

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
SWEARING IN CEREMONY AND
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, MARCH 19, 2008 AT 6:30 P.M.**

I. CITY CLERK SWEARS IN NEWLY ELECTED COUNCILPERSONS & PRESENTS OATH OF OFFICE, ELECTION CERTIFICATE, RIVIERA BEACH CODE OF ORDINANCES, CITY CHARTER, GUIDE TO THE SUNSHINE AMENDMENT AND CODE OF ETHICS FOR PUBLIC OFFICERS, & FLORIDA MUNICIPAL OFFICIAL'S MANUAL TO:

City Clerk Ward swore in Judy Davis, Council District 2 and presented her with a copy of the Riviera Beach Code of Ordinances, City Charter, Guide To The Sunshine Amendment And Code of Ethics For Public Officers, and the Florida Municipal Official's Manual.

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II. MAYOR AND CITY COUNCIL COMMENTS AND REMARKS

Mayor Masters congratulated and commented on the newly elected candidates.

Councilpersons Hubbard, Lowe and Thomas welcomed the two new Council members to the Board.

Councilperson Pardo thanked the citizens and staff for their support and commented on her objective while in office.

Councilperson Davis thanked the residence for their election and outlined the objectives for her term.

Mayor Masters expressed his appreciation for Councilperson Pardo and commented on her former commitment to the City even before being elected, and how she assisted victims who suffered from hurricane Katrina when they were brought back to Riviera Beach.

III. CITY CLERK REQUESTS NOMINATIONS FOR CITY COUNCIL CHAIR

City Clerk Ward requested nominations from the dais for the City Council Chair commencing the current term until March 2009.

Councilperson Lowe nominated **Councilperson Hubbard** as Chairperson.

Councilperson Pardo nominated **Councilperson Thomas** as Chairperson.

By affirmation, Councilperson Thomas was declared the City Council Chair commencing the current term until March 2009.

At this time, City Clerk Ward relinquished the gavel to Chairperson Thomas.

IV. CHAIR REQUESTS NOMINATIONS FOR CHAIR PRO-TEM

Chairperson Thomas opened the nomination for the Chair Pro Tem.

Councilperson Davis nominated **Councilperson Pardo** for Chair Pro Tem.

Councilperson Hubbard nominated **Councilperson Lowe** for Chair Pro Tem.

By affirmation, Councilperson Pardo was declared the City Council Chair Pro Tem commencing the current term until March 2009.

V. ADJOURNMENT SINE DIE

PROCEED WITH CITY COUNCIL AGENDA

The Regular City Council Meeting reconvened with **Chairperson Thomas** presiding.

I. AGENDA APPROVAL

Additions, Deletions, Substitutions

An additions, deletions, substitutions and revisions sheet was provided by **Acting City Manager Gloria Shuttlesworth**.

Added to the Agenda, under Awards and Presentations was a presentation of a plaque by **Chair Pro Tem Lynne Hubbard** to the **Director of Purchasing Benjamin Guy**, for his outstanding services in the remodeling of the new City Council offices.

Also added to the agenda was additional back-up information for the Resolutions under **Item No. 7** and **Item No. 9**.

Deleted from the Agenda was **Item No. 6**, under Ordinance on Second Reading.

Adoption of Agenda

A motion was made by **Councilperson Hubbard** and seconded by **Councilperson Davis** to adopt the Agenda as amended.

MOTION

Upon a roll call vote by **City Clerk Ward**, the vote was unanimous.

MOTION APPROVED

II. AWARDS AND PRESENTATIONS

ITEM NO. 1

A presentation was made by **Chair Pro Tem Lynne Hubbard** to the **Director of Purchasing Benjamin Guy**, for his outstanding services in the remodeling of the new City Council offices.

Director of Purchasing Benjamin Guy addressed the Council and thanked them for the award and also thanked his Staff for their assistance and support while he was overseeing the renovations.

III. COMMENTS FROM THE PUBLIC –Non Agenda or Consent Item Speakers (Three Minute Limitation) *Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct During Official Meetings," which 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 removed from the podium, from the meeting and/or the building if necessary. Please govern yourselves accordingly.*

Mary Brabham, 1564 West 9th Street, congratulated the new appointed candidates and commented on the expectations from the Council.

Fane Lozman, Riviera Beach Marina, congratulated the new appointees, and commented on the order of the meetings and the priorities of the Council.

Dennis Widlansky, 1206 Coral Way, congratulated the two new Council members. He also addressed issues pertaining to the Charter, stating that a number of charter amendments were approved that require amendment to the City Ordinances for proper implementation, and the Council should set a timeframe to get those amendments to the ordinances done. He also stated that the current Charter has boundaries that were defined back in 1973 and that the Council should direct Staff to take the necessary steps to update those boundaries. Mr. Widlansky also advised the Council that the City was currently in non-compliance with the new charter, and also in non-compliance with the existing 1973 charter as it relates to the voting districts. He stated that the previous charter required a review of the voting districts every ten years, and the City has failed to review its boundaries. He stated that the Charter required that the population in each district not vary by more than 8 percent, but again the boundaries have not been reviewed, and Council should direct staff to address this immediately.

