

**CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
CITY COUNCIL MEETING MINUTES  
WEDNESDAY, FEBRUARY 4, 2015 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.

**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 ITEM BEING TAKEN UP BY CITY COUNCIL FOR DISCUSSION. MEMBERS OF THE PUBLIC SHALL BE GIVEN A TOTAL OF THREE (3) MINUTES TO SPEAK ON 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 SUBMIT A COMMENT CARD AND SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.**

**CALL TO ORDER**

**CHAIR PRO TEM PARDO:** Okay everyone. We're getting ready to start the meeting. Could you please have a seat? Okay. We ready? Okay. Welcome everyone to the City of Riviera Beach. Tonight is our regularly scheduled Council meeting. Madam Clerk, roll call, please.

**Roll Call**

**INTERIM CITY CLERK ANTHONY:** Mayor Thomas Masters. Chairperson Judy Davis. Chair Pro Tem Dawn Pardo.

**CHAIR PRO TEM PARDO:** Present.

**INTERIM CITY CLERK ANTHONY:** Councilperson Bruce Guyton. Councilperson Cedrick Thomas.

**COUNCILPERSON THOMAS:** Here.

**INTERIM CITY CLERK ANTHONY:** Councilperson Terence Davis.

**COUNCILPERSON T. DAVIS:** Here.

**INTERIM CITY CLERK ANTHONY:** City Manager Ruth Jones.

**CITY MANAGER JONES:** Present.

**INTERIM CITY CLERK ANTHONY:** Interim City Clerk Claudene Anthony is present. City Attorney Pamala Ryan.

**CITY ATTORNEY RYAN:** Present.

**CHAIR PRO TEM PARDO:** Okay. We have a quorum. I'd like to make an announcement. The mayor is out of town so he won't be at the meeting tonight and Councilwoman Davis had a personal emergency. She had to leave. All right.

### **Invocation**

#### **Pledge of Allegiance**

**CHAIR PRO TEM PARDO:** I'd like to everyone to stand for a moment of silence followed by the Pledge led by Councilman Thomas.

**COUNCILPERSON THOMAS:** I think it's that way. Oh, yeah.

**CITY ATTORNEY RYAN:** Oh.

**CHAIR PRO TEM PARDO:** They moved our flag.

**COUNCILPERSON THOMAS:** Yeah. I just kind of noticed that. Yeah.

(Everyone stood for a moment of silence followed by the Pledge of Allegiance led by Councilman Cedrick Thomas).

#### **AGENDA Approval: Additions, Deletions, Substitutions**

**CHAIR PRO TEM PARDO:** If anyone would like to speak on any items, we have comment cards in the back. Please fill out the cards prior to the item being heard by the Council and give it to staff. Okay, Madam City Manager, do we have any additions or deletions to the agenda?

**CITY MANAGER JONES:** No, Madam Chair.

#### **Disclosures by Council**

**CHAIR PRO TEM PARDO:** Okay. Do we have any disclosures by Council? Okay.

#### **Adoption of Agenda**

**CHAIR PRO TEM PARDO:** Do we have a motion to adopt the agenda?

**COUNCILPERSON THOMAS:** So moved.

**COUNCILPERSON T. DAVIS:** Second.

**CHAIR PRO TEM PARDO:** All right. Properly moved and second. Madam Clerk?

**INTERIM CITY CLERK ANTHONY:** Madam Chair, let the record reflect that Councilperson Bruce Guyton is now on the dais. Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**INTERIM CITY CLERK ANTHONY:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**INTERIM CITY CLERK ANTHONY:** Unanimous vote.

**CHAIR PRO TEM PARDO:** Okay. Thank you. Um, we will go to consent.

**Comments From the Public on Consent Agenda (Three Minute 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.**

**CHAIR PRO TEM PARDO:** Okay. We don't have any comment cards for consent. Do we have a motion to accept consent?

**COUNCILPERSON THOMAS:** So moved.

**COUNCILPERSON T. DAVIS:** Second.

**CHAIR PRO TEM PARDO:** Okay. Madam Clerk?

**INTERIM CITY CLERK ANTHONY:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**INTERIM CITY CLERK ANTHONY:** Unanimous vote.

**CHAIR PRO TEM PARDO:** Thank you. That's the end of the consent agenda.

## **MINUTES**

### **RESOLUTIONS**

1. **RESOLUTION NO. 13-15 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPOINTING ATTORNEY NANCY E. STROUD OF LEWIS, STROUD & DEUTSCH, P.L., AS DEVELOPMENT SPECIAL MAGISTRATE TO HEAR VARIANCE REQUESTS AND APPEALS OF ADMINISTRATIVE DECISIONS; AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE THE LEGAL SERVICES AGREEMENT FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.**
  
2. **RESOLUTION NO. 14-15 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, EXTENDING THE CURRENT INTERLOCAL AGREEMENT WITH THE TOWN OF PALM BEACH SHORES FOR EMERGENCY MEDICAL AND SUPPLEMENTAL FIRE PROTECTION SERVICES FOR AN ADDITIONAL SIXTY (60) DAYS THROUGH APRIL 30, 2015; FURTHER ALLOWING FOR A THREE PERCENT (3%) INCREASE OVER SAID PERIOD FOR A TOTAL PAYMENT TO RIVIERA BEACH OF \$55,996.50; AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO ESTABLISH A BUDGET FOR SAME; AND PROVIDING AN EFFECTIVE DATE.**

**END OF CONSENT AGENDA**

### **PETITIONS AND COMMUNICATIONS FOR FILING**

**CHAIR PRO TEM PARDO:** Petitions and communications for filing. Anything Madam Clerk?

**INTERIM CITY CLERK ANTHONY:** There are none.

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

## **AWARDS AND PRESENTATIONS**

**CHAIR PRO TEM PARDO:** We will now go to awards and presentations. Item 3.

### **3. PRESENTATION ON THE DESIGN OF THE NEW MARINA FUEL BUILDING.**

**CHAIR PRO TEM PARDO:** We'll hear the presentation and then we have a comment card. Go ahead Mr. Legue.

**MARINA DIRECTOR LEGUE:** Good evening, Council. Ed Legue, Marina Director. I'd like to introduce Jay Quillen from Song & Associates. They're the -- the agency that's done the design on this and then we'll be available for any comments.

**CITY ATTORNEY RYAN:** Thank you.

**JAY QUILLEN:** Good evening.

**CHAIR PRO TEM PARDO:** Good evening, sir.

**JAY QUILLEN:** Jay Quillen, Song & Associates. This first image is just an overall rendering of the building we're proposing at the Marina. The aerial shot here shows a good overview of the platform we're looking to build on. It's located right here where the cursor is moving. A different angle. This is where that platform was in the aerial. Access from the mainland is down this dock. A blow-up of the building here. You would come up two gangways to a platform, enter the building.

The building consists mainly of retail space, storage, a restroom, janitor's closet and an ADA lift. Here's a view looking east. Again, this would be the main access corridor on the dock and up the gangway. This is looking southwest towards the inlet. Sorry. Looking southeast. The exterior finishes, we're looking at stucco finish and a clapboard siding with a light blue color, uh, to play off the existing colors with the Marina docks that were recently completed. The lower wall would be an off-white stucco texture. Standing seam metal roof to tie into the new Marina event center. Standard exterior fiberglass doors and windows.

The interior is predominately fitted out with a slatwall system for the retail space. Various shelves, gondolas, display cases. These are just some interior elevations showing that slatwall system on each wall. Again, two more elevations. The floor as being proposed is a stained concrete floor. The base paint color would be an off-blue. The upper portions would be white leading into the ceiling which is a tongue and groove wood panel and exposed wood beam rafters.

These are some of the furniture systems we were looking at to put into the retail space. And again, we'll finish with this view of the building.

**COUNCILPERSON THOMAS:** Madam Chair.

**JAY QUILLEN:** And that's it.

**CHAIR PRO TEM PARDO:** Yes, Mr. Thomas.

**COUNCILPERSON THOMAS:** You say it's the fuel office? Where would the pumps be 'cause I haven't seen those in this rendering?

**JAY QUILLEN:** The pumps -- let me see. It -- it's -- it's hard to see on this map.

**COUNCILPERSON THOMAS:** Is it -- does it exist on this map?

**JAY QUILLEN:** They're -- they're already on the docks, the pumps are. There's a row of pumps over here off Pier D and along this edge.

**COUNCILPERSON THOMAS:** Okay. So how -- how -- how is it -- how is it -- how are they being used now when they come and pump? Where do they pay and how does that -- what happens now?

**JAY QUILLEN:** Apparently it's not operational for fuel service right now.

**COUNCILPERSON THOMAS:** But the pumps are already there?

**JAY QUILLEN:** The pumps were put in when they built the docks.

**COUNCILPERSON THOMAS:** Uh-huh.

**JAY QUILLEN:** And part of the uplands construction, we just relocated the fuel tanks. And once we finish Phase I of the uplands and get the temporary Marina Operations trailer set, we can set up the fuel system.

**COUNCILPERSON THOMAS:** And when is this set to be completed?

**JAY QUILLEN:** We haven't set a date on it. We're -- we're currently going through site plan approval process and then we'll be going out to bid. I estimate about eight to ten months for construction.

**COUNCILPERSON THOMAS:** Okay. And why is this coming, like, later? What -- what was the reason for this to come later?

**JAY QUILLEN:** This was an amendment to our contract for the uplands and just the way it's scheduled. It wasn't really later to say. We didn't get approval for it, I think, until late summer last year and have been working through the design process.

**COUNCILPERSON THOMAS:** Okay.

**CITY MANAGER JONES:** Yeah.

**COUNCILPERSON THOMAS:** Do we have the --

**CITY MANAGER JONES:** Council --

**COUNCILPERSON THOMAS:** Yes.

**CITY MANAGER JONES:** Can I make a statement, please?

**CHAIR PRO TEM PARDO:** Go ahead.

**CITY MANAGER JONES:** Can I -- if you recall when we started (skip in audio) docks, we shut down all of our fuel operations because that was where the fuel tanks were. And we also had a little ship store out there where people could pull up, get gas, come from Peanut Island and pick up other items. And so we had to stop all of that. Now that we've got the new docks, reinstall what was the old ship store but a little fancier and so that we'll be able to do the docks. Mr. Legue could probably tell you how we record the fuel and those sorts of things if you want to know that.

**COUNCILPERSON THOMAS:** Well, we're not doing it now. We're not selling fuel right now?

**CITY MANAGER JONES:** We're not selling fuel since we were --

**COUNCILPERSON THOMAS:** Is there fuel there?

**JAY QUILLEN:** Currently, no. The tanks have just been --

**CITY MANAGER JONES:** We had to remove the --

**JAY QUILLEN:** -- reset.

**CITY MANAGER JONES:** -- we had to move the tanks.

**COUNCILPERSON THOMAS:** Okay. I'm just -- just asking.

**JAY QUILLEN:** Yeah.

**COUNCILPERSON THOMAS:** I just wanted to make sure that --

**CITY MANAGER JONES:** Yeah.

**COUNCILPERSON THOMAS:** -- fuel is not still being utilized even though we're not selling it.

**CITY MANAGER JONES:** Oh, no. We had to move the tanks.

**COUNCILPERSON THOMAS:** Okay. All right. So is all the money here for this? What's the cost of this?

**JAY QUILLEN:** I believe -- Ed, do you want to speak on the budget?

**MARINA DIRECTOR LEGUE:** Our budgeted cost for this was \$360,000. The -- the construction estimate right now is just shy of that, about 356,000 and then we have a

contingency fund of approximately 36,000 to -- to handle the F&E and -- and, you know, continue.

**COUNCILPERSON THOMAS:** Where do -- where do we get those numbers from?

**MARINA DIRECTOR LEGUE:** Which -- the numbers from -- from Song & Associates construction estimate.

**COUNCILPERSON THOMAS:** Okay. So we have that -- we have that money budgeted -- we have it to spend in this year's budget?

**MARINA DIRECTOR LEGUE:** Yes, sir. It's actually part of the -- the (skip in audio) we had money from CRA, money from CRA City that we used to match other grant funds. And that was the money that we're using, the -- the excess of that is -- is what we're using for that.

**COUNCILPERSON THOMAS:** We had excess somewhere?

**MARINA DIRECTOR LEGUE:** Well, not -- not exactly excess.

**COUNCILPERSON THOMAS:** Excess somewhere?

**MARINA DIRECTOR LEGUE:** That's a bad word. But we -- we were planning it all --

**COUNCILPERSON THOMAS:** Well, not a bad word. It's a good word.

**MARINA DIRECTOR LEGUE:** Well, I know. It's a -- yeah, it's a good word.

**COUNCILPERSON THOMAS:** But I'm just --

**MARINA DIRECTOR LEGUE:** But we were planning --

**COUNCILPERSON THOMAS:** Yeah.

**MARINA DIRECTOR LEGUE:** -- on using that funds. We didn't quite know how much we were going to have left but --

**COUNCILPERSON THOMAS:** So that's why we came later so you wanted to --

**MARINA DIRECTOR LEGUE:** A little bit, yeah. We had --

**COUNCILPERSON THOMAS:** Okay. So that --

**MARINA DIRECTOR LEGUE:** -- we had to kind of close out some -- some grants and (inaudible).

**COUNCILPERSON THOMAS:** -- that would be -- that would be what I was getting at.

**MARINA DIRECTOR LEGUE:** Okay. All right.

**COUNCILPERSON THOMAS:** We did this later because we didn't know if we was gonna have enough money to do it at all.

**MARINA DIRECTOR LEGUE:** That's correct.

**COUNCILPERSON THOMAS:** So now that we have some money, then -- then we planned on doing it.

**MARINA DIRECTOR LEGUE:** Yes.

**COUNCILPERSON THOMAS:** Okay. That -- that sounds like a better explanation of that. That's all for me.

**CHAIR PRO TEM PARDO:** All right. Anything else?

**COUNCILPERSON GUYTON:** Just a quick question, Mr. Legue.

**MARINA DIRECTOR LEGUE:** Yes, sir.

**COUNCILPERSON GUYTON:** As it relates to the fuel tanks that are not in operation, has DEP or someone inspected them as it relates to the environment and potential leakage and --

**MARINA DIRECTOR LEGUE:** Yes, sir. They were inspected when they were brought out of the ground and the -- the ground where they were was -- was inspected and okayed by DEP. DEP inspected them as they were reinstalled in the ground in another location. So that's all -- all been done by DEP. And -- and I think DERM is also another, Department of Environmental Resource Management.

**COUNCILPERSON GUYTON:** Okay. Now when we do begin to use those tanks, are there periodic checks that either they do or we plan to do?

**MARINA DIRECTOR LEGUE:** Yeah. DERM does an annual inspection of -- of all fueling facilities and we do -- we have our -- our daily routines that we do with tank checks and we have a system called Veeder-Root which -- which monitors how much fuel is pumped and -- and also tells you if you have a leak in the system. All our system or piping and tanks and so forth are all double-wall alarm system so they meet the EPA standards for -- I think the standard was 2011 or something like that.

**COUNCILPERSON GUYTON:** Okay.

**MARINA DIRECTOR LEGUE:** So -- so it's -- it's all monitored. Yes, sir.

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

**CHAIR PRO TEM PARDO:** Okay. Is that --

**COUNCILPERSON T. DAVIS:** Madam Chair?

**CHAIR PRO TEM PARDO:** Yes, Mr. Davis.

**COUNCILPERSON T. DAVIS:** Really quick, could you give us a list of all the various ways the -- this operation will create funding -- create revenue, I'm sorry.

**MARINA DIRECTOR LEGUE:** Well, you'll -- you'll create revenue basically two ways. One -- one will be with the fuel of -- the sale of fuel.

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

**MARINA DIRECTOR LEGUE:** And the second is the retail fuel.

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

**MARINA DIRECTOR LEGUE:** If you will, we're kind of putting a 7-Eleven. It's kind of the concept we've always had --

**COUNCILPERSON T. DAVIS:** Okay.

**MARINA DIRECTOR LEGUE:** -- a very convenient convenience store right next to the intercoastal waterway. So we make -- we make money on -- on the ship store, on the retail and on the fuel sales.

**COUNCILPERSON T. DAVIS:** But the ship store is like a 7-Eleven.

**MARINA DIRECTOR LEGUE:** Exactly.

**COUNCILPERSON T. DAVIS:** And where would that be located?

**MARINA DIRECTOR LEGUE:** That's -- that's part -- that's -- the 633 square feet of this building is all retail.

**COUNCILPERSON T. DAVIS:** And that's all inside this budget here?

**MARINA DIRECTOR LEGUE:** Yes, sir.

**COUNCILPERSON T. DAVIS:** What -- will there be an ice machine?

**MARINA DIRECTOR LEGUE:** Yes, sir. Yeah, we sell bagged ice. We won't have an ice machine; we'll have bagged ice.

**COUNCILPERSON T. DAVIS:** So where the ice is going to be -- oh, you're going to buy the ice and then --

**MARINA DIRECTOR LEGUE:** Yeah. We -- we purchase --

**COUNCILPERSON T. DAVIS:** Why we wouldn't have an ice machine? That's -- that's my question.

**MARINA DIRECTOR LEGUE:** We -- we've -- we've run the numbers a couple different ways and -- and dollar for dollar, it's just as easy to buy it bagged at wholesale and -- and resell it than it is to have to deal with bagging it yourself and so forth.

**COUNCILPERSON T. DAVIS:** Who would you -- who would you buy it from?

**MARINA DIRECTOR LEGUE:** We buy it -- I believe -- I believe our current vendor is Reddy Ice.

**COUNCILPERSON T. DAVIS:** So what happens if you run out on a big event? Would you have to run out and buy some more?

**MARINA DIRECTOR LEGUE:** Yeah. We -- we -- we double-check inventory -- we do inventories on ice and -- and the -- the -- the quick selling commodities on a weekly basis so we get our orders in before the weekend.

**COUNCILPERSON T. DAVIS:** Well, in the previous operation that we had, didn't we have an ice machine?

**MARINA DIRECTOR LEGUE:** No, sir.

**COUNCILPERSON T. DAVIS:** We didn't?

**MARINA DIRECTOR LEGUE:** No, sir.

**COUNCILPERSON T. DAVIS:** We never had a ice machine at our docks before?

**MARINA DIRECTOR LEGUE:** Not --

**COUNCILPERSON T. DAVIS:** Never (skip in audio) City of Riviera Beach?

**MARINA DIRECTOR LEGUE:** We've sold ice, yeah. We sold ice.

**COUNCILPERSON T. DAVIS:** Oh, that's -- that's -- that's what I'm trying to find out.

**MARINA DIRECTOR LEGUE:** We don't have an ice machine.

**COUNCILPERSON T. DAVIS:** We never had a ice machine, just --

**MARINA DIRECTOR LEGUE:** Never had an ice machine.

**COUNCILPERSON T. DAVIS:** Okay.

**MARINA DIRECTOR LEGUE:** We've always sold bagged ice.

**COUNCILPERSON T. DAVIS:** Okay.

**MARINA DIRECTOR LEGUE:** Yes.

**COUNCILPERSON T. DAVIS:** That's the question I had. I -- I'd just like to just really get some -- some -- study some information proving that it's more effective to do bagged ice versus take -- reaching out to purchase and putting in an ice machine. If you can do it all in-house, I can imagine it's not making any more money. But if you got some information that would prove otherwise, then I'll support what you're trying to do.

**MARINA DIRECTOR LEGUE:** Sure. I can -- I can --

**COUNCILPERSON T. DAVIS:** Just an idea. Just --

**MARINA DIRECTOR LEGUE:** Yeah. All right. Thank you.

**COUNCILPERSON T. DAVIS:** Okay. Thank you, sir.

**CHAIR PRO TEM PARDO:** Okay. All right. We have one public comment card. Gerald Ward.

**COUNCILPERSON THOMAS:** I'll wait till he's done.

**GERALD WARD:** Gerald Ward. 2135 Broadway.

**CHAIR PRO TEM PARDO:** Good evening:

**GERALD WARD:** Obviously, this is coming without any advisory board actions. There - - there is -- is no reason that something of this nature shouldn't have been taken to them. It's a \$270 a square foot store. That is -- is totally obnoxious in terms of price, even in anybody's. And furthermore, guess what? He just showed you the foundation is already there. So we're not talking about anything more than some beams to support the -- the walls and it is -- it is something that needs to go to the Waterfront Advisory Board. Now you've got to staff that because that's -- was in the same posture that you found out last month, the Planning Board, we have to have members and the Council needs to appoint them. There are plenty of people that would serve but they have not been properly put through the City Clerk's process so that everybody knows how we get to be a board member in this town.

The Waterfront Advisory Board (skip in audio) I fired them. You guys would -- refused to do what the code says. This town has codes that are very effective and we just ignore them. So we need to get back to having the ship store here evaluated, the floor plan. Then think about it's two years you've been out of service.

There is no reason any Marina would -- would have shut down a fuel operation in total. The idea around here is don't do any money-generation operations and you got the answer when you asked the question, we have no clue when we're going to schedule all this. That's not acceptable for government. You need this as an enterprise account and it makes money because it's the best piece of real estate waterfront-wise in Palm Beach County. So somewhere along the line, somebody needs to -- to put some management into it that accomplishes the necessary reviews before you spend this kind of money.

**COUNCILPERSON THOMAS:** Madam Chair.

**COUNCILPERSON GUYTON:** Madam --

**CHAIR PRO TEM PARDO:** Thank you for your comments. Yes, Mr. Thomas and then we'll go to Mr. Guyton.

**COUNCILPERSON THOMAS:** Okay. Two questions --

**CHAIR PRO TEM PARDO:** And move on.

**COUNCILPERSON THOMAS:** Mr. Legue, first question is is the floor for this building already there? I think I heard Mr. Ward say that.

**MARINA DIRECTOR LEGUE:** Well, the -- the platform -- it's a -- it's an over-the-water facility. So the platform was built, yes, sir.

**COUNCILPERSON THOMAS:** So then that would add some credence to what he just said as to why would it be that expensive if we're not doing the whole --

**MARINA DIRECTOR LEGUE:** Honestly, I didn't bring -- I didn't bring the budget numbers with me. I apologize for that but I can -- I can go back and -- and double-check and see what the actual square footage price is.

**CHAIR PRO TEM PARDO:** Mr. Ward, please sit down.

**MARINA DIRECTOR LEGUE:** Okay.

**COUNCILPERSON THOMAS:** Okay.

**MARINA DIRECTOR LEGUE:** And Mr. -- Jay can add to this.

**JAY QUILLEN:** What -- what we're seeing here is the conform -- the current platform was built at an elevation of about 6.5 feet above sea level. Current code dictates that the finished floor level needs to be at nine feet to meet the insurance flood rates for the City. So actually, what you're seeing, the platform will not be the finished floor. We have to build a floor above that to get to the nine feet.

**COUNCILPERSON THOMAS:** Let me ask you a question. Did you design the docks that are already there?

**JAY QUILLEN:** No, sir.

**COUNCILPERSON THOMAS:** Why wouldn't we make it some type of cohesive movement? Why would we -- why would you build it at that level or why would it be built at that level when you knew that you were going to have to build it at a higher level? That seems like a waste of money to me.

**JAY QUILLEN:** It was built at this level because of ADA access. If you look here where the two ramps -- ADA dictates that we can only have a maximum slope of so much for ADA access. So if we built the platform at 9 feet, we wouldn't be able to have ADA access. We'd have to have an elevator.

**COUNCILPERSON THOMAS:** Okay. No problem. So I guess what I'm trying to get at is you build a platform knowing that a store is going to go there. Why wouldn't we take into consideration all of the ADA requirements and everything while we're building the floor -- while we're building that initial floor?

**JAY QUILLEN:** I -- I can't speak to that. I wasn't part of that design process.

**COUNCILPERSON THOMAS:** Okay.

**JAY QUILLEN:** That -- that would be more, I think, Sea Diversified.

**COUNCILPERSON THOMAS:** Sea Diversified?

**JAY QUILLEN:** I believe so. Is that correct?

**COUNCILPERSON THOMAS:** What does that mean?

**CHAIR PRO TEM PARDO:** They're one of our engineers.

**COUNCILPERSON THOMAS:** Oh, oh, okay, okay. I thought that was some code for something. Okay. I'd like an answer to that. But while you're getting that answer -- 'cause you probably don't have it right now, but I would like an answer to that tonight. We have, on the CRA side, said that we were going to do this parking structure with retail space and everything for the store as well. So are we talking about doing two or what's going to happen with that? That may not be a question for you. That may be a question -- that is Ed Legue or -- or the manager.

**MARINA DIRECTOR LEGUE:** There will be -- the store out by the -- the water, the smaller store, is -- is just a convenience store. I think there are plans down the road for a larger scale marine store which would be more like the one they have at Sailfish Marina where you have a lot of clothing and -- and gifts and so forth.

**CITY MANAGER JONES:** Souvenirs.

**MARINA DIRECTOR LEGUE:** A higher end kind of marine store.

**COUNCILPERSON THOMAS:** Yeah. But I saw in the slides that it had, furniture for clothing and --

**MARINA DIRECTOR LEGUE:** Oh, we'll sell -- we'll sell T-shirts and I'll -- I'll sell anything I can out there. But -- but they're -- yeah. The -- the -- the -- the plan more or less is to have two stores but that's only 600 square feet. So you're not going to be able to keep --

your -- your -- your basic goods in there will be your -- your faster movers: beer, soda, maybe some T-shirts, suntan oil, so forth.

**CHAIR PRO TEM PARDO:** Yeah. Mr. Thomas I'd like to chime in. What they're doing on that dock is similar to what a lot of the marinas up and down the coast. If you go over to Lott Brothers, they have it. Old Port Cove, a lot of the marinas up and down the intercoastal have this kind of operation. So when you're fueling, someone else on the boat can just hop in the store and get suntan lotion, get a shirt.

**COUNCILPERSON THOMAS:** No. I -- I understand that.

**CHAIR PRO TEM PARDO:** Yeah.

**COUNCILPERSON THOMAS:** What I don't understand is why we have two. That's what I don't understand.

**CHAIR PRO TEM PARDO:** Because -- all right. Well, that might be something for the CRA.

**CITY MANAGER JONES:** No.

**CHAIR PRO TEM PARDO:** But my understanding is --

**CITY MANAGER JONES:** It's different goods and products.

**CHAIR PRO TEM PARDO:** -- right -- for the CRA will be more like Sailfish Marina where you can go in and buy nicer things and then you can also buy dive equipment, if you need a --

**MARINA DIRECTOR LEGUE:** You really have two different --

**CHAIR PRO TEM PARDO:** -- a professional snorkel or -- or, you know, something like that.

**MARINA DIRECTOR LEGUE:** -- you have two different marketing. You got --

**CHAIR PRO TEM PARDO:** This is just --

**MARINA DIRECTOR LEGUE:** -- you got the marketing of the boats coming --

**CHAIR PRO TEM PARDO:** -- real fast --

**MARINA DIRECTOR LEGUE:** Oh, I'm sorry.

**CHAIR PRO TEM PARDO:** Right. Yeah. It's just -- it's, you know, fast goods. Suntan lotion, you know, if we sell beer, ice, you know, that kind of stuff.

**MARINA DIRECTOR LEGUE:** Gas, beer, right.

**CHAIR PRO TEM PARDO:** Right.

**MARINA DIRECTOR LEGUE:** And then you'll have -- you know, we'll -- we'll have the traffic on the uplands be coming there by boat. So they'll -- they'll hopefully go to the other shops that are in the -- near the parking garage or wherever the other retail spots are.

