

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, NOVEMBER 3, 2004 AT 7:30 P.M.

1. 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 Donald R. Wilson, Councilperson Judy I. 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.

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: backup provided for 4-1 - reconsideration of lien reduction for Ronald Mainor; added proclamation declaring November as Joey Bergsma Retinoblastoma Awareness Month under Awards and Presentations; additional information provided for 8-1 - Resolution regarding final payment for aquatic facility; added 8-5 - Resolution regarding hurricane disaster relief; deleted 15-2 - Resolution regarding Visionair, Inc.; deleted 15-8 - discussion regarding City Manager's salary; and referred discussion on 15-9 -Tiki Dockside Dining to next City Council Meeting.

3. ADOPTION OF THE AGENDA

A motion was made by Councilperson Wilson and seconded by Councilperson Davis to approve the agenda as amended.

MOTION

The vote was unanimous.

MOTION APPROVED

4. UNFINISHED BUSINESS

REQUEST FOR RECONSIDERATION OF LIEN REDUCTION FOR RONALD MAINOR FOR PROPERTY LOCATED AT 265 W. 29TH STREET, RIVIERA BEACH, FL 33404.

Natalie Moore, Code Enforcement Administrator, gave an overview of the current status of the property.

A discussion ensued amongst the City Council and staff.

Ronald Mainor, 265 W 29th Street, expressed the financial hardship imposed upon him if he was required to make payment for the code violations.

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to extend the payment to satisfy the lien violations for a period of one year.

MOTION

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

MOTION APPROVED

5. **AWARDS AND PRESENTATIONS**

1. PRESENTATION ENCOURAGING THE CITIZENS TO PARTICIPATE IN THE FLORIDA COASTAL CLEAN UP ON SATURDAY, NOVEMBER 6, 2004.

Don Jacobavitz, Public Works Director, gave an overview of the efforts involved for the scheduled clean up.

2. PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS JOEY BERGSMAN RETINOBLASTOMA AWARENESS MONTH

Pam Bergsma, gave a brief presentation regarding her son's eye disease.

Mayor Brown read the proclamation into the record declaring same.

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

Margaret Shepherd, 2003 W 17th Ct 104, made comments regarding the condition of some of the buildings in Ivey Green.

Essie Williams, 250 W 16th Way, made comments regarding the proposed site for the new high school.

Nathaniel Wright, 321 W 16th Way, made comments regarding displacement of residents living in the area of the proposed new high school site.

Emily Grace, 260 W 16th Way, made comments regarding residents not being notified about the proposed eminent domain procedure.

Martha Babson, 156 E 21st Street, made comments regarding a boat repair business located near a residential area.

Mike Mahoney, 2120 Broadway, made comments regarding access to his property and the locked gate.

zar Yassine & Anthony Cerrito, 2124 Broadway, made comments regarding his business.

Josie Hernandez, Catalfumo representative, prOvided an informational update packet to the Mayor and City Council on the 2700 N Ocean Drive property.

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

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD ON OCTOBER 20,2004.

8. RESOLUTIONS:

1. RESOLUTION NO. **205-04** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORJDA, APPROVING THE FINAL PAYMENT TO WEST CONSTRUCTION, INC. FOR THE COMPLETION OF CONSTRUCTION WORK FOR THE AQUATIC FACILITY LOCATED AT BLUE HERON BOULEVARD AND AVENUE "S" IN THE AMOUNT OF \$102,973.09; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 308-1233-572-0-6201; AND PROVIDING AN EFFECTIVE DATE.
2. RESOLUTION NO. **206-04** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA,

ABANDONING A CITY OF RIVIERA BEACH DRAINAGE EASEMENT AND APPROVING A NEW DRAINAGE EASEMENT LOCATED ON THE INLET HARBOR MARINA DEVELOPMENT SITE ON THE NORTH EAST CORNER OF BLUE HERON BOULEVARD AND AVENUE "A" WITH SPECIFIC CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

3. RESOLUTION NO. 207-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING APPROVAL OF WORK ORDER NO. 16 FOR THE PREPARATION OF THE DESIGN AND ENGINEERING PLANS FOR THE SUGARHILL CEMETERY MEMORIAL PARK BY KIMLEY-HORN AND ASSOCIATES, INC., IN CONJUNCTION WITH JANUS RESEARCH AND ASSOCIATES IN THE AMOUNT OF \$36,250; AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE FUND BALANCE IN THE CAPITAL IMPROVEMENT FUND ACCOUNT NO. ~~305-00-399999~~ AND SET UP A BUDGET FOR SAME, ACCOUNT NO. ~~305-0717-5150-3103~~; AND PROVIDING AN EFFECTIVE DATE.
4. FINANCE DIRECTOR'S SEMI-ANNUAL FINANCIAL REPORT.
5. RESOLUTION NO. 208-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DISASTER RELIEF FUNDING AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR REIMBURSEMENT OF EXPENSES ASSOCIATED WITH HURRICANE FRANCES; AND PROVIDING AN EFFECTIVE DATE. **ITEM ADDED TO AGENDA**

END OF CONSENT AGENDA

A motion was made by Councilperson Wilson and seconded by Councilperson Davis to approve the Consent Agenda.