David Schnyer, 109 Paradise Harbor Blvd, asked the Chair's permission for Ms. Sylvia Blue to approach the dais to present the two newly appointed Council members with flowers. He congratulated them on their appointments and encouraged them to keep the City as one unified City, and on the right track.

Sylvia Blue, 1516 Broadway, congratulated Chairperson Thomas on his new appointment as chair. She commended the two new appointees, and encouraged the Council to all work well together.

Chairperson Thomas addressed **Mr. Widlansky's** comments regarding the boundaries and stated that the City was waiting on the survey from the engineers to determine the boundaries. **Chairperson Thomas** also stated that there had to be a code amendment for the boundaries amendments to be implemented.

Chip Armstrong, 4240 Delmorn Court, Chairman of the Riviera Beach Business Council, welcomed and congratulated the new members of the Council and congratulated the Chair on his new position. Mr. Armstrong informed the Council that his organization has been actively involved in trying to improve the appearance of the City, and have worked to renovate, clean-up, and re-landscape the entrance monument at Gardens and Blue Heron Boulevard. He also stated that in three weeks they will be working on the City's entrance monument south of Silver Beach Road and US 1, and will present photos of the renovations to Council.

Jimmy Peoples, 737 Silver Beach Road, informed the Council that he was an ex-felon, and his re-entry into society was difficult. He stated that he was released from South Bay 2 months ago and had a hard time finding a job, but through the Mayors program, with the assistance of the City, the Mayor and the Library Staff, was able to gain employment.

Mayor Masters commented that Mr. Peoples was legally blind but was still able to secure employment with his handicap and as an ex-felon, and encouraged other citizens to take advantage of the assistance available to them through his program. Mayor Masters advertised a Job Fair at the Palm Beach Convention Center that will be hosting over 70 employers.

Ann Marie Sorrell, 2016 Island Drive, also representing **Upscale Events by Mosaic** read into the records a letter she submitted to the Council and Acting City Manager Shuttlesworth on Friday March 14, 2008, in regards to her contract to provide marketing services for the 2008 Music Festival.

Mayor Masters commented on the information submitted in the letter and stated that he would be requesting a written report from staff regarding the matter.

Gerald Ward, 31 West 20th Street, commented on State Road A1A and the proposed changes in the CRA Charrette plan. He also commented on the Mayors ideas to help expedite the meetings, and the changes in the trash and garbage pick-up schedule. He also suggested that the Council make a motion to address the changes necessitated by the charter changes.

David Cross, 1030 Sugar Sands, thanked Mary McKinney, Director of Community Development, and her staff for their excellent presentation to the public regarding A1A.

Ann Iles, 321 West 30th Street, welcomed the two new Council members, and addressed Mr. Lozeman's behavior in the City Council meetings.

Councilperson Hubbard addressed the Council and the public and expressed her gratitude for having being able to serve as the Chair Pro Tem for the previous year and commented that the City should be governed by the Council and not by a selected amount of citizens in the community.

Jeff Conte, 4300 Catalfumo Way, read a press release regarding minority participation in the demolition of the Ocean Mall into the record.

Tony Gigilotti, Singer Island Civil Association, congratulated the new appointees to the Council. He also commented that he is working with the residents of Singer Island to break down the barriers to bring the City of Riviera Beach and the residents of Singer Island together.

Councilperson Thomas commented that he intends to do what is required of him as the Chair and as a member of the Council, which is the business of the City, and that is all he intends to do.

IV. 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.

1) MINUTES:

NONE

2) RESOLUTIONS:

ITEM NO. 1

RESOLUTION NO. 32-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CONSULTING CONTRACT WITH ASHFORD CONSULTING BY INCREASING THE AMOUNT OF THE CONTRACT TO \$25,000; AUTHORIZE THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM STORMWATER MANAGEMENT UTILITY FUND CONSULTING SERVICES ACCOUNT NO. 460-1127-541-0-3101; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 2

RESOLUTION NO. 33-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE EXPENDITURE OF FUNDS IN SUPPORT OF A COUNTY CHARTER AMENDMENT REQUIRING BOTH COUNTY AND MUNICIPAL APPROVAL OF CHARTER AMENDMENTS AFFECTING A MUNICIPAL POWER OR FUNCTION; PROVIDING THAT THE DISSEMINATION OF