**COUNCILPERSON THOMAS:** Okay. And the question in reference to why don't we take into some type of consideration this prior to -- when -- when the docks were being built?

**MARINA DIRECTOR LEGUE:** The ADA you mean?

**COUNCILPERSON THOMAS:** The height.

**MARINA DIRECTOR LEGUE:** As far as the height -- the height of the platform?

**COUNCILPERSON THOMAS:** Yes.

**MARINA DIRECTOR LEGUE:** We were restricted by DEP on the size of the flatform -- excuse me, platform.

**CHAIR PRO TEM PARDO:** Right.

**MARINA DIRECTOR LEGUE:** We built it as big as we could and as high we could to still maintain the ADA twelve to one slope. If we would've -- if we would've had to bring that up to nine feet and maintain that slope, it would've had to have been a 70x70 platform, versus a 40x40.

**COUNCILPERSON THOMAS:** Okay. So what am I missing? I heard originally we needed to raise it for ADA requirements.

**MARINA DIRECTOR LEGUE:** Uh-huh.

**COUNCILPERSON THOMAS:** Now I'm hearing that we couldn't raise it because DEP requirement.

**MARINA DIRECTOR LEGUE:** Well, no. We could -- we could raise it, we just couldn't make it big enough for -- to get the slope of the -- for the gangways. And I know that's confusing. I -- let me see if I can make it --

**COUNCILPERSON THOMAS:** It is.

**MARINA DIRECTOR LEGUE:** -- I'm sorry. I'm not trying to be confusing.

**COUNCILPERSON THOMAS:** Uh-huh.

**MARINA DIRECTOR LEGUE:** Originally, we built it as big as DEP would allow us to build the platform.

**COUNCILPERSON THOMAS:** Okay.

**MARINA DIRECTOR LEGUE:** We built it as high as we could go to get the twelve to one slope.

**COUNCILPERSON THOMAS:** And what does twelve to one mean?

**MARINA DIRECTOR LEGUE:** Twelve means twelve inches to every one foot. It means -- is it twelve feet to every one foot of elevation. In other words, if -- if I'm walking up a gangway for ADA, every foot of elevation, I have to have twelve feet of gangway. It's the slope so that wheelchairs can go up and so forth.

**COUNCILPERSON THOMAS:** So for every foot that you walk up, you have to have twelve feet.

**MARINA DIRECTOR LEGUE:** Twelve feet, correct. I believe I'm saying that right. Am I

--

**COUNCILPERSON THOMAS:** I don't -- I don't really know, but it just don't sound like the numbers will add up to me.

**MARINA DIRECTOR LEGUE:** I'm -- I'm not an engineer.

**COUNCILPERSON THOMAS:** That's a long gangway.

**MARINA DIRECTOR LEGUE:** I -- I'm not an engineer. I know it's a twelve to one ratio. I know that's ADA and I know that's the rule. So I can -- I can get the engineering answer to you if you'd like. But --

**COUNCILPERSON THOMAS:** Well, I'm just trying to make sure of -- I'm trying to figure out why we didn't do all this at once (skip in audio). I think that the cost is going to be higher because we have to go back in. 'Cause you're saying we -- we actually have to raise it. We have to put in an additional floor.

**MARINA DIRECTOR LEGUE:** We have to put -- yes. We're going to put it -- we're going to raise the floor and that's -- and then in order to maintain our ADA, we have to put in a small elevator lift or a small wheelchair lift.

**COUNCILPERSON THOMAS:** Okay.

**MARINA DIRECTOR LEGUE:** That's -- it's just the way it -- it had to be.

**COUNCILPERSON THOMAS:** But we couldn't have -- we couldn't have done that at the time that we designed these docks?

**MARINA DIRECTOR LEGUE:** Yeah. Well, again, we -- we couldn't build the platform any higher.

**CHAIR PRO TEM PARDO:** All right. May I make a suggestion? Why don't we have Sea Diversified and maybe Young [phonetic] come in here and explain everything? The gentleman from Song & Associates made a comment that he was not part of the project.

**JAY QUILLEN:** Correct.

**CHAIR PRO TEM PARDO:** Okay. So why don't we do that? There's obviously a lot of questions about this. So, you know, before we continue to move forward on this, that's -- that would be my suggestion. Bring the players in here and then we can get all of our questions answered instead of --

**COUNCILPERSON THOMAS:** Okay.

**CHAIR PRO TEM PARDO:** -- you know, Mr. Legue doing -- you know, trying to answer them and, you know, he has made it known he's not an engineer. And --

**COUNCILPERSON THOMAS:** Is that -- is that the cost -- 270, is that a -- is that a normal figure or is that inflated or --

**CITY ATTORNEY RYAN:** Per square foot.

**MARINA DIRECTOR LEGUE:** Per square foot? That would be something to Jay.

**JAY QUILLEN:** It -- it's a -- it's a normal figure based on normal construction costs that we're seeing in the industry. It does have an added premium being that it is built out over an existing, working dock. So there is a little -- a little added percentage for that.

**COUNCILPERSON THOMAS:** Okay. And when you're doing these figures, do you actually get bids from people to see what they would do or is this some type of calculation you're using?

**JAY QUILLEN:** We don't necessarily put this out for bid but we use current projects that are bidding and unit costs based on those bid documents.

**COUNCILPERSON THOMAS:** Okay. And if you're saying that this is going to be ten to twelve months away --

**JAY QUILLEN:** Yes.

**COUNCILPERSON THOMAS:** -- provided you stay on time, have you made the appropriate concessions for (skip in audio) becoming more expensive as the market continues to -- to climb? Or are you going to be saying, Uh-oh. We made a mistake. We said it was -- this is how much it's going to cost, but now instead of 270 a foot, because it's a year later, it's 300 a foot and now we need more money? So have you taken all that into consideration?

**JAY QUILLEN:** No. We -- we're currently in site plan approval process with the intent of if that got approved to go out to bid pretty much immediately after. We were looking at the next couple months, potentially to get it out on the street.

**COUNCILPERSON THOMAS:** Okay. All right. That's -- that's all for me.

**COUNCILPERSON T. DAVIS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Wait. Hold on a second. Mr. Guyton, you were next.

**COUNCILPERSON GUYTON:** Thank you, Madam Chair. I'm sorry, what's your name?

**JAY QUILLEN:** Jay Quillen.

**COUNCILPERSON GUYTON:** Jay, Mr. Quillen, at what point -- or let me back up. The previous speaker made an assertion that no one is looking at this. That we're trying to -- that we're kind of going along without any reviews. That's the inference that I got. So it's going through a site plan process at this time?

**JAY QUILLEN:** Yes. It's just starting the approval process which starts with site plan approval.

**COUNCILPERSON GUYTON:** Which would include the P&Z Board --

**JAY QUILLEN:** Correct.

**COUNCILPERSON GUYTON:** -- in that process.

**JAY QUILLEN:** Correct.

**COUNCILPERSON GUYTON:** So it is a body that would be reviewing this process.

**JAY QUILLEN:** Correct.

**COUNCILPERSON GUYTON:** May not be the Water Advisory Board but we do have a body in place. That's -- that's the first thing. The -- the -- the other thing is that -- has our owner rep looked at the costing of this? We have an owner rep over on the CRA side. Do you know -- Gilbane. Do you know if they reviewed?

**JAY QUILLEN:** I don't know. Yeah. Not to my knowledge, no.

**COUNCILPERSON GUYTON:** Okay. That is something that I would want for our owners rep who advises us on the cost of constructions to take a look at it, at least before it get to the Council. I would like their comments on it. And the last thing is the -- there was also an assertion that we kind of ignore our codes but let me just tell the public that is not the case. That's why we go through a site plan process to ensure that everything is complying with our codes. So any time there are comments made that might -- just because they say it, that doesn't make it so. So we do have a review

process in place by which all of these projects are reviewed and scrutinized by not only staff, but people who are non-partial in the process. Thank you, Madam Chair.

**CHAIR PRO TEM PARDO:** Okay. Thank you. I would like to know how come we're not utilizing the Waterfront Advisory Board? Now I have received --

**CITY MANAGER JONES:** 'Cause it's --

**CHAIR PRO TEM PARDO:** -- inquiries from a couple of members of the Board. And they said that they haven't met in quite a while. And I would think that something like this should, at a minimum, go in front of the Water Advisory Board so we can hear their comments. And you know what? Just because we need to move forward, I would ask for a report, Madam City Manager. I want to know what's going on with the Water Advisory Board and how come we're not reaching out to them like we used to. As far as I know, they haven't seen any of the new plans with not just what's going on with the Marina, but also the uplands. So please give me a report. All right. Mr. Davis you had something and then we're going to move on.

**COUNCILPERSON T. DAVIS:** It can wait till next time.

**CHAIR PRO TEM PARDO:** Okay. Thank you, sir. Okay. So Miss Jones, I would suggest that we bring this back and make sure that Sea Diversified and someone from Song is here, someone who was advising us in the beginning. And you have all of the questions that we had asked. All right. So thank you, Mr. Legue and Jay. And we are going to move on now.

## **PUBLIC HEARINGS**

### **ORDINANCES ON SECOND READING**

4. **ORDINANCE NO. 4058 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 AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**CHAIR PRO TEM PARDO:** Let's see. Where are we? All right. Public hearings; ordinances on second reading, item 4.

**COUNCILPERSON GUYTON:** So moved.

**COUNCILPERSON THOMAS:** Second.

**CHAIR PRO TEM PARDO:** Properly moved and second. One comment card, Miss Larson.

**BONNIE LARSON:** Good evening. You have two items relating to the same issue, the retirement fund for Riviera Beach. And as I'm reading the backup for it right now -- I have a card in for 7, but I also put one in for 4 because I just read this sentence. "If you approve this ordinance" -- it says right here, "If the ordinance is approved, the City's elected officials will become members of the Florida Retirement System." It was my belief that the people ran for office to become Councilpeople for the betterment of the City of Riviera Beach. We're told constantly that people with families are making \$30,000 a year. There's a lot of poverty in Riviera Beach. So my question is our Councilpeople probably make more -- I'm going to say they do -- than any other City in Palm Beach County.

**COUNCILPERSON GUYTON:** Absolutely not.

**BONNIE LARSON:** To my --

**CHAIR PRO TEM PARDO:** That's not true at all.

**BONNIE LARSON:** All right. Well, you -- you give me the -- you give me the facts and figures then. Wait till -- wait. You give me the facts and figures and don't just say it's not true. \$20,000 a year, 21 for the Mayor and for the Chair. Why -- and full benefits. You get -- you get health insurance, all kinds -- all kinds of benefits like a full-time employee would get. Now you're asking to be part of the retirement system. Your terms are for -- they've just been increased to three years. Why are we having a retirement system in -- in item number 7? You're making it even retroactive. So shouldn't our Councilpeople not be included in this?

Why would you get -- why would you get a retirement for being on the City Council? It makes no sense. It's a slap in the face, I think, to the -- to the people in Riviera Beach. You get a good salary, you get good benefits, 500 in gas money. There's a lot of benefits to being on the City Council and it is supposedly only a part-time job. So why would we give anyone a retirement who's on the City Council? It doesn't make sense to me. So please -- yeah.

You tell me what other councils make because I have done some research on that. So you tell me what it is. Give me facts and figures. Don't just say, yes, we're underpaid. No. Why is this included in this for the Council and elected officials? You don't -- if you work for a Fortune 500, maybe you'll get a pension these days, maybe you'll get a retirement and then you have to wait X number of years. This is a three-year position and then you have to wait -- you have to wait a period of time for retirement in many companies, the -- the few companies that do offer a retirement.

So I just -- I don't understand that the Council is even asking for this. And one of the Councilpeople who is up for election is missing tonight to vote on this. But why would Riviera Beach put money in a retirement fund -- and in number 7 it makes it retroactive -- for people who are City officials, elected City officials when your term is for three years? I don't understand that at all. Thank you.

**CHAIR PRO TEM PARDO:** Okay. Miss Jones, do you want to tell us what's going on with this item, please?

**CITY MANAGER JONES:** Thank you, Madam Chair. This item is on the second read. It was originally before you in December on the first read. You will recall at that time, we had a read but it included all of the employees, elected officials, general employees, fire and police all in one ordinance.

Because of time and having to go back out and do some re-voting, we elected to separate the ordinances and bring them back separately. FRS allows for and it permits the covering of elected officials as a part of that system. So it is permissible. There's nothing wrong with it. It's there and other cities use this mechanism. We will be bringing back general and then fire, since they've completed their vote and the police, all in separate ordinances. So what this does here on second read is establishes elected officials in the FRS retirement system.

**COUNCILPERSON THOMAS:** Madam Chair?

**CHAIR PRO TEM PARDO:** Yes, Mr. Thomas.

**COUNCILPERSON THOMAS:** I -- I mean, also, Miss Larson said that she'd done some research on salaries. I'm -- I'm not going to say that her research may have not been correct but this City stipends its elected officials at \$19,000 a year. Now I've been -- I've been making it for seven or eight years. I know exactly what it is. And the Mayor and the Chair gets 20,200, an additional \$1,200 for the extra duties that the Mayor and the Chair has. I would -- I would hope that you would write -- grab some of those other cities where they don't do as much and see what they're being compensated. I think that it will probably -- at the very least, it would probably surprise you. And if you look at pension retirement, if you look at the other cities, as well, that will probably surprise you again.

The Florida State Retirement System is just like any other retirement. If you only get three years in it, then you only got three years. You know, if you go somewhere else and you work and you get more time, that's -- that's what it is. But I don't see the harm in -- in having the benefit. I think the benefit should've been there, you know, a long -- a long time ago. So I -- I definitely wish -- and -- and you know, it's something that we probably need to discuss more at -- at length than we'll be able to tonight. As a matter of fact, we -- we probably need to have staff go ahead and pull those figures and what's being done around this -- this -- the County or even the State so that all of the public can have it and they don't just think that it's -- it's -- it's something that this City is -- is giving that definitely something that no one else is getting. That's all from me.

**CHAIR PRO TEM PARDO:** Anything else?

**COUNCILPERSON T. DAVIS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Yes, Mr. Davis.

**COUNCILPERSON T. DAVIS:** Just a few questions.

**CHAIR PRO TEM PARDO:** Uh-huh.

**COUNCILPERSON T. DAVIS:** In -- in the previous meeting that this was done, why wasn't the breakdown done the same way, like this, in the other meeting? Individual. Like now it shows the Council. But you stated before that we did it as one group before on the first reading?

**CITY MANAGER JONES:** We were rushing -- we were trying to meet a deadline.

**COUNCILPERSON T. DAVIS:** Okay.

**CITY MANAGER JONES:** And so we said, well, maybe if we could just do them all at the same time and then, of course, we realized we had to go back and do a re-vote for fire.

**COUNCILPERSON T. DAVIS:** Okay.

**CITY MANAGER JONES:** And so it was going to slow the process down if we waited till we got through all of that. So we made the conscious decision to just start bringing them all back. You'll get -- general is getting ready to be the next one that's coming. Fire has completed their vote.

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

**CITY MANAGER JONES:** Theirs will be coming and we're -- hopefully, then the police will follow.

**COUNCILPERSON T. DAVIS:** Is general ready now?

**CITY MANAGER JONES:** We're working on general to be able to bring that one --

**COUNCILPERSON T. DAVIS:** It's not -- it's not complete?

**CITY MANAGER JONES:** We should be able to do that on the second read, possibly in -- in -- no. March at the latest 'cause we got it starting May 1<sup>st</sup> for general. So we --

**COUNCILPERSON T. DAVIS:** Do we have --

**CITY MANAGER JONES:** -- really have to get it done.

**COUNCILPERSON T. DAVIS:** -- we --

**CITY MANAGER JONES:** We're on a timetable.

**COUNCILPERSON T. DAVIS:** -- do we have a deadline?

**CITY MANAGER JONES:** We have a self-imposed deadline (skip in audio) so that the sooner and the earlier that we can do it, the better, in order to have it to kick in. General, we're not slated for that to start before May 1<sup>st</sup>.

**COUNCILPERSON T. DAVIS:** I -- I -- I will -- and I -- I -- so we still gotta get more input from everyone else but I would feel more comfortable with all the information coming back that was requested after the election because I don't want to seem as if we're pushing this through before the election. I would feel more comfortable bringing this back after the March 10<sup>th</sup> election so we can have a -- a very fundamental process on how we make this decision. I just -- that's just where I stand right now with that. I think this is an item we need to come back after March.

**CHAIR PRO TEM PARDO:** So is that a motion?

**COUNCILPERSON T. DAVIS:** Yes.

**CHAIR PRO TEM PARDO:** Okay. Do you want to restate the motion, please?

**COUNCILPERSON T. DAVIS:** I'd like to state a motion that this item is brought back for a second reading, with all the information -- all the stats across Palm Beach County of what other elected officials are -- are making, benefitting from, as in -- in April's meeting.

**CHAIR PRO TEM PARDO:** All right. Do we have --

**COUNCILPERSON T. DAVIS:** The first meeting in April.

**CHAIR PRO TEM PARDO:** Thank you, sir. Do we have a second? Is there a second on Councilman Davis's motion? Okay. No second. It dies.

**COUNCILPERSON T. DAVIS:** Thanks.

**CHAIR PRO TEM PARDO:** All right. Anything else? All right. Madam Clerk?

**INTERIM CITY CLERK ANTHONY:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Davis?

**COUNCILPERSON T. DAVIS:** No.

**INTERIM CITY CLERK ANTHONY:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

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

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

5. **ORDINANCE NO. 4059 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 28 OF THE CITY'S CODE OF ORDINANCES ENTITLED "SIGNS", SECTION 28-1 "DEFINITIONS" AND SECTION 28-5 "PROHIBITED SIGNS" AND ALSO BY CREATING A NEW SECTION ENTITLED "DIGITAL SIGNS", IN ORDER TO CREATE STANDARDS FOR INSTALLATION AND USE OF DIGITAL SIGNAGE ON PROPERTY WITHIN THE COMMUNITY FACILITY (CF) ZONING DISTRICT; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**COUNCILPERSON GUYTON:** So moved.

**COUNCILPERSON THOMAS:** Second.

**CHAIR PRO TEM PARDO:** Properly moved and second. We do not have any public comment cards. This is an ordinance on second reading.

**COUNCILPERSON THOMAS:** I have a question, though.

**CHAIR PRO TEM PARDO:** Mr. Thomas.

**COUNCILPERSON THOMAS:** This is real quick. Who -- who's in charge of this ordinance? What person is --

**CITY MANAGER JONES:** Jeff (Unintelligible --

**CHAIR PRO TEM PARDO:** Jeff.

**COUNCILPERSON THOMAS:** Jeff.

**CITY MANAGER JONES:** -- from (inaudible).

**COUNCILPERSON THOMAS:** How you doing, buddy?

**CITY MANAGER JONES:** Jeff Gagnon from Community --

**P&Z ADMINISTRATOR GAGNON:** Sir, how are you?

**CITY MANAGER JONES:** -- Development.

**COUNCILPERSON THOMAS:** Good, man. Good to see you, man. Good to see you. Nice tie. My issue is would this cover the -- you know those little boxes that I hate. I think they're either AT&T boxes or either the -- the light, you know, for the street lights. You know how they have the boxes over to the side that really has the controls for the, you know, the street lights. You -- you know what I'm speaking of? They're normally like silver or --

**P&Z ADMINISTRATOR GAGNON:** Yeah.

**COUNCILPERSON THOMAS:** -- let's take the one that's -- that's right at the corner of Avenue S and Blue Heron, right there by the Barracuda Bay sign. You -- you -- you know what I'm speaking of?

**P&Z ADMINISTRATOR GAGNON:** Yeah. It -- it doesn't speak to specific mechanisms associated with signage. I have a -- a photo I can pull up.

**COUNCILPERSON THOMAS:** Yeah. No. I'm -- right. You can pull up the photo but I'm -- I'm just trying to make sure that you understand the box that I'm talking about. You -- you understand what --

**P&Z ADMINISTRATOR GAGNON:** It's a --

**COUNCILPERSON THOMAS:** -- they stand probably about five -- four or five feet high.

**P&Z ADMINISTRATOR GAGNON:** A separate utility box?

**COUNCILPERSON THOMAS:** Yeah. I think it's called a utility box maybe. I wanted to know if this can be added? Like, they put those stickers -- those big stickers if they're promoting a concert --

**P&Z ADMINISTRATOR GAGNON:** (Inaudible). Uh-huh.

**COUNCILPERSON THOMAS:** -- or something and I saw that on there yesterday and today I saw the -- the -- the light for the stoplights -- I don't know if that's the County or private company -- they removed the stickers. But you know how it looks when you remove a sticker but it still has that little white little stuff on there. Well, that gets done all throughout the City when they -- when -- so is there something that we can do? I know that's a sticker sign and it's not the actual sign that we're saying. I'm just saying is there a way that we can address that, you know, saying that it's -- it's prohibited to do or is there anything that we can do since those are, like, advertisement signs? I know that we're -- we're speaking of this but since I saw that, I want to know can we add something to prohibit that type of usage because then that's just going to look terrible until, I guess, it rains enough and it comes off.

**P&Z ADMINISTRATOR GAGNON:** Right. I -- I believe section 28 which covers sign code in the City, I think that any unpermitted signage within City right-of-way is already prohibited by the code. So it might be enforcement aspect associated with it as well.

**COUNCILPERSON THOMAS:** Okay.

**P&Z ADMINISTRATOR GAGNON:** So I think -- I think we are covered in that but --

**COUNCILPERSON THOMAS:** So section 28?

**P&Z ADMINISTRATOR GAGNON:** Yes, 28 is the sign code section.

**COUNCILPERSON THOMAS:** Okay. That's all for me.

**CHAIR PRO TEM PARDO:** All right. Anyone else? Okay. Madam Clerk.

**INTERIM CITY CLERK ANTHONY:** Councilperson Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**INTERIM CITY CLERK ANTHONY:** Unanimous vote.

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

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

6. **ORDINANCE NO. \_\_\_\_\_ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ZONING", ARTICLE V "DISTRICT REGULATIONS", DIVISION 9 "RM-20 HIGH DENSITY MULTIFAMILY DWELLING DISTRICT", AND DIVISION 10 "RMH-20 HIGH DENSITY MULTIFAMILY/HOTEL DISTRICT", AND DIVISION 25 "RH RESORT HOTEL DISTRICT", BY AMENDING PROPERTY DEVELOPMENT STANDARDS ASSOCIATED WITH OCEAN SETBACKS, COASTAL CONSTRUCTION AND DEVELOPMENT DENSITY, IN ORDER TO PROMOTE INCREASINGLY SUSTAINABLE DEVELOPMENT DESIGNS ON SINGER ISLAND; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**CHAIR PRO TEM PARDO:** Ordinances on first reading, item 6.

**COUNCILPERSON GUYTON:** So moved.

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

**CHAIR PRO TEM PARDO:** Great.

**COUNCILPERSON T. DAVIS:** Second.

**CHAIR PRO TEM PARDO:** All right. Properly moved and second. All right. We do have a lot of public comment cards, but Mr. -- well, no. I'll go through the City Manager.

I would -- I think we need a presentation on this. We have -- there's been a lot of community input and I just think it's best that we (skip in audio) from staff first and then possibly we won't have all of the speakers come up. Okay.

**CITY MANAGER JONES:** Yes, ma'am.

**CHAIR PRO TEM PARDO:** Mr. Gagnon.

**CITY MANAGER JONES:** In order to facilitate that, I would like to ask Jeff Gagnon, the Senior Planner, really the Planning Administrator -- thank you -- in the Community Development Department to give us a presentation of this particular ordinance and the appropriate information.

**CHAIR PRO TEM PARDO:** Good evening, sir.

**P&Z ADMINISTRATOR GAGNON:** Good evening, Council and staff. Once again, Jeff Gagnon, Planning & Zoning Administrator. I'll provide a -- a verbal overview and I also have some photos I'd like to present as well.

For background and summary, the City has historically experienced serious erosion and sand loss on the eastern coastline of Singer Island due to natural tidal processes and storm events. Each year, thousands of dollars are allocated by the City of Riviera Beach and Palm Beach County towards sand re-nourishment projects in order to combat coastal erosion and to provide useable beach area. It is very likely that costs associated with future beach re-nourishment projects will continue to increase over time.

On July 16<sup>th</sup> of last year, a 6-month moratorium was adopted by the City Council through ordinance number 40-47 for the filing, receiving and of processing of any application for property on the east side of Singer Island. That also provided staff time to review the existing regulations and also create new land development regulations that have been vetted by the Planning & Zoning Board at two separate meetings on both November 13<sup>th</sup> and December 11<sup>th</sup> of last year.

What we have on the screen right now, this is a demonstration of the 1979 Coastal Construction Control Line versus '97 Coastal Construction Control Line. So I'll -- I'll just call the CCCL Line or the CCL Line. This is the northern portion of Singer Island on the left side of your screen and I can probably zoom in here. So as you can see, there's a -- a purple dash line. That's the current coastal setback line, the 1979 line. What this existing code proposes to do is amend the Coastal Construction Control Line and that setback line to adhere to the 1997 line, which is shown by a blue dash line.

So as you can see, there -- there will be a setback associated with this proposal, the length of Singer Island. And just for a view of the entire line. Also you can see on the right-hand line, that's just a continuation south. And that continues all the way down to the Ocean Mall area and Municipal Beach.

**COUNCILPERSON THOMAS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Yes, Mr. Thomas.

**COUNCILPERSON THOMAS:** So the -- you basically have a split screen, but it's one long --

**P&Z ADMINISTRATOR GAGNON:** Yes. The --

**CHAIR PRO TEM PARDO:** Correct.

**P&Z ADMINISTRATOR GAGNON:** -- the top left portion is the northernmost point on Singer Island in our jurisdiction. So --

**COUNCILPERSON THOMAS:** And the purple line is what?

**P&Z ADMINISTRATOR GAGNON:** The purple line is the 1979 Coastal Construction Control Line.

**COUNCILPERSON THOMAS:** Okay.

**P&Z ADMINISTRATOR GAGNON:** So that's what the City currently uses as the property setback for development. What the new regulation does is utilize the 1997 Coastal Construction Control Line, which is indicated by the blue dash line. And what's being proposed is that line would now be the easternmost development line on Singer Island.

**COUNCILPERSON THOMAS:** Okay. I'll let you finish. I just wanted to make sure I understood what was going on.

**P&Z ADMINISTRATOR GAGNON:** Yep. Yeah. So it does scroll down and then on the top right, that continues about midway and that goes down past the Ocean Mall itself and Municipal Beach area. Also we've received some (skip in audio) County and these lines indicate vegetation line regression throughout the years. So the 2003 line, the 2003 vegetation line is indicated by a red line. And again, this is a -- a split screen of Singer Island. Also the dark blue line indicates 2007 vegetation and 2013 is showed by an aqua color line.

So on different areas on Singer Island, there are some areas of sand accretion but for the most part, there is sand loss throughout Singer Island. There are, again, some locations that did experience some gains in sand. And that's through, you know, natural tidal processes, storm events, etcetera.

And the final image is the City's Zoning Map. So on the right-hand side, again, this is the northernmost point on Singer Island in our jurisdiction. The RMH-20 zone, which would be impacted by the code amendment, is shown in this, I guess, tan color. RMH-20, which also is within the proposed ordinance, is shown as a brown color and RH is shown as, I -- I guess, a -- a lighter brown color at multiple locations on Singer Island here towards the south. So those are the three land development zones that are currently encompassed within this ordinance.