MOTION

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

MOTION APPROVED

9. **PETITIONS AND COMMUNICATIONS FOR FILING**
NONE
10. **PUBLIC HEARINGS**
NONE

11. ORDINANCES ON SECOND READING

NONE

12. ORDINANCES ON FIRST READING

ORDINANCE NO. **2982** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN BY ASSIGNING AN INDUSTRIAL FUTURE LAND USE DESIGNATION TO 5.9 ACRES OF LAND LOCATED AT 7540 BYRON DRIVE; 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 Wilson and seconded by Councilperson Davis to approve Ordinance No. 2982 on first reading.

MQ.TIQN

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

MOTION APPROVED

ORDINANCE NO. **2983** AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE ZONING MAP BY CHANGING THE ZONING CLASSIFICATION TO CITY OF RIVIERA BEACH GENERAL INDUSTRIAL (IG) FOR 5.9 ACRES OF LAND LOCATED AT 7540 BYRON DRIVE, JUST EAST OF I-95; 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 Wilson and seconded by Councilperson Davis to approve Ordinance No. 2983 on first reading.

MOTION

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

MOTION APPROVED

13. **LEGAL DISCUSSION/REQUESTS**

1. REQUEST FOR CLOSED EXECUTIVE SESSION IN THE MATTERS OF:

FRIEDMAN V. THE CITY OF RIVIERA BEACH, ET AL., CASE NO. 502003CA011637XXOCAH

ABC PROMOTIONS, INC. V. THE CITY OF RIVIERA BEACH, CASE NO. CA **01-06434A1**

City Attorney Ryan requested the date of November 22nd at 5 p.m. for the closed executive sessions.

There was a consensus by the City Council to accept Attorney Ryan's request.

14. **REGULAR**

1. RESOLUTION NO. **209-04** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN AMENDMENT APPLICATION FROM TOLL BROTHERS INC. FOR 40 PERMANENT RESIDENTIAL UNITS LOCATED AT 5050 NORTH OCEAN DRIVE WITH SPECIFIC CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

City ~~Clerk~~ Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wilson and seconded by Chair Pro Tem Jles to approve Resolution No. 209-04.

MOTION

Martha Babson, E 21st Street, made comments against the proposed Resolution.

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

MOTION APPROVED

2. RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIVE-YEAR CONTRACT ADDENDUM BETWEEN THE CITY OF RIVIERA BEACH AND VISIONAIR, INC. THAT PROVIDES ANNUAL SERVICE AND SUPPORT MAINTENANCE FOR OUR PUBLIC SAFETY COMPUTER-AIDED DISPATCH, RECORDS MANAGEMENT SYSTEM AND MOBILE SYSTEM SOFTWARE APPLICATIONS, TO MAKE PAYMENT TO VISIONAIR, INC. IN THE AMOUNT OF \$48,093.28 FOR FISCAL YEAR 2005, AND \$50,417.01 PER YEAR FOR

FISCAL YEARS 2006 THRU 2009; AUTHORIZING PAYMENT FROM ACCOUNT NO. ~~001-0243-513-0-4601~~; AND PROVIDING AN EFFECTIVE DATE. ~~ITEM DELETED~~

3. RESOLUTION NO. 210-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO CONDUCT THE FIFTH ANNUAL CITY OF RIVIERA BEACH ~~JAZZ~~ AND BLUES FESTIVAL ON THE MUNICIPAL BEACH, APRIL 1 AND APRIL 2, 2005 ON SINGER ISLAND; AND AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS IN THE AMOUNT OF \$50,000 FROM THE GENERAL FUND CONTINGENCY AND ESTABLISH A BUDGET IN THE AMOUNT OF \$415,000 FOR THE CITY OF RIVIERA BEACH ~~JAZZ~~ & BLUES FESTIVAL; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wilson and seconded by Councilperson Davis to approve Resolution No. 210-04.

MOTION

A discussion ensued amongst the Mayor and City Council.

