

CITY OF RIVIERA BEACH  
PALM BEACH COUNTY, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
MUNICIPAL COMPLEX COUNCIL CHAMBERS  
WEDNESDAY, AUGUST 18, 2004 AT 7:30 P.M.

I. CITY CLERK CALLS TO ORDER:

Roll Call

Chairperson David G. Schnyer was present and presided. Upon a roll call by City Clerk Ward, the following were present: Mayor Michael D. Brown, Chair Pro Tem Ann lies, Councilperson Judy L. Davis, and Councilperson Elizabeth "Liz" Wade. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, Master Municipal Clerk, and City Attorney Pamala Hanna Ryan.

Councilperson Wilson was absent.

Invocation/Pledge of Allegiance

Everyone stood for a moment of silence and the Pledge of Allegiance.

II. ADDITIONS, DELETIONS, SUBSTITUTIONS

City Manager Wilkins made the following revisions to the agenda: added a presentation from the Riviera Partners Initiative; deleted Item No. 15 - Resolution regarding infrastructure improvements and Item No. 16 - Participation In The Federal Home Loan Bank Of Atlanta's Community Investment Services Programs.

Chairperson Schnyer removed Item No. 8 - correspondence from City Clerk Ward to be read after adoption of the Consent Agenda.

1) Adoption of Agenda

A motion was made by Councilperson Wade and seconded by Councilperson Davis to approve 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

PRESENTATION TO MS. OLIVIA BUTLER, PRINCIPAL OF WASHINGTON ELEMENTARY SCHOOL

Roseanne Brown, Chief of Staff, made a presentation to Ms. Olivia Butler, principal and staff of Washington Elementary School, for their achievements on the FCAT and the standards for No Child Left Behind Policy.

City Manager Wilkins made a presentation to Ms. Butler and staff of Washington Elementary School.

Ms. Butler expressed words of thanks.

ITEM NO.2

PRESENTATION FROM HABITAT FOR HUMANITY ON A FUND RAISING STRATEGY FOR HABITAT HOMES IN RIVIERA BEACH

Carolyn Vickey, Executive Director, made a presentation.

PRESENTATION BY THE RIVIERA PARTNERS INITIATIVE

H. Loy Anderson, Jr., President, read into the record a letter submitted to the City Manager.

A discussion ensued amongst the Mayor and City Council.

There was a consensus of the City Council to hear the presentation Wednesday at 6:30 at the Special Community Redevelopment Agency Meeting.

City Manager Wilkins announced that a food drive was being conducted by the Emergency Management Team for relief of those affected by Hurricane Charley.

Don Jacobovitz, Public Works Director, made a presentation regarding the Relay for Life activities.

IV. STATEMENTS FROM THE PUBLIC (TWO MINUTES LIMITATION):

Margaret Shepherd, 2003 17<sup>th</sup> Ct., made comments.

Bishop Thomas Masters, 748 9<sup>th</sup> Street, announced that a Stop The Violence March would be held on Sunday at 2:30 p.m. beginning at the Tabernacle Baptist Church.

V. 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 COUNCIL MEMBER OR A PERSON 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 AIDE. CARDS MUST BE SUBMITTED BEFORE THE ITEM IS DISCUSSED.**

MINUTES:

ITEM NO.3

MINUTES OF THE REGULAR COUNCIL MEETING HELD ON AUGUST 4, 2004.

RESOLUTIONS:

ITEM NO.4

RESOLUTION NO. 146-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FINAL PAYMENT IN THE AMOUNT OF \$3,269 TO E.C. DRIVER & ASSOCIATES TO CONDUCT POST DESIGN CONSTRUCTION OBSERVATION OF THE NORTHLAKE END RELIEVER FOR THE RELOCATION OF THE SANITARY GRAVITY SEWER AND WATER MAINS; AND AUTHORIZING PAYMENT FROM ACCOUNT NO. 401-1437-533-0-3103; AND PROVIDING AN EFFECTIVE DATE.