**CHAIR PRO TEM PARDO:** Okay.

**P&Z ADMINISTRATOR GAGNON:** And the Board is -- is likely familiar with these photos. These are the same photos that were shown prior to the moratorium being enacted. However, I thought it was important to once again show them to the Board and to the general public. These were taken randomly throughout Singer Island either during or after random storm events. So you can see there -- there definitely are severe impacts.

**COUNCILPERSON T. DAVIS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Hold on one second.

**COUNCILPERSON T. DAVIS:** No, but I see the time stamp (inaudible).

**P&Z ADMINISTRATOR GAGNON:** And those are the last of our photos.

**CHAIR PRO TEM PARDO:** Okay. Go ahead.

**COUNCILPERSON T. DAVIS:** No. Just I saw the date with the pictures of 2012.

**CHAIR PRO TEM PARDO:** Okay.

**COUNCILPERSON THOMAS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Yes.

**COUNCILPERSON THOMAS:** Can you go back to the -- you -- are you finished with your presentation?

**CHAIR PRO TEM PARDO:** Yes.

**P&Z ADMINISTRATOR GAGNON:** Yes, sir. Yes.

**COUNCILPERSON THOMAS:** Can you go back to the very first slide where you had them on a split screen? Yeah. That was it. Okay. So let me make sure I can follow this and understand this. The aqua line is where it's proposed to go.

**P&Z ADMINISTRATOR GAGNON:** Yes, sir.

**COUNCILPERSON THOMAS:** And what the Coastal Construction Line means is that you can't build anything in front of that line.

**P&Z ADMINISTRATOR GAGNON:** Yes.

**COUNCILPERSON THOMAS:** You have to all be behind that line.

**P&Z ADMINISTRATOR GAGNON:** I apologize. I didn't give a very good overview on that.

**COUNCILPERSON THOMAS:** Right.

**P&Z ADMINISTRATOR GAGNON:** So the existing development guidelines on Singer Islands are basically controlled by the purple line --

**COUNCILPERSON THOMAS:** Right.

**P&Z ADMINISTRATOR GAGNON:** -- which is the 1979 line.

**COUNCILPERSON THOMAS:** Right.

**P&Z ADMINISTRATOR GAGNON:** So that basically means you can't construct a building eastward of that line. So no construction will occur towards the beach.

**COUNCILPERSON THOMAS:** Period. So no planting of vegetation, no -- give me that -- or what -- what --

**CHAIR PRO TEM PARDO:** Well, vegetation you can.

**P&Z ADMINISTRATOR GAGNON:** It's -- it's building.

**COUNCILPERSON THOMAS:** I just want to make sure I understand it.

**P&Z ADMINISTRATOR GAGNON:** Construction so building.

**COUNCILPERSON THOMAS:** Okay.

**P&Z ADMINISTRATOR GAGNON:** So if there was a -- a dune re-nourishment project where they wanted to plant more vegetation, that's controlled through either Department of Environmental Protection or Palm Beach County (inaudible).

**COUNCILPERSON THOMAS:** Okay. But for all intents and purposes, we're talking about buildings.

**P&Z ADMINISTRATOR GAGNON:** Yes, sir.

**COUNCILPERSON THOMAS:** Okay. So the 1979 line was the purple line.

**P&Z ADMINISTRATOR GAGNON:** Yes.

**COUNCILPERSON THOMAS:** And I'm just assuming that that happened in 1979.

**P&Z ADMINISTRATOR GAGNON:** Yeah. And -- and our code was last amended -- it -- it was shortly thereafter.

**COUNCILPERSON THOMAS:** Okay. No problem.

**P&Z ADMINISTRATOR GAGNON:** It was the early -- early 80s, I believe.

**COUNCILPERSON THOMAS:** Okay. But that -- that's when the line --

**CITY ATTORNEY RYAN:** Was created.

**COUNCILPERSON THOMAS:** Okay. So in 1997, where was the 1997 line? Is that the aqua line?

**P&Z ADMINISTRATOR GAGNON:** Yes. The -- the 1997 Coastal Construction Control Line was created in 1997.

**COUNCILPERSON THOMAS:** So why are we -- why are we now, 17, 18 years later, just now saying that we want to -- to do this? Why are we doing that?

**P&Z ADMINISTRATOR GAGNON:** I -- I think that -- now it could've been done previously. However, our code wasn't revised. But I think that with increased pressure, recent storm events, also contributions to re-nourishment --

**COUNCILPERSON THOMAS:** You said our -- our code wasn't revised? So did we need to make a revision to go from the 1979 line to the 1997 line?

**P&Z ADMINISTRATOR GAGNON:** Right. And that's what's being proposed currently.

**CHAIR PRO TEM PARDO:** Uh-huh.

**P&Z ADMINISTRATOR GAGNON:** So just nobody -- nobody thought that it was appropriate at that time, I guess. And it -- it's tough for me to speak retroactively.

**COUNCILPERSON THOMAS:** Hold -- hold on. But no. I -- I need --

**CHAIR PRO TEM PARDO:** Okay. I can -- I can speak to that. Because --

**COUNCILPERSON THOMAS:** Hold on one second, Miss Pardo. Let me make sure I understand this.

**CHAIR PRO TEM PARDO:** All right.

**COUNCILPERSON THOMAS:** I -- I just want to make sure I'm understanding this.

**CHAIR PRO TEM PARDO:** I'll -- yeah. I'll give you a history on it.

**COUNCILPERSON THOMAS:** I've got it and it's your district and I get it. But I need to make sure I understand what's happening here. Somebody drew another line in 1997.

**CHAIR PRO TEM PARDO:** DEP.

**COUNCILPERSON THOMAS:** But because Riviera Beach's code wasn't revised, then we couldn't enforce the line of 1997?

**P&Z ADMINISTRATOR GAGNON:** Right. So our -- our local codes allowed for construction up to the 1979 line and they actually -- they currently do still. So if -- if it's not amended either through this process or in the future, then that's what the development regulations would still allow.

**COUNCILPERSON THOMAS:** Okay. I'll come back to that. So let me ask you a question. So let's take -- let me not take the condo side right now. Let me take the -- or, no. That is the condo. It's the left -- the left screen. In that -- the left side of the screen, in that line I see several buildings in between -- yes. Yes, right there. So, like, okay. What does that say? The Water Glades and the -- what's that, 5480 Dunes and 5460 --

**P&Z ADMINISTRATOR GAGNON:** Sea Grape.

**COUNCILPERSON THOMAS:** -- Sea Grapes and Aquarius. All of those buildings are in -- in those lines. Is -- are these accurate lines?

**CHAIR PRO TEM PARDO:** Uh-huh.

**P&Z ADMINISTRATOR GAGNON:** Yes, yes.

**COUNCILPERSON THOMAS:** Okay. So what happens if we do this to those buildings there? What -- what happens to those?

**P&Z ADMINISTRATOR GAGNON:** So what would happen is they would have received legal development orders to build. So if the code were to be amended to allow only construction eastward of the 1997 line, it -- it would be referred to as what we call a legal non-conforming building.

**COUNCILPERSON THOMAS:** And what does that mean?

**P&Z ADMINISTRATOR GAGNON:** So if you have a legal non-conforming building, you're allowed to maintain your structure; you're allowed to upkeep the structure. However, you cannot expand the footprint or expand the building --

**CHAIR PRO TEM PARDO:** Right.

**P&Z ADMINISTRATOR GAGNON:** -- that would create any sort of addition to that legal non-conformity.

**COUNCILPERSON THOMAS:** Repeat that last part again.

**P&Z ADMINISTRATOR GAGNON:** So we'll use -- we'll use the southern building on Water Glades. They would be able to renovate the building after a storm up to 100 percent of the valuation of the building. However --

**COUNCILPERSON THOMAS:** Up to 100 percent of the evaluation of the building? What does that mean?

**P&Z ADMINISTRATOR GAGNON:** That's -- it's the cost of -- well, it's really the valuation. So the property appraiser provides your property valuation, your property assessment for value.

**COUNCILPERSON THOMAS:** So we -- you're saying, like, the assessed value of the --

**P&Z ADMINISTRATOR GAGNON:** Yes.

**COUNCILPERSON THOMAS:** Okay. So sometimes that's less than what the actual building is -- is valued at or really is. So what happens in that -- so they can't -- they can't -- so if -- if -- if the property appraiser says, okay, it's worth \$2 million, but it's actually worth 10 million and they can only improve it up to a \$2 million threshold? Is that --

**P&Z ADMINISTRATOR GAGNON:** In that scenario, that would be true.

**COUNCILPERSON THOMAS:** Okay. And -- but wouldn't that -- wouldn't that cause for eventual dilapidation and how -- why -- how would it not -- why would we do that? That's what I'm saying. What -- what is our purpose for -- for doing that? Why would we do that? Why are we doing that? Why are we putting that in the code?

**P&Z ADMINISTRATOR GAGNON:** The overall benefit of doing that is to over time, create a further setback from the actual beach itself. So that probably would likely only occur in -- in the major storm events. That would be a total catastrophe. So --

**COUNCILPERSON THOMAS:** So if there -- a hurricane came, knocked the building down --

**P&Z ADMINISTRATOR GAGNON:** Uh-huh.

**COUNCILPERSON THOMAS:** They couldn't rebuild the building?

**P&Z ADMINISTRATOR GAGNON:** If it was a total loss they would not be able to. If it was over --

**COUNCILPERSON THOMAS:** Why would we do that?

**P&Z ADMINISTRATOR GAGNON:** -- 100 percent of the valuation.

**COUNCILPERSON THOMAS:** Can you give me another reason why would we do that? Why -- why would we do that?

**P&Z ADMINISTRATOR GAGNON:** The only benefit would be to encourage construction further away from the actual dune and beach itself.

**COUNCILPERSON THOMAS:** Okay. So is there a way that the people who are already there, or the buildings that are already there, are protected so that if something happens to their home, they can rebuild it? I mean, is it -- is it a way that they can be protected, the people that are already there?

**P&Z ADMINISTRATOR GAGNON:** Right.

**COUNCILPERSON THOMAS:** And I'm saying, okay. So for new construction or whatever, fine, go to the 1997. But the -- the people that are already there, is there any protection for them?

**P&Z ADMINISTRATOR GAGNON:** Other than the 100 percent valuation, that's -- that's the only requirement that's currently in place in the code. So it's not to say there couldn't be something else worked into the code. That's just the current regulations.

**COUNCILPERSON THOMAS:** Okay. Madam Chair, that's good for me.

**CHAIR PRO TEM PARDO:** Okay. We're going to go public comment. Our first (skip in audio) is Gerald Ward and then the second would be Todd Rimmel. And while they're coming up, I just want to let you know, Mr. Thomas, and anyone else in the audience, in the early 2000s when the City of Riviera Beach started rezoning the parcels along Singer Island, a group of residents -- and I was one of them and it was the Citizens for Responsible Growth for Riviera Beach -- pleaded with the City to adopt the new 1997 lines and the City refused to do it. And they allowed construction of new condominiums on the island.

And we'll take one for example, Ocean's Edge. Before Ocean's Edge received their C -- oh. All right. They were able to build up to the dune. Before they received their CO, a hurricane came by, ripped all the -- the, you know, little dune that was there because they built on top of it and exposed the foundation of that building. And then it was Toll Brothers at the time. Then Toll Brothers went running down to the County saying, "A storm came by. You need to replenish my beach." And then it happened with the other condominiums also. So I believe the City was not responsible -- and you'll hear. I'm sure Mr. Ward will say differently. The City was not responsible in their -- in their code. The other cities up and down the coast of Florida implemented the 1997 line and construction is further west of the '79 line.

**COUNCILPERSON THOMAS:** Who -- who made the line? Who made the line?

**CHAIR PRO TEM PARDO:** DEP. DEP made the line.

**COUNCILPERSON THOMAS:** So DEP made the line but the City did not --

**CHAIR PRO TEM PARDO:** Because we already had --

**CITY ATTORNEY RYAN:** It's voluntary. It's a voluntary line.

**CHAIR PRO TEM PARDO:** Right. Exactly. It's a voluntary line. So what we have found through the years, these storms come by and totally erode the beach and you, as a taxpayer, and me and the majority of the people here in -- in the audience and the people working -- you know, watching at home, our tax dollars go into re-nourishing these beaches because the City, the County, the State, the feds allowed these buildings to be built, at the time, so close to the dune line. And what we're doing now is trying --

(applause) -- all right. Just please, this is a business meeting. But what we're doing now is we're trying to be responsible.

And you're going to be hard-pressed to find a condominium that is going to be in total disrepair. Look what happened with The Tiara when we had the multiple hurricanes. Okay. They had façade problems, okay? But that building stood. And, you know, these buildings are built on rock. They're not going anywhere. So I just feel, and staff now, you know, there's new leadership in Riviera Beach. And so we feel that this is the prudent thing to do. We have fought for years trying to get a breakwater on Singer Island. We'll never, yeah -- people are hoping that we'll, you know, be part of a -- an experiment and I hope we are. I don't see that happening any time soon. And the same with (inaudible).

So at this point, the only thing we can do is rely on the City, the County and the State to re-nourish these beaches. If we continue to allow construction on the toe of the dune, DEP is going to pull the money. We go to DEP every year pleading with them to continue to fund our beach. And, you know, I heard it last year, the year before it. When we go back up in March, we're going to hear it again. But at least now they're seeing we're putting more money into it and we're also moving our line back.

**COUNCILPERSON THOMAS:** I understand.

**CHAIR PRO TEM PARDO:** And there's a -- a great -- if you look at (skip in audio) Carolina, North Carolina did this years ago with their little mom and pop motels. But we'll talk early 'cause I know Mr. Ward is getting ready to crucify me on this. All right. Go ahead, sir. Mr. Ward, thank you for your patience.

**GERALD WARD:** Good evening. Gerald Ward.

**CHAIR PRO TEM PARDO:** And welcome back.

**GERALD WARD:** And -- and now that you deferred this item 8 to item 6 tonight, I'm back. 3930 North Ocean. I'm a riparian littoral property owner. Have been since the early '70s when we converted the place to a condominium. The proposal that you have, and I've handed out and -- and it was surprising to see Miss Jones had not seen it because we've handed these out at both Planning Board meetings, two pages. One page is your current non-conforming definitions in the City Code which you allege that you adhere to religiously. And the other is a one-page, two-side. It gives the authority on one side and a very simple discussion about the Coastal Construction Control Line by the Florida Department of Environmental Protection.

It's a jurisdictional boundary. It is not a setback line. It was -- it is revised periodically as you saw. We had a setback line of 50 feet. That's why the Condado is at its location. We then ended up with a 1979 Control Line and then we revised it in 1996 at the State level. It's a jurisdictional line. Not to be used as a line of prohibition or a setback line and that's what the highlighted discussion in several lines discusses. It's important that you understand that you are not going to have the State supporting you because this is the position of what a Control Line is. It's merely a line of regulation.

The -- some two dozen of the parcels north of the furthestmost east point in the State of Florida are now going to be made non-conforming under the City's code. And as you -- the Planning Board drew out of -- of the Planning & Zoning Administrator in the first meeting that, Oh, yes, we're going to have non-conforming. You did that, Mr. Thomas, tonight. And you understood that the valuation is 100 percent of the property appraiser's value of the building. So obviously, lots of people are not going to be able to rebuild if suffering damages.

Interesting enough, The Tiara is one of the three parcels. My parcel is -- is one also that has no impact from non-conformity by this ordinance unless you want to talk about a -- a fence or wall. So you will have a Bert Harris claim that will --

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

**GERALD WARD:** -- involve each of you.

**CHAIR PRO TEM PARDO:** Okay.

**GERALD WARD:** And you will have lawsuits which you need to go --

**CHAIR PRO TEM PARDO:** All right. Sir, we need to move on. We have a lot of comments. And one thing I just want to mention, the -- if a storm comes by and does whatever to the façade of the building, but the foundation is still standing -- okay? And remember, the pilings go down 20 feet. It's rebar and concrete. And the foundation is still standing, they can still build on the -- if they constructed on the '79 line, they can build on the '79 line. And, you know, what are the chances of the foundation being wiped out? If the foundation is wiped out, everyone on Singer Island, every property on the east side and the west side of A1A is going to be wiped out. All right. Sir, thank you. Todd Rimmel and then Joe Verdone.

**TODD REMMEL:** Well, I'm here with a little bit of comments.

**CHAIR PRO TEM PARDO:** Please state your name for the -- for the record.

**TODD REMMEL:** My name is Todd Rimmel and I'm the former chair and current Coastal Preservation Liaison for the Surfrider Foundation, Palm Beach County Chapter.

**CHAIR PRO TEM PARDO:** Welcome.

**TODD REMMEL:** And I'm here tonight just -- three minutes is probably too much. But I just wanted to commend the efforts of the City Council as it relates to this code amendment process and again, you know, Gerry or -- reiterated in regards to the Coastal Construction Control Line that it is a line of jurisdiction defining a landward limit of the Florida Department of Environmental Protection's authority to regulate construction. The control -- Control Lines should not be confused with setback lines or lines of prohibition. We do -- we -- on behalf of the organization, we do support the efforts of less impact to existing dune and shoreline habitat in the intents of protecting it. Thanks.

**CHAIR PRO TEM PARDO:** Great. Thank you. And it's nice to be working on the same side with the Surfriders.

**TODD REMMEL:** Yes.

**CHAIR PRO TEM PARDO:** Okay. Thank you very much.

**TODD REMMEL:** And your -- your comments prior said a lot of what I was going to say -  
-

**CHAIR PRO TEM PARDO:** Okay.

**TODD REMMEL:** -- in regards to responsible development.

**CHAIR PRO TEM PARDO:** Great.

**TODD REMMEL:** Thanks.

**CHAIR PRO TEM PARDO:** All right. Thank you. All right. Mr. Verdone and then JB Dixon.

**JOE VERDONE:** Yeah. My name is Joe Verdone. I'm with the law firm of Carlton Fields Jordan Burt and I'm here to just ask you -- well, we're here to support the ordinance and your efforts to adopt new setback regulations for new and redevelopment on the beach. But we are to ask you to include some clause that would allow existing structures that were built and approved by this board to remain and be reconstructed in their entireties, without limitations or the 100 percent limitations of the non-conforming sections of your code.

As you can see, the map, the majority of the properties within this district are being impacted and are being rendered non-conforming. This is something that does not serve the City well at all because these are the main property development -- main properties on the island are providing the tax revenue that will help re-nourish this beach and alls we're asking is that you consider having staff add some language to this code that will address vested development and make sure that it is not encumbered by the non-conforming sections of your code and that these buildings and approvals will be maintained in perpetuity as they were approved originally. That's all we're asking for. We're not trying to get in the way of you giving new setbacks. We understand the -- what you're -- what you're trying to accomplish and we think that if you make these minor changes that will allow these buildings to be recognized as vested and be conforming, then everybody will be happy and it will be the best thing for the City. Thank you.

**CHAIR PRO TEM PARDO:** Thank you, sir. All right. JB Dixon and then Ann Reddy.

**JB DIXON:** My name is JB Dixon. I live in Riviera Beach at 3000 N. Ocean Drive. I am also speaking in favor of the proposal that's before you to adopt the 1997 line as that being absolutely crucial to the preservation of our beaches and to the safety of the people who are -- who are in the line of those buildings where erosion eats away and

leaves the foundations exposed. Also the turtle -- the turtle nests which are all over Singer Island and is one of the big breeding grounds for those turtles also can be extremely impacted and have been impacted and we don't want to see them impacted again.

I understand that during the six-month moratorium that an exception was given to the property known as Amrit Wellness Resort. And my understanding was that that is simply a moratorium on building or progressing with building plans. I would like, in addition to the measure that is before you, that you adopt the same wording that the Planning & Zoning Board did and say "with no (skip in audio)". Thank you.

**CHAIR PRO TEM PARDO:** Okay. Thank you very much, ma'am. All right. We have Ann Reddy and then Larry Smith.

**ANN REDDY:** Good evening. I'm Ann Reddy and I am speaking to you tonight as the president of The Tiara Condominium Association.

**CHAIR PRO TEM PARDO:** Good evening.

**ANN REDDY:** As many of you know, Tiara residents lived through the near total destruction and -- and rebuild of our home in the 2004 hurricane. It was much more than just a façade issue. Many peoples' lives were changed forever by that experience. Property was lost, people were displaced for years while our homes were rebuilt. So we have a unique appreciation for the fragility of our coastal environment as Tiara residents. We know our beaches and homes can be destroyed in an instant and we believe the City should take action to protect the stability of our essential dune structures and coastline. As such, we strongly urge the City to adopt the amendments proposed in section 31-243, paragraph 5, and in particular, the establishment of the 1997 Coastal Construction Control Line set by the DEP.

On the issue of DEP jurisdiction, Chapter 161 of the Florida Statutes states, "A coastal municipality may establish coastal construction zoning and building codes in lieu of the provisions of Chapter 161 if such zones or codes are approved by the DEP as being adequate to preserve and protect beaches and coastal barrier dunes adjacent to such beaches." We urge the City to implement the 1997 CCCL consistently across the island to preserve our coastline and promote environmentally responsible development. Building seaward of the '97 line could destabilize our fragile beaches, add to the millions of taxpayer dollars we pay each year on beach re-nourishment and do irreversible damage to our unique island ecosystem.

We urge you to be responsible advocates of our fragile Singer Island coastline. Thank you.

**CHAIR PRO TEM PARDO:** Thank you, ma'am. Larry Smith, Henry Cartwright.

**LARRY SMITH:** Madam Chair, members of the Council. I'm Larry Smith. I'm a lawyer with Gary, Dytrych & Ryan in North Palm Beach and I represent the property owner commonly referred to as The Amrit, 3100 N. Ocean.

**CHAIR PRO TEM PARDO:** Okay.

**LARRY SMITH:** And I've read the transcript of the Planning & Zoning and I -- I think it was inappropriate to add what one of the speakers just asked you to add. I think that was inappropriate by the Planning & Zoning Board and I would encourage you not to do what was requested of you by the earlier speaker. This is a legislative act you're doing. You're either going to adopt it or you're not going to adopt it. Whether the 3100 property is included or not included isn't a matter for you to decide tonight I don't think.

I would like to say, generally, something about the ordinance -- and it kind of takes off on what Mr. Thomas started the conversation on -- I -- I -- I don't know if an economic impact study has been done with regard to what economic impact this ordinance might have on the property values in Singer Island. But, I mean, it kind of hit me when I was looking at the -- at -- at Jeff doing the presentation about how many properties are within the two lines -- over the line. And my question is has anybody consulted the real estate community, the realtor community, to find out what kind of economic impact. Are these -- is -- is the fact that you're going to create non-conformities with many of the buildings that are already on the beach, going to negatively impact the property values and then, accordingly, negatively impact the tax base of -- of Riviera Beach.

So I would encourage you to maybe take a look at that before adopting this on second reading and perhaps even postpone the first reading again to see if that's going to be a problem. So I think that's about it.

**CHAIR PRO TEM PARDO:** Great.

**LARRY SMITH:** Thanks very much.

**CHAIR PRO TEM PARDO:** Okay. Thank you. Henry Cartwright and then Carol Chernoff.

**HENRY CARTWRIGHT:** Good evening, Council. My name is Henry Cartwright. I'm an attorney with Fox Wackeen. I represent Beachfront at Singer Island. First of all, I'd like to start by applauding the City Council and the -- the Zoning Board for having the forethought to try to protect our natural resources. I'd also like to applaud them for adopting the moratorium back in July so they could avoid future conflicts and arguments about when somebody's plans were submitted and how that would affect whether or not they'd been approved or not or whether or not they could claim that they were in the pipeline.

However, what I do want to call the Council's attention to that hasn't quite been discussed here tonight is on the bottom slide that Mr. Gagnon -- Gagnon provided, if you looked at the vegetation lines, you'll notice a marked different in the rescission of the vegetation between the south end of Singer Island and the north end. Would you bring the photo up for me, please?

**P&Z ADMINISTRATOR GAGNON:** You can scroll up and down this.

**HENRY CARTWRIGHT:** Right. Okay. Thanks. If you zoom in on this, what you'll notice is on the south end, the red line is almost right along where the vegetation is. And if you look at the north end, the vegetation is receding quite a bit. And then if you superimpose that, if you were to look at that and then also look at where the proposed new construction line is, you will find that most of the buildings on the north end are closer to the '79 line and most of the buildings on the southern end are closer to the 1997 line.

So what does that mean? Well, vegetation is key to maintaining your dunes. The sea grapes collect the windblown sand and they help build dunes and maintain your dunes. Your dunes are essential to protect you from storms. So I believe that the Council should consider improving the language with respect to the proposed ordinance. We are in favor of it but we believe it should include some improved language which would include requirements that anything that is seaward of the 1997 line include doing mitigation that would (skip in audio) grapes being planted except for easements and for access and beach re-nourishment.

That would improve the ordinance and with respect to the councilman on the end's concerns about the 100 percent rule, the improved language could also exempt anything that was not -- that was approved prior to the date of the moratorium from the 100 percent rule such -- such that those -- those properties would be protected. You wouldn't lose your tax base; you wouldn't lose your erosion. 'Cause if you have a storm that's bad enough, that's coming and wipe out this building, the whole island's going to be gone.

**CHAIR PRO TEM PARDO:** That's right.

**HENRY CARTWRIGHT:** So with that, I would urge the -- urge the Council to consider the vegetation lines along with some improved language. Thank you.

**CHAIR PRO TEM PARDO:** Thank you, sir. All right. Carol -- I'm sorry. It was Carl Chernoff.

**CARL CHERNOFF:** It was Carl. It's Carl Chernoff, ma'am.

**CHAIR PRO TEM PARDO:** I'm sorry, sir. And then Albert Ziegler.

**CARL CHERNOFF:** Yes. Madam Chairman, members of the Council. I'm pleased to be here before you today. I am --

**CHAIR PRO TEM PARDO:** Well, please state your name for the record.

**CARL CHERNOFF:** Carl Chernoff.

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

**CARL CHERNOFF:** I am a very recent resident. My wife and myself are very recent residents of Riviera Beach and we live in Beachfront, number 4600, and I want to add my voice to the many voices in favor of the 1997 setback line. I won't add any of the other

technicalities. Others who -- who are better versed than I in speaking to those technicalities have said it better than I could. But I do want to urge the Council's action in favor of the 1997 line. It's important to us and important to preserving the land that we all enjoy. Thank you.

**CHAIR PRO TEM PARDO:** Thank you. Albert -- Albert Ziegler and then Julie Botel.

**ALBERT ZIEGLER:** Good evening Council members.

**CHAIR PRO TEM PARDO:** Good evening, sir.

**ALBERT ZIEGLER:** My name is Albert Ziegler. I live at 4600 N. Ocean Drive on Singer Island. We are relatively new to this area. We moved from California one -- one and a half years ago. We looked in many places from Miami to the Gulf Coast up to the Palm Beaches before we finally selected Singer Island. We were very impressed by the nature, by the beauty of this oceanfront neighborhood and we actually do agree with your slogan that you have at the City here, "The best waterfront city in which to live, work and play."

However, and here is my personal concern as a newcomer, I guess, like any attractive and peaceful place, and I have seen many, there is always a danger of overbuilding, overpopulating and resulting environmental issues and challenges and I do believe these are issues that we are facing right here. As I was researching the development of Singer Island over time, I noticed that already back in 2006, there were discussions and concerns about limiting further developments to safeguard the environment and control increasing traffic.

