNOW: That --

MAYOR MASTERS: I mean, how do you --

MAJOR SNOW: -- that's correct. It's based on what the magistrate Bonita Beach feels the fine should be.

MAYOR MASTERS: So that person goes before the magistrate and -- and it's determine how much from that point?

MAJOR SNOW: That's correct.

MAYOR MASTERS: Okay. We don't have anything in this ordinance that -- like, a warning that we could just say to the person, let's say, You need to move on because if, you know, we get called back about your behavior or whatever, then you're going to be looking at some -- some serious things here. They could call a fine or whatever. Is there flexibility for a warning to tell the person? Because if a person does not know that he -- it's aggressive, maybe he doesn't know. He's just trying to sell this. Well, I didn't know. I mean, you know, she says it's aggressive. I didn't know. And then to penalize someone who may not know what that means, aggressive behavior, without giving them a chance to know and to be warned. Is there -- is that -- is that anywhere in here?

MAJOR SNOW: There's certainly an element for officer discretion in this ordinance and in any other. And it would depend on the dictates of the situation. Each case would be handled on a case-by-case scenario.

MAYOR MASTERS: Okay. Councilman Davis mentioned that someone from the City called on some -- some children that were passing out literature on city property. He didn't say who the someone was or is. But it was suspected that it was someone of -- in -- in a higher -- in high capacity here in the -- in the City on the second floor or maybe the bottom floor. But it was somebody supposedly from City Hall is what I'm trying to say. Let's just be real clear about it.

Now, you're saying that passing out the literature, that that would not be a problem passing out literature on the property, of any of our properties unless there's aggressive behavior? That's what -- that's what you said?

MAJOR SNOW: Excuse me.

CHAIRPERSON DAVIS: And let's just be clear. I made the phone call to Chief Williams.

MAYOR MASTERS: You made the phone call?

CHAIRPERSON DAVIS: About -- about -- about the literature being placed on cars. Okay?

MAYOR MASTERS: Yeah.

CHAIRPERSON DAVIS: That was me. And I think Regina Williams put it out that I was -- I was lurking in the parking lot.

MAYOR MASTERS: Wait a minute, Madam Chair. I mean, that's out of order. How do you (inaudible)?

CHAIRPERSON DAVIS: Well, I'm just telling you.

COUNCILPERSON DAVIS: (Inaudible).

CHAIRPERSON DAVIS: (Inaudible).

MAYOR MASTERS: You shouldn't -- that's entirely out of order.

COUNCILPERSON DAVIS: Come on, Chief.

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON DAVIS: Come on, Chief.

POLICE CHIEF WILLIAMS: The panhandling ordinance, as it is written, would have -- would have nothing to do with -- it wouldn't be applicable to the situation that you're describing, Mr. Mayor, about distribution of literature on the City campus.

MAYOR MASTERS: Thank you.

POLICE CHIEF WILLIAMS: We have ordinances in place that regulate the activity on the City campus. And so that's the activity that we would be enforcing. And it includes the passing out of certain types of literature without expressed permission to do so within the confines of the campus.

MAYOR MASTERS: Expressed to do so from who? Confines -- I mean, what are you saying? I'm -- I'm -- help me to understand.

POLICE CHIEF WILLIAMS: Well, I mean, it's my understanding that special permits can be obtained for activities on the City campus. But that's the process. Absent the -- the special grant of authority to have activity on the campus, our ordinances restrict the distributions of certain types of materials within the confines of the curtilage of -- of our municipal campus. The panhandling ordinance would not be applicable in that situation.

MAYOR MASTERS: Would you have other -- other regulations -- well, let's stay right there. If -- if --

CITY MANAGER JONES: (Inaudible).

MAYOR MASTERS: Excuse me? If a elected official who admitted, the -- the -- the Chair, Miss Davis, admitted that she called the police department on children that were just handing out literature --

CHAIRPERSON DAVIS: Not handing out. Putting on cars.

CITY MANAGER JONES: (Inaudible).

MAYOR MASTERS: On -- on cars. Well, let's talk about if those children had -- had been handing out literature to people walking on -- on the City property for, let's say,

Governor Crist or -- or somebody like that or some other candidate, is that in violation of any regulation that we have now?

COUNCILPERSON DAVIS: No.

POLICE CHIEF WILLIAMS: Mr. Mayor, I -- the -- the phone call that I got from Chair Davis was the third phone call that I had gotten. I had received one of those phone calls from my boss. And I personally responded and I didn't see any children. I saw the young adults. And we advised them what they were able to do within the -- the curtilage. They appeared to be understanding of that and we instructed them where they could engage in their -- in their activities. But the initial phone calls to me came from the -- the Manager's Office about the activity.

COUNCILPERSON DAVIS: Mayor?

MAYOR MASTERS: Madam Chair?

COUNCILPERSON DAVIS: Mayor?

MAYOR MASTERS: Yes.

COUNCILPERSON DAVIS: Please. Chief. And we had this conversation downstairs. And I do recall you told the young man that they can pass out information but they cannot put it on the cars. The young man -- they may be 18, 17, 19 and one was 25 -- after you gave your directive on what they can and can't do, it was very clear about what they want to do. They stopped. Another phone call went out about 45 minutes later and they were demanded to leave the property. I had to come back and pick them up. Okay? So that's what I'm speaking on. Because you did your job and I appreciate you for the way you handled your -- you was very professional. And as you know, my young men were very respectful towards you.

POLICE CHIEF WILLIAMS: Uh-huh.

COUNCILPERSON DAVIS: I'm just saying we got bigger and better things in this community to worry about. Because we have young men out there doing some bad things that we need to focus on and channeling in the right place to -- to do disregard those who are changing their lives and doing some great things and to call the police on them could easily take them the wrong direction. But you did your job. They listened to you. They respected you. They stayed in their lane. But someone -- but someone made a second call and demanded they leave the property, which is in a disrespect to your authority because you told what they can and what they couldn't do. And they did not put anything on any cars. You was there when they was picking -- taking them off. So why would they take them off the cars and go right back on and put them on? You get what I'm saying? I don't want to put you in a -- in this -- in this situation 'cause this stuff is political.

POLICE CHIEF WILLIAMS: I -- I --

COUNCILPERSON GUYTON: Point of -- point of order.

COUNCILPERSON DAVIS: Hold on. Hold on. Hold on. I got the -- I have the floor.

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON DAVIS: I have the floor. There's no point of order 'cause we're speaking on the relevance of this item. This item was placed on the agenda when we do not have a hostile situation in regards to panhandling. This item -- it just placed on the agenda. But the discussion came up because there's no protection here. When you have people in your community that's passing out stuff and then you give them the rules and then they follow the rules and then you go back and take it upon yourself to push your power and abuse your authority to get the police in place to have them removed --

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON DAVIS: -- off public property, public property, that taxpayers pay for, is a total abuse of any authority by any board member up here at this time.

COUNCILPERSON GUYTON: Okay. (Inaudible).

CHAIRPERSON DAVIS: Okay. I'm -- and I'm -- I'm going to make this last comment. I'm going to -- I'm going to make a last comment.

COUNCILPERSON GUYTON: Okay.

CHAIRPERSON DAVIS: My call to Chief Williams when I got out of my car, the gentleman passed me -- gave me some information, I took it. Okay. No problem. I was at City Hall for about an hour, left. And when I walked out, they were putting the material on cars. I called you, Chief Williams, and asked the question, "Is this -- are they supposed to be doing this on City property?" You stated no. And that you were coming down.

POLICE CHIEF WILLIAMS: Uh-huh.

CHAIRPERSON DAVIS: That was it. I left. So we're going to move on from this. And if nobody else has any questions or comments, Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: No.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: That motion is approved with Councilperson T. Davis dissenting.

CHAIRPERSON DAVIS: Item 21.

21. ORDINANCE NO. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLES II, III, & IV OF CHAPTER 14, ENTITLED "PENSIONS AND RETIREMENT PROGRAMS," OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE GENERAL EMPLOYEES' PENSION PLAN, THE FIREFIGHTERS' PENSION PLAN AND THE POLICE OFFICERS' PENSION PLAN BY PROVIDING FOR THE CLOSING OF THE PENSION PLANS TO MEMBERS IN CONNECTION WITH THE CITY'S PARTICIPATION IN THE FLORIDA RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

COUNCILPERSON GUYTON: So moved.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: There's --

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Okay. Anything, Miss Jones?

CITY MANAGER JONES: The item that you have before you is on first read. The decision has been made that we will have -- we will have new employees as of January 1, 2015, go into the Florida Retirement System.

CHAIRPERSON DAVIS: Right.

CITY MANAGER JONES: What this -- this change in your ordinance -- to make it simple, it closes the defined benefit plan that we have to any new hires after January 1, 2015.

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: As it -- as well as it clarifies who's eligible. And it applies to all three plans, general, fire and police. And we have Attorney Levinson here that drafted this for us if you have any particular questions about any of the sections.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: I think one thing that we just need to remind everyone, all of the unions approved this.

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: Yes.

CHAIR PRO TEM PARDO: And, you know, we workshopped this all through the summer so I'm fine.

CHAIRPERSON DAVIS: Okay. Any other questions, comments?

COUNCILPERSON GUYTON: Yes, Madam Chair.

CHAIRPERSON DAVIS: Mr. Guyton.

COUNCILPERSON GUYTON: I don't know if this is to the attorney or to Mr. Sherman. Mr. Sherman? This is a financial question. I don't know. Maybe the attorney can -- can answer it. It's a letter that came from the Bolton Partners, the actuary.

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: I'll take that one, thank you.

CHAIRPERSON DAVIS: Uh-huh.

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Yes, sir?

COUNCILPERSON GUYTON: I -- as I read through all of the documents, which was voluminous, one of the things jumped out at me. And it's not anything that is going to change this process but it was something that I had inquired about as we were going through this process about the savings and where they were coming from. And I noticed in the actuarial letter it indicated for the police officers --

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Yeah.