ITEM NO.5

RESOLUTION NO. 147-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CHANGE ORDER IN THE AMOUNT OF \$34,986 INCREASING AND AMENDING THE CONTRACT AMOUNT FROM \$52,164 TO \$87,150 FOR IANZO LINING SERVICES, INC.; AND APPROVING FINAL PAYMENT IN THE AMOUNT OF \$5,217; AND THAT COUNCIL AUTHORIZE THE FINANCE DIRECTOR TO TRANSFER FUNDS IN THE AMOUNT OF \$44,000 FROM THE UTILITIES CONTINGENCY ACCOUNT NO. 401-1438-535-0-5999 TO THE UTILITIES REPAIR & MAINTENANCE-LINES ACCOUNT NO. 401-1438-535-0-4606 FOR THE REPAIRING AND LINING OF THE DETERIORATING 8" GRAVITY SEWER LINES LOCATED AT WEST 22<sup>ND</sup> STREET AND WEST 22<sup>ND</sup> COURT AND TO BALANCE LINE ITEM; AND AUTHORIZING THE

MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 401-1438-535-0-4606.

ITEM NO.6

RESOLUTION NO. 148.04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PALM BEACH COUNTY FOR RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$240,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT AND AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUNDS AND SET UP A BUDGET.

ITEM NO.7

RESOLUTION NO. 149.04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXTEND AN EXISTING CONTRACT FOR A PERIOD OF ONE (1) YEAR COMMENCING OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005 BETWEEN THE STATE OF FLORIDA, THE CITY OF RIVIERA BEACH, FLORIDA AND THE U. S. ENVIRONMENTAL PROTECTION AGENCY, REGION IV FOR PHASE ONE REMEDIAL ACTION AT THE TRANS CIRCUIT SITE TO OBTAIN FUNDING FOR THE CITY'S OPERATIONS AND MAINTENANCE COST TO OPERATE AIR STRIPPERS TO REMOVE POLLUTION FROM THE CITY'S RAW WATER SOURCE; AND PROVIDING AN EFFECTIVE DATE.

1) PETITIONS AND COMMUNICATIONS FOR FILING:

ITEM NO.8

COMMUNICATIONS FROM CITY CLERK CARRIE E. WARD REGARDING UPCOMING ELECTIONS **ITEM PULLED BY CHAIRPERSON SCHNYER**

END OF CONSENT AGENDA

A motion was made by Councilperson Wade and seconded by Chair Pro Tern lies to approve the Consent Agenda as amended.

MOTION

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

MOTION APPROVED

Chairperson Schnyer read into the record correspondence submitted by City Clerk Ward regarding the upcoming elections; copy attached for file.

VI. PUBLIC HEARING:

ITEM NO.9

ORDINANCE NO. 2977 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN THE CITY OF RIVIERA BEACH FOR PROVIDING LIBRARIES, PARKS, FIRE AND POLICE FACILITIES, AND PUBLIC BUILDINGS.

City Clerk Ward read the aforementioned Ordinance into the record and announced that this was a public hearing; it was advertised in the July 4, 2004 edition of the Palm Beach Post and Riviera Beach Channel 18.

A motion was made by Councilperson Wade and seconded by Councilperson Davis to approve Ordinance No. 2977 on first reading.

MOTION

Mary McKinney, Community Development Director, made a presentation.

Gerald Ward, 31 20<sup>th</sup> Street, made comments regarding the ordinance.

A discussion ensued amongst the Mayor and City Council.

James Nicholas made comments.

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

MOTION APPROVED

1) ORDINANCES ON SECOND READING:

NONE

VII. REGULAR:

ITEM NO. 10

RESOLUTION NO. 150-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE CODE ENFORCEMENT LIENS ON PROPERTY LOCATED AT 265 WEST 29<sup>TH</sup> STREET, BLUE HERON PARK PL5, LOT 7, BLK 12 FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$3,500; AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE A RELEASE OF LIEN ON SAID PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wade and seconded by Councilperson Davis to approve Resolution No. 150-04.

MOTION

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

MOTION APPROVED

ITEM NO. 11

RESOLUTION NO. 151-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE CODE ENFORCEMENT LIENS ON PROPERTY LOCATED AT 1409 WEST 31<sup>ST</sup> STREET, ACREHOME PARK 2 ADD, IT 1-3, BIK 15 FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$3,500; AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE A RELEASE OF LIEN ON SAID PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wade and seconded by Councilperson Davis to approve Resolution No. 151-04.

MOTION

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

MOTION APPROVED

ITEM NO. 12

RESOLUTION NO. 152-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO RELEASE CODE ENFORCEMENT LIENS ON PROPERTY LOCATED AT 1256 WEST 32<sup>ND</sup> STREET, DUNBAR TERRACE, ITS 34-36, BIK 5 FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$750; AUTHORIZING THE MAYOR AND CITY CLERK TO ISSUE A RELEASE OF LIEN ON SAID PROPERTY; AND 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 lies to approve Resolution No. 152-04.