INFORMATION CONCERNING THE IMPACTS OF THIS AMENDMENT IS IN THE BEST INTEREST OF THE CITIZENS OF THE CITY OF RIVIERA BEACH; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO APPROPRIATE GENERAL FUND FUND BALANCE IN THE AMOUNT OF \$19,700; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO. 3

RESOLUTION NO. 34-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT 2 TO THE CONTRACT WITH THE STATE OF FLORIDA OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT (OTTED) ON BEHALF OF LOCKHEED MARTIN AN ECONOMIC DEVELOPMENT TRANSPORTATION FUND GRANT IN THE AMOUNT OF \$1,653,538 TO DREDGE AN AREA BETWEEN THE INTRACOASTAL WATERWAY AND LOCKHEED MARTIN AND TO CONSTRUCT A NEW DOCK AND EXTENDING THE COMMENCEMENT DATE TO OCTOBER 30, 2008; AND PROVIDING AN EFFECTIVE DATE.

3) PETITIONS AND COMMUNICATIONS FOR FILING:

NONE

END OF CONSENT AGENDA

A motion was made by **Councilperson Davis** and seconded by **Councilperson Hubbard** to accept the Consent Agenda.

MOTION

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

V. PUBLIC HEARINGS:

NONE

ORDINANCES ON FIRST READING:

ITEM NO. 4

ORDINANCE NO. 3040 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP LAND USE DESIGNATION FROM COMMERCIAL TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (UP TO 15 UNITS PER ACRE) FOR 1.79 ACRES LOCATED AT THE NORTHEAST CORNER OF WEST 13TH STREET AND NORTH CONGRESS AVENUE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by **Councilperson Hubbard** and seconded by **Councilperson Davis** to approve Ordinance 3040.

MOTION

Mary McKinney, Director of Community Development made a presentation to the Council and explained that the applicant was True Faith Church of God in Christ who was been in their current location for the past 25 years, but is being displaced due to the construction of the new Suncoast High School. The church is requesting that the future land use designated for commercial on the North East corner of West 13th Street and North Congress Avenue, be amended to medium density multiple family residential so that they can construct a new church and daycare facility.

Mayor Masters acknowledge the Pastor of True Faith Church of God in Christ who was in the audience.

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

ITEM NO. 5

ORDINANCE NO. 3041 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF MULTIPLE FAMILY DWELLING "RM-15" DISTRICT FROM GENERAL COMMERCIAL "CG" DISTRICT ON 1.79 ACRES LOCATED AT THE NORTHEAST CORNER OF WEST 13TH STREET AND NORTH CONGRESS AVENUE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Ordinance into the record.

A motion was made by **Councilperson Davis** and seconded by **Councilperson Hubbard** to approve Ordinance 3041.

Mary McKinney, Director of Community Development explained that this is the amendment to the zoning map in order to accommodate the land use change from commercial to residential.

MOTION

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

ORDINANCES ON SECOND READING:

ITEM NO. 6

ORDINANCE NO. 3038 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 17.5, ENTITLED "SOLID WASTE MANAGEMENT" OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 17.5-5 "DEFINITIONS" AND CREATING A NEW SECTION TO BE ENTITLED "ROLL-OFF ENFORCEMENT"; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. ~~DELETED~~

RESOLUTIONS:

ITEM NO. 7

RESOLUTION NO. 35-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SPECIAL EXCEPTION AND SITE PLAN APPLICATION FROM THE TRUE FAITH CHURCH OF GOD AND CHRIST FOR AN 11,186 SQUARE FOOT CHURCH AND DAY CARE FACILITY ON A 1.79 ACRE PARCEL, LOCATED AT THE NORTHEAST CORNER OF WEST 13TH STREET AND NORTH CONGRESS AVENUE, IN THE MULTIPLE FAMILY DWELLING DISTRICT (RM-15); PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Davis** and seconded by **Chair Pro Tem Pardo** to approve Resolution 35-08.

MOTION

The following individuals commented on Resolution 35-08:

Gerald Ward, 31 West 20th Street.
Mary McKinney, Director of Community Development
Attorney Ryan

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

ITEM NO. 8

RESOLUTION NO. 36-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN AND SPECIAL EXCEPTION APPLICATION FROM PETERSON PROPERTY INVESTMENTS, LLC FOR AN AUTOMATIC CARWASH FACILITY ON 0.66 ACRES OF PROPERTY LOCATED AT 34 WEST BLUE HERON BOULEVARD, RIVIERA BEACH IN A GENERAL COMMERCIAL (CG) ZONING DISTRICT; PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Davis** and seconded by **Chair Pro Tem Pardo** to approve Resolution 36-08.

MOTION

Mary McKinney, Director of Community Development made a presentation to the Council on the proposed carwash.

Attorney Wayne Richards addressed the Council and made a presentation on behalf of Peterson Property Investments.