COUNCILPERSON GUYTON: -- that this change would not save that plan any money. Is that an accurate statement?

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Yeah. That -- that is an accurate statement in what is written there. But if you allow me to explain why --

COUNCILPERSON GUYTON: Yeah. I'm -- I'm going to let you go but --

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Okay. Okay.

COUNCILPERSON GUYTON: -- but -- yes, go ahead. I won't -- yes.

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Well, 'cause -- 'cause I discussed that with him and I was trying to figure out why. And his answer was because the police officers don't stay employed with the City very long. He says so you're hiring them. You're making contributions on their behalf and then they're leaving and that money is left behind. So you -- you actually have money in the plan for employees that aren't in the plan, which makes the cost saver. You see? So once you go through and do what we did over the summer and take care of the union contracts and you now have employees who are staying, he says then you would actually see the savings. He says, "But based on the information that I have historically, that's the trend that we see." And as you, you know, were on the Pension Board --

COUNCILPERSON GUYTON: Yes.

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: -- you know that they come and they go and they come and they go. And so, of course, as we're making contributions and those people leave, well, that contribution is staying in the plan.

COUNCILPERSON GUYTON: And let me just say, too, that that is not impacting the projected savings but that point was never pointed out that there would be one plan where, according to this, is not much. It's minimal. But we will actually lose money according to the actuary.

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Yeah.

COUNCILPERSON GUYTON: But overall with the general --

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: We're saving.

COUNCILPERSON GUYTON: -- and the fire, it would make up for it. The -- the other thing -- and -- and I was curious why I never saw this letter. This is dated back in May.

CITY MANAGER JONES: Uh-huh. You've had it three times now.

COUNCILPERSON GUYTON: This one, I don't remember. But anyway, that's neither here or there. The other thing is that he made some recommendations. When I say "he," the actuary. And one of the things that he recommended and I'm looking for it, was that we sit down with each of the plans. Do -- do you remember those recommendations? I'm trying to find the actual language as -- and I had it. But I'm not going to hold the process up. I'm voting for it. But I would like for us --

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Yeah. He also made some -- some recommendations.

COUNCILPERSON GUYTON: Yes.

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: To -- to make changes to the current plans whether we do this or not. That -- that, again, would actually change the calculations, yeah.

COUNCILPERSON GUYTON: And he suggested that we sit down with the --

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Yeah.

COUNCILPERSON GUYTON: -- with the pension plans to discuss those areas that may be impacting why we're not saving in that particular plan. But that's not changing my position.

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Right.

COUNCILPERSON GUYTON: I support it. But I would like to have all of the information when -- when we're making these decisions here. But that just kind of jumped out at me. That was never really brought to my attention that one plan wouldn't save any money by this move. That's all I have, Madam Chair.

DIRECTOR OF FINANCIAL & ADMINISTRATIVE SERVICES SHERMAN: Okay.

CHAIRPERSON DAVIS: Any other questions or comments? Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Item 22.

22. ORDINANCE NO. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE I OF CHAPTER 14, ENTITLED "PENSIONS AND RETIREMENT PROGRAMS," OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH BY PROVIDING FOR THE CITY'S PARTICIPATION IN THE FLORIDA

RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON GUYTON: Second.

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk? I mean, Miss Jones?

CITY MANAGER JONES: This is also a companion ordinance change as it relates to the movement to FRS. Specifically laying out the eligibility for the new employees and the current plan members. Authorizes the employees that are currently employed to elect to go to FRS. And it authorizes the establishment of this plan for senior staff, as well as elected officials.

CHAIRPERSON DAVIS: Okay.

CITY MANAGER JONES: And so this is the ordinance that goes forward with that. Just as a piece of information, there is a part of the informational memo that you received, a tentative timetable that we have laid out. We feel is important for there to be an educational and an opt-in and opt -- period and that will take place in the month of December. We will not be bringing this item back on second read until we have gone through that process and know how many current employees would be interested, and that way we can have -- give you better information about the impact as it relates to current employees.

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

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis? Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: That motion is approved with Councilperson T. Davis out.

CHAIRPERSON DAVIS: Okay. We're at item 24.

23. ORDINANCE NO. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 10, ARTICLE VI ENTITLED "TELECOMMUNICATIONS REGULATIONS" OF THE CODE OF ORDINANCES BY RENAMING THE ARTICLE TO "PLACEMENT AND MAINTENANCE OF FACILITIES FOR COMMUNICATIONS SERVICES IN RIGHTS-OF-WAY"; UPDATING DEFINITIONS IN CONFORMANCE WITH STATE LAW; PROVIDING FOR WIRELESS COMMUNICATIONS FACILITIES; UPDATING AND REVISING THE REGISTRATION AND PERMITTING PROCESS; REQUIRING DESIGN FEATURES FOR CERTAIN ABOVE-GROUND FACILITIES; PROVIDING PLACEMENT PARAMETERS FOR WIRELESS TELECOMMUNICATIONS FACILITIES IN RESIDENTIAL RIGHTS OF WAY; REVISING ADMINISTRATION AND ENFORCEMENT PROCEDURES; PROVIDING REGULATIONS FOR "PASS THROUGH PROVIDERS" IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

CHAIRPERSON DAVIS: Is there a motion?

COUNCILPERSON GUYTON: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. It's been moved and second. I have one public comment card, Mr. Brian Moore.

BRIAN MOORE: Good evening, ladies and gentlemen. Thank you for giving me just a few minutes here and I promise I'll be brief. I want to start off, let me state for the record my name is Brian Moore. I'm an attorney with AT&T. I'm located at 150 W. Flagler Street in Miami. And I am here to address the item number 23.

First of all, I very much want to thank the City Attorney, Mr. Keith Davis and Mary McKinney with the city staff for discussing already before this meeting some of the questions and concerns that AT&T has regarding the ordinance. It's been a pleasure working with them and we've been able to work some things out, and I want to thank them very much for that.

I really only have two things that I'd like to ask the -- the council to consider. (Coughing). Excuse me. First of all, one of the requirements of the proposed ordinance is that whenever a -- a communications facility is proposed to be installed in the right-of-way, that the applicant provide what's called an inventory of other above-ground facilities within a 1,000-foot radius. We're asking the commission to please consider changing it so that it -- the radius only be a 500-foot radius. Now, I say only. That's still a significant area surrounding the location of the proposed facility. I would note that other jurisdictions in Florida have, in fact, accepted a 500-foot requirement, and we certainly understand the need for the -- the -- this inventory, particularly when you're

dealing with above-ground facilities. You want to see how it fits in to the surrounding facilities.

But 1,000-foot radius, that is, you know, three-plus football fields on either side of the proposed facility. And our concern is that obviously speaking on behalf of my client, there'll be additional paperworks and -- paperwork and burdens associated with that. But likewise, there'll be additional burdens on the City, as well, to maintain a lot more information when, in fact, the -- the -- the scope of what's going to be focused on is fairly limited.

So we're going to -- we -- we ask that the City consider changing that 1,000-foot requirement to 500-foot requirement. In addition on that same theme, there are two provisions in this ordinance, proposed ordinance, that deal with types of security or protection to make sure that any restoration of the right-of-way takes place. Those two things are a \$50,000 security fund and then for each permit, an individual bond. I can tell you from experience from other places that the individual bond requirement has proven very difficult for both applicants and the cities to administer.

There are, of course, occasions where, let's say, for instance, the -- the potential cost of restoration exceeds \$50,000 where it may be appropriate to ask for an individual bond. But there are other cases where -- where the -- the potential cost of restoration is far less significant and well below \$50,000. And so what we would like to ask is that there be language in there that provide that is the \$50,000 security fund can act as a type of blanket bond and only when the cost will exceed that amount that an individual bond be required.

And I look forward to discussing that further with the City's attorneys, and I hope that's something that the City will consider. And I thank you very much for your time this evening.

CHAIRPERSON DAVIS: Thank you, sir.

COUNCILPERSON GUYTON: Madam Chair, I have a question.

CHAIRPERSON DAVIS: Hold on, sir.

BRIAN MOORE: Oh, I'm sorry.

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: I have a quick question. I'm sorry. What was your name?

BRIAN MOORE: It's Brian Moore.

COUNCILPERSON GUYTON: Mr. Brian --

BRIAN MOORE: Moore, M-O-O-R-E.

COUNCILPERSON GUYTON: -- Moore? And you're with AT&T?

BRIAN MOORE: Yes, I am.

COUNCILPERSON GUYTON: Is AT&T -- does AT&T engage in any of these activities that would require this equipment?

BRIAN MOORE: Yes, sir. We -- we -- we -- and I'm using the AT&T umbrella. We have obviously a lot of different companies. AT&T has both the traditional wire line business, the home and business phone business that use traditional wires that have been in place for, you know, decades. And we have a wireless business. So this ordinance impacts both sides of our business. And there -- we do expect that as the -- as the future needs develop, that we will be looking to place additional wireless facilities in the Riviera Beach area and, of course, you know, maintaining and putting additional wires to support our traditional wire line business, which includes not only basic telephone service but --

COUNCILPERSON GUYTON: Okay.

BRIAN MOORE: -- Internet, as well.

COUNCILPERSON GUYTON: As it relates to the thousand foot and you want us to reduce it to a hundred -- a 500-foot radius --

BRIAN MOORE: Right.

COUNCILPERSON GUYTON: -- what impact does that have? Why is AT&T requesting that? What --

BRIAN MOORE: Well --

COUNCILPERSON GUYTON: -- in layman -- layman terms, now. What -- what -- what kind of impact? Why are you requesting us to reduce the radius that the equipment would be able to cover?

BRIAN MOORE: Yeah. I'm sure my law school professors would probably cringe, but basically it's just harder. It creates more paperwork --

CHAIRPERSON DAVIS: Oh.