In July 23, 2006, the Palm Beach Post ran an article, and I quote, "It doesn't help Riviera Beach to overbuild Singer Island. It's developer-driven politics putting developers ahead of residents." Now, strangely enough, when I opened the newspapers this morning, I notice that the Palm Beach Post, that the two newly elected Council members in Palm Beach discuss the theme of their successful Council run. They were elected on a promise to preservation, managing or defending against new development and coastal protection. Yes, indeed, we all can do better.

We love this City; we love Singer Island (skip in audio) place. All we are asking is that you, the City Council, adopt a balanced strategy. I do realize that you need the tax revenue for the City, clearly. However, a balanced approach is urgent and necessary to maintain the quality of life that we all expect and enjoy here. And I do hope that you will be adopting this new 1997 CC Line because I do believe that will be a wonderful first step towards that goal. Thank you very much.

**CHAIR PRO TEM PARDO:** Thank you very much, sir.

**JULIE BOTEL:** Good evening. My name is Julie Botel and I live at 3000 N. Ocean Drive, Riviera Beach.

**CHAIR PRO TEM PARDO:** Good evening.

**JULIE BOTEL:** I want to thank Dawn Pardo for her comments earlier this evening. I think they reflect much of what sentiment we have, those of us who live in The Tiara, and want to very much support the adoption of this 1997 Coastal Construction Control Line.

I have with me this evening two pictures. They actually came from our own Tiara webpage and I hurriedly copied them off this evening because they will give you a very clear picture of where the 1997 Coastal Construction Control Line falls. If you look at the one that has The Tiara in the largest portion of the picture, you'll see that both the Marriott and The Tiara itself, fall behind the 1997 Coastal Construction Control Line, which is as you've said, Miss Pardo, one of the reasons why we're still standing because we were not as close to the beach as, unfortunately, others of our neighbors out on Singer Island.

And the other one shows -- the one that has The Tiara in a slightly smaller perspective, shows all of the vegetation that's in front of The Tiara and would be in front of the proposed development at 3100 N. Ocean Drive. So if you look at these, I think you get a really good first-hand picture, although it would be better if you'd come up on our balconies and take a look down from there -- as one, at least, of you has in the recent past -- to see what the impact would be on the line in front of our building.

So again, I thank you for your attention to this matter. We are very, very concerned about the environment, not only in front of our building but up and down Singer Island. And by the way, I think that none of us -- none of us -- would have an objection to changing the language in the code that will allow for complete reconstruction of any of those buildings that fall between the '79 and the '97 line. It only makes sense to allow those people to rebuild. I mean, my God. If we had not been allowed to rebuild, we'd all be homeless at this point. So, you know, really we would encourage you to change that language so that those people who would be impacted, those people who fall between the '79 and the '97, would be allowed to completely rebuild their properties. Thank you for your attention.

**CHAIR PRO TEM PARDO:** Okay. Thank you. All right. That's the end of public comment here and I have a number of letters, but I'm not going to read them all into the record. But I will mention several of them. The Beachfront Condominium sent a letter supporting this and they had 33 of their residents sign on to the letter. And that's probably the entire building. All right. I'll give them to the clerk.

We have a letter of support for the 1997 Coastal Construction Control Line from William Contole, the president of the Citizens for Responsible Growth for Riviera Beach. We have a letter of support from Fred Feldman, 3000 N. Ocean Drive; we have a letter of support for the '79 line -- '97 line, from Dr. Jeffrey Fisher; another support from Philippe Jacob; from Joyce Fuhrer [phonetic]; Susan Bennett; Connie Mansueto. All right. Those are the ones that I brought with me. The other ones I believe the majority of the Council, probably the entire Council because we've all cc'd on them. There were dozens and dozens of letters. All right.

**COUNCILPERSON GUYTON:** Madam Chair.

**CHAIR PRO TEM PARDO:** At this time let's go to Council. Mr. Guyton.

**COUNCILPERSON GUYTON:** Thank you, Madam Chair. Let me first say that this is one of those issues that both sides feel very strongly about and I respect and appreciate each side. There was a gentleman who just hit the nail on the head for me as it relates to my approach to this. He requested that we have a balanced approach. I'm sorry I didn't catch his name. And that is definitely what I am attempting to do and always attempt to do.

Let me first say -- tell you my position, where I am on the 1997 Construction -- the Coastal Construction Line. I am in full support of it and I will be voting for it tonight. However, this beautiful young lady made a good point about if -- if -- if a building is destroyed due to human disaster -- human disaster of no control of their own -- they should be allowed to build in full back to the state where they were. Nothing in addition and add a little bit here and go a little further east. No, no. Whatever you had, those are the parameters. If my home was destroyed in a human disaster, I would want to be allowed to build what I had. That's fair. And it is my hope that this Council would direct staff to come up with some language that would allow that.

Having said that, the stigma of the word "non-conforming" can pose a challenge in some regards. If that human disaster were to happen and they were trying to rebuild and get loans or whatever they need to do to get there, so it's my hope that we would not inhibit the process by language that would be detrimental for them getting back to the state where they were.

I do not support if someone who is now at this 1979 line, voluntarily says that, I want to renovate and I want to kind of expand, no. No, no, no. I'm not supporting that. Only due to human disaster do I support those structures at the 1979 line being rebuilt to the position that they were.

The -- the last thing for me is that the reason I am supporting this is that safety to me is the paramount issue. When it comes to development, there's a lot of money involved. I understand that. I mean, that's what America is about. But what I'm about as a policy maker to the extent that I can, through the policies, I want to create those type of policies that can contribute to the safety of our community. We -- we saw some pictures where the foundation -- the erosion had come up to the foundation. That's a safety hazard. We have a responsibility not to wait until we have some catastrophe to happen and then we're trying to put in policies. We know of the possibilities and we're in the position now to try to prevent that from happening by going to the 1997 line.

Those who got in under this window, in my opinion, you're good. I'm not trying to go and do this retroactively. But we have a response -- and in addition to that, we're now faced with the County -- and Vice Chair Pardo has been more involved in dealing with them than I -- suggesting that we need to pay more for the re-nourishment or for the additional sand. And if I'm incorrect Vice Chair Pardo --

**CHAIR PRO TEM PARDO:** (Inaudible) you aren't.

**COUNCILPERSON GUYTON:** Okay. So this is a cost factor to us but it's more of a safety factor to me and as some know, as a planner, we plan long term, not just for today. And there are some people that, you know, it may not happen in 10 to 15 years and just let them deal with it. That's not how I think. I have a responsibility to have a vision and to try to address any catastrophes that could possibly happen. So having said that, I am in support of the 1997 Coastal Line. I am in support of if there is a -- a human disaster or Mother Nature and a storm come by and the -- the property is damaged and they want to get back to the point where they were, beyond that 1970 -- beyond the 1997 line, I'm in support of that because I would want that. I'm not in support of (skip in audio) allowing those who may be at that line now to start going beyond and changing the footprint and those type of things. So --

And the last thing that I wanted to address was the Amrit property. There were comments made about that. Walter, would you put that letter up for me, please? Our staff has addressed the Amrit property and I just wanted everyone to know. And some of you have -- have seen this letter. Could you roll it up for me, Walt? And the question is, Did they get an exception?

**CHAIR PRO TEM PARDO:** For the moratorium.

**COUNCILPERSON GUYTON:** And the answer is, No.

**CHAIR PRO TEM PARDO:** Right.

**COUNCILPERSON GUYTON:** What happened was the City -- roll that back down to the letter, Walt. Thank you. Right there. The City made a determination that because they had an application in much before we instituted the moratorium, we have a legal obligation to honor the original application. Those are key words, "original application." If they were in before the moratorium, whatever was in, we have an obligation to honor that.

Now this letter says, and you can read it for yourself, but I'll just read it into the record. "In April, 2014, the City received an application for a resort hotel development from the owner/developer of the property located at 3100 N. Ocean Drive. The April, 2014, proposed development was for two 20-story buildings which included a combination of (skip in audio) 42 hotel suites and rooms. See attached site plan that was submitted to the City in April, 2014."

Now this is the key paragraph. "Due to the numerous concerns expressed by City staff," that staff that some people like to criticize, "regarding the proposed development, the developer is revising the April, 2014, plan that was submitted to the City. To date," and I verified even today, "the developer has not resubmitted any new revised plans to the City." And that -- the last paragraph just says that we're updating you as to the status. They were not given an -- an exception to this process. We said that your original application we're going to honor. We have a legal obligation to do that. When the amendment was submitted, staff had numerous concerns and told them that, you know, you need to go back and revisit this.

So the impression or the insertion and the rumors that they were granted an exception, it's not true. Not true at all. So staff is now waiting on them to address the concerns, which according to staff, were numerous. So that is where the City is with the Amrit. They did not receive an exception. They were told that, "We will honor your original plans," and if you do an amendment that veer too -- too far from your original plans, you will likely fall under the 1997 coastal line. But if you stay within your original plans, you'll be okay.

**CHAIR PRO TEM PARDO:** Okay.

**COUNCILPERSON GUYTON:** So I just (skip in audio) because there are a lot of misconceptions about what was done and how the City is doing it and with me, it's about data, documents and evidence. And that's the evidence of where the City is. Thank you, Madam Chair.

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

**COUNCILPERSON THOMAS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Mr. Davis.

**COUNCILPERSON T. DAVIS:** I'll just wait.

**CHAIR PRO TEM PARDO:** All right. Mr. Thomas, go ahead.

**COUNCILPERSON THOMAS:** A couple things I want to address that Mr. Guyton just said just so I understand. You said "human disasters." I -- I -- I need to make sure I'm hearing what you're saying about it. Are you saying, like, if somebody sets a fire? Or you say "human," do you mean, like, natural or -- or did you really mean to say "human"?

**COUNCILPERSON GUYTON:** I -- I meant to say human but including natural.

**COUNCILPERSON THOMAS:** So what does "human" mean? What do you mean by that?

**COUNCILPERSON GUYTON:** Like -- like you just said. If someone sets a fire -- I mean, well, not set but if it catches on fire and burns down. I mean, I -- I don't think if something happened to it that's not their doing -- not their doing, the owner. All right. They should be able to build it back to where it was. That's -- that's my position. So however you want to categorize that --

**COUNCILPERSON THOMAS:** No, no. I'm just trying to understand 'cause that's --

**COUNCILPERSON GUYTON:** -- if it's not their doing --

**COUNCILPERSON THOMAS:** -- that's a -- that's a key point.

**COUNCILPERSON GUYTON:** Yeah, yeah. If it's not their doing, they should be able to build it back to where it was. That's -- that's the point I'm trying to make. I may not have articulated it correctly --

**COUNCILPERSON THOMAS:** No. I just wanted to make sure 'cause --

**COUNCILPERSON GUYTON:** Yeah.

**COUNCILPERSON THOMAS:** -- if somebody purposely sets a fire or does something like that then that (inaudible) --

**COUNCILPERSON GUYTON:** If it's not them -- if they can be tied to it, that's a different story now. But if they cannot be tied to it and -- you know, but these things do happen and, like I say, I want to have a balanced approach.

**COUNCILPERSON THOMAS:** Okay.

**COUNCILPERSON GUYTON:** I don't want to seem unfair.

**COUNCILPERSON THOMAS:** Okay. My -- my -- my other question is this letter -- when did this letter go out?

**CHAIR PRO TEM PARDO:** In October.

**COUNCILPERSON GUYTON:** October. Roll it down, Walt, to the date, please, sir.

**COUNCILPERSON THOMAS:** And because I was -- maybe I'm confused as well because I thought that --

**COUNCILPERSON GUYTON:** October 24<sup>th</sup>.

**COUNCILPERSON THOMAS:** Okay. I thought that (skip in audio) give the Amrit an exception. So I need --

**COUNCILPERSON GUYTON:** No.

**CHAIR PRO TEM PARDO:** To the moratorium.

**COUNCILPERSON THOMAS:** Okay. Hold on. No problem. Let's fix that part first because that was under the -- that was what I thought was happening to that. So I need somebody to explain to me what did we actually do when the Amrit situation came up from staff?

**CHAIR PRO TEM PARDO:** Okay. Miss Ryan.

**CITY ATTORNEY RYAN:** I'll address that. Madam Chair. If you will recall -- and there was a lot of conversation about the moratorium that the City Council enacted -- when staff wanted to research and develop regulations that you have tonight, we wanted to put

in place a moratorium to stop any new developers from coming in and trying to rush in and get in under --

**COUNCILPERSON THOMAS:** Understood.

**CITY ATTORNEY RYAN:** -- the current, for lack of a better term, 1979 CCC&L line. So -- but Amrit was, at that time, diligently working towards their site plan and they did not want the City to stop them from pursuing their site -- you know, their -- getting their site plan together. It was a six-month process. Maybe they thought it was going to be longer than it was and I think maybe they intended to be further along in the process than they actually are. But the Council decided to except them, that particular company, from the moratorium. So while others could not bring in site plan or try to seek some kind of a development during that time frame, we said, Okay, Amrit. You've already come in. You came in before we started this process. So we're going to allow you to continue with your site plan.

**COUNCILPERSON THOMAS:** Okay. But stop right there. So what does that mean? Does that mean that they're exempt from the 1997 line or --

**CITY ATTORNEY RYAN:** No. Well, they --

**COUNCILPERSON T. DAVIS:** Right.

**CITY ATTORNEY RYAN:** -- so you're -- what you're trying to do tonight, you are considering the passage of an ordinance that would have future development --

**COUNCILPERSON THOMAS:** Got it.

**CITY ATTORNEY RYAN:** -- start at that new line.

**COUNCILPERSON THOMAS:** Got it. Understood.

**CITY ATTORNEY RYAN:** That ordinance -- Mr. Smith did state this correctly. That ordinance stands on its own. If you don't pass the ordinance, they're still under 1979. If you pass the ordinance, there -- there's an argument one way or the other. They would say that they're definitely vested under the old ordinance because they had --

**COUNCILPERSON THOMAS:** Okay. Are they vested under the old ordinance?

**CITY ATTORNEY RYAN:** That's an issue of debate. A couple of things: One, we haven't seen their new site plan. We know that they've been meeting with the community. If they deviate too far from the original site plan, the answer is simple.

**COUNCILPERSON THOMAS:** Okay. And what does that -- how do you trigger that? How -- what -- what triggers that? What -- what triggers -- you deviate it if they go past the 1997 line? Does that trigger it?

**CITY ATTORNEY RYAN:** No.

**COUNCILPERSON THOMAS:** Or what -- what triggers them going too far past it?

**CITY ATTORNEY RYAN:** Well, they were under the 1979 line. So the original site plan that they submitted to the City was in compliance with -- not only that, but the City setbacks and, you know, all of the things that we require.

**COUNCILPERSON THOMAS:** So could they build past this particular --

**CITY ATTORNEY RYAN:** If they came in with that --

**COUNCILPERSON THOMAS:** -- 1997 line?

**CITY ATTORNEY RYAN:** -- if they came in with that original site plan, their argument would be very strong that they should be allowed to --

**COUNCILPERSON THOMAS:** Right.

**CITY ATTORNEY RYAN:** -- to move forward with it --

**COUNCILPERSON THOMAS:** Okay. So if they change --

**CITY ATTORNEY RYAN:** -- because they came --

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

**CITY ATTORNEY RYAN:** Okay.

**COUNCILPERSON THOMAS:** So then everybody is in agreeance [sic] that if they come in with the -- the same --

**CITY ATTORNEY RYAN:** Yes.

**COUNCILPERSON THOMAS:** -- original plan, even if it goes seaward --

**CITY ATTORNEY RYAN:** And it does.

**COUNCILPERSON THOMAS:** Okay. No problem. So they would be -- that is what they got the exemption from. Say it --

**COUNCILPERSON GUYTON:** No. They (inaudible).

**COUNCILPERSON THOMAS:** Hold on one second.

**CITY ATTORNEY RYAN:** Well, no.

**COUNCILPERSON THOMAS:** I want to make sure I understand this.

**COUNCILPERSON T. DAVIS:** (Inaudible).

**COUNCILPERSON THOMAS:** Okay, okay. But, listen -- listen. They got an exemption from the moratorium.

**CITY ATTORNEY RYAN:** Correct.

**COUNCILPERSON T. DAVIS:** Yeah.

**COUNCILPERSON THOMAS:** The moratorium was saying, You can't do anything until we figure out what we're going to do.

**CITY ATTORNEY RYAN:** Correct.

**COUNCILPERSON THOMAS:** But their exemption, in my understanding, is saying, You already had this in the pipeline.

**CITY ATTORNEY RYAN:** Right.

**COUNCILPERSON THOMAS:** It goes -- it already infringes upon the 1997 line.

**CITY ATTORNEY RYAN:** Right.

**COUNCILPERSON THOMAS:** So you're fine. What you're telling me is that, okay, they're fine if they keep that plan. But if they -- when they turn in their new plan or whatever, if it's -- if it's -- deviates from what they have --

**CITY ATTORNEY RYAN:** Right. There's a certain percentage and, you know, I'd have to defer to Community Development on that. But they can change a little bit but it can't be a substantial change. And now let me say this. Their April, 2014, site plan, I believe, deviated from the 2004 site plan. And that's when staff gave them a lot of comments about what they needed to do.

**COUNCILPERSON THOMAS:** Okay. So which plan did we say is in the pipeline -- the pipeline?

**CITY ATTORNEY RYAN:** The one from 2 -- from April, 2014.

**CHAIR PRO TEM PARDO:** That got rejected.

**COUNCILPERSON THOMAS:** And that one is going past the -- the 1997 line.

**CITY ATTORNEY RYAN:** I believe it does, yes.

**COUNCILPERSON THOMAS:** Okay. So this is a simple question. Do they fall up under this -- provided this gets approved, do they fall up under this that we're approving or are they grandfathered in up under the --

**CITY ATTORNEY RYAN:** They would say they're grandfathered in.

**COUNCILPERSON THOMAS:** And what would we say?

**CITY ATTORNEY RYAN:** It's not an easy answer. One of the things you have to look at when you look at vested rights -- because they're saying they have vested rights.

**COUNCILPERSON THOMAS:** Okay.

**CITY ATTORNEY RYAN:** How much have they done towards their -- their -- their approval --

**COUNCILPERSON GUYTON:** Original.

**CITY ATTORNEY RYAN:** -- their site plans, how much money have they spent? Have they done any infrastructure?

**COUNCILPERSON THOMAS:** I get it. So this -- this is going to probably end up in somebody's courtroom?

**CITY ATTORNEY RYAN:** It could.

**COUNCILPERSON THOMAS:** I hear you.

**CITY ATTORNEY RYAN:** And -- and, you know, that's why we have to be a little careful about how we talk about it.

**COUNCILPERSON THOMAS:** I get it.

**CITY ATTORNEY RYAN:** But what I want to say is is that you still need to pass -- if -- if -- if you don't pass it, then it's an easy issue for them. You don't even get to get -- you don't even get to the debate.

**COUNCILPERSON THOMAS:** Right. You're not advocating. You're just saying that we need to act on something.

**CITY ATTORNEY RYAN:** Right.

**COUNCILPERSON THOMAS:** Got it.

**CITY ATTORNEY RYAN:** I'm not advocating at all.

**COUNCILPERSON THOMAS:** Right. So let me ask you this question just because I don't know and I'm probably the only one up here that doesn't know this. So just answer this for me. Bert Harris claim? I heard Mr. -- he said that each one -- I know I'm the only one up here that -- that don't know what that is but can somebody tell me? I'm asking you, Miss Ryan, 'cause I'm sure you know.

**CITY ATTORNEY RYAN:** Yeah. It --

**COUNCILPERSON THOMAS:** What is a Bert Harris claim?

**CITY ATTORNEY RYAN:** It's a -- it's called the Bert Harris Act and that's the -- the -- the term that's used in Florida Statutes.

**COUNCILPERSON THOMAS:** Okay.

**CITY ATTORNEY RYAN:** And it's another mechanism that property owners have for bringing lawsuits against their government -- their municipality or it could be the County -- if they have something -- they call it investment-backed expectations in a piece of property -- and you change the regulations that affect their piece of property, then they can file a lawsuit and --

**COUNCILPERSON THOMAS:** Against us individually?

**CITY ATTORNEY RYAN:** No, no, no. He -- I don't think he said that. Against the City.

**CHAIR PRO TEM PARDO:** Right, the City.

**CITY ATTORNEY RYAN:** It would be against the City. It wouldn't be against you individually.

**COUNCILPERSON THOMAS:** Okay.

**CITY ATTORNEY RYAN:** I think he was saying the individual property owners -- I'm looking for Mr. Ward so he can shake his head for me. I think he was saying that individual property owners might have a Bert Harris Act --

**COUNCILPERSON THOMAS:** Oh, okay. I -- I heard him say --

**CITY ATTORNEY RYAN:** -- claim.

**COUNCILPERSON THOMAS:** -- against you individually. So I needed to -- he said each one of you --

**CITY ATTORNEY RYAN:** No.

**COUNCILPERSON THOMAS:** -- will get served with a Bert Harris claim.

**CITY ATTORNEY RYAN:** No.

**COUNCILPERSON THOMAS:** He did say that. I wrote it down.

**CITY ATTORNEY RYAN:** Well, you know, they can serve you but it's against the municipality.

**COUNCILPERSON THOMAS:** I get it. So let me ask you this question here. I heard some people talk about property values. So how does the property values get lower if this is a voluntary line or it's a line that was adopted by the -- the -- the -- the -- the agency, how -- how -- how does that lower the property values?

**CITY ATTORNEY RYAN:** I can't really speak to that. But we did receive a -- an email late this afternoon with that issue in it and I think staff should research that a little bit more. But the general -- his general statement is that if a person knows that if something happens to their property, that they can't build it the way it is right now, that intuitively, that's going to lower your property values because you're not -- people may not be willing to buy the property. They're already on the beach so there's already some exposure. And the chances of something happening to your property are probably higher. And so when you (skip in audio) at property, like the gentleman said he came from California, he might say, You know, I don't know if I want to purchase that for \$1 million if --

**COUNCILPERSON THOMAS:** Okay.

**CITY ATTORNEY RYAN:** -- it, you know, if --

**COUNCILPERSON THOMAS:** I understand that. So --

**CITY ATTORNEY RYAN:** That's what I think he --

**COUNCILPERSON THOMAS:** -- follow me with this.

**CITY ATTORNEY RYAN:** -- that's what I think he means.

**COUNCILPERSON THOMAS:** So we adopt this tonight --

**CITY ATTORNEY RYAN:** Correct.

**COUNCILPERSON THOMAS:** -- and at some point when the property appraiser, whoever that is or may be at the time, starts to appraise the property, are they going to take this action that we're doing tonight into consideration when they're appraising these properties?

**CITY ATTORNEY RYAN:** I have no idea. I don't even want to pretend to answer that question. I have no idea but I don't think so. I don't think it's the property appraiser that he's talking about. I don't think the properties are going to get lowered, you know, the next day. I think he's talking about investors or people who are looking to purchase the property.

**COUNCILPERSON THOMAS:** Okay.

**CITY ATTORNEY RYAN:** I mean, and we definitely will research it. But I think it's more of a -- a thought than it is an actual fact.

**CHAIR PRO TEM PARDO:** Correct.

**COUNCILPERSON THOMAS:** How -- how would this affect the hotels, so to speak, on the island? So let's take, what is it, the Hilton and the resort. So how does this -- hold on -- how does this affect if a storm or some type of damage or something happens to those -- how does that -- how would that affect them? Would that cause them not to be

able to rebuild to -- I mean, to be honest with you, if something happened to the Hilton or the resort and they needed to rebuild, I would want them to be able to rebuild better than they are currently. The Hilton is very old. So --

**CITY ATTORNEY RYAN:** Right.

**COUNCILPERSON THOMAS:** -- how would that -- how would this affect --

**CHAIR PRO TEM PARDO:** It's been through storms.

**COUNCILPERSON THOMAS:** -- the ability for them to be able to rebuild or fix it? Would -- would -- would it count for them as well?

**CITY ATTORNEY RYAN:** Absolutely. The -- the -- the rule is, as Mr. Gagnon said, it's 100 percent rule. So if they have to rebuild more than whatever those costs are, they will have to go back to the -- the new line. If it's just fixing it up and restoring the parts that were -- were damaged, then they could stay where they are (skip in audio) as it currently stands. But I think that the Council -- you -- you -- your -- one of your discussion items is whether or not we should figure out as staff, a way to --

**COUNCILPERSON THOMAS:** I'm -- I'm -- I'm hoping that -- I'm hoping that we do that.

**CITY ATTORNEY RYAN:** Right. A way to give them a little bit of extra leeway on that.

**COUNCILPERSON THOMAS:** Okay. Let me also ask you this. I heard another speaker say something about at Planning & Zoning, I don't get the -- the notes. I don't get anything from Planning & Zoning. That someone said something about no exceptions or whatever that was. What -- what was that? What was the "no exception" and what did that mean? What does that mean?

**CHAIR PRO TEM PARDO:** The transcript's in the backup.

**COUNCILPERSON T. DAVIS:** Yeah. That's right. In the backup.

**P&Z ADMINISTRATOR GAGNON:** Jeff Gagnon, Planning & Zoning administrator. The motion made at the Planning & Zoning Board meeting that recommended approval to the City Council -- and I'll get the exact language.

**CHAIR PRO TEM PARDO:** Was to include all properties.

**P&Z ADMINISTRATOR GAGNON:** Within the recommendation of approval to City Council, this is verbatim. It said "No exceptions to the new ordinance" should be provided.

**COUNCILPERSON THOMAS:** What -- what do you -- what -- what does that mean? And I know that they're advisory so we don't have to --

**P&Z ADMINISTRATOR GAGNON:** Right.

**COUNCILPERSON THOMAS:** -- take exactly what they're saying --

**P&Z ADMINISTRATOR GAGNON:** That was -- that was --

**COUNCILPERSON THOMAS:** -- but I'm trying figure out what --

**P&Z ADMINISTRATOR GAGNON:** -- in reference --

**COUNCILPERSON THOMAS:** -- were they trying to get at.

**P&Z ADMINISTRATOR GAGNON:** Right. -- that was in reference to many of the public comments that were addressed to the Amrit development. So I think the Planning & Zoning Board felt as if it was their responsibility to relay that information even though it really has no binding impact on the language. That was their method of communicating that to the City Council.

**COUNCILPERSON THOMAS:** Okay. So are we going -- is -- is it the -- the -- is it the -- the mission of this Board to figure out some type of way to -- for -- for people to -- I -- I'm -- I guess we're really speaking about the hotels at this point or some of the other condos, to say that they're in -- they're -- they're in a state that is non-conforming but to come up with something so that they don't lose the -- the -- the ability for these to, you know, continue to appreciate or what is it that we're -- what is it that we're potentially trying to do there so I understand? What -- what is it that we're trying to say there?

**CHAIR PRO TEM PARDO:** Well, I think we need to -- you know, you need to hear from the rest of the Council people.

**COUNCILPERSON THOMAS:** That's what I'm asking.

**CHAIR PRO TEM PARDO:** Yeah.

**COUNCILPERSON THOMAS:** I heard Bruce say it. I heard --

**CHAIR PRO TEM PARDO:** Exactly. So -- all right. Right. So when you're done with your comments, then Mr. Davis will make his and I'll make mine.