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

MOTION.APPRQYEQ

4. RESOLUTION NO. 211-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CERTIFICATE OF ACCEPTANCE OF SUBGRANT AWARD ACCEPTING FUNDS IN THE AMOUNT OF \$25,500 FROM THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS (BCC) AND THE EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT FORMULA GRANT (BYRNE GRANT); AUTHORIZING THE FINANCE DIRECTOR TO APPROPRIATE \$18,396 FROM POLICE FORFEITURE FUND BALANCE AND TRANSFER TO THE BYRNE GRANT FUND ACCOUNT NO. 148-00-381150 AND SET UP THE GRANTS BUDGET; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned Resolution into the record.

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to approve Resolution No. 211-04.

MOTION

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

MOTION APPROVED

5. REQUEST FOR APPROVAL FOR THE WORKSHOPS AND SPECIAL MEETINGS SCHEDULE FOR NOVEMBER AND DECEMBER, 2004.

WORKSHOPS: 1. BONDING AND MUNICIPAL FINANCING; 2. AQUATIC CENTER OPERATIONS.

SPECIAL MEETINGS: 1. CAPITAL IMPROVEMENT PROGRAM; 2. PROPOSED SCHOOL SITE.

There was a consensus by the City Council to schedule the following meetings: proposed school site November 17, 2004 at 5:30 p.m. and the capital improvement program December 13, 2004 at 7:00 p.m.

A motion was made by Councilperson Wade and seconded by Chair Pro Tem lies to cancel the December 1, 2004 Regular City Council Meeting.

MOTION

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

MQTIQN APPROVED

6. REQUEST CITY COUNCIL TO APPOINT TWO MEMBERS TO THE ZONING BOARD OF ADJUSTMENT.

A motion was made by Councilperson Wade and seconded by Councilperson Wilson to *reappoint* Elizabeth Robinson and Ethel Reid to ~~the~~ Zoning Board of Adjustment.

MOTION

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

MOTION APPROVED

7. REQUEST CITY COUNCIL TO APPOINT ONE MEMBER TO THE PLANNING AND ZONING BOARD

A motion was made by Councilperson Wade and seconded by Councilperson Davis to reappoint Martin Rosen and Fernando DeSousa to the Planning and Zoning Board.

MOTION

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

MQTIQN APPROVED

A motion was made by Councilperson Wilson and seconded by Councilperson Wade to move Mark Hatcher into the regular board member position.

MOTION

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

MOTION APPROVED

Mayor Brown stated that Mr. Hatcher no longer resided in the City.

A motion was made by Councilperson Wilson and seconded by Councilperson Davis to move Edward Shelton into the vacant board member position.

MOTION

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

MOTION APPROVED

DISCUSSION ON ANNUAL SALARY INCREASE FOR WILLIAM E. WILKINS,
CITY MANAGER ~~ITEM DELETED~~

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

Councilperson Wilson made comments regarding pit bulls roaming in the neighborhoods.

Chair Pro Tem lies made comments regarding Channel 18 and the schedule for trash pickup.

A motion was made by Councilperson Davis and seconded by Councilperson Wade to make the intersection at Avenue H West and 20th Street a three way stop.

MOTION

Manager Wilkins stated that he was in the process of evaluating the area which would be completed in two days. Discussion ensued.

Councilperson Davis withdrew her motion.

Councilperson Davis further suggested the use of a suggestion box to be utilized by City employees.

Mayor Brown requested the status of security in city hall; and commented regarding the increased stored trash in the neighborhoods.

Chief Williams provided an update on the security *efforts*.

16. ADJOURNMENT

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

APPROVED:

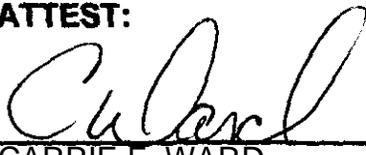


MICHAEL D. BROWN
MAYOR

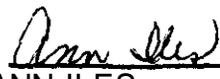


DAVID G. SCHNYER
CHAIRPERSON

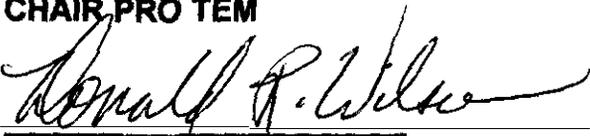
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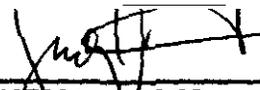
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CHAIR PRO TEM



DONALD R. WILSON
COUNCILPERS



JUDY L. DAVIS
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

MonONEDBY: E. Wade
SECONDED BY: A. Iles

D.SCHNYER aye
A.ILES aye
D. WILSON aye
J. DAVIS aye
E. WADE aye

DATE APPROVED: 11117/2004