BRIAN MOORE: -- to look at that thousand-foot radius. And -- and, you know, that can be inclusive of --

COUNCILPERSON GUYTON: Okay. But --

BRIAN MOORE: -- of -- of putting a small facility on a pole. 'Cause as the way it's written, it applies to even the smallest facilities, which may not even be visible from a thousand feet away.

COUNCILPERSON GUYTON: Okay. When you say "create more paperwork," are you talking about for you or for us?

BRIAN MOORE: For both us and the City, because what we have to -- we would have to do under this ordinance is present that inventory, literally of every above-ground facility that's within that radius. And that you would then be maintaining that -- that paperwork that we submit as part of the permit application and just by the nature of the beast, the bigger the radius, the more information and the more paperwork we're gonna have to provide.

COUNCILPERSON GUYTON: Now, the impact that it would have on the communications that we're trying to address in this area --

BRIAN MOORE: Right.

COUNCILPERSON GUYTON: -- obviously that would limit that?

BRIAN MOORE: Well, you know, the -- the --

COUNCILPERSON GUYTON: Okay. Well, that -- could you give me a yes or no?

BRIAN MOORE: Yes, it would.

COUNCILPERSON GUYTON: It will limit that.

BRIAN MOORE: Because it would -- it would have a cost impact, which is an important element of the decisions we make about where we need to -- where we make decisions about where we install facilities.

COUNCILPERSON GUYTON: Okay.

BRIAN MOORE: It adds to the burden and cost.

COUNCILPERSON GUYTON: That's -- that's all I have, Madam Chair?

CHAIRPERSON DAVIS: Okay. Thank you, sir.

CHAIR PRO TEM PARDO: Madam -- Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay.

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: Can -- I'd like to hear Miss McKinney's opinion on this thousand --

COUNCILPERSON GUYTON: Yeah. I was going to ask her to -- yeah.

CHAIRPERSON DAVIS: Yeah.

CHAIR PRO TEM PARDO: -- foot radius versus --

CHAIRPERSON DAVIS: Thank you, sir.

BRIAN MOORE: Thank you very much.

CHAIR PRO TEM PARDO: -- 500 feet. And if it's going to be a burden on us, if paperwork will be a burden.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Okay. Oh, paperwork will not be a -- well, paperwork is always a burden but paperwork will not be a burden --

CHAIR PRO TEM PARDO: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- for us for this requirement. Um, we can go back and discuss among our staff and the attorney the 500 feet, but we're comfortable with the thousand foot. We prefer that it remain that way.

CHAIR PRO TEM PARDO: Okay.

COUNCILPERSON GUYTON: Okay. Madam Chair, one question to --

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: Thank you. It -- the radius that we're discussing now, is that the area that would be impacted from one of these?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

COUNCILPERSON GUYTON: What are they called? What --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: This is a pole that has an antenna box with an antenna on top of the pole.

COUNCILPERSON GUYTON: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: We -- we gave you a picture so that it would be easier than, like, just a sketch.

COUNCILPERSON GUYTON: And for the public, what would that box allow or address as it relates to wireless?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Technically, as far as providing more communication?

COUNCILPERSON GUYTON: Yes.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, I'm not an expert in that -- in the technical aspect of it. But our understanding is it will provide for gap in service that may exist now for recipients to receive their wireless communications.

COUNCILPERSON GUYTON: Does it help with dropped calls?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: It -- it -- it may. It may. It probably does.

COUNCILPERSON GUYTON: Is there someone here from --

CHAIRPERSON DAVIS: AT&T is here.

CHAIR PRO TEM PARDO: (Inaudible).

CHAIRPERSON DAVIS: Would you like to come up, sir?

BRIAN MOORE: Yes, if I could.

CHAIRPERSON DAVIS: I'm -- I'm -- you're the attorney, correct?

BRIAN MOORE: Yes.

CHAIRPERSON DAVIS: And Mr. -- what's his name from AT&T?

BRIAN MOORE: I'm here with Mr. Beninati [phonetic], my client.

CHAIRPERSON DAVIS: Yes, Mr. Beninati.

BRIAN MOORE: Would you like him --

COUNCILPERSON GUYTON: Who can answer that?

MR. BENINATI: I'm (Inaudible) with AT&T. And I'll fill out a card when I get through. But in answer to your question, yes, it would improve service. Something that a lot of people don't know, you can only talk so much over the cell phones. But the real growth that's eating up the bandwidth, the ability to call, is not people with conversations. It's people using data. And that is, you know, on the Internet, checking out Google and things like that.

Today, two-thirds of the new growth over the cell system, over the wireless is over data as opposed to voice. And I live in Fort Lauderdale and I sure hope I can get some of this because I have dropped calls every day. And you may experience the same thing, sir.

COUNCILPERSON GUYTON: Very much.

MR. BENINATI: So --

COUNCILPERSON GUYTON: That -- that's what --

MR. BENINATI: -- so it helps dropped calls, but it also helps for all the people and a lot of folks younger than me who use it for data.

COUNCILPERSON GUYTON: Has AT&T submitted or will be submitting an application?

MR. BENINATI: To -- to my knowledge, we haven't submitted one now. Okay? But with the growth of data, with your constituents and our customers, it's got to happen eventually.

COUNCILPERSON GUYTON: Okay. Thank you, Madam Chair. One last question --

CHAIRPERSON DAVIS: I --

COUNCILPERSON GUYTON: -- for Miss McKinney. I'm done, sir. Thank you.

CHAIRPERSON DAVIS: -- but can I -- let -- can I ask him a question while he's --

COUNCILPERSON GUYTON: Oh, I'm sorry.

CHAIRPERSON DAVIS: -- standing here?

COUNCILPERSON GUYTON: Yes. I'm sorry, Madam Chair.

CHAIRPERSON DAVIS: Mr. Beninati?

MR. BENINATI: Yes, ma'am.

CHAIRPERSON DAVIS: This picture that's on the screen here --

MR. BENINATI: Uh-huh.

CHAIRPERSON DAVIS: Is that an accurate depiction of what you're antennas will look like?

MR. BENINATI: I would say it is. But here's what I would say to you.

CHAIRPERSON DAVIS: It looks awful.

MR. BENINATI: Every day we're doing everything we can, okay, to improve these. Improve means smaller. Okay? Smaller and more powerful. And when we go through and do this, we work with city staff and the people with permitting to put them in the appropriate locations. We learned that from you when we were working with the City and other cities on U-verse. We understand it's important where we put them and we try to do that, okay, from the technical side, but also for the benefit of your constituents.

CHAIRPERSON DAVIS: Uh-huh. Okay. Thank you. Miss McKinney? Bruce?

COUNCILPERSON GUYTON: I have one last question for Miss McKinney. Under section 10-211, use of right-of-ways, section C, paren 1, it speaks to requiring an engineer to prepare the plans.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

COUNCILPERSON GUYTON: I see that "registered" was crossed out. It says "Florida license and registered professional engineer," was crossed out.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. We felt -- we felt that the word "licensed" more appropriately describes the term for what a professional engineer receives from the State of Florida. It's a license.

COUNCILPERSON GUYTON: Is -- is -- is that -- does that equate to a PE?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

COUNCILPERSON GUYTON: With that designation?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

COUNCILPERSON GUYTON: Okay. So that's not just somebody graduating from --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: No. Well, no.

COUNCILPERSON GUYTON: -- school with an engineering degree and --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: No. They --

COUNCILPERSON GUYTON: -- and -- than through --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- they take the exam and they get their --

COUNCILPERSON GUYTON: Yes.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- (inaudible).

COUNCILPERSON GUYTON: Okay. That's all I have, Madam Chair.

CHAIRPERSON DAVIS: Okay. Mr. Calhoun, you put your card in after we had started the discussion. But I'm going to allow you to come up and speak. Is it Hope?

HOPE CALHOUN: Yeah, my handwriting is atrocious. I apologize.

CHAIRPERSON DAVIS: Okay. Come on up.

HOPE CALHOUN: I do -- my mom still thinks I should be a doctor instead of a lawyer. No -- no offense to any doctors. Good evening. My name is Hope Calhoun. I am an

attorney here this evening on behalf of Crown Castle. My business address is 1 E. Broward Boulevard, Fort Lauderdale, Florida. I want to -- I'll remind you that probably the last time I was before all of you, I was begging for no moratorium because Crown Castle does have a number of applications in this city. Having said that, in your infinite wisdom you adopted the moratorium and we have continued to follow the progress of this. We've talked to your city staff and your city attorney that's worked on this ordinance. We appreciate all of their time and effort.

There's just two things I want to -- a couple of things, actually, I just want to clarify for our purposes, especially considering our applications that are in right now. First of all, the proposed ordinance speaks to registration, which is not really new because we registered when we submitted our original applications. So my question is just in terms of process. I just want to be sure that we can continue, which was our plea in the beginning, with our pending applications. I guess we can update if necessary our registration. But as this goes hopefully to second reading after tonight, we'd like to just continue our process. And if we need to do any additional updating to registration, we're happy to do that. But just a point of a clarification for Crown Castle's applications just that we can continue to process --

CHAIRPERSON DAVIS: Uh-huh.

HOPE CALHOUN: -- again, as you go to second reading. Secondly -- well, again, you had a picture earlier up there and you asked if that was an accurate depiction of what we would put in the right-of-way. You didn't ask that of me, but I do want to tell you, what we would put in would look a lot different. We have submitted quite a few graphics. Unfortunately, I don't have any with me this evening, but we have, in dealing with your city staff, submitted a few -- quite a few graphics so they would be much more attractive than what you see currently existing. So we hope that you think it's an improvement.

