

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, APRIL 19, 2006 AT 7:30 P.M.

1. CITY CLERK CALLS TO ORDER:

Roll Call

Chairperson lies was present and presided. Upon roll call by City Clerk Ward, the following were present: Mayor Michael D. Brown, Council Chair Ann lies, Chair Pro Tem Vanessa Lee, Councilperson Norma Duncombe, Councilperson Elizabeth "Liz" Wade, and Councilperson James "Jim" Jackson. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, Master Municipal Clerk, and City Attorney Pamala Hanna Ryan.

Invocation & Pledge of Allegiance

Everyone stood for a Moment of Silence and the Pledge of Allegiance.

2. ADDITIONS, DELETIONS AND SUBSTITUTIONS

City Manager Wilkins made the following revisions to the agenda: added Item No. 5B - presentation on the Nealia Cunningham Day Celebration; and additional backup provided for Item No. 13A – Resolution regarding Victims Advocate Program.

3. ADOPTION OF THE AGENDA

A motion was made by Chair pro tem Lee and seconded by Councilperson Wade to approve the agenda as amended.

MOTION

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

MOTION APPROVED

4. UNFINISHED BUSINESS

NONE

5. AWARDS AND PRESENTATIONS

A. PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF MARCH, 2006.

Doretha Perry, Human Resources Director, presented the following new employees for the month of March: Maurice Spence (Utility District); Corey Orton (Fire); and Jennifer Thornton (Police).

B. PRESENTATION ON THE NEALIA B. CUNNINGHAM CELEBRATION

ITEM ADDED TO AGENDA

George Carter, Marina Director, gave a presentation on the success of the Nealia B. Cunningham Celebration.

6. COMMENTS FROM THE PUBLIC -Non Agenda Item Speakers (Two Minute Limitation)

Randy Graham, 1516 W 30th Street, made comments regarding customer service provided by the Utility Billing Department. He also made comments regarding a message he received from the City Manager referenced the Jazz & Blues Festival Committee and hurricane preparedness.

Fane Lozman, 200 E 13th Street, made comments regarding increasing the time limit for public comments

Martha Babson, 156 E 21st Street, made comments regarding Council decision made referenced the Ocean Mall and she referred to information in the City Charter regarding the municipal beach.

Margaret Shepherd, 2003 W 17th Ct #104, congratulated the newly elected councilpersons and made comments regarding the plans for Ivey Green.

Angela Williams, founder of Mothers Against Murderers, 2100 45th Street #B-5, announced the hours of Monday thru Thursday, 11 a.m. until 2 p.m. for computer usage in which the public may use for job searching and that an after school program was available Monday through Wednesday 3 p.m. until 6 p.m.

Debrah Hall, 1271 W 3^d Street, announced that the Palm Beach County Coalition to Stop the Violence in conjunction with other organizations and business owners would be hosting a fund raiser at McCrays II Backyard Barbecue located at 1521 45th Street in honor of Brittany Haines on May 21st at 2 p.m.

Chip Armstrong, 4240 Delmora Court, announced that a Small Business Expo would be held April 20th from 1 p.m. until 4 p.m. at Newcombe Hall.

Tony Gigliotti, 245 Claremont Lane, announced that the Singer Island Civic Association approved \$1000 seed donation to establish an account in honor of Brittany Haines. He also made comments regarding the Ocean Mall lease.

Bonnie Larson, 25 W 27th Street, made comments regarding the Ocean Mall project.

Bishop Thomas Masters, 601 W 36th Street, made comments regarding reward money for information on David Lane. He also announced that the Workforce Alliance had sites available at New Macedonia Church, Riviera Beach Family Resource Center, Stonybrooks Apartments, and Full Gospel Fellowship (48th and Broadway) to assist in job search.

Rev. William H. Burrs, 1500 W 30th Street, made comments regarding revisions to the ordinance regarding the General Employees Pension Board, in an effort to establish continuity for all of the Pension Boards.

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. 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 COUNCIL CHAIR OR THE LEGISLATIVE ASSISTANT, PRIOR TO THE BEGINNING OF THE MEETING.

7. MINUTES

MINUTES OF THE CANVASSING BOARD MEETING HELD APRIL 5, 2006; AND MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD, APRIL 5, 2006.