**COUNCILPERSON THOMAS:** That -- that's fine.

**CHAIR PRO TEM PARDO:** And then we'll bring it all together.

**COUNCILPERSON THOMAS:** I'm just trying to understand what --

**CHAIR PRO TEM PARDO:** Okay. Right. You have to --

**COUNCILPERSON THOMAS:** -- would that -- what did that mean?

**CHAIR PRO TEM PARDO:** -- give us time --

**COUNCILPERSON THOMAS:** I hear you, Miss Pardo.

**CHAIR PRO TEM PARDO:** -- so we can all vent it.

**COUNCILPERSON THOMAS:** I hear you. I did hear another councilperson said -- and you're not the only one that has to understand this. All of us need to.

**CHAIR PRO TEM PARDO:** I understand it. Right.

**COUNCILPERSON THOMAS:** Well, I don't right now. And that's what I'm --

**CHAIR PRO TEM PARDO:** Okay, fine.

**COUNCILPERSON THOMAS:** -- trying to do. What does that mean? What are we trying to do? What -- that -- that was brought up. What does that mean? What would that do? How would that affect this particular ordinance as it stands?

**P&Z ADMINISTRATOR GAGNON:** So my understanding of the -- the discussion so far tonight is that the existing section of the City code that deals with non-conforming uses, there has been discussion saying that it is inadequate as far as 100 percent of the assessed value being the limitation or the threshold where that's make or break of a development either having to conform to the new regulations or being able to rebuild as is. So at this point, it seems as if discussion has ensued as far as coming up with another format or maybe increasing that threshold in order to accommodate some of the development that's currently --

**COUNCILPERSON THOMAS:** Just by percentage. So saying versus 100 percent, you can go 500 percent. Is that the way that you deal with that or is it --

**P&Z ADMINISTRATOR GAGNON:** I think there's multiple ways you could. That -- it could be a way, sure. If it was a -- a percentage of the valuation. So instead of 100 you -- you know, 200, 50 percent, whatever the Board decided.

**COUNCILPERSON THOMAS:** And this is of the assessed value of the property appraiser. So an adjuster or somebody --

**P&Z ADMINISTRATOR GAGNON:** If --

**COUNCILPERSON THOMAS:** -- that comes out to -- we're saying we're going to use -- who are we going to use for that trigger point?

**P&Z ADMINISTRATOR GAGNON:** Yeah. I -- I would say that if -- prior to the catastrophe, if a current appraisal existed, then I'm sure that the City could take that into account. But if that didn't exist, the only other source that we would have would be the property appraiser.

**COUNCILPERSON THOMAS:** So it's appraised value not assessed value.

**P&Z ADMINISTRATOR GAGNON:** The exact code reads, "100 percent of its assessed value" -- assessed value.

**COUNCILPERSON THOMAS:** That usually is different from the appraised value. So that's what I'm trying to understand there. Usually the assessed value is lower than the appraised value. So if we're going with the assessed value, then that's probably not going to cover if someone needs to even rebuild it the same way it is at that time. You know? So that's the point that I -- that I thought I heard Mr. Guyton trying to bring up that I'm trying to wrap my mind around. How do we fix that? That's all.

**CHAIR PRO TEM PARDO:** Mr. Davis.

**COUNCILPERSON T. DAVIS:** I just need to smile. I have a few concerns here and a lot of people asked a lot of questions. And one of the questions was the environmental and economic study. I think that would be something very valuable to have before us. And, as you know, this is a first reading. And the question I have is decision today, if -- because the -- the Amrit property who Mr. -- Councilperson Guyton submit on the board, that we're waiting for their application. Is that what we're waiting on?

**CITY ATTORNEY RYAN:** Site plan.

**COUNCILPERSON T. DAVIS:** Site plan?

**COUNCILPERSON GUYTON:** Yeah. To respond to staff comments or concerns.

**COUNCILPERSON T. DAVIS:** Okay. So have staff reached out to -- well, that ain't a staff job really. It's their job. 'Cause I want to be very fair in this process. I went and took a look at all three sites and I truly understand how it's impacting the residents. But I also understand that they came here, a vision with their -- with their business which is a lot of potential jobs. When did they first submit the very first application, Amrit, their very first application was submitted?

**P&Z ADMINISTRATOR GAGNON:** Amrit Development? I believe that the initial approval was back in either 2004 or 2005.

**CHAIR PRO TEM PARDO:** 2004.

**COUNCILPERSON T. DAVIS:** 2004?

**CITY ATTORNEY RYAN:** '04, yeah.

**CHAIR PRO TEM PARDO:** Yes.

**COUNCILPERSON T. DAVIS:** You mean, 11 years they have an application --

**CITY ATTORNEY RYAN:** Uh-huh.

**CHAIR PRO TEM PARDO:** Yes.

**COUNCILPERSON T. DAVIS:** Wow.

**CHAIR PRO TEM PARDO:** And they got a variance for the property again.

**COUNCILPERSON T. DAVIS:** What's been going on for 11 years? Wow. Hmm. Well, one thing is very important. I definitely want to -- I would love to see if we can get an environmental study and a economic study so --

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

**COUNCILPERSON T. DAVIS:** -- of how the -- this process that we're getting ready to do, how it's going to impact the environment. 'Cause right now, I'm getting ready to vote on it and make a decision but I don't have no documentation that states how it's going to impact the environment or our economy. And how it's going to impact our tax base, the insurance for both companies -- the -- the hotels and the property owners that live in the condos. You know, I'd like to hear somebody come to the podium and say, Hey, this is -- I feel -- this is how it's going to financially benefit the City. This is how it's going to benefit -- financially benefit the residents that actually live on the Riviera Beach on the island as well as the -- the hotels. I think that's very important to have so we can make a very sound, strong decision. 'Cause then there are some legal questions here that I would like to see moving forward by the second reading.

Miss Ryan, this issue that came up that Mr. Ward had brought up. Can I -- Mr. Ward brought up today?

**CITY ATTORNEY RYAN:** Uh, Bert Harris Act?

**COUNCILPERSON T. DAVIS:** The Bert Harris Act.

**CITY ATTORNEY RYAN:** Okay.

**COUNCILPERSON T. DAVIS:** I would like to see something to come back on the second reading with those comments in there.

**CITY ATTORNEY RYAN:** Okay. What I will do is give a general analysis.

**COUNCILPERSON T. DAVIS:** Okay.

**CITY ATTORNEY RYAN:** I -- you know, I really don't want to talk about particular --

**COUNCILPERSON T. DAVIS:** I understand --

**CITY ATTORNEY RYAN:** -- buildings --

**COUNCILPERSON T. DAVIS:** -- about that, yeah.

**CITY ATTORNEY RYAN:** -- in our -- but I will -- I will address the Bert Harris Act.

**COUNCILPERSON T. DAVIS:** My thing is I don't want to kill a project.

**CITY ATTORNEY RYAN:** Right.

**COUNCILPERSON T. DAVIS:** You get what I'm saying?

**CITY ATTORNEY RYAN:** I understand.

**COUNCILPERSON T. DAVIS:** I want to -- I mean, if they've been here for 11 years, they really want to be here. But at the same time, we got to put some -- got to protect our -- our interests. But at the same time, if they're willing to work with us to make this thing work -- 'cause it seems as if they've been working with the residents and having conversation and dialogue which is a very good step that they did that.

**CHAIR PRO TEM PARDO:** Right.

**COUNCILPERSON T. DAVIS:** And I want to be very consistent with what they've been doing. Now if they choose -- right now it seems that based on the tone from my research, the residents and -- and business owners have been working towards a meeting and trying to get something accomplished. I just want to make sure the decision I make tonight doesn't destroy what they did this -- this far together. So if -- I want to help them stay together so we can make a decision that everybody's very comfortable with. And it won't be totally happy, but I want to be able to have a fundamental decision tonight that we do. So -- so environmental study, economic study and a -- a reference about -- a generalization about the legal --

**CITY ATTORNEY RYAN:** Uh-huh.

**COUNCILPERSON T. DAVIS:** -- that's pretty much what I'd like to see or unless this item just needs to come back on the first reading. So I'm just going -- I want to hear from the rest of --

**COUNCILPERSON THOMAS:** You want that in two weeks?

**COUNCILPERSON T. DAVIS:** No. It doesn't have to be two weeks. But I just want to make sure when we do it, we do it right. If it have to be another month for the next meeting, then we can do it another month. That'll give staff the -- well, not staff. It gives them -- they need to get with staff and get on the board and submit what they need to do because we're not -- they -- they're going to be waiting on us, you know, as a City. They've been around for 11 years but I just want to make sure I don't -- I don't kill this -- I don't want to kill this deal. By the same token, we're not going to keep waiting on them. You know? I don't want to wait on them. But if they've been working with residents, I think it's only fair that we be a part of the team, us, jointly. This is one of the projects I've seen that they can -- this is a project I can see working in the City. But they have to follow the rules that we set in place. And I just want to be fundamental as we set the rules just making sure we -- all the documentation to support what decision we're going to make today. That's all.

**CHAIR PRO TEM PARDO:** All right. I'll make my comments and then we're going to vote. We've been at this for a good hour and a half.

Again, I go back to the foundation. If we -- if something happens to one of these buildings, you're -- you're going to be hard pressed to have a storm, a fire, something like that, affect the foundation of the building. And the code clearly states that if something --

if there's a catastrophe -- but the foundation stays in place, they can still build. And I heard comments about, you know, a lot of these properties now will not be -- will be non-conforming. I think almost every property in Riviera Beach is non-conforming if you really look at our codes. And we updated our codes recently. Almost everything -- everything on Singer Island is -- all of those homes on the west side of Singer Island are non-conforming. The little mom and pop -- well, they're rehabs now -- are non-conforming.

**CITY ATTORNEY RYAN:** Yes.

**CHAIR PRO TEM PARDO:** Up and down Blue Heron Boulevard, in the neighborhoods here in Riviera Beach, it's non-conforming. All right? This City was built in the -- decades and decades ago. And, again, the foundation is -- it's -- you know, the pilings are in, what is it, bedrock, along with rebar and concrete. So, you know, I don't have a problem putting everyone in that 1997 line because if we don't do it, then why are we even moving forward with this? You know? It just -- it makes absolutely no sense to me. In your backup, you'll see a letter from ERM, Palm Beach County Environmental Resource Management. You know, they are our contractors, basically, with rebuilding the dunes and -- and re-nourishing the beaches. And they are in support of this.

The whole thing with the Amrit, that's a discussion for another day, I believe. But, you know, I respect everyone up here, everyone's comments, and, you know, if you need additional information, then that's fine. Miss Ryan, you have the list and Mr. Gagnon, you heard what the Council would like to -- you know, everything that they would like to see. But at the end of the day, the City should have listened to the residents in the early 2000s and went along and -- and updated our codes. But we didn't so here we are dumping millions of dollars of sand on the beach only to stand at the top of the dune and wash it get -- and watch it get washed away year after year after year.

And, also in our -- I don't know if it's our code or comprehensive plan, there's a section in there that's been there for decades that clearly states the City should not encourage development on the barrier island. They should be encouraging it on the mainland. But here we are. And we brought that up in the early 2000s. But here we are, we continue to allow all of these buildings to be built on the dune line and then, you know, when someone is trying to fix the problem, you know -- I don't know.

**COUNCILPERSON T. DAVIS:** Madam Chair.

**CHAIR PRO TEM PARDO:** I just -- well, hold on a second, please. It just -- to me, it just -- it makes absolutely no sense, absolutely no sense. I think what we're doing is what other cities, not just in Florida, but around the country have been doing. And, you know, and now we have problems with our -- with the FEMA maps. And this is just another -- we're looking at -- looking at this as another protection for the residents along the coast because eventually they're going to see their flood rates go up. And especially the ones that are so close to that dune line. So all right. So everyone has their orders, right? You all know what the Council wants to see and we expect the full report. And Miss Ryan --

**CITY ATTORNEY RYAN:** Uh-huh.

**CHAIR PRO TEM PARDO:** -- I was not aware of this letter that you're talking about --

**CITY ATTORNEY RYAN:** What letter?

**CHAIR PRO TEM PARDO:** -- that -- that you received prior to the Council meeting?

**CITY ATTORNEY RYAN:** We received an email, not a letter.

**CHAIR PRO TEM PARDO:** Okay. Fine.

**CITY ATTORNEY RYAN:** Around 4:00 which I barely read.

**CHAIR PRO TEM PARDO:** All right. I would -- okay, fine.

**CITY ATTORNEY RYAN:** I -- yeah.

**CHAIR PRO TEM PARDO:** I would like to see that.

**CITY ATTORNEY RYAN:** Absolutely.

**CHAIR PRO TEM PARDO:** I would like to see that.

**COUNCILPERSON THOMAS:** Everybody would like to see it.

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

**CITY ATTORNEY RYAN:** Okay.

**CHAIR PRO TEM PARDO:** All right. So we good? Madam Clerk? Yes.

**COUNCILPERSON T. DAVIS:** So I just have one quick question.

**CHAIR PRO TEM PARDO:** Yes, sir.

**COUNCILPERSON T. DAVIS:** Now -- so once we come back for the second reading, then we can address --

**CHAIR PRO TEM PARDO:** All of it.

**COUNCILPERSON T. DAVIS:** Okay. All right.

**CHAIR PRO TEM PARDO:** Bring everything back.

**COUNCILPERSON THOMAS:** When are we coming back for the second reading? 'Cause you asked for some -- some studies. So --

**CHAIR PRO TEM PARDO:** I would say we should bring this back in March. We have a -- a meeting at the end of March.

**COUNCILPERSON T. DAVIS:** Okay.

**CHAIR PRO TEM PARDO:** So you're giving staff, right, 45 days or so which should be plenty of time.

**COUNCILPERSON THOMAS:** All right. I'm good with that.

**COUNCILPERSON T. DAVIS:** Okay.

**CHAIR PRO TEM PARDO:** All right? So is everyone clear? Staff? All right? Okay. Madam Clerk.

**INTERIM CITY CLERK ANTHONY:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**INTERIM CITY CLERK ANTHONY:** Unanimous vote.

**CHAIR PRO TEM PARDO:** Okay. Thank you. At this time we are -- and -- and everyone that attended this tonight, thank you very much for coming out and providing your input. Okay. At this time, we are going to public comments.

**COMMENTS FROM THE PUBLIC – 7:00PM NON AGENDA ITEM SPEAKERS  
(THREE MINUTE LIMITATION)**

**Public Comment should be restricted to issues, matters, or topics pertinent to the City of Riviera Beach. Please be reminded that the City Council has adopted "Rules of Decorum Governing Public Conduct during Official Meetings", which has 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 or attendee removed from the podium, from the meeting and/or the building, if necessary. Please govern yourselves accordingly.**

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

**CHAIR PRO TEM PARDO:** All right. We'll just let everyone leave the Chambers.

**COUNCILPERSON T. DAVIS:** Excuse me. What's happening? Did the meeting stop?

**CHAIR PRO TEM PARDO:** Okay. At this time we'll begin public comments. All right. The first comment card Marvel Saffold and then Marie Jean-Pierre.

**MARVEL SAFFOLD:** Hi. How y'all doing? My name is Marvel Saffold. I'm a 31-year resident of Riviera Beach.

**CHAIR PRO TEM PARDO:** Welcome.

**MARVEL SAFFOLD:** I come in -- on behalf of hundreds of others. That's -- I'm the founder of the Live In Peace Movement. I'm sure a couple of you have -- are aware of this movement. We consist of different associations and organizations throughout the City. We're teamed up with JAY's Ministries and Brother Bob and Pastor (inaudible) with the Transformation Church. And we have a couple of things going on in the City. As you can see, on January 3<sup>rd</sup>, we kicked off our park-to-park tour which -- we used -- we -- we -- we came up with that to kind of bridge the gap between the City Council and the residents of the (skip in audio) because, you know, a lot of residents don't even know what district they stay in.

So with -- with this event I'd say we had on January 3<sup>rd</sup>, we fed about two or three hundred people for free. You know, we're not a non-profit. We gave away haircuts, pedicures, manicures, things of that nature. And we're -- we -- we have a lot of -- we have a big vision for the City. We know there's a lot of outer City development going on as you can see with the beaches and everything and that's understandable. You know, I love the City and I love development but I more love the inner city and what's going on. I, me, myself personally, I just don't see enough attention on the inner city and the youth. And me and the others that's -- that's with me with this movement, we'd like to see more -- just more appreciation towards the inner city.

And like I say, we're -- we're an alliance that we're coming -- we have a meeting every week at 6 -- at 6:00 and, I mean, we -- we done peace walks. Like I say, we got this park-to-park tour thing going on. And like I said, we have a -- me, personally, with my popularity, I do music. I'm an artist in the City. I work at the only black-owned tattoo shop. We just opened in Imperial Plaza, Ink Factory. And like I said, we have a big vision and we're -- you know, we're in need of all the City Council members and the City, period, we're in need of -- of your compliance of anything that we have going on.

You know, we're not doing anything that's -- this not have nothing to do with religion or politics. It's just the love of the City.

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

**MARVEL SAFFOLD:** And, like I say, we just need the City to comply with everything we have going on. We have a event, the second one actually is supposed to go on on March 7<sup>th</sup> at -- at Calloway Park. And we understand that there's a little bit of turbulence with that and we would like for that to go on if possible. So --

**CHAIR PRO TEM PARDO:** Okay. We have our staff here. So I would suggest that Miss City Manager, maybe you can have staff work with Mr. Saffold, please, and hear what his issues are. Okay. Sir, thank you very much for coming tonight. Marie Jean-Pierre and then Steven Stewart.

**COUNCILPERSON GUYTON:** And Madam Chair.

**COUNCILPERSON THOMAS:** Madam Chair.

**COUNCILPERSON GUYTON:** I --

**CHAIR PRO TEM PARDO:** Yes, Mr. Guyton while they're coming up.

**COUNCILPERSON GUYTON:** -- as they come, that park-to-park event, Chairwoman Judy Davis also was involved in organizing this and they have -- and she's also involved in organizing with the -- with the other community -- I mean, with the other parks as well.

**CHAIR PRO TEM PARDO:** All right. That's great.

**COUNCILPERSON THOMAS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Okay. Yeah. Yes, sir.

**COUNCILPERSON THOMAS:** I heard Mr. Saffold say something about some turbulence going on with this park. So often, that stuff happens and this City Council doesn't know anything about. So make sure that, you know, staff gets whatever he's got --

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

**COUNCILPERSON THOMAS:** -- so that people don't think that this Board is trying to stop them from doing anything. If they are complying with what they're supposed to comply with, then they should be able to -- to utilize the park. So I don't know what that is but so often we hear that, so many times.

**CHAIR PRO TEM PARDO:** Sure.

**COUNCILPERSON THOMAS:** So I want to make sure staff gets that.

**CHAIR PRO TEM PARDO:** Okay.

**COUNCILPERSON T. DAVIS:** What -- what -- I'm going to tell you what -- well, I'll save it. This is not the place for it.

**CHAIR PRO TEM PARDO:** Okay, yeah.

**COUNCILPERSON T. DAVIS:** Public comment.

**CHAIR PRO TEM PARDO:** Okay. So who's speaking?

**MARIE JEAN-PIERRE:** Okay. Good evening Council members.

**CHAIR PRO TEM PARDO:** Okay. So, sir, would you like to sit down, please?

**UNIDENTIFIED SPEAKER:** No.

**MARIE JEAN-PIERRE:** We're together.

**CHAIR PRO TEM PARDO:** All right. So you have three minutes.

**MARIE JEAN-PIERRE:** Okay.

**CHAIR PRO TEM PARDO:** Go ahead.

**STEVEN STEWART:** Okay. Good evening. My name is Steven Stewart. I'm the next one on line.

**CHAIR PRO TEM PARDO:** No. You're together now so you --

**STEVEN STEWART:** Together, right, yes.

**CHAIR PRO TEM PARDO:** -- you have three minutes between you.

**STEVEN STEWART:** I'm here to speak on behalf --

**UNIDENTIFIED SPEAKER:** (Inaudible).

**STEVEN STEWART:** That's fine. I'm here to speak on behalf of the Valley of Love Ministries, which serves the homeless community of Riviera Beach. I'm a pastor in the -- in West Palm Beach, a pastor of a church in West Palm Beach and I represent an event called Total Health Expo 2015. On March the 1<sup>st</sup>, 2015, we'll be having a health fair at the South Florida Fairgrounds Expo Center on Southern Boulevard. And the health fair will begin with a 5K/Walk organized in partnership with South Florida Runs. And all of the proceeds from this run/walk will be donated to the Valley of Love Ministries to assist them in the work that they're doing here in Riviera Beach with the homeless community. And we're encouraging members of the community and the surrounding communities to participate in this run/walk because as you register and as we run, as again, all of the proceeds will go to the Ministry and assist the homeless right here in Riviera Beach.

**CHAIR PRO TEM PARDO:** That's great. Thank you. Ma'am, you have a minute. Would you like to speak?

**MARIE JEAN-PIERRE:** Okay. So I'm asking everybody, please, that can come to the Valley of the Ministry at 1901 Broadway to register or they can even go online. It is very important. Please come and support this event that's going to take place on March 1<sup>st</sup> at the South -- South Florida Fair. I'm asking each and everybody listening right now to come on that day to support the Valley of Love Ministries. And also, tomorrow, Valley of Love Ministries, I will be doing the food distribution. I'm asking everybody in the community to come out from 12 to 3. We're going to be giving out a lot of food and also, every Sunday, we feed the community from 3 p.m. to 7 p.m. And also February 21<sup>st</sup>, we're going to have our fundraising banquet at the Valley of the Ministries from 7 p.m. to 10 p.m. For more information, they can call me at 561-502-8757. Again, 561-502-8757. And also, 'cause I do have the brochure if anybody want one, I can give it to them.

**CHAIR PRO TEM PARDO:** Great.

**UNIDENTIFIED SPEAKER:** Just leave it there. Thank you.

**CHAIR PRO TEM PARDO:** Okay. Thank you very much and good luck to you.

**STEVEN STEWART:** Thank you.

**CHAIR PRO TEM PARDO:** Fane Lozman and then Delores Dawson, Miss Dawson.

**FANE LOZMAN:** Fane Lozman. Miss Pardo, for your information, the letter that Commissioner Valeche sent to the Army Corps was rejected. They are not going to revoke the permits that they issued for the dock on Dan Taylor's property and they will allow docks to go forward on the other properties. And pursuant to public records requests, we have seen the emails that you've been sending to DEP trying to interfere in the development of Lozman's Cove property and of the Renegade property. You may want to look up what the word tortious interference means.

In the February issue of National Geographic -- you can get it online -- there's a story called "Treading Water." And the National Geographic story discusses a floating home community that's going through the permitting process right now in Maule Lake in North Miami Beach. And that project, \$375 million project, talks about the economic impact floating developments can have for a city and the fact that the next 50 years, floating developments in low-lying areas, those are going to be the only residential living accommodations that will exist.

You know, 50 years from now, Singer Island's going to under water. But the Renegade Floating Home Development or Lozman's Cove, those homes will continue to -- to -- to float. They will continue to be there. You know, they talk in this article about other kinds of floating things that can go on -- floating prisons, they have floating power plants, you have floating hotels, you have floating stadiums. You have a lot of floating structures in addition to floating homes.

But it's quite a fascinating story and there's a lot of major money that has gone -- remember, the Netherlands has been under water for the last thousand years. So they had to adapt when you have communities that are under sea level. So we can go -- now we may not be able to get a dock right away. But we certainly can go put 50 floating homes adjacent to our properties and there's nothing the City can do about it. Just like the County really can't do much about those 50 floating little tiki huts south of the Blue Heron Bridge. The difference is that those tiki huts may be on the port property, our structures are on private property. So that -- that's going to happen. And the dock will happen one day also.

OIG came out with a report talking about \$880,000 in questionable charges, a lot of misconduct that they've identified, allegations of potential misconduct. I think when you look at that report it reinforces that we need a change. You know, President Obama, his eight years are up and there's going to be a new -- maybe Hillary Clinton or whoever, Jeb Bush -- there's going to be a new president here next year. I think people have been on this Board for eight, ten, twelve years, they need to move on. We need some new blood in this community with some fresh ideas and Miss Pardo, Miss Davis, you've had your eight years. It's time for you two to move on.

**CHAIR PRO TEM PARDO:** Thank you very much for your comments.

**COUNCILPERSON GUYTON:** Madam Chair.

**CHAIR PRO TEM PARDO:** Yes, sir. Hold on a second. We have Miss Dawson and then Miss Shepherd. Go ahead, Mr. Guyton, while they're coming up.

**COUNCILPERSON GUYTON:** Let me just tell the public about the process of agency giving approval. One of the standard disclaimers is that the applicant also will have to comply with all of the municipal laws. And right now, Mr. Lozman is not complying with our laws so there will not be a dock. And if he have 50 floating homes out there, Madam Chair and Miss Ryan, I'd like to see 50 tow boats for each one of them.

**FANE LOZMAN:** (Inaudible) out of anchor.

**CHAIR PRO TEM PARDO:** Okay. Good evening, Miss Dawson.

**DELORES DAWSON:** Good evening. I'm Delores Dawson of 669 W. 6<sup>th</sup> Street, Dawson Rentals. I'm the organizer of the South Side Coalition and the Concerned Mothers. We are grateful to you, Mr. Thomas, for enlightening and entertaining us on last Thursday and we're encouraged to know that (skip in audio) we believe what you say. But we're sort of disappointed and disillusioned and discouraged. We are grateful to see that part change, but our neighborhood appears to be the ones that are always neglected. And for that reason, we wonder. We pay our taxes.

Some of been there since 1959 and it appears that nobody cares. Nobody concerned now. We have an ongoing debate every time we meet. Where do we live? Is it Riviera Beach Height for our area? Because when I hear them saying they're doing stuff, they say Riviera Beach Height, but it's never in our neighborhoods. We clean and do our own

neighborhood. We have cleaning twice a year. Mr. Thomas know because he comes and help us. Mr. Davis know because he feeds and help us. And we'll be doing a clean-up again in April.

But we wonder why we're -- we appear to be the ones who are neglected. Now they put all of that stuff around for the garden and now -- it was down -- all down on the ground. They came and started the sidewalks and they go from 6<sup>th</sup> Street back and the curbs are not finished and the children are running around in the curves. Does anybody care? We know you care, Mr. Thomas, but we are concerned, does anybody else in the City care about us? Because it doesn't appear that anyone care about us. So where do we live? In Riviera Heights? We want to know because we often hear you talk about Riviera Beach Heights but you're not -- you don't come in our area.

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

**DELORES DAWSON:** Can anybody tell me?

**COUNCILPERSON THOMAS:** All right. Yes. Madam Chair, if you don't mind --

**CHAIR PRO TEM PARDO:** Go right ahead, Mr. Thomas. It's your district.

**COUNCILPERSON THOMAS:** The Riviera Beach Heights area does not actually include where you live. I believe it goes from 10<sup>th</sup> to, I want to say on the other side of 8<sup>th</sup>. I'm not sure, totally. But that's -- those things, what you hear about Riviera Beach Heights, that is the money that is over at the CRA because Riviera Beach Heights is in the CRA. Now that's absolutely no excuse. We need to be doing a whole lot more over there. I'll be bringing, as I told you, some things to this Board in this upcoming budget cycle. And it's going to be up to this Board -- I'm going to definitely support it. But it's going to be up to this Board to decide if that's, you know, what they want to -- to do or not. But it -- it has not been a whole lot of attention to that area.