The following members of the public commented on Resolution 36-08:

Bonnie Larson
Mary Brabham, 1564 West 9th Street,
Angela Wynn, West 35th Street
Fane Lozman, Riviera Beach Marina
Gerald Ward, 31 West 20th Street.
Chip Armstrong, 4240 Delmora Court
Pamela Wolfork, Bank Atlantic Representative

Councilperson Davis inquired about the prep area that was indicated on the map of the car wash.

Daryl Peterson, 34 West Blue Heron Blvd. responded to **Councilperson Davis'** question.

A discussion ensued amongst the Council and the representatives for the car wash.

Upon a roll call vote by City Clerk Ward, the vote passed with Councilperson Hubbard dissenting.

MOTION APPROVED

ITEM NO. 9

RESOLUTION NO. 37-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM THE TRAINOR GLASS COMPANY TO CONSTRUCT A 39,180 SQUARE FOOT INDUSTRIAL STORAGE AND FABRICATION BUILDING, AN 8,000 SQUARE FOOT FUTURE STORAGE BUILDING AND A 1,480 SQUARE FOOT FUTURE COVERED LOADING AREA, ON A 7.05 ACRE PARCEL, LOCATED AT THE SOUTHEAST CORNER OF WEST 13TH STREET AND AUSTRALIAN AVENUE; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Councilperson Davis** and seconded by **Chair Pro Tem Pardo** to approve Resolution 37-08.

MOTION

Mary McKinney, Director of Community Development made a presentation to the Council on the proposal from Trainor Glass Company to construct a storage facility.

The following member of the public commented on Resolution 37-08:

Gerald Ward, 31 West 20th Street.

A discussion ensued amongst the Council and **Mary McKinney, Director of Community Development.**

Upon a roll call vote by City Clerk Ward, the vote was unanimous.

MOTION APPROVED

REGULAR:

NONE

BOARD APPOINTMENT:

NONE

DISCUSSION BY THE CITY MANAGER:

Acting City Manager Shuttlesworth issued the options for the date and time for the budget workshop and stated that she would provide the approved dates to the City Council.

Acting City Manager Shuttlesworth informed the Council that **City Manager Wilkins** was scheduled to return to work on April 1, 2008.

LEGAL DISCUSSION/REQUEST:

NONE

DISCUSSION AND RECOMMENDATIONS:

Councilperson Davis commented on an email she received from a grandmother whose granddaughter fought and was killed in the Iraq war, and stated that she wanted to get a wall of fallen heroes built in Riviera Beach. She also commented that during her campaign she stated that she was going to start a Senior Housing Maintenance Project, and is in need of volunteers for this project. She also stated that she will be placing a supply box in the lobby area to collect everyday supplies to be sent to soldiers in Iraq.

Councilperson Lowe welcomed the two new Council members and the new Chairman and Pro Tem.

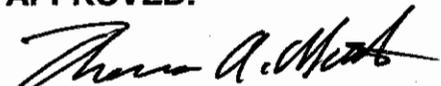
Chair Pro Tem Pardo thanked everyone for their support and commented that she was looking forward to working with the Council.

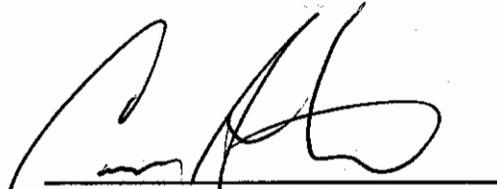
City Clerk Ward clarified the previous statement that was made on the dais regarding the effective date of the amendments to the Charter. She stated that the effective date for the amendments was upon certification of the Election results which became effective March 19, 2008.

ADJOURNMENT

There being no further business, the meeting was duly adjourned.

APPROVED:


THOMAS A. MASTERS
MAYOR


CEDRICK THOMAS
CHAIRPERSON

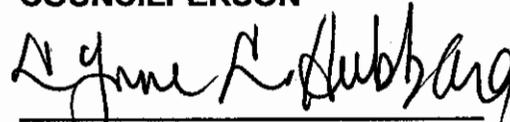
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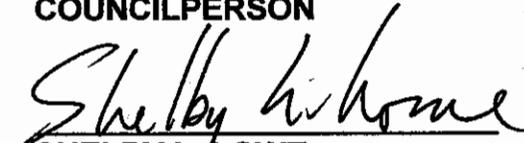

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


DAWN S. PARDO
CHAIR PRO TEM

ABSENT

JUDY DAVIS
COUNCILPERSON


LYNNE L. HUBBARD
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: S. LOWE
SECONDED BY: D. PARDO

C. THOMAS AYE
DAWN S. PARDO AYE
JUDY DAVIS ABSENT
L. HUBBARD AYE
S. LOWE AYE

DATE APPROVED: MAY 7, 2008