8. RESOLUTIONS:

- A. RESOLUTION NO. 48-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FINAL PAYMENT TO HOLLAND & KNIGHT, LLP PROVIDING OUTSIDE COUNSEL TO CITY FOR EMPLOYEE LABOR RELATIONS SERVICES IN THE AMOUNT OF \$3,375; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 001-0512-519-0-3101; AND PROVIDING AN EFFECTIVE DATE.
- B. RESOLUTION NO. 49-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING

TOTAL SETTLEMENT OF THE MATTER OF JACKIE NUBIN V. CITY OF RIVIERA BEACH AND APPROVING THE TOTAL SETTLEMENT AMOUNT OF \$160,000 AS COMPLETE AND FINAL SETTLEMENT OF THE WORKERS' COMPENSATION CLAIM, INCLUSIVE OF ATTORNEY'S FEES AND COSTS; AUTHORIZING THE CITY'S INSURANCE ADMINISTRATOR, GALLAGHER BASSETT SERVICES, TO MAKE PAYMENT FROM THE CITY'S WORKERS' COMPENSATION SETTLEMENT ACCOUNT NO. 602-0539-513-0-1405.

- C. RESOLUTION NO. 50-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AWARDDING BID NO. 12106; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PURCHASE CONTRACT WITH COMMERCIAL FENCE CONTRACTORS OF ORLANDO, FLORIDA TO PROVIDE FENCING REPAIR AND REPLACEMENT SERVICES AT VARIOUS CITY OF RIVIERA BEACH GOVERNMENT FACILITIES/SITES IN AND AROUND RIVIERA BEACH, FLORIDA IN THE AMOUNT OF \$187,278.50; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

A motion was made by Councilperson Wade and seconded by Chair pro tern Lee to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

9. PETITIONS AND COMMUNICATIONS FOR FILING

NONE

10. PUBLIC HEARINGS:

NONE

11. ORDINANCES ON SECOND READING

NONE

12. ORDINANCES ON FIRST READING

NONE

13. REGULAR

- A. RESOLUTION NO. 51-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE GRANT FUNDS FROM THE OFFICE OF THE ATTORNEY GENERAL - VICTIMS OF CRIME ACT (VOCA) FOR THE VICTIM ADVOCATE PROGRAM IN THE AMOUNT OF \$38,536; TO CONTINUE WITH CRISIS RESPONSE SERVICES FOCUSING IN AREAS OF HOMICIDE, DOMESTIC VIOLENCE, CHILD DEATHS, AND ELDERLY VICTIMIZATION; AUTHORIZING THE MAYOR TO EXECUTE CERTIFICATE OF ACCEPTANCE OF SUB GRANT AWARD; AUTHORIZING THE FINANCE DIRECTOR TO SET-UP THE BUDGET IN FUND 125; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Chair pro tem Lee and seconded by Councilperson Wade to approve Resolution No. 51-06.

MOTION

Randy Graham, 1516 W 30th Street, encouraged Council to earmark funds for an Unsolved Murderer program.

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

MOTION APPROVED

- B. RESOLUTION NO. 52-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM MAGNOLIA PLACE FOR A THREE BUILDING, EIGHTEEN UNIT, MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED AT 444 LEO LANE; PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wade and seconded by Chair pro tem Lee to approve Resolution No. 52-06.

MOTION

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

MOTION APPROVED

- C. RESOLUTION NO. 53-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO HIRE THE SENIOR PLANNER/GIS SPECIALIST IN COMMUNITY DEVELOPMENT AT A STARTING RATE OF \$53,141; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by **Chair pro tem Lee** and seconded by **Councilperson Duncombe** to approve Resolution No. 53-06.

MOTION

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

MOTION APPROVED

D. DISCUSSION: PROPOSED CHARTER REVIEW INFORMATION.

City Manager Wilkins provided an overview of the information presented to Council for their consideration regarding the charter review committee process; he then stated that City Clerk Ward had provided additional information to assist them in deciding the method in which to use, and that three options are given for their consideration if the decision is to amend the charter other than establishing a charter review advisory committee. He cited and the options provided by the City Clerk being:

- 1) Adopt an Ordinance delineating changes and or amendments to the charter entirety or in part. Hold the required public hearings, and then authorize the City Clerk to proceed with a referendum election shared at the next regularly scheduled Municipal Election, March 13, 2007, or hold an election called for that purpose; and at that time the proposed ordinance question(s) shall be placed on the ballot and so stated in a precise manner for approval or rejection of the electorate.
- 2) Residents may utilize the petition method, in which 10% of registered voters as of the last municipal general election must sign and present to the City Council, upon verification of signatures, the City Clerk is directed to proceed with referendum election at the next scheduled Municipal election, March 13, 2007, or a special election held for that purpose and at such time the proposed question shall be presented to the electorates for approval or rejection.
- 3) Establish a Charter Review Committee to empower the duties and the responsibilities to review the charter in entirety or in part and make recommendations or changes to the Mayor and City Council. Subsequently, the City Council mayor may not consider for adoption.