**DELORES DAWSON:** True.

**COUNCILPERSON THOMAS:** Almost none.

**DELORES DAWSON:** None.

**COUNCILPERSON THOMAS:** So it needs to be a better job at that.

**CHAIR PRO TEM PARDO:** Miss Dawson. I'd like to mention this also. The CRA -- and you'll be hearing about this shortly -- the CRA is looking to expand the boundaries in certain neighborhoods.

**DELORES DAWSON:** Uh-huh.

**CHAIR PRO TEM PARDO:** And we're looking at your neighborhood also.

**DELORES DAWSON:** All right.

**CHAIR PRO TEM PARDO:** So there will be a community meeting either the end of February or sometime in March. And you'll hear about it and I would encourage you and everyone else in that part of Riviera Heights that is not part of the CRA, to attend to see if -- you know, if you guys agree that you would like to belong in it. And then the other thing I'd like to mention to you, we are looking at that property that we spoke about --

**DELORES DAWSON:** Uh-huh.

**CHAIR PRO TEM PARDO:** -- when I saw you over at the park.

**DELORES DAWSON:** Oh, great. Thank you all.

**CHAIR PRO TEM PARDO:** So that's in the works.

**DELORES DAWSON:** Thank you both.

**COUNCILPERSON T. DAVIS:** Madam Chair.

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

**COUNCILPERSON THOMAS:** Okay. Madam -- Madam Chair.

**CHAIR PRO TEM PARDO:** Yes.

**COUNCILPERSON THOMAS:** I just don't -- see, this -- this is what becomes the problem here.

**CHAIR PRO TEM PARDO:** Go ahead.

**CITY ATTORNEY RYAN:** Uh-huh.

**COUNCILPERSON THOMAS:** I've also been talking with your group about potentially bringing something forward --

**DELORES DAWSON:** Right.

**COUNCILPERSON THOMAS:** -- if Miss Pardo, which I would hope that she would defer that type of stuff to me, to my district, so we're not going in a different, you know, direction --

**DELORES DAWSON:** Right, right.

**COUNCILPERSON THOMAS:** -- over there. So I don't know what she discussed with you, but I don't want to have two plans --

**DELORES DAWSON:** But I -- I --

**COUNCILPERSON THOMAS:** -- I don't want to have two plans working --

**DELORES DAWSON:** Okay.

**COUNCILPERSON THOMAS:** -- you know, at -- at -- you know, against each other. I'm trying to develop all the information to bring to the Board. I don't -- you know, I don't know what -- what she's doing. I just don't want to have a problem where we're both working two different things.

**DELORES DAWSON:** Right. Can I just say this? The Concerned Mothers was there when Miss Pardo came over when they were dedicating the park the other day.

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

**DELORES DAWSON:** And they had a lot of issues and they did discuss -- when Miss Pardo --

**CHAIR PRO TEM PARDO:** That's right.

**DELORES DAWSON:** -- was taking pictures across there --

**CHAIR PRO TEM PARDO:** That's right.

**DELORES DAWSON:** -- they did call her and ask her to come over --

**CHAIR PRO TEM PARDO:** Uh-huh.

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

**DELORES DAWSON:** -- and talk with her.

**COUNCILPERSON THOMAS:** Okay.

**CHAIR PRO TEM PARDO:** Yeah. And that's all it is. You know, if a resident reaches out to me, I -- you know, I'm going to be there like everyone else. All right. Miss Davis -- Mr. Davis did you have something before Miss --

**COUNCILPERSON T. DAVIS:** No. I'll wait till after public comments.

**CHAIR PRO TEM PARDO:** Okay. Miss Shepherd and then Bonnie Larson. Good evening, ma'am.

**MARGARET SHEPHERD:** Good evening. Margaret Shepherd, Riviera Beach. I want to thank you, Mr. Guyton, for the tickets to the fair for Summer and I. It was one of the best I've ever seen in my life here in this City. Such a awesome lady and Summer just enjoyed it so much. She's just talking about it over and over again. I hope this is the type of people we invite to our neighborhood. And the venue, it was awesome. The Breeze was awesome. So I -- I really enjoyed myself, really, for the first time with something like that.

Also, I really wanted to thank you. The swimming will be starting up the last of March and we thank you for your contributions once again. And it -- it was something.

I want to deviate to something else. Mrs. Larson brought up something about retirement. I think really before you guys really start getting into changing the positions of the mayor and whatever, you guys have a full-time job here. I don't -- I don't think you really understand what's going on with the redevelopment. Full-time jobs. \$19,000. It's not cutting it you all. You guys are going into a big redevelopment surge. You got a lot on your plate and part time is just not cutting it. I suggest when you go back to the (skip in audio) you sit down and think about making this full time. Once the Marina and everything go online, this is full time. You don't have time. You're patching this and patching that. You -- you're giving staff do the -- you must do it right. They're doing it down in West Palm Beach, even Palm Beach Gardens. We come to Riviera Beach and we're patching -- 19,000. That's no money really. Just something to think about. Full time -- full time. It just will give us an opportunity to get the fullness of our City. Because it's coming whether we like it or not. You know? It's coming. I just wanted to throw that out.

And then I want to go into Inlet Grove. Inlet Grove has become a B school. Mrs. Banks has really kind of cleaned house a little bit and we thank you for allowing the Junior Council to come back. We want to thank our Deputy Clerk for really giving them some insenues [sic] of how to proceed with the -- very proud of her how she handled those young children. And to make sure that you all know that Inlet Grove is really trying to put a face on the City where we'll be going to Boca Saturday for our debate and we're going to ask you for our prayers. Because I think we brought home three -- I think we brought home three certificates last year. So we're looking to bring back at least five and we hope that Summer will be one of the debaters. So I ask you for your prayers. Thank you.

**CHAIR PRO TEM PARDO:** Thank you, ma'am. Okay. Bonnie Larson and then Linda Wilmer.

**BONNIE LARSON:** Since she brought it up, sometime the Councilpeople --

**CHAIR PRO TEM PARDO:** Please state your name for the record.

**BONNIE LARSON:** Bonnie Larson, Riviera Beach. Full time Councilpeople, that would have to be an employment situation. This is a totally different situation. And when you're doing your study you should've had the study tonight. You should've known exactly what people are paid elsewhere in other cities and you have to take into consideration the salary, the benefits, the health insurance, the dental, the this, the that, the computers, the cell phone, \$100 travel a month. You gotta take all of that into consideration plus the number of people in the City. So there's a lot of things to do. And that should've been provided to you before you were asked to vote on that tonight.

Also, I mentioned this before, there was someone standing here and Mr. Thomas, you asked a question; you didn't get the answer to it. And I've said this before. When staff

come here to these meetings to answer your questions, they need to bring their laptop with them, have the answer like that. Don't say, Yeah, I didn't bring the information. I don't have my laptop with me. We provide the laptops. You bring them with you and you have that answer. Any one of you Councilpeople, you should have an answer like that. This is the world of technology.

Something I talked to the State about last year -- and we're talking about catastrophes tonight -- I asked the State about a turn lane from Blue Heron onto Broadway. You talked about it a couple of years ago here and didn't do anything about it. I looked into it last year and the State said if Riviera Beach wants it, they would do it. When I grew up here -- and I'm sure a lot of you were not here then -- that road along Singer Island washes over there by that bridge. You -- and we didn't have those condos then. We didn't have the hundreds of thousands of people that we have living there in those condos now.

If we have a hurricane, a bad one and we have to evacuate, obviously, Singer Island, all those people have to go somewhere. There's only two ways of getting off the island. You go off Blue Heron or you go off PGA. If you have never seen that road washed over, you haven't been here as long as I have. We need to prepare for this. We need to prepare for, be proactive, prepare for a catastrophe like Mr. Guyton said. Let's not wait until we have a catastrophe for something to happen. Look into that turn lane right there on Blue Heron Boulevard as it turns onto US 1. And now we have the medians on US 1 so it's going to be even harder to evacuate the Singer Island people. So talk to the State about that, tell them you want it. Why wouldn't you want it? Let's get -- let's provide a -- a way for our residents to get off the island in the event of a hurricane which will eventually happen.

Two other things I'd like to talk to you about are locks on dumpsters within the City. Let's get locks back. The dumpsters throughout the City, they're open 95 percent of the time. People sift through them, pull stuff out of there, it smells, there are flies. Very simple, get a lock. Get a lock and make that a mandatory thing.

Also, (skip in audio) around dumpsters, I've heard people talk about putting those in. That provides a good hiding place. Get the locks instead. Cheaper and people cannot hide in them.

The CRA was cancelled this last week but I understand now there is a CRA retreat in Fort Pierce. I believe it's Thursday and Friday, I think. I just saw it downstairs. I think it said Thursday and Friday. I'm not even sure where it said it was. Somewhere in Fort Pierce. But that eliminates the people from -- who are working on the Council from attending those -- those retreats. So you need to do something where everybody can be in attendance and everybody has the same information. Thank you.

**CHAIR PRO TEM PARDO:** Thank you, Miss Larson. Linda Wilmer -- Wilmer and KaShamba Miller. Good evening, ma'am.

**LINDA WILMER:** Hi. Linda Wilmer, 110 Shore Drive, Riviera Beach.

**CHAIR PRO TEM PARDO:** Welcome.

**LINDA WILMER:** And I'm here and very concerned about \$880,000 in waste. I -- I can't imagine how many properties it takes to acquire \$880,000 in taxes for Riviera Beach. We have management and under that management are our department heads. Those department heads are responsible for their employees and their expenses. Somebody isn't doing their job.

If this was a corporation, they'd be fired. Credit cards left in the hands of ex-employees? If they use them, they're thieves and it needs to be collected. Cell phones and iPads given to employees that don't need them is ridiculous. It's mismanagement. This City is not the richest city in -- in the world, that's for sure. We need every dime we have and I'm just -- I'm gonna pursue it. I'm not letting it go. I'm just letting you know. This needs to be seen to. People's heads need to roll, unfortunately. Thank you.

**CHAIR PRO TEM PARDO:** Thank you, ma'am. Would you like to say something, Miss Jones?

**CITY MANAGER JONES:** Yes, I would. And if any resident would like to sit down with me, I will walk them through each and every item in that (skip in audio). I will show them where that is an opinion and not a fact of 800,000. And so if any of them would like to sit with me, by all means, give me a call and I'll be glad to meet with them.

**COUNCILPERSON THOMAS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Yes, sir.

**COUNCILPERSON THOMAS:** Miss Jones and I know Miss Miller is coming.

**KASHAMBA MILLER:** No. Go ahead.

**COUNCILPERSON THOMAS:** But the -- the -- the issue is that the news media is going to portray one side. All I'm saying is it can't just be one single resident after another single resident. All the residents hear is -- is \$800,000 of waste. No one has ever gone through that document and put on 18, put somewhere else -- to say, Hey, what this is. Now some of the stuff, there's no doubt, we gotta correct. And we already was correcting it prior to them. But I don't want anybody to think that we're just sitting back and not doing anything, you know, about that. So I know that there was one resident that said, Hey, listen, I'm -- I'm outraged by that. as if that was the total case, she should be and she probably will be still with the things that we have. We're definitely not a perfect city.

We -- we definitely got some issues that we need to correct. But to put out recklessly \$800,000 as the media did, as the OIG did, and don't -- they don't -- they don't say the actual things. This is what their recommendation was. You know -- you know, certain stuff they feel like assistants shouldn't have iPads or whatever the -- you know, you just heard one resident get up and say they all should have them right here so they can get you the information. And yet the OIG says, Well, maybe they shouldn't have them. You

-- you see? So if we approach this, put it on 18, just put it all out there. Go through it. Even the things that we need to correct 'cause there were some things that we missed that we need to correct, like any other city. We need to correct that and we will but I don't want residents just thinking that it was \$800,000 of just waste.

A lot of that, over 500,000 of that number, was in fuel and what car went in what fuel. They never said anything was stolen. They just gave an opinion and I really want us (skip in audio). They can judge us by however it is but I want them to get that out.

**CITY MANAGER JONES:** We will do, sir.

**COUNCILPERSON THOMAS:** Thank you.

**CHAIR PRO TEM PARDO:** Okay. KaShamba Miller.

**KASHAMBA MILLER:** Hi.

**CHAIR PRO TEM PARDO:** And then -- I'm sorry.

**KASHAMBA MILLER:** No, go ahead.

**CHAIR PRO TEM PARDO:** Go ahead, ma'am. Welcome.

**KASHAMBA MILLER:** Go ahead.

**CHAIR PRO TEM PARDO:** Go ahead. Welcome.

**KASHAMBA MILLER:** Okay. Good evening. KaShamba Miller, 28<sup>th</sup> Street. One -- one of my first points was about the OIG report and I'm glad to hear that you're now considering trying to put it on Channel 18 because I do believe people go by what they see. And if the news media are saying \$888,000, that sets off an alarm in many of the residents' minds. And not everyone is going to do the research to identify exactly what the problem is or if it's correct or if it's not correct. But just knowing that amount really concerns a lot of citizens. And if it's possible, I -- I think it would be a very great idea if -- well, you can put it on Channel 18, go through the document as Councilman Thomas just said, to be able to make it available to everyone. I mean, some people may work, they may not be available to come up and -- and meet with you one-on-one or however you wanted to do it. Just go on ahead and put it on out there to be transparent. Just put it out there and, you know, people can dissect it the way in which they -- they choose to do. Because I think it is a very, very important issue to many of the taxpayers at this point considering several OIG reports have come out in the past month or so. So in order to better our image as a city, I think we need to try to do as much we can to dispel any of the rumors or the myths or the concerns that many of the taxpayers may have.

Also, I just wanted to mention about the -- I know many times, many people come up and have comments that say up here at the podium and -- and sometimes it may not be what we want to hear or, you know, it may not be something that's positive for you. I still think we need (skip in audio) all citizens and their comments that they make. I do -- I would

really like to know what is the process in trying to get back the answers to the community members that do come up and ask a question. Sometimes, as I -- I think even said maybe about a month ago, people come up, ask a question. They continue to say they haven't got an answer in three or four months. If you could just maybe at the end explain what the procedures are when a -- a community member comes up and express a concern and it doesn't appear -- I'm just saying it doesn't appear that it's being addressed if they continue to come up and ask the same question over and over.

So if you could just provide a little insight as to how we go about making sure that issues are taken care of so that it doesn't continue to fester. The quicker they're addressed, the quicker people will probably leave it alone. But when you tend to ignore it, it -- it becomes more than what it probably needed to be to begin with.

And also, just the other thing about the landlords being responsible for the water bill. I know there was a meeting during the day about a week or two ago and I just wanted to know if there was update. Thanks.

**CHAIR PRO TEM PARDO:** Thank you, ma'am. Gerald Ward and then Dorothy -- is it Gay --

**DOROTHY GAY:** Gay.

**CHAIR PRO TEM PARDO:** -- or Gare? Okay. You're after Mr. Ward.

**CITY MANAGER JONES:** Miss Pardo, if I may say that, while he's coming, that the IG's report, the manager's response, are both on the website. And if you're on the website, you look on the right-hand side and it says OIG reports. You can open it up and you can read all of those documents.

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

**GERALD WARD:** Gerald Ward, 2135 Broadway, 3930 N. Ocean. I would tell you that's -- there are couple things done tonight. You have a lot of gum flapping. I forget how -- you said an hour and a half on that crazy coastal ordinance. But ordering Mrs. Ryan to sort of take charge and -- and oversee or do instead of CDEC, the fixes in 45 days and specifics, Miss Ryan, you need to look at section 31-39, sub 3 of the City code dealing in variances. Because that -- that's another option for solving the problem. But you've gotta understand we have a good code that we established in the 80s in this town and things are in there that work both ways. The flood elevations, first of April, April Fool's, the condo commandos north of the furthest most east point in the State, better get cracking. Now unfortunately, the regulations of FEMA clearly say that they probably will have a velocity zone to the landward toe of the dune, all the way up A1A to the north limit. And that's going to be tens or hundreds of thousands of dollars in insurance costs if you're living in a velocity zone.

The flood elevation at the Marina is not nine feet, it's seven. And so somewhere along the line, somebody was feeding you some stuff tonight. But the gum flapping doesn't produce a report. The coastal ordinance had a page and a quarter report. Mrs. Ryan

will probably have 20 pages just from what you've ordered her to do. We need to get back to the planning that's in the code. The Planning Board is somebody that has to oversee City projects. You heard the guy say he was going to go for site plan review, but he was thinking about going and talking to CDEC staff and not going through the process. You know, they clearly didn't have good ideas. The Planning Board does have good ideas.

Lastly, somewhere along the line in this crazy Palm Beach Island BMA process, the town of Palm Beach moved a bar area to off the furthest most east point. You saw the two dredges of weeks working. They now are stealing sand without permits from Riviera Beach. We have three miles off shore. We could have gotten money for permit money. You still need to start going after folks that are mining in Riviera Beach. And that is tens of thousands of dollars that you could've recouped. So get with it.

**CHAIR PRO TEM PARDO:** That's not true. Okay. Dorothy Gay.

**DOROTHY GAY:** Good evening.

**CHAIR PRO TEM PARDO:** Good evening, ma'am.

**DOROTHY GAY:** Dorothy Gay, 720 W. 6<sup>th</sup> Street. I appreciate you not having my card placed away. I thought at a point, that I wouldn't get a chance to speak tonight. However, speaking to Mr. Thomas, I thank him very highly for taking the time out to meet with the landlords. It shows that at least we have one ear that's willing to sit down and listen to landlords because what we have done, and I've said it before, we have always been dumped on, stepped on and the only persons that get a chance to really voice their opinion and get -- then action taken was Mr. Thomas. That's the only one I see. And I guess we only have one vote to try to change and revamp the laws that are there. And I always say that it seems like you're on the backs of landlords.

That's a true statement. I feel intimidated; I feel threatened because I will speak out. Because usually I've heard other people reference that if you speak out or whatever and you get your issues out, that you'll be faced with retaliation. I've heard that from various public people who are speaking. However, hopefully, that doesn't become a part of Dorothy Gay's legacy with the City of Riviera Beach.

The last part, hopefully something gets done (skip in audio) to alleviate me and all the other -- the 98 percent I heard voice their opinion be responsible for the tenants' bill that is placed on us. We had various guidelines that were discussed. Hopefully, the rest of you listened and not formulated what has been given to you in the last 18, 25 months that the establishment has gone. I -- I feel that none of you are really listening to us. Only people you listen to are the tenants and you'll turn off something on me in a heartbeat because -- and then place it in a lien. I feel that's threatening; it's intimidating to me being a landlord.

So I -- hopefully you will vote to take all the burden off a landlord, place the responsibility where it should be on the tenant; revise what you have written and enforce something that makes sense for all humans, not just tenants per se, but landlords as well regardless

of what's taken in security payments or whatever. That has nothing to do with all the complaints and everything we're faced with with the monies. Don't readily agree for anything coming into the Riviera Beach that you go along with it.

**CHAIR PRO TEM PARDO:** Thank you for your comments, ma'am. All right. That's the end of public comment. We will continue with our regular agenda, item 7.

**REGULAR**

7. **RESOLUTION NO. 15-15 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT WITH THE DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF RETIREMENT, OF THE STATE OF FLORIDA, EXTENDING TO ELECTED OFFICIALS OF THE CITY OF RIVIERA BEACH THE BENEFITS OF THE FLORIDA RETIREMENT SYSTEM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO SET UP A BUDGET IN THE AMOUNT OF \$102,000 IN ACCOUNT NO. 001-0202-512-0-2201 FOR THE PURCHASE OF PAST SERVICE FOR ELECTED OFFICIALS; AND PROVIDING AN EFFECTIVE DATE.**

**COUNCILPERSON THOMAS:** So moved.

**COUNCILPERSON GUYTON:** Second.

**CHAIR PRO TEM PARDO:** Properly moved and second. We have some comment cards. Let's take those first. Joe Verdone. Joe Verdone. Fane Lozman and then Bessie Brown.

**FANE LOZMAN:** Fane Lozman, Renegade Floating Home Development on Singer Island. I think you have to look at -- when you're talking about retirement, when you're talking about making it retroactive, you need to take a look, what are the surrounding communities, how do they treat that? And if you go online and you look at, for example, Dade County, what do you think a Dade County Commissioner makes a year in salary? \$6,000. Now the voters have tried -- it's gone to a vote I think 11 times to increase their salary, but it's still \$6,000 a year. What do you think Boca Raton Commissioner makes a year? \$7,200 a year. Wilton Manor, 7,200; Lauderdale Lakes, 8,100; Delray Beach, 9,970; Weston, 10,000; Davie, 10,282; Lauderdale By The Sea, 10,720; Oakland Park, 11,416; Southwest Ranch is 12,000; North Lauderdale, 12,551.45; Boynton Beach, 15,567.

So what these salaries are, especially Dade County. I see that all the time. They're always trying to get it raised. What -- what -- what's happening is that the voters made a decision that this is not a full-time job. Now Palm Beach County is different. That's a full-time job. I think their salary is 90 -- Palm Beach County is 90-some odd thousand dollars. They're -- they're -- they're the exception. \$92 (skip in audio) a year. But -- but the -- the norm around South Florida is it's a pretty minimal salary and it's almost like a community service. Like, you're -- you're serving your community for four years or eight

years, then you should move on and let somebody else do it. But it's certainly not something that you come in -- you come in and say, Well, man, I'm going to get my retirement after serving four, eight or twelve years. That -- that's not what it's about.

And -- and that's obvious from the salaries that these other communities and there certainly is no retirement that we're going to put retroactive because, you know, the word around town is Miss Davis, you know, is losing at the polls and she wants to make sure this gets pushed through so she can get retirement if -- if she doesn't turn it around and - - and win. That's what this is all about. But that's not what the salaries and what's going on around you. What's going on around you is that the voters -- if the voters -- if you want to put that to a vote and it passes, great. But salaries go to the polls. I mean, the salary raises go to the polls. They've been defeated. This type of benefit is almost like a salary, it's -- it's a payment for service. That should go on the next ballot. And that's an easy way to solve the problem. But to retroactively jam it in on a resolution a month before the March election, that's not the way to do it.

**COUNCILPERSON GUYTON:** Madam Chair.

**CHAIR PRO TEM PARDO:** Hold on one second. Okay. And then, hold on Mr. Guyton. Next will be Bessie Brown and then Gerald Ward. Go ahead, sir, while they're coming up.

**COUNCILPERSON GUYTON:** Yes. Chair Davis is not here to defend herself. She can defend herself but I know Chair Davis already have a retirement and there's no evidence that she's pushing this at all. That was just a politically charged statement and I want to clear it up. Thank you.

**CHAIR PRO TEM PARDO:** Thank you. Good evening, ma'am.

**BESSIE BROWN:** Hi. Bessie Brown, Riviera Beach. I'd just like to say to Miss Gay, there is a -- there is a means of retaliation because when I was on the Pension Board, and we were -- we had to get two years for -- we had to be certified and then I didn't even get a -- a -- a vote to be put back on. (Skip in audio). So -- so that's -- that I can -- I can explain that to you.

Also I'm just -- I don't know where -- where this -- where this item came from because I was on the Pension Board and it was -- it -- it was of the understanding that the -- it was too much money to continue the -- the plans for the way they are and now all of a sudden, you're -- you're finding money to go back and give a retirement to the Council. And I -- and -- and the other thing is that, this -- these -- these are part time. You are part -- this is a part-time elected office and I just don't understand where this come from.

And I also want to know to Miss Jones, if anybody could really tell me out there, anybody. Does any other city in the State of Florida have elected officials getting a pension?

**COUNCILPERSON GUYTON:** West Palm.

**COUNCILPERSON THOMAS:** Palm Beach Gardens, Port of Palm Beach. You can go on and on.

**CHAIR PRO TEM PARDO:** Okay. Mr. Ward and then Bonnie Larson. Good evening, sir, again.

**GERALD WARD:** Gerald Ward, 2135 Broadway. I only saw this on the Internet and I said item 4 is also the same item effectively but this is the money. More than \$100,000 to fund and set up an account for retirement for elected officials. Miss Larson sort of hit the nail on the head by saying most folks serve and somebody just now said, take it five years. The Planning Board in the mid-80s: You were there five years and out. It was -- you could go through the officerships or you could just be a member. And you got trained and it was a good service function.

So somewhere along the line, we've converted this. At Congress, the 535, the 435 Congressman and the 100 Senators, the public is incensed over the fact that they get substantial benefits for one two-year term in a Congress seat. So I think you need to be very careful about this. I don't believe the folks of Riviera Beach understood the going to the Florida Retirement System encompassed things of this nature. Yes, it's part of Florida Statutes. There's nothing skullduggery about it other than notice, communication. So somewhere along the line, I think you need to have a -- a -- a better contact and get it in writing and get it out earlier. Mrs. Jones clearly defined that you were in a hurry back in December and it didn't get properly vetted and certainly not documented in writing.

**CHAIR PRO TEM PARDO:** Bonnie Larson.

**BONNIE LARSON:** Bonnie Larson. I already commented somewhat on this tonight because, like I said, most large companies and even small companies for sure, but large companies, they've done away with their pension plan; they've done away with their retirement plans. If you look at the expenses for Riviera Beach, what is our highest expense? Retirement plans for Riviera Beach employees. Now we want to do it for people who are on the Council, who are elected people on the Council, not hired. They're not here full time. We're -- people who are coming here to the Council who want to make a difference in Riviera Beach, make it a better place to live. So that ranks me when someone says, you know, it's -- it's not against the law to do it. It's -- it's allowable, we can do it. But why do it? Why are you -- why are you trying to do that when people in Riviera Beach are making \$30,000? They gotta survive on that per year. We're told that all the time. Is anybody listening up there? Everybody's looking down at their paperwork. Okay.

I notice the TV cameras now when we're speaking, the -- the camera is on us. Thank you very much. And not on the Council because then you could see the Council sometime are -- are doing (skip in audio). It's true. Now you're all looking at me. But I'm just making a comment

**CHAIR PRO TEM PARDO:** Yeah. Stay with --

**BONNIE LARSON:** I'm just make -- I'm -- I'm -- I'm --

**CHAIR PRO TEM PARDO:** No. Stick with the subject --

**BONNIE LARSON:** -- sticking with the subject here.

**CHAIR PRO TEM PARDO:** -- please.

**BONNIE LARSON:** I'm sticking with the subject. I just want to make sure that somebody was listening.

**CHAIR PRO TEM PARDO:** We listen.

**BONNIE LARSON:** Here's another -- here's another very interesting comment about this. Not only is this retirement for the Council members who are sometimes only on there maybe for three years. Why would they get a retirement? It makes no sense whatsoever to now put that -- may I speak at it? Now it puts an extra burden on the City of Riviera Beach taxpayers for that. And here's an interesting statement: And also, not only do you want to have a retirement now, but you want to make it retroactive for the past 24 years. Make it retroactive to 1991. What is that? Unbelievable.

Here's another very interesting statement. Termination. Once this agreement is made and approved, it may not be revoked. When have we ever had a -- when have we ever had something that says it can never be revoked? And all present elected officials, elected coverage under -- you're talking again -- under the agreement, and at future and -- let's see -- and all future elected officials shall be compulsory members of the retirement fund. In other words, you can't even turn down this money. They're gonna force it on you. Riviera Beach is going to force this money on you. So when you make this decision, it says here, that you can never revoke it. When does that happen? Poor decision. Very poor decision and it reflects very poorly, I have to say -- you don't have to like me saying it -- it reflects very poorly on the Council to even ask for this. Doesn't matter if it's not -- if it is legal to do it. Why are you doing such a thing and retroactive 24 years no less. Thank you, Mr. Davis for voting against it. Thank you for that, for having the nerve to stand up and say that.