MOTION

Cassandra Wilson, 578 5<sup>th</sup> Street, requested that the City Council give her 90 days to pay the lien.

An amended motion was made by Councilperson Wade and seconded by Chair Pro Tern lies to provide the property owner 90 days to payoff the lien. If not complied within that *time*, the lien reverts to the initial amount.

AMENDED MOTION

Upon a roll call vote by City Clerk Ward, the motion was approved with Councilperson Davis out.

MOTION APPROVED

ITEM NO. 13

RESOLUTION NO. 153-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FROM AVENUE S PROPERTIES, LLC, FOR A BUILDING MATERIALS AND DISTRIBUTION FACILITY ON THE SOUTH SIDE OF DR. MARTIN LUTHER KING, JR. BOULEVARD BETWEEN AVENUE "P" AND AVENUE "S" WITH CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Chair Pro Tern lies and seconded by Councilperson Wade to approve Resolution No. 153-04.

MOTION

Mary McKinney, Community Development Director, made a presentation.

A discussion ensued amongst the Mayor, City Council, and staff.

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

MOTION APPROVED

ITEM NO. 14

RESOLUTION NO. 154-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FOR BIG TOY BOXES, LLC, FOR AN OFFICE AND WAREHOUSE FACILITY LOCATED ON WESTROADS DRIVE IN THE WESTROADS INDUSTRIAL PARK WITH CONDITIONS; AND 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 Tern lies to approve Resolution No. 154-04.

MOTION

Mary McKinney, Community Development Director, made a presentation.

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

MOTION APPROVED

ITEM NO. 15

RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE IMPLEMENTATION OF A COMPREHENSIVE INFILL HOUSING REDEVELOPMENT STRATEGY FOR THE CITY INCLUDING ACQUISITIONS OF VACANT LOTS BY THE CITY THROUGH NON-PROFITS, A FACADE PROGRAM TO SUPPORT EXISTING HOUSING, INFRASTRUCTURE IMPROVEMENTS, OFFERING HOUSING AT PRICE POINTS FROM \$95,000 TO \$150,000, NEGOTIATIONS AND SUBMITTAL OF GRANT APPLICATIONS TO PALM BEACH COUNTY OFFICIALS, AN INTERIM BUDGET OF \$600,000 WITH \$200,000 FROM THE SALE OF CITY OWNED PROPERTY ON CONGRESS AVENUE AND \$400,000; THE CONCEPTUAL APPROVAL OF THE CITY'S PARTNERSHIP WITH THE COMMUNITY FINANCING CONSORTIUM, LOCAL INITIATIVE SUPPORT CORPORATION, RIVIERA BEACH NORTHWEST COMMUNITY DEVELOPMENT CORPORATION, JAY'S MINISTRIES, HABITSAT FOR HUMANITY AND OTHERS AS APPROPRIATE; AND PROVIDING AN EFFECTIVE DATE. ITEM DELETED

ITEM NO. 16

RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING PARTICIPATION IN THE FEDERAL HOME LOAN BANK OF ATLANTA'S COMMUNITY INVESTMENT SERVICES PROGRAMS; AUTHORIZING THE MAYOR, CITY MANAGER, AND FINANCE DIRECTOR TO APPLY FOR THE LOAN; AND AUTHORIZING THE CITY CLERK TO EXECUTE THE RESOLUTION AND CERTIFICATE OF INCUMBENCY AUTHORIZING PARTICIPATION IN THE COMMUNITY INVESTMENT SERVICES PROGRAMS; AND PROVIDING AN EFFECTIVE DATE. ITEM DELETED

ITEM NO. 17

RESOLUTION NO. 155-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING AND AWARDED THE BID SUBMITTED BY ELECTRICAL CONSULTING SERVICES, INC. FOR INSTALLATION OF DECORATIVE STREET LIGHTS ON WEST 22<sup>ND</sup> STREET AND WEST 22<sup>ND</sup> COURT IN THE AMOUNT OF \$47,400; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wade and seconded by Councilperson Davis to approve Resolution No. 155-04.

MOTION

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

MOTION APPROVED

A motion was made by Councilperson Davis and seconded by Councilperson Wade to revisit Item No. 10.

MOTION

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

MOTION APPROVED

Councilperson Davis made comments regarding actions taken by the property owner of 265 29<sup>th</sup> Street.