He then stated that staff wanted direction from the City Council in which direction to proceed with their request for information.

Chair pro tem Lee stated that she requested the discussion to be placed on the agenda. She stated that the City Council should decide on whether or not to move forward with the charter review committee and if so set a workshop date.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Jackson** to schedule a workshop for discussing information received on the charter review committee.

MOTION

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

MOTION APPROVED

14. LEGAL DISCUSSION/REQUESTS

A. DISCUSSION OF MEMORANDUM CONCERNING THE REGULATION OF WHERE SEXUAL OFFENDERS/PREDATORS MAY RESIDE IN THE CITY. (NO ATTACHMENTS INCLUDED)

City Attorney Ryan stated that a presentation was made by the police department at the Agenda Review Meeting held Monday and that backup information was provided to the City Council referenced models adopted by other municipalities.

A lengthy discussion ensued regarding regulating an approved Ordinance to effect the concerns of protecting the children in the communities from sexual offenders of any sort.

A motion was made by **Chair pro tern Lee** and seconded by **Councilperson Wade** directing staff to include in the ordinance a regulated boundary that sexual offenders/predators could not live within 2500 ft. of places where children congregate within the municipal boundaries.

MOTION

Fane Lozrnan, 200 13th Street, made comments regarding the proposed boundary regulations.

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

MOTION APPROVED

15. REQUEST TO CITY COUNCIL AND RECOMMENDATIONS OR DISCUSSIONS FROM THE MAYOR & CITY COUNCIL

Councilperson **Jackson** made comments regarding the proposed changes to be made regarding the Ocean Mall lease. He then requested input from the City Council.

Chairperson lies stated that in reviewing the policy and procedure set forth in the resolution (copy provided to all members), non-agenda items could not be discussed unless there is a unanimous vote.

City Attorney Ryan stated that this issue should be placed on the agenda to give the City Council time to review the item as well as allow for public input.

After a lengthy discussion amongst the Mayor and City Council, the majority conceded to move forward with the actions previously approved and entertain any concerns during that time.

Councilperson Wade announced she will be leaving on Thursday evening to attend the services of her brother that passed away but would be accessible by cell phone.

Chair pro tern Lee requested that discussion regarding a jazz festival committee be placed on the agenda for the next City Council Meeting. She also requested a workshop date to discuss developer extraction linkage fees patterned after the county and the charter review and a date for the retreat.

There was a consensus of the City Council directing staff to schedule the retreat for May 19th and 20th if feasible.

City Manager Wilkins stated he will contact the Mayor and City Council to provide a date for approval for the Charter Review Workshop.

16. **ADJOURNMENT**

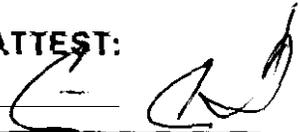
There being no further business, the meeting was duly adjourned at 9:28 p.m.

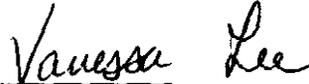
APPROVED:


MICHAEL D. BROWN
MAYOR

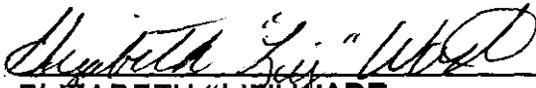

ANN ILES
CHAIRPERSON

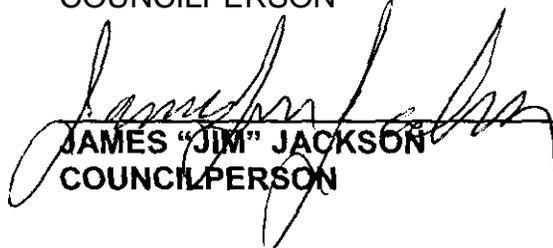
ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


VANESSA LEE
CH. RPROTEM


NORMA DUNCOMBE
COUNCILPERSON


ELIZABETH "LIZ" WADE
COUNCILPERSON


JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: v. Lee

SECONDED BY: E. Wade

A. ILES	<u>aye</u>
V. LEE	<u>aye</u>
N. DUNCOMBE	<u>aye</u>
E. WADE	<u>aye</u>
J. JACKSON	<u>aye</u>