And lastly, I just want to ask one more point of clarification. On page 14 of 49, subsection E speaks about the very last -- the second-to-the-last sentence says, "Notwithstanding any effective registration, applicable city permitting requirements shall continue to apply." And so this section is talking about, again, registering and complying with city codes. So I just want to be clear that we're only talking -- I know it says applicable, but I just want to be clear that we're only talking about obviously any permitting associated with the permitting of these particular towers or nodes that, again, our applications fall under. And there's not a section of the code that we are just unaware of or that we've missed, but it's -- it's consistent with what we were already familiar with. So just those two points of clarification. Thank you for your time.

CHAIRPERSON DAVIS: Thank you. Miss McKinney?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes. As far as clarifying they're -- where they are in the process, we'll -- we'd have to review their application, because it's been a period of time, to make sure it complies with the ordinance that's adopted. And if it does, then we'll continue to process what they've submitted. And if it doesn't, then they can update that.

As far as what their antenna looks like, we'll bring the graphic of what they submitted with their building -- with their permit application so that you can see what it looks like at the next meeting or we'll -- actually, we'll send it out to you probably tomorrow.

CHAIRPERSON DAVIS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: It's similar to this but it's a line graphic so -- but we'll send it out to you tomorrow.

CHAIRPERSON DAVIS: Okay. Thank you.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay. So I have a question for Miss McKinney. Are we regulating where they can be placed? Like, in what areas they can be placed? Or can they be, you know, erected anywhere in Riviera Beach, in a right-of-way?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, they can be -- right. They can be erected in our city rights-of-way, but we have encouraged collocating if that's possible, and we're encouraging stealth antennas. We're encouraging underground, if that's possible. So it's not just anywhere. It's within the confines of what we're encouraging and requesting in the ordinance. And -- but they can go in city rights-of-way, but there are restrictions on the proximity to each other that we --

CHAIR PRO TEM PARDO: Right. That was --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- right.

CHAIRPERSON DAVIS: Uh-huh.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And that's one of the reasons that we feel like the inventory is so important so that we know where there are poles when any provider comes in to apply so that we do have a good mapping of where they are.

CHAIR PRO TEM PARDO: Okay. So if they decide that they want to go into a certain area where there are no poles and they want to -- so they'll be able to put up their own pole?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: They will. They will. It -- but in compliance with all of our requirements.

CHAIR PRO TEM PARDO: Right. So this could really start littering the city. You know, we're trying --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, that's why --

CHAIR PRO TEM PARDO: -- you know, Broadway's looking a lot better. A1A is looking a lot better. Old Dixie.

CHAIRPERSON DAVIS: Blue Heron.

CHAIR PRO TEM PARDO: Blue Heron.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, Broadway -- in Broadway your lines will go underground.

CHAIR PRO TEM PARDO: And that --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: So we won't allow any poles that conflict with the underground plan for Broadway.

CHAIR PRO TEM PARDO: -- (inaudible).

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: So that's one area that they won't be just popping up. The -- they will be allowed but there's a distance requirement they have to be with each other. They have to attempt to share their facilities with each other if they can so that it's not just multiple poles. And we would require them to do that before we would permit poles that could share -- be shared. Or any of the facilities that could be shared. So that's one of the reasons we did put the moratorium so that we could try to prevent those things from happening. And I think, to the best of our legal ability, we've done that.

CHAIR PRO TEM PARDO: Okay. And Miss McKinney, when you guys were doing your due diligence, were you able to come across any cities in Palm Beach County that have allowed this?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: We did. And actually, I think it was Green Acres that had allowed it and they didn't even realize 'cause they just submitted a building permit to their Building Division and it got approved and put up before anybody really knew it was there. I think that Miramar -- and Keith can correct me -- they did a moratorium so they regulated --

CHAIR PRO TEM PARDO: Yeah, but any other cities in Palm Beach County?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, there's three --

CHAIR PRO TEM PARDO: All right. So it's really just Green Acres --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Green Acres --

CHAIR PRO TEM PARDO: -- who was blindsided by it?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- they -- and -- right. We try -- right. They were blindsided.

CHAIR PRO TEM PARDO: Okay. But the other cities, you know -- if we have dropped calls, I'm sure every other -- you know, the other 37 municipalities in Palm Beach County also have dropped calls. And you know, I just -- I voiced my concerns months ago when they came in front of us. You know, Riviera Beach is no longer the dumping ground of Palm Beach County. And you know, hopefully we've been proving that over the years, over the past seven or eight years.

And I am just concerned that these things are just going to pop up everywhere and, you know, take away from what we've been trying to accomplish, you know, making the city much more, you know, aesthetically pleasing.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And --

CHAIR PRO TEM PARDO: And, you know, so, you know --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- I think that we got in front of this --

CHAIR PRO TEM PARDO: -- if Riviera Beach is --

CHAIRPERSON DAVIS: (Inaudible) --

CHAIR PRO TEM PARDO: -- (inaudible) easy one, but you know, what about Boca Raton and the Town of Palm Beach and, you know, Manalapan and Ocean Ridge? So, you know, that's my concern. That is definitely a concern of mine. Okay. That's all I have. Thank you, Miss McKinney.

COUNCILPERSON GUYTON: Thank you.

CHAIRPERSON DAVIS: I -- I -- I want Mr. Davis to come up for a minute, 'cause I -- I'll come to you in just a minute, Mr. Guyton.

COUNCILPERSON GUYTON: Okay.

KEITH DAVIS: Good evening, Chair and Council. Keith Davis, Special Counsel for the City for this project.

CHAIRPERSON DAVIS: Okay. Good evening. My question is -- and while I share the same concerns as my colleague Miss Pardo, and I think I might -- may have briefly mentioned this at the meeting where they attended before, what is their legal standing?

KEITH DAVIS: Sure. Here's -- here's what we're up against. . You -- you've got the balance between providing the -- the service that everybody wants versus cluttering up your rights-of-way. Now, from a legal standpoint, in 1996, federal government passed the Telecommunications Act of that year, and Florida has statutes on its books that mimic some of the things in the federal act. And the important thing that those laws say is that when it comes to telecommunication service providers, you -- you have to treat them all in a competitively neutral way. They're -- you -- you can't build in advantages

or disadvantages based on being wired or wireless. They all have to be treated the same way.

And one of the things that the State did -- it was -- I think it's Chapter 202 of the statutes, is it created the communications service tax. So instead of being able to regulate by franchise or -- and -- and deriving revenue from -- based on the revenue that the providers generate --

CHAIRPERSON DAVIS: Uh-huh.

KEITH DAVIS: -- and based on use of your rights-of-way, you're not allowed to do that anymore. The most we can do -- you get your communications service tax that trickles down from the State. Beyond that, the most you can do is require them to register before they can apply for permits to put anything in your rights-of-way. You can make them go through the permitting process.

CHAIRPERSON DAVIS: Uh-huh.

KEITH DAVIS: But the -- the wireless providers have to be treated in essentially the same way that your -- your traditional telephone poles with the wire folks are treated.

CHAIRPERSON DAVIS: Okay. So -- so by us requiring them -- the -- the thousand-foot setback that we are within our right, though?

KEITH DAVIS: We believe that -- that -- that these codes are -- are defensible. They're -- you know, we're trying to drive the placement of these facilities out of your residential rights-of-way into your -- your more commercial rights-of-way. We're trying to -- in situations where something might have to go into a residential right-of-way in order to comply with the competitive neutrality laws --

CHAIRPERSON DAVIS: Uh-huh. Uh-huh.

KEITH DAVIS: -- we have regulations that talk about, you know, it can't be right in front of a house. It can't impair the view from the house. The clusters of those equipment boxes have to be so far apart.

CHAIRPERSON DAVIS: Okay.

KEITH DAVIS: The boxes can only be so big. And there can only be so many clustered together. So we're doing those things and -- and -- and, you know, I think that we are pretty much doing everything that -- that is reasonably defensible from a legal standpoint in -- in regulating and protecting the appearance of your rights-of-way, and at the same time, allowing the providers to come in, use your rights-of-way and provide the services that your residents want.

CHAIRPERSON DAVIS: Okay. All right. Any other questions or comments?

COUNCILPERSON GUYTON: Just one.

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: So essentially, you've just said that we can arbitrarily deny anybody the right to put up these antennas?

KEITH DAVIS: I mean, to -- to be drastically -- an extreme example, you could say, we don't want any telecommunications in any of our rights-of-way anywhere in the city. You're treating everybody the same but nobody's going to have service. So --

COUNCILPERSON GUYTON: Yes.

KEITH DAVIS: -- so, correct, you can't arbitrarily --

COUNCILPERSON GUYTON: Understood. And -- and I'm not suggesting that we should.

KEITH DAVIS: Right.

COUNCILPERSON GUYTON: Okay. I'm done. I have a question for Miss McKinney. And let me just say while she's coming, oftentimes we've got to make sacrifices. And when we want better technology, sometimes there's a sacrifice that we have to make for that and we have to try to monitor that and make sure that it doesn't get out of control. I'm more concerned about the impact on the service in our community and -- and in hopes that it would better our service. And as in a democracy, we make sacrifices. First Amendment Right, and people say a lot of things that we don't like. So there's a give-and-take when we're trying to have cutting-edge technology now and keep up with it. And it's my hope that what we have put in place can regulate a lot of just antennas popping up.

MAYOR MASTERS: Yeah.

COUNCILPERSON GUYTON: But my last question is, is there a limit in each respective area -- I believe I read that somewhere -- where we can monitor and restrict the number in a certain area in our right-of-way once it's reached a certain number? Did I read that correctly?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I don't think it says it quite like that. But we do have provisions in here where we can regulate the proliferation of them in any one area.

COUNCILPERSON GUYTON: Okay. That's what I'm talking about.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: That we can restrict the distance requirements and, right, make them document and prove why they would have to have it wherever they're proposing to have it.

COUNCILPERSON GUYTON: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: We -- we brought -- made it as strict as we possibly could for the providers to give us information that helps us keep the city from having a proliferation of these types of devices.