Ronald Mainor, 265 29<sup>th</sup> Street, made comments and requested that the City Council give him six months to pay the Code Enforcement lien.

A motion was made by Chair Pro Tem lies and seconded by Councilperson Davis to give Mr. Mainor six months to pay the lien. If not complied within that time, the lien reverts to the initial amount.

MOTION

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

MOTION APPROVED

VIII. CITY ATTORNEY'S REPORT:

Atty. Ryan stated that she provided the Mayor and City Council with a memo regarding two recent cases won by the City.

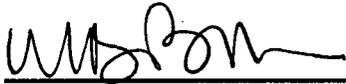
IX. RECOMMENDATIONS AND DISCUSSIONS FROM MAYOR & COUNCIL:

NONE

X. ADJOURNMENT

There being no further business the meeting was duly adjourned at 9:13 p.m.

APPROVED:



MICHAEL D. BROWN  
MAYOR



DAVID G. SCHNYER  
CHAIRPERSON

ATTEST:



CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK



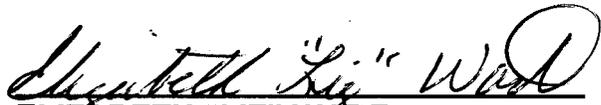
ANN ILES  
CHAIR PRO TEM



DONALD R. WILSON  
COUNCILPERSON



JUDY L. DAVIS  
COUNCILPERSON



ELIZABETH "LIZ" WADE  
COUNCILPERSON

MOTIONED BY: E. WADE  
SECONDED BY: J. DAVIS

D.SCHNYER	<u>AYE</u>
J. DAVIS	<u>AYE</u>
D. WILSON	<u>ABSENT</u>
E. WADE	<u>AYE</u>
A. ILES	<u>OUT</u>

DATE APPROVED: 09/01/04

OFFICE OF THE CITY CLERK

INTER-DEPARTMENTAL COMMUNICATION

MEMO TO: THE HONORABLE MAYOR, CITY COUNCIL & VOTERS OF THE CITY OF RIVIERA BEACH  
FROM: CARRIE E. WARD, MMC CITY CLERK *CW*  
DATE: AUGUST 8, 2004  
SUBJECT: UPCOMING ELECATIONS

In response to questions received from several of our registered voters of the City, I deem it appropriate to openly address concerns that our City and voters will encounter during these 2004 Elections.

As you are aware, in past years, primaries and General Elections were the responsibility of the County's Supervisor of Elections; however, in each municipality, and for Municipal Elections, the City Clerk served as Supervisor of Elections. Since the 2004 elections debacle, things are uncertain, and as a result may eliminate certain authorities of the municipality.

Because of the number of voters assigned to vote at Washington Elementary School Precinct No: 7021, I ~~suggested~~ to the Elections Office a split of the precinct utilizing the boundary line of Avenue "S" as the focus point by assigning all registered voters to the east of Avenue "S" to vote at the Lindsey Davis, Sr Community Center; and all registered voters voting to the west of Avenue "S" to vote at Hurst Chapel Church located on the corner of Silver Beach Road and Avenue "S". Additionally, to reassign voters voting in the Lone Pine Estates garage to be inclusive with those voting at Turtle Cay's facility, (upon designating the clubhouse as a precinct to incorporate the voters residing in the Turtle Cay community as well as close proximity). We were able to accomplish a part of the request. Voters east of Avenue "S" now vote at the Lindsey Davis, Sr. Community Center.

Another problem is that the City is greatly impacted by the voters not being able to locate their designated polling location and neither my staff nor I can provide such information. Since the last Municipal Elections the City of Riviera Beach's boundary lines are drawn very partisan, resulting in 15 Precincts, and nine locations. To date, perusal of the internet reveals a total of 18 Precincts with, 14 locations.

Unfortunately, my office will not have sufficient information to provide to our residents involving the upcoming Elections; therefore, questions regarding the scheduled Primaries for August 31, and the General scheduled for November 2, will be referred to the Palm Beach County's Supervisor of Elections Office, 240 South Military Trail (561) 656-6200.

Data that I am positive will not be altered between now and the scheduled Elections is available for your review on our cable channel 18.

In conclusion, I wanted the Mayor, City Council and the Voters to be aware that there may be some confusion during the upcoming scheduled Elections and that questions should be forwarded to the Supervisor of Elections.

Respectfully submitted.