And you mentioned that one of the members already has a retirement. A lot of people get two retirements. If they started early enough in life, they have two retirements. Good for them. Thank you.

**CHAIR PRO TEM PARDO:** Okay. This is -- all right. So staff, who wants to -- you want to tell us about all this retro going back 19 years and the whole bit?

**CITY ATTORNEY RYAN:** Let me start from the beginning. The first ordinance that the Council considered, was an ordinance that is required by the State of Florida Retirement System. They require an ordinance or a resolution stating that you are interested in being a part of FRS. The ordinance covers elected officials, general employees, the police officers and the fire -- firefighters. So if they vote -- we're still waiting for police to vote. Fire -- the firefighters have already voted. If they vote that, yes, to join FRS, they

will become members. However, before we could even consider any vote, we had to pass this ordinance.

The first ordinance was back in December. The firefighters and the Police Department had already voted but they had to do a revote. The Police Department is voting next week. We decided to go ahead and get this process started and to use the elected officials as the starting point because it is the smallest class. The -- the resolution with the agreement attached is the actual document that we have to enter into with FRS for each of those divisions. So tonight, the Council is considering the agreement for the elected officials. The next one you will have will be for the general employees, firefighters and the police officers.

This agreement is not a City of Riviera Beach agreement. This is the State of Florida agreement which was not modified at all. They told us that all that we could do was fill in the blanks. And if you look at the agreement, the blanks are filled in with a -- with a pen. That's how they wanted it. Once you become -- the City Council knows that once the City decides to become members of the Florida Retirement System, it is compulsory. There is no getting out unless you already have a pension with the State. In that case, you are unable to join. Florida Statutes lays it all out.

The -- the agreement that you -- that is before the Council is an agreement to join FRS and to buy back time. It is not unusual. You know, we've spent a lot of time with FRS. It is not unusual for cities to buy back the time for individuals that are joining FRS. I know that this City Council has already discussed buying back time for the general employees, police officers and firefighters. We have not determined the number of years, but I think there's been some discussion about buying back 5 years of their time. We made a decision that to be consistent, we would buy back some of the time of the elected officials on the Board right now.

The reason why it goes -- the dates that are filled in -- we wrote the dates in, it doesn't say that they are going to get a pension from 1991 to 2015. In an effort to bring everybody's time in, we went back to 1991 so that we would bring in Mr. Guyton's time when he was an elected official the first time around. But that -- I believe he was an elected official for four years. That is what he gets his FRS pension on. The amount of money was very low and in order -- and you have to be consistent. If we're buying back - - Mr. Thomas has been on the board for seven or eight years. We can't say we're buying back Mr. Thomas's seven or eight years, but we're only going to buy back Mr. Guyton's one or two years. You have to be consistent.

So if we're buying back all of the elected officials' time, we have to go back in time to buy Mr. Guyton's. The total amount is \$102,000. Finance Department did the calculation. If you read the agreement, the City can pay that in installments or it can pay the entire amount. There's going to be more money that the City's going to pay if we're buying back time for our -- the rest of our employees. So this is not the last number that you will see. At the next (skip in audio) after the votes are in -- we're waiting for all of the votes to be in -- we will have another resolution for those other employees as I've discussed, and

there will be a -- the -- the same -- exact same agreement for them with the numbers filled in.

This is as transparent -- I don't know what else we could've done. We've spoken with FRS. This is the agreement that they have. The ordinance is what everyone is required to do. Some people just do resolutions. We decided that it would be better to advertise it so that everybody knows so there was -- you know, the Council's being transparent as well as staff. So that ordinance was on first and second reading and now you -- you have the resolution. I hope I explained it well enough.

**CHAIR PRO TEM PARDO:** All right. I have a question. So this is -- so you're buying back time if the elected official was an elected official. But if they were an employee for the City or anything like that, you're not buying back that time.

**CITY ATTORNEY RYAN:** No. This is -- this resolution is for the elected officials class and it only pertains to the period of time where each of you were an elected official. It's not buying back any other time.

**COUNCILPERSON GUYTON:** But at the other point we will if some of the -- if some of the employees want to come over to the FRS don't we have that --

**CITY ATTORNEY RYAN:** Oh, I'm only speaking about elected officials. I'm --

**COUNCILPERSON GUYTON:** I know but we need to put it all out there.

**CHAIR PRO TEM PARDO:** Oh, right.

**CITY MANAGER JONES:** Yeah.

**COUNCILPERSON GUYTON:** That -- that employees get the same thing.

**COUNCILPERSON THOMAS:** She did.

**CHAIR PRO TEM PARDO:** Right.

**COUNCILPERSON THOMAS:** She said that.

**CITY ATTORNEY RYAN:** Yes.

**COUNCILPERSON GUYTON:** Oh, okay.

**CHAIR PRO TEM PARDO:** Yeah.

**CITY ATTORNEY RYAN:** We -- I don't -- we're not going to buy back all of their time. What -- what we're going to do is -- I think we've talked about buying back up to 5 years of time. So if an employee -- let me just give an example. If they've been an employee at the City for three years and they decide that they want to go to FRS, they come out of the City's pension and they will go to FRS and to assist them, the City will buy back those three years for them. We don't -- we won't buy five if you weren't an employee for

five years. If you're an employee for three years, we buy back three; if you're an employee for 10 years, we're buying back five to help you with the -- with the transition. And nobody has to go to FRS. It will be compulsory for all future employees after the date of the agreement. It's not the ordinance that controls, it's the agreement that controls.

So they will be compulsory after that date but every employee of the City has an opportunity to say no, I do not want to be a part of FRS and they can stay in their pension plan, in the current pension plan.

**CHAIR PRO TEM PARDO:** Okay. My other question is there are other cities that do this, correct? This isn't new to Riviera Beach, is it?

**CITY ATTORNEY RYAN:** I know that it's not new to Riviera Beach but I don't have the - the statistics on it. That is not something that I was asked to do. I don't know if Mr. Sherman knows.

**CHAIR PRO TEM PARDO:** All right. So did -- Miss Jones, did staff do that analysis?

**CITY MANAGER JONES:** We didn't do the analysis. We did look to see what other cities used FRS.

**CHAIR PRO TEM PARDO:** Uh-huh.

**CITY MANAGER JONES:** And included that, but I -- not with buy back or time buy back 'cause they were already in it. But we can research that as to what their number of years to buy back service is.

**CITY ATTORNEY RYAN:** I think you're talking about elected --

**CHAIR PRO TEM PARDO:** Elected officials -- elected officials.

**CITY MANAGER JONES:** For -- buy backs are for elected officials (inaudible).

**COUNCILPERSON GUYTON:** (Inaudible).

**CHAIR PRO TEM PARDO:** All right.

**CITY MANAGER JONES:** Includes the elected officials in their pension plan?

**CHAIR PRO TEM PARDO:** Correct.

**CITY MANAGER JONES:** Oh, there are several. Randy, do you have that list? I don't know if --

**FINANCE DIRECTOR SHERMAN:** Good evening. Randy Sherman, Director of Finance and Administrative Services. Actually, when we did the presentation back in September, one of the items, documents that was attached to that presentation, the FRS actually prints a -- an inventory -- and I can pass one copy around 'cause that's all I have

with me -- of -- of what plans the communities have and who (skip in audio) in there. And if you look under the FRS column, there are numerous communities --

**COUNCILPERSON GUYTON:** Just -- just read off a couple --

**FINANCE DIRECTOR SHERMAN:** -- that -- that have elected officials.

**COUNCILPERSON GUYTON:** -- communities that have elected officials.

**FINANCE DIRECTOR SHERMAN:** Well, for example, I think Boca was brought up earlier. Boca is the -- Boca actually has only elected officials in FRS. They have other plans for other employees, but the elected officials. Let's see -- yeah. I can just run down. Bonita Springs, Bradenton Beach, Bristol, Brookville, Bryant. I -- I mean, it just goes on. Let me see if I can find some of the larger ones. West Palm is -- is not in FRS.

**COUNCILPERSON GUYTON:** No, but they have a pension plan.

**FINANCE DIRECTOR SHERMAN:** They -- they have a defined contribution plan. Coconut Creek, Dania Beach, Daytona Beach, Deerfield Beach -- trying to find some here. You know, Fernando Beach, Gainesville, you know, got lots of big ones. Green Acres does, (inaudible) --

**COUNCILPERSON GUYTON:** And Green Acres is smaller than we are.

**FINANCE DIRECTOR SHERMAN:** Yeah.

**COUNCILPERSON GUYTON:** Or about the same size, same size.

**FINANCE DIRECTOR SHERMAN:** Yeah. But then, Highland Beach, Hollywood, I mean, you know, the list goes on. I'm only up to the Hs here. I don't know how --

**COUNCILPERSON GUYTON:** That's enough. I mean --

**FINANCE DIRECTOR SHERMAN:** -- I don't know how many you want me to read:

**COUNCILPERSON GUYTON:** -- that's enough. No. That's enough, that's enough.

**FINANCE DIRECTOR SHERMAN:** Jupiter. Yeah.

**COUNCILPERSON GUYTON:** That was suggested that --

**FINANCE DIRECTOR SHERMAN:** I mean, it's a list of them. Yeah.

**COUNCILPERSON GUYTON:** -- only Riviera Beach is doing --

**FINANCE DIRECTOR SHERMAN:** Yeah.

**COUNCILPERSON GUYTON:** Riviera Beach is actually --

**FINANCE DIRECTOR SHERMAN:** There's actually a lot of communities --

**COUNCILPERSON GUYTON:** -- behind.

**FINANCE DIRECTOR SHERMAN:** -- that have FRS for elected officials.

**CHAIR PRO TEM PARDO:** Okay. Anything from the Board? All right. Madam Clerk?

**INTERIM CITY CLERK ANTHONY:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Davis?

**COUNCILPERSON T. DAVIS:** No.

**INTERIM CITY CLERK ANTHONY:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**INTERIM CITY CLERK ANTHONY:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

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

**CHAIR PRO TEM PARDO:** Okay. Thank you. Item 8.

8. **RESOLUTION NO. 16-15 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CONSENTING TO A LEASE BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY AND VIKING RESTAURANT NO. 1, LLC, AN AFFILIATE OF VIKING DEVELOPMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE LEASE; AND PROVIDING AN EFFECTIVE DATE.**

**COUNCILPERSON GUYTON:** So moved.

**COUNCILPERSON T. DAVIS:** Second.

**CHAIR PRO TEM PARDO:** Okay. Let's do our comment cards. Joe Verdone. Did he leave? Joe Verdone. Okay. He's officially gone. Bessie Brown and then Fane Lozman.

**BESSIE BROWN:** Bessie Brown, Riviera Beach. On this item, the only thing that I have to -- I wanted to say on this item -- and every time when I ask a -- I ask a question, I -- I finally got an answer tonight. I really appreciate it. The only thing on this item I have -- I have, um, we have the private developer in this agreement, has an agreement to develop the private elements of the Revised Master Plan as Restaurant Row, Marine

Way and Market Court, which would be noticed as private elements, too. Which was, I guess, you know, approved July 25<sup>th</sup>, 2014.

The only thing that I have to say is that all of these -- this -- this -- these things that are going -- going through, you all have here for approval, you're approving amendment -- amendments to the -- to the plan, you're approving amendments to the Master Plan which has never -- which the majority of the City has never -- it has never come back to the citizens. When we did (inaudible) Master Plan, I don't think it -- it's probably not 50 people in the City has ever been addressed after that. You know? But -- but because the CRA goes and pulls anybody he wants to pull to -- to -- to -- to talk on these items and that's what he does.

But the -- but the -- the majority of the people that invested in this Master Plan, has no idea what is going on. And I think it's -- you know, it's just a travesty that you all sit up there and allow it to happen.

**CHAIR PRO TEM PARDO:** Fane Lozman.

**FANE LOZMAN:** Fane Lozman. Miss Brown, I echo some of your thoughts. You know, you have to have fiscal responsibility. You know, just like the last vote, you voted yourself compensation in violation of the Charter. You know, you can't play that game but you'll learn that the hard way. You want to increase your compensation, change the Charter.

In this particular instance, again, it comes down to a financial situation. And we're -- where did 4.15 a square foot come from? Did anybody go look at what other waterfront restaurants do in the area? I guarantee you it's not 4.15 a square foot. Maybe 30, 40, 50 a square foot. But 4.15 a square foot, that's just giving it away. And two percent of gross, well, we know how that's going to wind up. I think the superior solution to this is to go get what is a viable rate. I mean, you're -- you're -- you're -- you are beholden -- you know, one of the arguments I've made for years goes back to 2006. This Council has financial relationships with Viking -- some members, not other members.

But some members do. And you are beholden to Viking, the master developer, based on existing relationships, based on bundled campaign contributions and you get them the best deal but you don't get the best deal for the citizens. Like, the prior one. You got you guys the best deal. You voted for compensation, contrary to what the Charter should let you do. Because it put money in your pocket. Okay? It took money out of the taxpayers' pocket. This deal takes money out of the taxpayers' pocket.

Just like the Tiki Bar took money out of the taxpayers' pocket. The Tiki Bar was appraised at 19 grand. An offer came in at 22,500, but yet you guys leased it to your buddy at 6,500. Okay. This is not in the best financial interest of the City. The best financial interest to Viking. Okay? And all those numbers I just talked about, they were all in the OIG report. They were in the audit. Okay? You can go read that online. The 6,500, the 19,000 appraised. Michael Gelz's [phonetic] offer of 22,500. Okay?

Then it -- then when the lease expired in 2011, you let it roll month by month by month. You know, you -- you know, it's just like beating against a wall. You just, you know -- you throw a ball against the wall, it comes back faster. You guys just don't give a damn about getting the best deal -- not -- some of you do. But many of you don't care about getting the best deal for the taxpayers because you're beholden to a master developer that should've been disqualified when Floyd Johnson said they couldn't perform on the contract. Just keep hiding behind what you think is reality because it sure isn't and the facts have proved that over the years.

**COUNCILPERSON GUYTON:** Madam Chair.

**CHAIR PRO TEM PARDO:** Hold on a second. Let me tell you something. And I'm speaking for myself. I'm not beholden to anyone, okay? Yeah. To no one.

**FANE LOZMAN:** You're pretending.

**CHAIR PRO TEM PARDO:** Yeah. You know what? One more comment from you and you'll be dismissed. So I just --

**COUNCILPERSON GUYTON:** Madam --

**CHAIR PRO TEM PARDO:** -- you know, talk about being beholden. Give me a break. All right. Sir, go ahead.

**COUNCILPERSON GUYTON:** Thank you, Madam Chair. Just so the residents to know, this deal was actually negotiated on the CRA side and the CRA hired the largest -- one of the best real estate brokers in this country --

**CHAIR PRO TEM PARDO:** Correct.

**COUNCILPERSON GUYTON:** -- to sit down with us to give us advice on what is reasonable, what is not reasonable and we (skip in audio) stand that just because they say it at the mic doesn't make it so. There was an appraisal done, I know, when the CRA and the City enter into their agreement and this kind of mimic it -- that agreement because an appraisal was done about the square footage. But we do have all of our records. We have the -- one of the best in the country real estate brokers to help us negotiate this. And it was done in the best interest of the City because I've been getting the calls of -- from people associated with Viking that's not too happy.

So don't -- don't just listen to people coming to the mic and talking for their own personal interests. Thank you, Madam Chair.

**COUNCILPERSON THOMAS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Yes, sir.

**COUNCILPERSON THOMAS:** What Mr. Guyton didn't add was that we're talking about dirt, unbuilt -- we're talking about that amount of money for not anything being built. And

it's actually higher than what the average rate is which we're pleased -- well, at least I'm pleased that we finally got on the higher end of some -- some things. And, you know, what I'm hoping is that people who have (skip in audio) against anybody personally, you know, when you -- when you do this job, you're going to upset somebody on every vote you take. I'm -- I'm hoping that the public, you know, sees through that and actually get facts. I'm not saying that Mr. Lozman is wrong all of the time.

**COUNCILPERSON GUYTON:** Yes, he is.

**COUNCILPERSON THOMAS:** I -- I'm not saying that Mr. Lozman is wrong all of the time but what I am saying is that on -- on a -- on a wide range of issues and items, his comments seem to be out of more anger and try to throw mud against the City of Riviera Beach. How we combat that is not single Mr. Lozman out and just put the facts up, put them online. Whatever we can put out, you know, put it out so that everybody understands that that was three minutes of just blowing smoke at people that was just wrong. That's why you saw Miss Pardo get a little bit upset; that's why you saw Mr. Guyton have to chime in. That's why I'm chiming in, you know? We take pride in this -- in this job that we do and we're moving along. You know?

It's disappointing that individuals such as Mr. Lozman, you know, come up and say those things. I am glad that he was calm and he was respectful in his comments. Although I disagree with him, at least he was calm and respectful for it and I always have that dialogue, of course, in here, you know, with him. But I just want the public to know, please don't believe any of that stuff. There's nobody harder on these -- with these types of negotiations than this Board.

Everybody is paying attention. We're asking these questions. You can go back and look at these meetings online to find this information yourself. You know? My mom used to tell me, if you want to hide something from somebody who's not really looking to do anything, put it in a book or a document. You gotta read through some of these documents.

We are not perfect. But I can guarantee you that every staff member, every elected official is fighting hard to make this City better. So I'm just hoping that we don't take those comments and just go on. You want to give us constructive criticism, by all means do that during those part-time hours that people have suggested that we keep. But if you -- if -- if you want to just continue to agitate a community to not do anything, this is really not going to be the community for you, period.

We're moving; we're building. I -- I -- I challenge each and every person that can go, go over to the Marina. Go over there by Newcomb Hall. See the cement coming out of the ground. See the dirt turning. See things happening for yourself and then, once again, you won't always agree with us, but go over there -- the proof, the data -- the data, whatever else you need to see is happening over there. It's just right there over off of 13<sup>th</sup> Street. That's it for me.

**CHAIR PRO TEM PARDO:** Okay. So this --

**CITY ATTORNEY RYAN:** Madam Chair.

**CHAIR PRO TEM PARDO:** -- (skip in audio) so this came in front of the CRA already.

**CITY ATTORNEY RYAN:** Oh, I was going to say that. You said it.

**CHAIR PRO TEM PARDO:** All right. So what's the pleasure of the Board? Do you need another presentation? Do you have questions for staff?

**COUNCILPERSON GUYTON:** Nope, nope. No, no presentation. Not for me.

**CHAIR PRO TEM PARDO:** Is everyone okay? We good? Okay. Madam Clerk.

**INTERIM CITY CLERK ANTHONY:** Councilperson Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**INTERIM CITY CLERK ANTHONY:** Unanimous vote.

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

### **DISCUSSION AND DELIBERATION**

**CHAIR PRO TEM PARDO:** Discussion and deliberations. Nothing? All right.

### **COMMUNITY BENEFITS REQUESTS**

- 9. THE RIVIERA BEACH BOYS' CHOIR - \$1,000 - COUNCIL CHAIR PRO-TEM DAWN S. PARDO - IN SUPPORT OF TUTORIAL PROGRAM.**

**CHAIR PRO TEM PARDO:** Community benefits, item 9.

**COUNCILPERSON GUYTON:** So moved.

**COUNCILPERSON THOMAS:** Second.

**CHAIR PRO TEM PARDO:** Okay. Madam Clerk.

**INTERIM CITY CLERK ANTHONY:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**INTERIM CITY CLERK ANTHONY:** Unanimous vote.

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

**DISCUSSION BY CITY MANAGER**

**CHAIR PRO TEM PARDO:** Discussion by City Manager. Miss Jones?

**CITY MANAGER JONES:** Just a couple of items very quickly, Madam Chair. First of all, I would like to announce that the Mammovan -- and that's the van that has -- that you -- individuals can get mammograms -- will be at the City of Riviera Beach on Friday, February the 20<sup>th</sup> as well as Thursday, March the 12<sup>th</sup>. For individuals that do not have insurance but still need to have a mammogram, this will be an opportunity for you to sign up and also still get a mammogram although you do not have an insurance. So we'll have fliers out. It's on our website as well as TV 18 and it will tell you how to go about signing up with Boca Medical, I believe, and getting the clearance in order to also be able to get a free mammogram if you do not have insurance to cover it. And, of course, we are encouraging all of our residents to get regular mammograms.

**COUNCILPERSON T. DAVIS:** Miss Jones.

**CITY MANAGER JONES:** Yes, sir.

**COUNCILPERSON T. DAVIS:** Real quick question. Does that include men?

**CITY MANAGER JONES:** Yes. Breast cancer is just as prevalent in men.

**COUNCILPERSON T. DAVIS:** I just want to make sure that the public knows that.

**CITY MANAGER JONES:** It is very prevalent. Thank you, sir, 'cause that is correct. Just one update. If you'll recall at the last meeting, the Commissioner that is now the liaison between the Port and the City was here. He suggested that there be a workshop.

You all gave a consensus of exploring that option. Manny, Almira and I -- Manny is the executive director of the Port -- have met.

**CHAIR PRO TEM PARDO:** Uh-huh.

**CITY MANAGER JONES:** We've outlined some questions. We are now getting ready to give those to the liaison so then they can facilitate getting the meeting set up and the workshop. So we are moving forward with that and so we will share our notes with the liaisons and hopefully go ahead and get that workshop scheduled.

**COUNCILPERSON THOMAS:** Are we being sued?

**CHAIR PRO TEM PARDO:** Okay.

**CITY MANAGER JONES:** Not yet, to my knowledge.

**COUNCILPERSON THOMAS:** Okay. 'Cause the minute that we're getting sued, I'm not being a part of any --

**CITY MANAGER JONES:** Yeah.

**CHAIR PRO TEM PARDO:** Yeah.

**COUNCILPERSON THOMAS:** -- as long as we're peaceful, it's cool.

**CHAIR PRO TEM PARDO:** Yeah.

**CITY MANAGER JONES:** Okay.

**CHAIR PRO TEM PARDO:** And I have a comment on that. I've been asking for months to have this workshop and I was just totally ignored by staff and now all of a sudden the Port is, you know, trying to initiate this and we're jumping through the hoops. And let me just tell you, I don't -- I don't appreciate it at all. But that will come up at another time.

**CITY MANAGER JONES:** Well, yeah. That's 'cause --

**COUNCILPERSON T. DAVIS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Anything else from --

**COUNCILPERSON T. DAVIS:** Madam Chair.

**CHAIR PRO TEM PARDO:** -- yeah.

**COUNCILPERSON T. DAVIS:** I went over to the last Port meeting when the newly elected official got -- got selected.

**CHAIR PRO TEM PARDO:** Uh-huh.

**COUNCILPERSON T. DAVIS:** And they was very receptive at that meeting. I just went to the swearing in ceremony to say congratulations on what you're doing; welcome to the City of Riviera Beach. I know we had a troubled past, but let's focus on doing the right thing. And that's why, when they came over and they was very -- and they got with staff. And I don't know what prevented it before but I must say that staff was very receptive (skip in audio) came over immediately.

**CHAIR PRO TEM PARDO:** Okay.

**COUNCILPERSON T. DAVIS:** So I don't know whether the lines of communication, if that had got confused, but we want to -- don't want to harp on that. We want to focus on building something better with the Port.

**CHAIR PRO TEM PARDO:** Yeah.

**COUNCILPERSON T. DAVIS:** And that we want to thank McCarthy, Commissioner McCarthy for at least reaching out, doing what some of the others may -- haven't done. But we definitely want to reach out and work with those new ones that have it in their hearts to try to get off to the right start.

**CHAIR PRO TEM PARDO:** Okay. Are you done, Miss Jones?

**CITY MANAGER JONES:** Yes, ma'am.

**CHAIR PRO TEM PARDO:** Okay.

**DISCUSSION BY CITY ATTORNEY**

**10. 2ND NOTIFICATION BY CITY ATTORNEY OF EMPLOYMENT AGREEMENT EXPIRATION.**

**CHAIR PRO TEM PARDO:** Miss Ryan?

**CITY ATTORNEY RYAN:** Yes. Thank you, Madam Chair.

**CHAIR PRO TEM PARDO:** And hold on a second. This is discussion by the City Attorney. There are two public comment cards so before you even start --

**CITY ATTORNEY RYAN:** Okay, sure.

**CHAIR PRO TEM PARDO:** -- your discussion, let's take the comment cards. All right. We have Fane Lozman and then Margaret Shepherd.

**CITY ATTORNEY RYAN:** Of course.

**COUNCILPERSON T. DAVIS:** Oh, okay.

**COUNCILPERSON GUYTON:** (Inaudible) item (inaudible).

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

**COUNCILPERSON GUYTON:** Second notice (inaudible).

**COUNCILPERSON T. DAVIS:** Oh, okay.

**FANE LOZMAN:** Second notification. Fane Lozman. It says second notification by City Attorney of employment agreement expiration. I've -- since 2006 -- it's not a secret -- I've been trying to get Miss Ryan replaced and have an outside law firm come in and perform the legal services. I think they'd bring a lot more capability, a lot more expertise and do it at a lot cheaper job. 2011 there was a vote, two votes to replace her and three votes not to. But other years, there was no vote on anything. It just kind of slid through. There never was an evaluation. The Council kind of just looked the other way and they were friends with Miss Ryan.

They shirked their responsibility to have an open and transparent evaluation of the job that she did. Now some years, they did that and other years, it's like, Oops. It automatically rolled over, we didn't get the evaluation done and so be it. I get myself for another two years. And that is not the way the game should be played 'cause it's not a game. Okay?

You're talking about evaluating somebody who's either the number one or number two most important person in the City, depending on what month it is and depending on what -- what is going on. So you have Miss Jones and you have Miss Ryan. It never should come to a second notification. It should be on -- whoever prepares that agenda say, You know, on January 1<sup>st</sup>, item number 1, City Attorney contract. June 1<sup>st</sup>, item number 1, the City Manager. It just kind of gets slid through. And -- and -- and you're not doing your jobs if you let it slide through. 'Cause obviously she's putting it on notice; it's the second one. Where'd the first one go?

So, I mean, I've seen it slide through before and I've seen it also not slide through. But it's not consistently not sliding through. Now I have spent thousands wasted hours myself on a vendetta that Miss Ryan's had against me and other people at the Marina. Mainly against me, but there's also been other people at the Marina that she's done. She has breached multiple, multiple canons of ethics for members of the Florida Bar.

**CITY ATTORNEY RYAN:** Oh, wow.

**FANE LOZMAN:** Okay? She -- you know, Lynne Hubbard, I have an affidavit from Lynne Hubbard where Lynn Hubbard says she was never presented a settlement agreement in a written minutes lawsuit. Okay? I have a transcript where she said there's nothing we can do but I have a letter from my attorney that was sent to the City saying, "We'll settle that written minutes lawsuit for \$15,000." Instead, the City took an appeal and they lost the appeal and ultimately, it cost 200,000.

So there's been documented instances where she has not been truthful to this Board and we have that evidence to show. But she needs to be replaced and I've been saying that for years. It's going to take the right Board, though, to make it happen because it's not

going to happen with Guyton on the Board or with Thomas on the Board. But it will happen one day. I promise you that. And you'll be replaced, too.