COUNCILPERSON GUYTON: Okay. Thank you, Madam --

CHAIRPERSON DAVIS: One last -- one last question from me. You know, we have a pretty good capital improvement plan for our roads and streets. Now, will there -- will this have some impact on our ability to redo our -- our roads, streets?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: No. No.

CHAIRPERSON DAVIS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: None.

CHAIRPERSON DAVIS: All right. Thank you. Anything else from the board?

CITY MANAGER JONES: Madam Chair?

CHAIRPERSON DAVIS: Miss Jones?

CITY MANAGER JONES: I -- in the absence of Councilman Thomas, he has asked me to express that he has real issues with this item. In a previous conversation, he has the concern about the proliferation of the towers or poles throughout the city and the concern for the -- particularly in the residential areas and information being given to the individuals in the areas where the poles will be placed so that they will know what is taking place and what is going on.

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: But he does have some real issues with this item.

CHAIRPERSON DAVIS: Okay. All right. Any other questions or comments?

COUNCILPERSON GUYTON: A question to you, Madam Chair?

CHAIRPERSON DAVIS: Yes, sir?

COUNCILPERSON GUYTON: There were some suggestions made by AT&T, and there were, I think -- their inquiries were answered from the other attorney, if I'm not mistaken. Are we going to address those now or before the next reading? I'm inclined to follow whatever staff recommend as it relates to the radius.

CHAIRPERSON DAVIS: Yeah. If you have the answers now, go ahead.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I think we should keep the radius at 1,000 feet. I don't think that's an -- a burden for either one of us.

COUNCILPERSON GUYTON: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And as far as the types of security, we can look at that again. But we -- we've asked for the \$50,000 security fund. We'll look at whether we think that we need an individual bond for each permit, and then we'll let you know, you know, if we can --

COUNCILPERSON GUYTON: At the next --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. -- reduce --

COUNCILPERSON GUYTON: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- feel comfortable with reducing that.

COUNCILPERSON GUYTON: Okay. Thank you. Thank you, Madam Chair.

CHAIRPERSON DAVIS: Okay. Any other questions, comments? Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: No.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: That motion is approved with Councilperson Pardo dissenting.

CHAIRPERSON DAVIS: Okay. We're now down to Awards and Presentations, item 12.

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

Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct during Official Meetings", which had been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker

removed from the podium, from the meeting and/or the building, if necessary. Please govern yourselves accordingly.

CHAIRPERSON DAVIS: Sandra Milner? Is she here?

COUNCILPERSON DAVIS: Maybe she's outside.

SANDRA MILNER: My name's Sandra Milner.

CHAIRPERSON DAVIS: Pull -- pull -- ma'am, state your name and address for the record. Pull the mike down so we can hear you.

SANDRA MILNER: My name's Sandra Milner. I'm not trying to come up here and start nothing. But my life ain't (inaudible) my -- my grandbabies. Me, all of me, my husband, all us out in the streets and Riviera Beach Police Department won't help us. They threwed us out because I kept on coming up there asking for help. Social Security's stealing my money, my family money, my kids' money. And then I kept coming up there for a police report. They wouldn't pay -- they did not help me. I wrote letters. I wrote a certified letter. I haven't heard from them. I wrote the chief. I talked to several officer, lieutenant. My grandbabies done been crying. They've been crying for their grandmomma, 'cause I took care of my grandbabies. And I stay with them all the time. And then we was in a car accident. As soon as we was in that car accident, they came and threwed us out that house illegal. That was a condemned house. It wasn't no foreclosure house. It was a condemned house. And me and -- I've been crying, suffering. I can't see my grandbabies. I've been going in the park. They got police following behind me, doing all kind of thing. And it happen -- this stuff happening over there in Ferguson where the police done killed somebody. I'm scared for my life.

I can't live over here in Riviera Beach no more. They got the Sheriff's Department following me. They're doing some -- every kind of thing to me because I was trying to get help with Social Security. But I ain't trying to start nothing with these people. I'm just trying to get some help. We all out the door. My husband's sick. He could die there. He got diabetes. And I -- I can't live no more. My grandbabies hurting. I'm hurting. And everybody -- ain't nobody right right now. This situation's all messed up.

COUNCILPERSON GUYTON: So, Madam Chair?

CHAIRPERSON DAVIS: Okay?

COUNCILPERSON GUYTON: So is she trying to get a police report? Are you trying to get --

CITY MANAGER JONES: You want a police report?

SANDRA MILNER: I was trying to get a police report because they're doing an identity theft on me and my family. They stealing -- they open bank accounts. I told them that. I showed them the letters and thing. They did not pay me no attention. The sheriff -- the sheriff department didn't pay me no attention. Riviera Beach (inaudible) --

CHAIRPERSON DAVIS: Okay. But do you -- is it -- is it a police report that you need?

SANDRA MILNER: Yes, ma'am.

CHAIRPERSON DAVIS: Okay. The gentleman behind you, that's the police chief.

SANDRA MILNER: Yes.

CHAIRPERSON DAVIS: He'll talk to you outside the chambers. Okay?

SANDRA MILNER: And we need help with some housing. We out the door. I've been sleeping in the truck, in cars. We've been -- they fixing to get thrown out Friday. And I just -- I don't know what to do. My grandbabies gonna be out the door with me and we don't have nowhere to go.

CHAIRPERSON DAVIS: Okay. Well, talk to -- talk to Chief Williams. Okay?

SANDRA MILNER: Yes, ma'am.

CHAIRPERSON DAVIS: Thank you so much, ma'am.

SANDRA MILNER: Thank you.

CHAIRPERSON DAVIS: And good luck to you.

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: And maybe, Mayor --

MAYOR MASTERS: Debbie -- yeah, Madam Chair?

CHAIRPERSON DAVIS: Yes?

MAYOR MASTERS: Debbie, follow them out and refer them to Valley of Love Ministry tonight if they don't have a place to stay. And call them and see if they can put them up. We don't want people sleeping in cars and be homeless, particularly with grandchildren. And if that doesn't work, then we'll call some of our churches immediately and try to find some help tonight if -- if possible. So please work on it. Thank you, Madam Chair.

CHAIRPERSON DAVIS: Okay. Charlotte Darville? Good evening, ma'am.

CHARLOTTE DARVILLE: Hi.

CHAIRPERSON DAVIS: Hi.

CHARLOTTE DARVILLE: My name is Charlotte Darville. I live on 20th -- W. 20th Street. I have been a resident here for 41 years.

MAYOR MASTERS: Wow.

CHARLOTTE DARVILLE: My street is in dire need of paving. It has never been paved in 41 years.

CHAIRPERSON DAVIS: It's coming. It's coming.

CHARLOTTE DARVILLE: Fifteen years ago when the City set out Code Enforcement letters and we were working our property then --

CHAIRPERSON DAVIS: Okay. Can I ask you a question, though?

CHARLOTTE DARVILLE: Sure.

CHAIRPERSON DAVIS: You're -- you're -- you're in the stretch between Avenue H and Broadway, right?

CHARLOTTE DARVILLE: Yes, ma'am.

CHAIRPERSON DAVIS: Yes. That's going to be paved soon.

CHARLOTTE DARVILLE: Okay. Fifteen years ago when Code Enforcement was sending out letters, when we were in the process of working on our property and the gentleman came from Public Works with a can of red spray paint and spray-painted around -- circles around the sidewalks that were all cracked up. That was 15 years ago. That was the day my grandson was born. I'll never forget that. And (inaudible) Desiree. They have never, ever been repaired. On the 26th of this month I went to Code Enforcement and spoke to someone in there and they proceeded to call Public Works.

Just as I pulled up in my driveway from there, someone from Public Works came over and looked at it. Well, that was four months ago. And I've never heard a word. I mean, it's all fine the City now has sent out Code Enforcement letters to fix your properties up because of this marina coming up. I don't know if it's just on the east side of Old Dixie or if it pertains to the west side, also. But that's great. This -- it should be cleaned up. I mean, I've lived here for 41 years and all I've see -- seen is that it's gone down.

And I need a lot of change in the city. I know there has been some change but we need a lot more. So I would just like to see the City do their part. The City expects us to do our part, which we should. But the City's not following through on their part. And it just doesn't seem fair, you know? So I would appreciate that.

CHAIRPERSON DAVIS: I would just say, ma'am, you have a lot -- a lot of patience to wait 15 years to come and -- to -- to -- to not say something sooner. But --

CHARLOTTE DARVILLE: We also have four or five potholes forming on the street.

CHAIRPERSON DAVIS: Okay. We'll -- we'll -- I'll -- I'll call you tomorrow and we'll get together and talk about it.

CHARLOTTE DARVILLE: Okay, Judy.

CHAIRPERSON DAVIS: Okay?

CHARLOTTE DARVILLE: Thank you.

CHAIRPERSON DAVIS: All right. Thank you, ma'am.

MAYOR MASTERS: Madam -- Madam Chair, I have a question.

CHAIRPERSON DAVIS: Mayor Masters.

MAYOR MASTERS: Yeah, I have a question. Madam Manager, 20th -- I think Miss Darville is closer to Avenue H.

CHARLOTTE DARVILLE: Between Avenue -- between Avenue H and Broadway.

MAYOR MASTERS: She -- yeah. But you're closer to Avenue H.

CHARLOTTE DARVILLE: Judy knows. She knows where it is.

MAYOR MASTERS: So what I'm saying is that -- is that -- that location is due for sidewalks or whatever?

CHARLOTTE DARVILLE: Thank you.

CITY MANAGER JONES: As Chair Davis mentioned, each councilperson within their respective district has identified streets to be fixed and Miss Davis is saying that that is one that she has on her list.

MAYOR MASTERS: Okay. But this situation has existed for how long, did you -- 15 years?

CITY MANAGER JONES: And that's all over the city for 30 years.

MAYOR MASTERS: Right.

CITY MANAGER JONES: Unfortunately, it's not unique. And that's --

MAYOR MASTERS: So the councilperson of the district --

CITY MANAGER JONES: -- (inaudible).

MAYOR MASTERS: -- is responsible to getting it done, is what you're saying? I'm trying to understand what you're saying. Or giving them a list or what?

CHAIR PRO TEM PARDO: (Inaudible).

CITY MANAGER JONES: If you'll recall --

MAYOR MASTERS: (Inaudible).

CITY MANAGER JONES: -- if you'll recall about four months ago, we were talking about unfunded capital projects. And we were doing -- we were borrowing money using the CRA liens money as the mechanism to repay the loan for the money we borrowed. As a part of that, there was \$22 million left. That \$22 million was told to the respective district representatives. They identified streets in their district, because the council in our workshop said, "We want to do streets and sidewalks." That's what the remainder of the 22 million was -- the 12 million --

CHAIRPERSON DAVIS: I don't think (inaudible) --

CITY MANAGER JONES: -- is what was left.

CHAIRPERSON DAVIS: Yeah.

CITY MANAGER JONES: The 12 million, they wanted to do streets and sidewalks.

MAYOR MASTERS: I remember that.

CITY MANAGER JONES: Each respective district commissioner identified priority streets and sidewalks within their district. And Miss Davis is saying -- 'cause I -- I don't - it was a lot of streets. She's saying that that was one that she placed on her list.

MAYOR MASTERS: Okay. But my -- my -- I guess my bigger question is, is it too late for people who have those same -- similar problems in other districts to notify their -- their representatives? It's gone -- it's --

CITY MANAGER JONES: The decision has been made. It's been published.

MAYOR MASTERS: So it's --

CITY MANAGER JONES: In fact, we sent the list when we got (inaudible).

MAYOR MASTERS: -- so they can't have anyone calling now 'cause it's too --

CITY MANAGER JONES: No, you're right.

MAYOR MASTERS: -- late. Okay.

CITY MANAGER JONES: As it relates to those funds.

MAYOR MASTERS: Any other districts. Thank you, Madam Chair.

CHAIRPERSON DAVIS: Okay. That's the end of Public Comments. Item 17.

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.

REGULAR

24. RESOLUTION NO. 141-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY CLERK TO NOTICE AND PREPARE FOR MUNICIPAL ELECTION TO BE HELD TUESDAY, MARCH 10, 2015; SAID ELECTION SHALL BE HELD WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY BETWEEN THE HOURS OF 7:00 AM UNTIL 7:00 PM TO VOTE ON THE TWO CANDIDATES UP FOR ELECTION TO REPRESENT CITY COUNCIL DISTRICT 2.; AND CITY COUNCIL DISTRICT 4 RESPECTIVELY; FURTHER AUTHORIZING THE CITY CLERK TO DESIGNATE VOTING LOCATIONS; APPOINT AND SCHEDULE TRAINING FOR THE CITY'S ELECTION BOARD; APPOINT THE CITY OF RIVIERA BEACH CANVASSING BOARD; AND SHE IS HEREBY ASSIGNED ALL APPURTENANT DUTIES THERETO AS AUTHORIZED BY THE CITY'S CHARTER AND ORDINANCE NO. 3085; FURTHER AUTHORIZING AND APPROVING THE AGREEMENT BETWEEN THE CITY AND THE SOE OFFICE TO PROVIDE FOR THE USE OF VOTING EQUIPMENT; PROVIDE FOR THE CITY'S PRINTING OF THE OFFICIAL BALLOT AND OFFICIAL ABSENTEE BALLOTS INCLUDE THE PROVISIONAL BALLOT FOR SAID ELECTIONS AND OTHER RELATED AGREED UPON SERVICES; FURTHER DECLARING A DATE AND A TIME FOR THE CONVENING OF THE CITY'S CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON GUYTON: Second.

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

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis? Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: That motion is approved with Councilperson T. Davis out.

CHAIRPERSON DAVIS: Okay. We're at Community Benefits, item 25.

DISCUSSION AND DELIBERATION

COMMUNITY BENEFITS REQUEST

25. THE RIVIERA BEACH COLLEGE SCHOLARSHIP PROGRAM - \$1,000 - MAYOR THOMAS A. MASTERS - TO SUPPORT THE SCHOLARSHIP FUND.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second? Oh, we lost our quorum? Is there a second on number 25?

COUNCILPERSON DAVIS: Second.

DEPUTY CITY CLERK ANTHONY: Say second?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton? Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: That motion is approved with Councilperson Guyton out.

CHAIRPERSON DAVIS: Item 26.

26. TRIPLE H MINISTRIES (HEART, HEALTH & HEALING) - \$250 - MAYOR THOMAS A. MASTERS - TO SUPPORT THE HIV/AIDS AWARENESS HEALTH FAIR ON DECEMBER 13, 2014.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton? Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: That motion is approved with Councilperson Guyton out.

CHAIRPERSON DAVIS: Item 27.

27. JESUS AND YOU OUTREACH MINISTRIES, INC. - \$500 - COUNCILMAN BRUCE A. GUYTON - TO SUPPORT THE VARIETY OF DAILY ACTIVITIES FOR YOUTH AND FAMILIES IN RIVIERA BEACH.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

CHAIRPERSON DAVIS: Number 28?

DEPUTY CITY CLERK ANTHONY: That motion is approved with Councilperson Guyton out.

CHAIRPERSON DAVIS: Item 28.

28. CITY OF RIVIERA BEACH PARKS & RECREATION DEPARTMENT - \$500 - COUNCILMAN BRUCE A. GUYTON - SUPPORT THE BARRACUDAS SWIM TEAM.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton? That motion is approved with Councilperson Guyton out.

CHAIRPERSON DAVIS: Item 29 is donation in the amount of \$999 from Councilman Davis to the Public Works Department.

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton? That motion is approved with Councilperson Guyton out.

CHAIRPERSON DAVIS: Discussion by the City Manager?

DISCUSSION BY CITY MANAGER

CITY MANAGER JONES: Nothing this evening, Madam Chair.

CHAIRPERSON DAVIS: Anything from Legal?

LEGAL DISCUSSION/REQUEST

ACTING CITY ATTORNEY TORCIVIA: No.

CHAIRPERSON DAVIS: City Council Committee Reports?

CITY COUNCIL COMMITTEE REPORTS

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay. I am the liaison between the Port of Palm Beach and the City of Riviera Beach. The Port had a meeting last Monday and though I was in court on City business most of the day, I did make the end of the Port meeting. And, you know, the Port was still very, very concerned about the scrap metal heap and the City not issuing a license and, you know, blah, blah, blah. It was, you know, the typical Port meeting. I reached out to one of the Port commissioners and we sat down and had a nice chat about how we can try to get the City and the Port back on track. You know, the Port's not going anywhere; the City isn't going anywhere. So we had a good productive meeting. And then this afternoon we had a meeting with Miss Jones and with the Port ED, Mr. Almira. And it went very well. And what I can tell you is we think we may have come up with a solution for the scrap metal heap that is sitting over at the port. So Miss Jones will be -- Miss Jones has some work she needs to do, but we're hoping by the next meeting that we'll have something to present to the board to try to, you know, get rid of that topic and, again, try to get the Port back on track with the City.

CHAIRPERSON DAVIS: Okay. Thank you, ma'am. Any other committee reports? Okay. Statements by the Mayor and Council. Mayor Masters?

STATEMENTS BY THE MAYOR AND CITY COUNCIL

MAYOR MASTERS: To the Acting City Attorney tonight, how are you?

ACTING CITY ATTORNEY TORCIVIA: I'm good, Mayor Masters. How have you been?

MAYOR MASTERS: What -- I'm good. What is the legal definition of defamation of character?

ACTING CITY ATTORNEY TORCIVIA: Well, usually when something is untrue and is stated in a way that impugns someone's reputation. And there's all kinds of different standards. For example, the media has much -- it's much tougher to claim defamation by the media than it is by private citizens.

MAYOR MASTERS: Okay. The reason why -- the reason why I asked you that question, I was very -- just really I lost my appetite for several things of what to talk about because it did something to me. And I -- I just don't like to see people publicly disrespected. I think the Chair made a statement tonight as relates to Mrs. Regina Williams and said -- she said she was lurking out in the parking lot. And unless there's -

CHAIRPERSON DAVIS: (Inaudible).

MAYOR MASTERS: -- unless there's proof of that, that's defamation of character. And I -- and I don't think any elected official should --

COUNCILPERSON DAVIS: (Inaudible).

CHAIRPERSON DAVIS: You know what?

MAYOR MASTERS: Excuse me.

CHAIRPERSON DAVIS: Just hush.

MAYOR MASTERS: I don't think any elected official should --

CHAIRPERSON DAVIS: (Inaudible).

MAYOR MASTERS: -- make those kind of comments about any resident, any citizen or any employee unless they can prove it. And maybe there's proof. I haven't seen any proof and I don't think she said it. I think that the Chair ought to apologize for even saying that. Miss Williams is sitting out there like any other staff person or resident, who was not even a part of the conversation. And for the Chair to -- to say that, I just think -- and it's the second time that the -- that the opinion chair has had a problem with Miss Williams. Threw her out of -- of a public -- out of a meeting at the Hilton, which is shameful. And tonight I think that statement was very shameful. It was unprovoked. It just came out of anywhere. Out of nowhere. So that's why I asked you what was the legal definition of -- definition of defamation of character.

I'm just a little upset about it 'cause I just don't expect any elected official, any of us, to make comments concerning employees or -- or residents. I know it's in a political climate that we're going in, but there's a way to be respectful and not cross the line. And I -- I'm just -- I'm very upset about it because I -- I think it was unprovoked and it was -- it wasn't a need for that to happen tonight.