**CHAIR PRO TEM PARDO:** Miss Shepherd.

**MARGARET SHEPHERD:** Wow. What a jerk. Margaret Shepherd, Riviera Beach. Miss Ryan, I missed -- I missed my prayer meeting for you. But it's (skip in audio) day in the City of Riviera Beach -- it's a great day that we have such an awesome woman that has fought for this City. If you don't recognize, you need to start recognizing this woman. Yes, yes. Let's say it. She did kind of veer away a little bit but she proved herself, went back to school, weathered the storm and kicked his butt. She kicked -- drug him all through the mud and brought us to the finish line and we ought to say, "Thank you, Mrs. Ryan." Thank you for getting Mr. Burdett [sic] to bring us to the finish line. And you know what, it has not stopped yet with this man. He doesn't live in the City of Riviera Beach but he has so much to say about our people and I'm getting a little sick of it. Continue, Mrs. Ryan. I would like to have heard your presentation.

Were you asking for more money? Was you asking for a little bit more vacation time because the last time I heard you talk about vacation time. She never asked for another penny. I want to know was she compensated when she went down to the court? Did you send her a thank you letter? Did you give her some flowers? Somebody should've done something. She's a woman -- a married woman with children. But she burned the oil to make sure that this City is moving forward. I would ask you -- I would ask you to please compensate her a little bit more because Miss Ryan has weathered the storm.

Yes, Judge Rogers, he was kind of upset about it at one time but even he can't say nothing. I whispered in his ear. I said, "What do you think, Judge?" He said, "Keep on going, keep on going." So we're keeping on going; we're moving. So everybody is -- it's just a few of them. You know, it's -- you got a few bugs in the fly. You know -- you know what I'm talking about. But you keep on going. Keep on moving. Give this lady her due diligence. If nothing else, give her the respect.

You have some idiot want to get her 10 days. Ten days for what? Because you're not doing your job you're going to give this woman 10 days. For what? This is a business woman. Working with -- even she went back to school to get her degree. If nothing else, Mrs. Jones, somebody need to say thank you. Thank you.

**CHAIR PRO TEM PARDO:** Okay. Thank you. Okay. Miss Ryan.

**CITY ATTORNEY RYAN:** Okay.

**COUNCILPERSON T. DAVIS:** (Inaudible).

**CITY ATTORNEY RYAN:** Let me first say this. I -- I can't recall my contract ever going under the radar. I'm not even -- it's hard to comment about -- I'm not even going to acknowledge it. But a part of my contract says that you all wanted me to put my contract on the agenda three times. I don't know who else has to go through that, but I put it in

the contract and I'm going through it and I have to sit here and listen to this, but that's okay.

This is the notification and if you all do not want to renew the contract, this is the time to tell me. What we have done in the past, if you decide that you want to renew the contract, then -- um, my contract does not expire until June. We can work on a new contract at that time. I don't see the terms changing very much. But, unfortunately, we have to have this conversation and it goes on for months and months and months even though the City has other more important things that it needs to do.

So I'm just giving you that -- that second notification as I have done. This is the second time this was in my contract. I did the same thing two years ago when my contract came up. Before that, my actual contract was on the agenda. This is not a new contract that we're talking about at this time. This is to -- if you don't want to renew the contract, it's to give me the notice so that I know when my contract expires in June of 2015, that I have to have another job. So that's what it's for.

**COUNCILPERSON THOMAS:** Madam Chair.

**CHAIR PRO TEM PARDO:** Yes, Mr. Thomas.

**COUNCILPERSON THOMAS:** I originally negotiated that term into Miss Ryan's contract on purpose just so it could be redundant because we got accused then of letting her contract automatically renew. I actually thought it was redundant and Miss Ryan, you know, being the constant professional that she is, agreed to it just to show another level of, you know, transparency that, you know, she's not trying to -- to do anything under the radar.

These notifications are just to say, Hey, City Council, be thinking. I think we have to notify her in March. So I think we have another month. I'll look at it again and everybody can look at it again.

**CHAIR PRO TEM PARDO:** Right.

**COUNCILPERSON THOMAS:** I think it's --

**CITY ATTORNEY RYAN:** It'll be on the next agenda.

**CHAIR PRO TEM PARDO:** Right.

**COUNCILPERSON THOMAS:** -- okay. I mean, they're just my comments. You know? I understand everybody charged. I would be, too, if people were saying things about me like that. And I think that everybody's done some form of evaluation with Miss Ryan. I know I have done it every year that I've been here, even non-contract years. So that is coming up next month and I'm prepared, you know, next month to deal with that. It wouldn't matter to me. We could deal with it tonight if you wanted to but, you know, it's up to next month where -- before we have to let her know if she's going to stay employed

with us, or you know, find some other means. But I just wanted to let everybody know that's why it's in there.

And to be honest with you, I'm -- I'm not the chair or whoever is the chair at that time that negotiates with it, I mean, you might want to negotiate something different. But it -- it -- it's not going to satisfy anybody who just wants to see her gone no matter how you do it. You could say, Put the whole contract on. You could say -- whatever it is it's just not going to be -- it's not going to satisfy nobody.

What I do want to bring up is -- as a Board, up under this right here, we need to evaluate Miss Ryan on what her performance has been. And I don't think anywhere else, somebody would take the -- the word of a person that actually lost (skip in audio) I think that that person should be fired, you know? Now whether she gets fired or not, that's up to us to decide. But, you know, I want the community to know that my decision is going to be based on her performance. Her performance evaluation would reflect what I feel that she's done.

You know, my vote on whether she stays or not, you know, that -- that'll happen. But she will get a performance evaluation and anybody who would like to see that performance evaluation is welcome to it and I'll be doing mine early. You know? And you won't have to ask for public records requests. I'll be more than happy to give it to you at the very next meeting or give you some type of a synopsis of that. That's all.

**CHAIR PRO TEM PARDO:** All right. Anyone else?

**COUNCILPERSON GUYTON:** Yes, Madam Chair.

**CHAIR PRO TEM PARDO:** Yes, Mr. Guyton.

**COUNCILPERSON GUYTON:** Let me just say very quickly Pam Ryan has my full support so you can save your phone calls and emails. If you want her gone, you'll be wasting your time with me. I have been on this dais -- this is my third time around. Worked with a lot of different attorneys. I've met a lot of attorneys outside of Riviera Beach. They have respect for Pam Ryan. Pam Ryan is one of the most hardest-working, most intelligent, strong women I have ever met. I come through here on the weekend, Sunday, Saturday. You know who I run into? Pam Ryan.

**COUNCILPERSON THOMAS:** It's true.

**COUNCILPERSON GUYTON:** "Pam, what you doing here, girl?" Pam is here working for the City. If Pam was as bad as, one, Mr. Lozman say, he wouldn't try to get rid of her because he's suing us all the time. I would want somebody I can beat. Why would I want to get rid of somebody that is not good? And I'm suing you all the time. The rationale makes absolutely no sense.

**FANE LOZMAN:** I won the case at the US Supreme Court, buddy.

**CHAIR PRO TEM PARDO:** Hey.

**FANE LOZMAN:** I won (inaudible).

**CHAIR PRO TEM PARDO:** Hey, you're out of order, Mr. Lozman. You're out of order.

**FANE LOZMAN:** (Inaudible).

**CHAIR PRO TEM PARDO:** You're out of order.

**COUNCILPERSON GUYTON:** And let me just say since I've been here, Pam Ryan has mopped the floor with Fane Lozman. This (skip in audio) Fane Lozman again had five -- not one, not two, not three -- he was throwing everything against the wall. Five issues before the judge. You know how many he won? Zero. He then filed a motion to have the case reheard. You know who won that? The City. Since I've been here that I can remember, he's won nothing.

**CHAIR PRO TEM PARDO:** All right.

**COUNCILPERSON GUYTON:** He talks a lot. But let me just say -- and if I -- while I have the mic very quickly. We have three employees that we vote on: Pam Ryan, Miss Jones and Tony Brown. I am supporting all three. So let me put that out there early and I'm going to tell you why. Because I meet with them sometime on a weekly basis. I don't need to take -- get anybody else's opinion. I know what my experience is and I know how hard they work and I know that they're not perfect. And I also know that sometime we think the grass is greener on the other side and you pull that grass up and it's a lot of worms and -- and dead grass. You don't know what you're getting out there. I know what we have here. I know where the improvements need to be. And the last thing, you don't see me in public, but when I meet with my staff -- let me tell you --

**CHAIR PRO TEM PARDO:** All right. Can we stay on Pam Ryan?

**COUNCILPERSON GUYTON:** I'm -- I'm -- I'm finishing up because people --

**CHAIR PRO TEM PARDO:** All right.

**COUNCILPERSON GUYTON:** I've gotten comments that I protect the staff, and to a certain degree I do. But let me just say this and I'm ending my -- my conversation here. I had a meeting with staff. Mrs. Ryan came out of that meeting and told someone and it got back to me, that after that meeting, her head was hurting for two hours. Am -- am I lying, Miss -- Miss Ryan?

**CITY ATTORNEY RYAN:** No. You're not lying but they should not have told you that.

**COUNCILPERSON GUYTON:** Okay. But my point is, I don't need to display this in public. Where I -- I do it in a -- in a manner (skip in audio) professionals but nothing gets past me. And when there are improvements made and I'm not satisfied, they know about it. So don't think because I don't berate them in public that they don't get my concerns. Thank you.

**CHAIR PRO TEM PARDO:** Do you have anything, Mr. Davis?

**COUNCILPERSON T. DAVIS:** And I'm going to be just very -- very, very, very brief.

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

**COUNCILPERSON T. DAVIS:** I just -- just anticipating doing the evaluation of all City staff before I can make any decisions and every decision I make will be based on performance only and professionalism. That's all.

**CHAIR PRO TEM PARDO:** Great. Thank you. So I would -- this is my suggestion. Council evaluate the attorney if you haven't already and then I think the Chairperson should try to renegotiate a contract with her and bring it -- with Miss Ryan and then bring it back to us in April.

**COUNCILPERSON THOMAS:** So are we saying that we want to keep Miss Ryan?

**CHAIR PRO TEM PARDO:** It's --

**COUNCILPERSON T. DAVIS:** Well, the Chairperson is not here. I'd like to have her input as well.

**CHAIR PRO TEM PARDO:** Okay. So how about we bring this back at our next meeting?

**COUNCILPERSON T. DAVIS:** Yeah. Sure.

**CHAIR PRO TEM PARDO:** All right? Is that good? Are you okay with that, Miss Ryan?

**CITY ATTORNEY RYAN:** I am. I gotta put the third notification out there.

**CHAIR PRO TEM PARDO:** Okay.

**COUNCILPERSON THOMAS:** She doesn't have -- we don't have to make that decision until March, correct?

**CITY ATTORNEY RYAN:** Uh-huh.

**COUNCILPERSON THOMAS:** Okay. Well, I'm prepared to make it right now if you wanted me to.

**COUNCILPERSON T. DAVIS:** I'm not.

**COUNCILPERSON THOMAS:** Okay. Well, if you're not -- you're not comfortable, that's fine.

**CHAIR PRO TEM PARDO:** All right. And the Chair isn't -- and the Chair --

**COUNCILPERSON THOMAS:** I -- I mean --

**CHAIR PRO TEM PARDO:** -- isn't here so, you know, she needs to have input on it also. Okay. So we'll come back. Anything else from you?

**CITY ATTORNEY RYAN:** Nope. That's it. Thank you very much.

**CHAIR PRO TEM PARDO:** Okay.

### **CITY COUNCIL COMMITTEE REPORTS**

**CHAIR PRO TEM PARDO:** Council committee reports. Anyone?

**COUNCILPERSON T. DAVIS:** No, ma'am.

**CHAIR PRO TEM PARDO:** Anyone? Okay. We'll go to statements by the Mayor and City Council. And I'd like to go first. I'm pulling rank. All right. The first thing is, as you all know, I have the Books for Life Program going on and we are getting ready to do our second book. We just -- the books just arrived. We're going to be doing something with the Fire Chief. That's going to be part of our new -- our new Books Come to Life segment. And I've been receiving checks from the community who are looking to support this project because I do have to buy books. So I would like a consensus from the Council to allow me to accept the checks and then have the Finance Department put it in an account.

**COUNCILPERSON T. DAVIS:** An account?

**CHAIR PRO TEM PARDO:** And it's similar -- it's basically the same thing that I do with the toy drive every year. So is there a consensus --

**COUNCILPERSON GUYTON:** So moved. I'll put it in a motion.

**COUNCILPERSON T. DAVIS:** Second.

**CHAIR PRO TEM PARDO:** All right.

**COUNCILPERSON GUYTON:** It's been moved and second.

**CHAIR PRO TEM PARDO:** Properly moved and second. Madam Clerk?

**COUNCILPERSON THOMAS:** Oh, you gotta -- you gotta -- if we have any questions or comments. I have some questions.

**CHAIR PRO TEM PARDO:** Go right ahead, Mr. Thomas.

**COUNCILPERSON THOMAS:** Why do -- why -- why do we need to do that? Why is it that we need to set up an account for this? What -- what is the -- what's the purpose of us setting up an account?

**CHAIR PRO TEM PARDO:** Because the checks are being written to the City of Riviera Beach --

**COUNCILPERSON T. DAVIS:** (Coughing). Excuse me.

**CHAIR PRO TEM PARDO:** -- with a little note saying that it's for the Books Come to Life -- for my Books Come to Life Program and the Finance Director needs direction.

**COUNCILPERSON THOMAS:** Don't you already have an activities account though?

**CHAIR PRO TEM PARDO:** No. It's not going into my budget.

**COUNCILPERSON THOMAS:** No, no. But --

**CHAIR PRO TEM PARDO:** This is not a budget item.

**COUNCILPERSON THOMAS:** -- if you -- if you're doing an activity and this is where some consistency needs to be.

**CHAIR PRO TEM PARDO:** Uh-huh.

**COUNCILPERSON THOMAS:** If you did an activity, there's supposed to be an account set up for activities done by your district or whatever it is.

**CHAIR PRO TEM PARDO:** I don't believe I have that in my district.

**COUNCILPERSON T. DAVIS:** (Coughing). Excuse me.

**CHAIR PRO TEM PARDO:** I have a account that they set up every year for the toy drive.

**COUNCILPERSON THOMAS:** Right.

**CHAIR PRO TEM PARDO:** And that's it. And because I do get donations --

**COUNCILPERSON THOMAS:** Right.

**CHAIR PRO TEM PARDO:** -- for the toy drive. But this is my first program where I'm getting donations for, you know, something other than a toy drive. And Mr. -- I did speak with Mr. Sherman and he said this was the cleanest way to do it, to have the Council -- make sure the Council was aware of it and either have a consensus or a motion supporting it.

**COUNCILPERSON THOMAS:** Okay.

**CHAIR PRO TEM PARDO:** Right? All right. So Madam Clerk.

**INTERIM CITY CLERK ANTHONY:** Councilperson Davis?

**COUNCILPERSON T. DAVIS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Guyton?

**COUNCILPERSON GUYTON:** Yes.

**INTERIM CITY CLERK ANTHONY:** Councilperson Thomas?

**COUNCILPERSON THOMAS:** Yes.

**INTERIM CITY CLERK ANTHONY:** Pro Tem Pardo?

**CHAIR PRO TEM PARDO:** Yes.

**INTERIM CITY CLERK ANTHONY:** Unanimous vote.

**CHAIR PRO TEM PARDO:** Okay. Thank you. All right. Well, you want to start with Mr. Guyton?

**COUNCILPERSON GUYTON:** Nothing, Madam Chair. I've talked enough tonight.

**CHAIR PRO TEM PARDO:** Well, thank you, sir. All right, Mr. Davis.

**COUNCILPERSON T. DAVIS:** Just a few things. I have something coming up with the Strive for 5 BRIDGES program. They'll be coming before the Council, different elementary school students, acknowledging them for scoring a 5, which is the standard for efficiency for the FCAT and we just want to acknowledge each elementary school as they come. So you'll start seeing them coming -- see me actually trying to submit those items on an agenda.

Another thing, I want to say thank you to Mr. Saffold for coming out with the LIP, Live in Peace Movement, which you know gentlemen have been doing in JAY's. It's great to see some young group of young folks to sit back and -- and trying to take responsibility and take their community back and show some love. That's the movement that you all have put in place and I like the fact that you all took your own initiative and reached out to all the Councilpeople to try and do the right thing. And I want to thank you for allowing me to be a part of your second initiative as you are the founder. I know Council and Mayor has been the founder but we do support what you're doing. And we just hope that our staff and everyone work together, support this, that you want to do as you work with our staff to really help show some bright light in our community because you truly represent that. And I want to thank you so much for that.

Another thing, Valentine's Day is coming up and they have the I Love You Beach Cleanup. Is that what -- it's coming up on Valentine's Day. So the residents will be out on the beach cleaning up next Saturday, on Valentine's Day. Other than that, I just wish everyone well tonight as you drive home. That'll be all.

**CHAIR PRO TEM PARDO:** Thank you, sir. Mr. Thomas.

**COUNCILPERSON THOMAS:** Yes. The first thing I would like to --

**CHAIR PRO TEM PARDO:** Oh, I'm sorry.

**COUNCILPERSON THOMAS:** -- talk about is cancelling of meetings. You know, so far --

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

**COUNCILPERSON THOMAS:** -- the Utility District has been cancelling meetings, which is an embarrassment to me not knowing why we're having a meeting that's cancelled. I met with the landlords and got their input and I wanted to discuss that at the Utility District meeting. So a -- a meeting should not be cancelled unless -- you having a problem with my mic?

**UNIDENTIFIED SPEAKER:** (Inaudible).

**COUNCILPERSON THOMAS:** How I look? Good? All right. No. Just joking. A -- a Utility District meeting should not be cancelled or any meeting should not be cancelled without the Board, you know, knowing and agreeing to that. You know? I gave my word that something should -- that I would be bringing that back to this Board on today and that did not happen. And when I asked why it happened, I didn't get a real response as to why that happened. So that should not be happening. These meetings are controlled and run by us. So if there -- a cancellation needs to happen, then we should at least get the -- the decency to know when and why and no meetings should be cancelled unless the -- the Board says that they should be cancelled. We have things that we need to discuss and it's not driven by staff members. So I'm a little bit bothered by that and I would like to have some form of explanation as to why that that -- that happened.

The other thing that I want to discuss is these fees and rentals for our facilities and parks and whatever issue. I heard Mr. Saffold say something similar that it was something going on. I need this process to be streamlined and transparent. The rules, what they need to do, it needs to be up online on the website. It just needs to be streamlined and done. I -- I -- I'm -- I'm -- I'm at the point where, you know, I don't want everybody throwing, you know, John Williams under the bus or Aladia under the bus about it because we're not -- every day, we're not hearing all of the nuances of what's going on. You know? We don't know if you're not able to do it because of -- we prohibit it or whatever. But if you streamline it -- streamline it, then you won't have to come back and say, Well, John Williams did this or Aladia Franks said this. It's on there. You know if you can't do this, if you -- if -- if it's prohibited, you just can't do it, period. You know? If you need police out there, you gotta buy the police. If it costs this amount, that's what it costs, you know? I -- I don't -- I'm not really -- I'm at the point where I'm just getting real tired of -- you know, of that.

We get these comments at this podium as if we understand and know everything that is going on and that's -- that's not the truth. Now I heard Mr. Davis kind of chime in and say he knew what -- you know, what happened. But I didn't, you know? And I don't know if anybody else did. So the total Board does not know. So --

**CHAIR PRO TEM PARDO:** We're in the dark.

**COUNCILPERSON THOMAS:** I'm sorry?

**CHAIR PRO TEM PARDO:** We're in the dark on a lot of stuff.

**COUNCILPERSON THOMAS:** Right. Well, I'm --

**CHAIR PRO TEM PARDO:** Not just Parks & Rec.

**COUNCILPERSON THOMAS:** Yeah. No. And -- and I'm -- I'm getting to that -- I'm getting to that part as well. You know, we see these same emails that fly back and forth, the same emails that are put out there about us, to us, whatever. What needs to happen is there needs to be some way of discussing these issues. There needs to be some way of discussing these issues. I heard somebody say tonight, "What happens when a person comes up and just asks a question from that particular podium?"

Well, that's really not the place to do it. We have -- we have a form that is in the City Manager's Office that you can write it down and you have a paper trail, you know, of it. So it's a --

**UNIDENTIFIED SPEAKER:** (Inaudible).

**COUNCILPERSON THOMAS:** -- right. Dealing with that particular --

**COUNCILPERSON GUYTON:** Website, too.

**COUNCILPERSON THOMAS:** -- yeah, on the website as well.

**COUNCILPERSON GUYTON:** You can ask a question in there.

**COUNCILPERSON THOMAS:** It's -- it's -- a question on there that you can get a -- you can get, you know, a paper trail. So believe me, I don't like emails and all of that either but that's the best way to do it. That way you know who you emailed, you know who emailed you back. And I would prefer you didn't all of the time, but if you feel more comfortable copying whoever you need to copy, then copy. It is an open book, whatever you need. So I -- I don't want people to feel like they just come here and they sit and that's done. No. We have a process and you need to -- to abide by that particular process. I want it all transparent, all online, whatever you need to do. Come in, you know, somebody will help you fill it out if we need to. But put it on paper. That way, when you come to that podium, or you contact us, we get to say what we got. I would like staff to be a little bit more transparent with us with that.

Now I don't meet with everybody every week and I just choose not to. I -- maybe I should do a little bit more than that and I -- and I think I will. But stuff that comes from the -- the State or the County and you get it, then you need to disseminate that to us as soon as possible. You know? You need to -- you need to give us that. You know? I -- I saw a bill that just came down that we felt, or somebody felt, that it was going to be adverse to -- you know, to the City. A quick email or a phone call to say, Listen, please pay attention to this. This stuff is coming down every day. Businesses just don't happen at 5:30 at night on -- on Wednesday nights. It's going on all day long. Pam Ryan, Ruth Jones, Danny Jones, Troy Perry, all these people have City stuff that has to continue.

So the more you let people know, the more they understand that and we can stop the conspiracy theories that we're trying to do something against the public or we're trying to do something to hide.

Just put it all -- just put it all out there. Put it -- please, put it all out there. And if it's something that you need us to know, ask us. We all have office hours. We all have assistants that are -- that are here the majority of the day. Most of ours are here all day long. On Wednesdays, of course, my -- my assistant comes in late, you know, at 2:00. But leave a message. We'll get back with you. Email, phone call, whatever's -- whatever's, you know, you need to get with us, please get with us on that.

I also would like for the manager to tell me when will we get all the graffiti out of the restrooms from, not just here, but in the library. Yes. The -- the -- the -- the restroom facilities are horrible. I mean, it's almost at the point where --

**CHAIR PRO TEM PARDO:** Hmm.

**COUNCILPERSON THOMAS:** -- I just prefer to go home, you know?

**CHAIR PRO TEM PARDO:** Hmm. Hmm.

**COUNCILPERSON THOMAS:** So what -- what -- what I'm saying is we need to do something about that. It doesn't cost a lot of money to do new commodes and new urinals or whatever needs to be in there. The inside of the -- the -- the Chambers looks a thousand times better. The paint on the walls look good. I'm not concerned about what colors you paint it, what you do in there. I just want the graffiti to come off the walls and that we get -- some of these -- these restrooms have not been changed since the building has been, you know, built.

**CITY MANAGER JONES:** Since it existed.

**COUNCILPERSON THOMAS:** Right. So yeah. We need, you know, we -- we definitely need to do that. I don't want even staff -- I don't want -- not just the public restrooms, but the ones that the staffs uses. Come on. They're up here all day long. So I've been -- I've been talking about this for a while and I would like to have an answer, a plan to that, you know, by Friday on what -- what you're going to do, you know, with that. So by Friday, I would like to -- to get that.

Lastly, those comments that I sent to, I think, Mr. Sherman. I don't know if he -- did he get those comments back to you?

**UNIDENTIFIED SPEAKER:** Uh-huh, yeah.

**COUNCILPERSON THOMAS:** Well, good. Then we'll have to discuss it. I'll get them from you at the end.

**UNIDENTIFIED SPEAKER:** My secretary has them.

**COUNCILPERSON THOMAS:** Got them. That's all for me.

**CHAIR PRO TEM PARDO:** Okay. The last thing I'd like to mention, Miss Jones, I would like a report on what is happening with the public safety --

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

**CHAIR PRO TEM PARDO:** Absolutely. Because it is an election year and I've been talking to the unions and I could tell you, the employees are -- you know, it's going to be a mutiny soon. I know our police officers are upset that they're not in a new building yet. Public Works, I just hope that we don't have a storm and something happens over there. So, you know, you haven't mentioned anything. I want a report. I want to know what's going on.

And then I did send an email just asking if you guys thought about, you know, maybe, you know, putting your feelers out and seeing if maybe you could sell the facility. If we don't have the money to move forward with doing everything that we thought we were going to do with it. You know, the Industrial Park right now is hot. So I would like a report on all of that.

Okay.

**STATEMENTS BY THE MAYOR AND CITY COUNCIL**

**ADJOURNMENT**

**CHAIR PRO TEM PARDO:** With that we have a motion to adjourn?

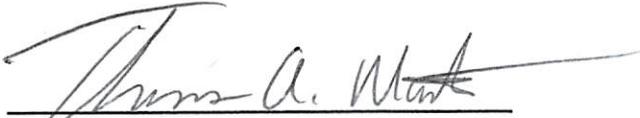
**COUNCILPERSON GUYTON:** So moved.

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

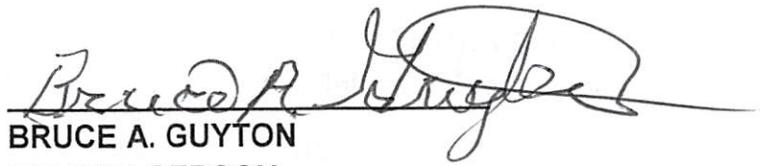
**COUNCILPERSON T. DAVIS:** Second.

(END OF MEETING)

APPROVED:

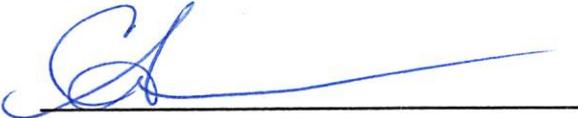


THOMAS A. MASTERS  
MAYOR

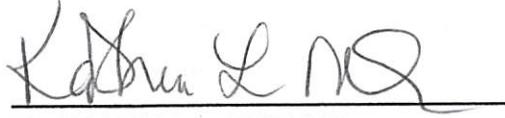


BRUCE A. GUYTON  
COUNCILPERSON

ATTEST:



CLAUDENE L. ANTHONY  
CERTIFIED MUNICIPAL CLERK  
INTERIM CITY CLERK



KaSHAMBA L. MILLER  
COUNCILPERSON

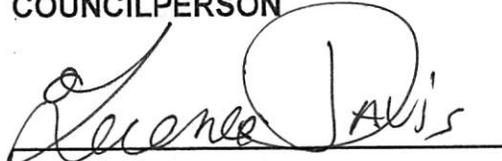
ABSENT



CEDRICK A. THOMAS  
COUNCILPERSON



DAWN S. PARDO  
COUNCILPERSON



TERENCE D. DAVIS  
COUNCILPERSON

**MOTIONED BY:** B. GUYTON

**SECONDED BY:** T. DAVIS

**B. GUYTON** AYE

**K. MILLER** NAY

**C. THOMAS** ABSENT

**D. PARDO** ~~AYE~~

**T. DAVIS** AYE

**DATE APPROVED:** 03/18/15