CHAIRPERSON DAVIS: I guess even (inaudible).

MAYOR MASTERS: So I'm going to leave it at that. I'm just glad it wasn't my chief of staff because I'd be looking -- suing somebody. The next thing I -- I will in a minute. The next thing I want to say, I received a letter from the Attorney General of the United States, Eric Holder. It was sent from him to me. And this letter was dated December the 2nd at 6:39 p.m. to Thomas A. Masters, Following through after Ferguson. It's subject is Following through after Ferguson.

If I have to be the only elected official to say this, I don't -- I don't -- I don't care. And I'm on the record. I'm going to be on the record. The decision by the grand jury was shameful in -- in Ferguson. The decision by the grand -- by the -- the grand jury or whoever, the prosecutor in New York to -- not to prosecute those officers who choked a man to death, shameful again. And -- and it was very shameful. When will there be justice? Or will it be just us? I'm going to ask the Chief of Staff -- 'cause I'm -- I'm -- I -- when I get upset my voice gets a little -- gets hoarser -- to read the -- Debbie, you'll come at this time and read the letter from the Attorney General of the United States into the record. He has asked to spread the word to anyone who wants to know how we're moving forward as a nation. Please read it. And Madam Chair, there's a lady who is sitting out in the audience I forgot to mention who says that she had put a --

UNIDENTIFIED SPEAKER: Card.

MAYOR MASTERS: -- public comment card in earlier tonight but it was overlooked. So I don't know anything about it but she asked me to mention it to you. Okay. Miss Isaac, would you read the letter in its entirety from the Attorney General of the United States of America?

LEGISLATIVE ASSISTANT LeBLANC-ISAACS: "Following Michael Brown's tragic death, millions of people across the nation and around the world have focused their attention on unfolding events in Ferguson, both grieving together and making their voices heard. In recent days many have been captivated by ongoing developments, anguished emotions, peaceful protests, and too often, deeply unfortunate images of unnecessary destruction. And this tragic incident has sparked a necessary national conversation about the need to ensure trust and build strong relationships between law enforcement officers -- officials and the communities they serve.

"Events in Ferguson have revealed a deep distrust between a community and its police force. But this reality is not limited to one location. Other communities around this country know this struggle all too well. And it's abundantly clear that every single one of us has a role to play in tackling this problem together as a nation, to identify those things that bind us and to be honest with one another about the things that continue to divide us.

"In August, President Obama ordered a review of federal funding and programs that provide equipment to state and local law enforcement agencies. Yesterday the administration released that review's findings and announced key next steps to strengthen the trust in an effectiveness of the policing of our communities. Here are the next steps we're taking: Creating a new task force to promote the expansion of 21st

century community-oriented policing. Reforming how the federal government equips local law enforcement, particularly with military-style equipment, and advancing the use of body-worn cameras and promoting proven community policing initiatives.

"I know this has been a difficult time for people in Ferguson and for many others across the country. It will take time for things to get better. But as I assured Ferguson residents during my visit there in August, the Obama administration is firmly committed to making the progress we need and that all our citizens deserve. The changes that the President announced yesterday are exactly the source of programmatic steps that will bring the right people together to engage in a constructive national conversation so we can build trust, address persistent concerns, and protect public safety while respecting the rights of every American.

"Last Tuesday, addressing the public, the President said, and I quote, "To those who are prepared to work constructively, your President will work with you." I am committed to answering the President's call to see this through as all the men and women of the United States Department of Justice. Learn more about the announcement and spread the word to anyone who wants to know how we're moving forward as a nation. Thank you, Eric H. Holder, Jr."

MAYOR MASTERS: Thank you. Just a couple more minutes and I'm -- I'm done. I want to send a very strong message to businesses in this community. As Councilwoman Pardo said earlier tonight, we expect a level of respect in Riviera Beach, the same level that you would give to other cities. Foreign businesses who come in this city will not hire anyone from the community, hire their family, no matter who it is. And I -- and it's not a bad idea to hire family but not every employee should be a member of your family. There should be some employees who are members of this community. It is disrespectful for me to travel around this community and see these different businesses, and I don't see one African-American, one minority -- and sometimes not even a -- a woman in -- who's a minority, according to the law -- in these businesses. And I am not going to tolerate it.

I'm going to go to you. I'm going to ask you to review your hiring policies. I'm going to state to you I think it's in the best interest of this entire community that your business should reflect the makeup of this community. And I'm going to ask you if -- if I can work with you to bring that about. Then, fine. But if not, it's -- it's not acceptable to me to continue to allow these businesses to operate with -- and don't question it.

The second thing I want to say, and I want -- I want the businesses to hear me loud and clear. And I'm going to say it just like -- just like I feel. It's not defamation of character, Mr. Attorney, 'cause I'm not going to call anybody's name like was called tonight. But I am sick and tired of businesses lying to particular service stations, lying to people about their restrooms, telling people in this community that their restrooms don't operate or you can't use the restroom or it's, you know, whatever. And -- and they just put signs up and they just tell you, Oh, you know -- that's -- that's not acceptable. You use it and if you use it, the public should be able to use it. But for you to continue to tell people of this community your bathroom is not operating, operational, it -- it's -- it's not acceptable

and I know that you're lying. And I know that that's not true. And I have a problem with it.

Last but not least, I am concerned about any policy on city property that prohibits people from passing out literature as long as it's not disruptive on the city property, because I think that the freedom of speech could be an issue and would be an issue. You have churches in this community sometime pass out literature out there in the parking lot to people or in the building, you know, downstairs, you know, Having a revival. Would like for you to come. You have Girl Scouts selling cookies at, you know -- you have all kinds of people. We had a Peace and Feast and people could have had fliers about that, which was, you know -- so I -- to me, to get into not being able to pass out literature, if we can't do it -- if the -- if the community can't do it, then City shouldn't do it. You know? We should not be allowed to -- to do it.

The same thing with the -- with the fire department. I understand there's some type of ordinance that prohibits people from standing on corners saying, Will Work for Hire, Hire for Work or whatever they say. They can't do it but the fire department can do it. They can have boots out there and say, Donate to the fire department, which is commendable. I would -- I love it. I always donate. But what about the work -- what about the person who's unemployed? What about the person that says, "Donate to my cause"? So if we're going to have a law or rule, it should be applied fairly and equally among all of us, not just hand-pick this one and that one.

In a few days from now we're going to be celebrating Miss Carrie Ward legacy and tenure over 40 years or 40 plus, whatever it may be, of service to not just this government but to the people. Madam Clerk, what is the date of that?

DEPUTY CITY CLERK ANTHONY: December 13th.

MAYOR MASTERS: December the 1th. And this will be airing several times. So those people who have not received or you want to know more about it, just contact the Clerk's Office. I'm sure there are seats available. But this is a lady with an impeccable record until the other week -- other month when she was suspended for five days. Never should have been. I totally disagreed from the beginning. I want to thank this council. I want to thank Dawn Pardo. I want to thank Cedrick Thomas and Terence Davis for overruling the City Manager on this suspension. And I don't -- I hope that there's -- there should not be anything in her personnel file. I haven't checked, but it should not be, because once the council overrides a decision by anyone, it eliminates what had taken place earlier. I hated it happen but it happened. But I'm proud that I can go and say I was on the right side of the issue.

I didn't have a vote but I had a voice. And I supported Carrie Ward, unlike the Chair and unlike the other councilperson who supported the manager in that decision. But they were in the minority and not the majority. Thank God this is democracy by the people and by the majority. And they -- they won. But I think that going forward we should definitely, before that happens again -- I would ask the Manager to -- I guess something

is funny. I'm -- I don't know. Chair finds something I'm saying funny, I guess. But anyway, I would ask the Manager --

CHAIRPERSON DAVIS: This is so (inaudible) --

MAYOR MASTERS: -- to confer with elected officials on somebody before that kind of decision is made, because it's made and it can't be erased and never should have been made. Madam Manager, can you tell me who made the decision to paint the City Hall white, off white or whatever color it is?

CITY MANAGER JONES: The decision was made to paint City Hall. There were several colors. They'd been on the wall downstairs, doors for the last four months. So the decision was made. Some of the colors were too dark and all of that. This has been a six-month process. So it was a decision made in order to paint it, to freshen it up. To make it look larger, to make the place brighter and to cheer it up. What color did they say did that? Was lighter, white.

MAYOR MASTERS: Madam Manager, my question is who made -- who's "they"? Who's made the decision to choose that color?

CITY MANAGER JONES: I'll take it.

MAYOR MASTERS: Did you make the --

CITY MANAGER JONES: I didn't make it but I'll take it.

MAYOR MASTERS: Okay. Well, you said that kind of arrogantly. I --

CITY MANAGER JONES: I can't -- I mean, we're talking about the color of --

MAYOR MASTERS: -- I mean, I'm just asking a question. I don't need you to have an attitude.

CITY MANAGER JONES: -- paint in a building. I mean --

MAYOR MASTERS: I don't need you to address -- I don't need you to respond --

CHAIRPERSON DAVIS: Let's move on.

COUNCILPERSON GUYTON: Oh, man.

CHAIRPERSON DAVIS: Mayor Masters, can you finish with your comments, please, so we can move on?

MAYOR MASTERS: You didn't say that to Mr. Guyton when he spent 15 minutes on a flier, or 20.

CHAIRPERSON DAVIS: Well, that was City business. Okay?

MAYOR MASTERS: Well, I'm -- this is painting -- painting --

CHAIRPERSON DAVIS: This is --

COUNCILPERSON GUYTON: Dude.

MAYOR MASTERS: -- is not City business?

CHAIRPERSON DAVIS: Mr. Mayor, please.

MAYOR MASTERS: No. Don't be prejudice against me 'cause you let others talk --

CHAIRPERSON DAVIS: Go ahead. Go ahead.

MAYOR MASTERS: -- as long as they want to and you didn't say a word.

CHAIRPERSON DAVIS: Finish your comments, please.

MAYOR MASTERS: I'll finish when I finish. Madam Manager, thanks for answering the question. I just want to know and I was being very respectful to you. I didn't ask you to take it. I asked you who made it. That's all. And I'm not going to disrespect you at all. I'm just asking a legitimate question and the reason why, because I've had people to call me and ask me who made that decision to paint it white. It looks a lot better. Anything is better than what it was.

CITY MANAGER JONES: Yes.

MAYOR MASTERS: But some people said it looks like a jail color or --

COUNCILPERSON GUYTON: Oh.

MAYOR MASTERS: -- or a prison color. And I wanted to know were any of the elected officials involved or gave any advice or anybody in your administration gave any advice to you to select the color since you're taking it.

CITY MANAGER JONES: The members of my administration made the decision. We talked with interior decorators on how you go about doing it. This was not just -- and once my staff brought it to me, I said, "Okay. We will go with that color scheme and that plan in order to brighten and lighten it up." No, I don't ask council permission or consult with them on routine mundane things like a paint color, sir.

CHAIRPERSON DAVIS: He's looking for somebody to (inaudible).

MAYOR MASTERS: Okay. Thank you, Madam Manager. The Office of the Mayor will also have volunteers working our office to help ex-felons to get their records sealed and expunged. So you can call the office as soon as possible and we'll try to hook you up to give you that assistance. Thank you.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: Thank you. Let me just say that apparently the Mayor has this opinion about himself that he can attack everyone and when someone responds to him, he goes out in the community crying.

CHAIRPERSON DAVIS: Uh-huh.

MAYOR MASTERS: Disregard everything -- I didn't do anything to you. You're not --

CHAIRPERSON DAVIS: (Inaudible). (Inaudible) Mr. Mayor.

MAYOR MASTERS: (Inaudible).

CHAIRPERSON DAVIS: You just said something about him so --

MAYOR MASTERS: What he said was true.

CHAIRPERSON DAVIS: -- but I don't need -- but it's hypocritical.

MAYOR MASTERS: It was true. It was true.

CHAIRPERSON DAVIS: Okay? So just let him have his comments.

MAYOR MASTERS: So don't say I'm whining to the community. You're not going to say that.

COUNCILPERSON GUYTON: Yeah. You -- Mayor, I let you say what you wanted to say.

CHAIRPERSON DAVIS: He can say whatever he wants to say.

COUNCILPERSON GUYTON: You called my name about the flier. You call my name about this or Bruce Guyton so make --

MAYOR MASTERS: But I didn't say (inaudible) was crying to the community.

CHAIRPERSON DAVIS: Mayor, please.

COUNCILPERSON GUYTON: -- Mayor, Mayor, Mayor, Mayor, if you can't take it --

CHAIRPERSON DAVIS: Please.

COUNCILPERSON GUYTON: -- don't dish it out.

MAYOR MASTERS: No, I can take it.

CHAIRPERSON DAVIS: Mr. Mayor.

MAYOR MASTERS: But I want to be respected.

COUNCILPERSON GUYTON: Be quiet. Be quiet.

CHAIRPERSON DAVIS: Please allow him to make his comments.

COUNCILPERSON GUYTON: I -- I said nothing when you called my name twice.

CHAIRPERSON DAVIS: Nobody said anything when you were talking.

COUNCILPERSON GUYTON: Three times. I sat here quietly waiting on my time to speak.

MAYOR MASTERS: Just don't cross the line.

COUNCILPERSON GUYTON: In a minute, Mayor. I got -- I got some business to take care of here. The Mayor is the least-informed on this dais.

MAYOR MASTERS: I reject that totally.

COUNCILPERSON GUYTON: Well, you can. You can't even tell us what the operation budget is.

MAYOR MASTERS: (Inaudible).

COUNCILPERSON GUYTON: What is the operation budget?

MAYOR MASTERS: That's -- I'm not here to answer any of your --

CHAIRPERSON DAVIS: Okay. Finish -- finish -- finish your --

MAYOR MASTERS: -- questions.

CHAIRPERSON DAVIS: -- comments, Mr. Guyton, please.

COUNCILPERSON GUYTON: But anyway --

CHAIRPERSON DAVIS: And Mr. Mayor, would you please keep -- keep silent, please.

MAYOR MASTERS: Okay.

CHAIRPERSON DAVIS: Thank you.

COUNCILPERSON GUYTON: -- the -- the Mayor has been on the attack thinking that he, from California, gonna come into my hometown and disrespect me and that is never gonna happen. Let me tell you something, Mayor. I take that very personal. You have come here --

MAYOR MASTERS: From California. So that's -- you have a problem with that?

COUNCILPERSON GUYTON: I -- I -- I -- Mayor?

CHAIRPERSON DAVIS: Okay, Mr. Mayor. Please.

COUNCILPERSON GUYTON: Mayor?

MAYOR MASTERS: Okay.

COUNCILPERSON GUYTON: You can't take it. You'll call my name and as soon as --

CHAIRPERSON DAVIS: You keep saying, "Okay," but you keep doing it. So would you please stop?

COUNCILPERSON GUYTON: -- somebody fire back at you, you start crying.

MAYOR MASTERS: Just give me a chance to respond.

COUNCILPERSON GUYTON: And whining and I'm like, Jesus Christ.

MAYOR MASTERS: 'Cause he's attacking me personally.

CHAIRPERSON DAVIS: (Inaudible), no.

COUNCILPERSON GUYTON: Will somebody give him some big pants?

CHAIRPERSON DAVIS: (Inaudible) don't. No.

COUNCILPERSON GUYTON: Put your big-pup boy pants on.

CHAIRPERSON DAVIS: No.

COUNCILPERSON GUYTON: If you can say something about me, I'm going to respond. That's all I'm saying. If you don't want me to respond, don't call my name, ever. But if you call my name, I'm coming back at you. That is the only person that get on this dais and don't even bring an agenda to the meeting.

MAYOR MASTERS: Maybe I'm smarter than you. I don't need it.

COUNCILPERSON GUYTON: Well, maybe you are. But a lot of people don't think that is smart.

MAYOR MASTERS: (Inaudible).

CHAIRPERSON DAVIS: Mr. Mayor. Mr. Mayor. You are being --

COUNCILPERSON GUYTON: You're coming to a business meeting.

CHAIRPERSON DAVIS: -- totally --

MAYOR MASTERS: He's being totally disrespectful.

CHAIRPERSON DAVIS: No. Mr. -- hold on, Mr. Guyton.

COUNCILPERSON GUYTON: Wait.

CHAIRPERSON DAVIS: Hold on. Mr. Mayor. You sat here just two minutes ago --

COUNCILPERSON GUYTON: And laid into me. So --

CHAIRPERSON DAVIS: -- and said --

MAYOR MASTERS: I didn't lay into him.

CHAIRPERSON DAVIS: -- things -- wait a minute. And said things about me, too. You called my name as the Chair. Okay?

COUNCILPERSON GUYTON: Stop crying, man.

CHAIRPERSON DAVIS: So if you can do it, why isn't it that nobody else can?

COUNCILPERSON GUYTON: Stop crying. Stop crying.

CHAIRPERSON DAVIS: You take offense at it. So please. You know, give the same respect that you want.

MAYOR MASTERS: Are you hollering -- you hollering at me?

CHAIRPERSON DAVIS: No. I'm not.

MAYOR MASTERS: You're raising your voice.

COUNCILPERSON GUYTON: Okay. Madam Chair, let me finish.

CHAIRPERSON DAVIS: Okay. So?

MAYOR MASTERS: So you're rude again.

COUNCILPERSON GUYTON: I think he's trying to --

CHAIRPERSON DAVIS: No. I did it -- I pulled the mike --

MAYOR MASTERS: So you're being rude again.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Yes, go ahead, sir.

COUNCILPERSON GUYTON: The Mayor is the only one -- he doesn't bring any backup.

MAYOR MASTERS: You don't know what I bring.

COUNCILPERSON GUYTON: He doesn't even bring an agenda and we're in a business meeting. That is completely embarrassing. He wonders why --

MAYOR MASTERS: Mr. Guyton doesn't know what I bring.

CHAIRPERSON DAVIS: Okay. I'm going to call this meeting.

MAYOR MASTERS: He's rude again.

CHAIRPERSON DAVIS: And to adjourn this meeting. It's over.

MAYOR MASTERS: He's being rude again.

UNIDENTIFIED SPEAKER: Excuse me.

MAYOR MASTERS: And wrong again as you --

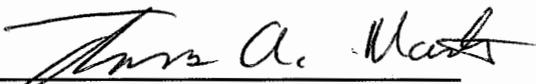
CHAIR PRO TEM PARDO: Oh, wait.

CHAIRPERSON DAVIS: Oh, I'm sorry, ma'am.

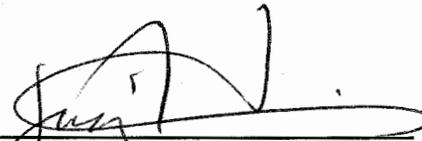
(CONCLUSION OF MEETING)

ADJOURNMENT

APPROVED:



THOMAS A. MASTERS
MAYOR



JUDY L. DAVIS
CHAIRPERSON

ATTEST:



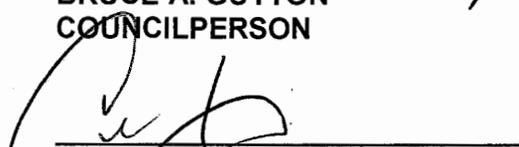
CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
INTERIM CITY CLERK



DAWN S. PARDO
VICE CHAIRPERSON



BRUCE A. GUYTON
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: D. PARDO

SECONDED BY: C. THOMAS

B. GUYTON AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

T. DAVIS AYE

DATE APPROVED: 01/07/15