

**CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
WEDNESDAY, JANUARY 2, 2002 AT 7:30 P.M.**

I. CALL TO ORDER:

Roll Call

Chairperson Rodgers was present and presided. Upon a roll call by City Clerk Ward, the following were present: Mayor Michael D. Brown, Chair Pro-Tem David G. Schnyer, Councilperson Donald R. Wilson, Councilperson Sylvia Lee Blue, and Councilperson Elizabeth "Liz" Wade. Also present were City Manager William E. Wilkins, City Clerk Carrie E. Ward, CMC/AE and City Attorney Pamala H. Ryan.

Invocation/Pledge of Allegiance

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

II. AGENDA APPROVAL:

Additions, Deletions, Substitutions

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Wilson** to move Public Comments after Awards and Presentations. **MOTION**

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

Councilperson Blue stated that she would make comments under Recommendations & Discussion by the Mayor & Council.

City Manager Wilkins read the Additions, Deletions, Substitutions, & Revisions into the record.

Councilperson Wilson stated that he would make comments under Recommendations & Discussion by the Mayor and City Council.

Councilperson Wade questioned Item No. 16 on the payment for attorney fees and professional legal services.

City Manager Wilkins responded that the resolution was a result of the arbitration not individual cases. He gave an overview of the memorandums that he provided for the City Council's information regarding the Chief of Police Appointment, Horizons, the parade route, and the off-site parking agreement for the Buccaneer Restaurant.

Chairperson Rodgers stated that he had comments to make under Recommendations & Discussion by Mayor and City Council.

Adoption of Agenda

A motion was made by **Councilperson Blue** and seconded by **Chair Pro-Tem Schnyer** to approve the agenda as amended. **MOTION**

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

III. AWARDS AND PRESENTATIONS:

ITEM NO. 1

PRESENT AND WELCOME NEW EMPLOYEES OF THE CITY OF RIVIERA BEACH FOR THE MONTH OF DECEMBER 2001.

Doretha Perry, Human Resource Director, presented the following new employees hired during the month of December – Carman Napier, Rec. Center Director, Ricardo Wiswell, Engineering Tech, and Monica Daniels, Senior Staff Assistant.

ITEM NO. 2

PRESENTATION OF CERTIFICATES OF APPRECIATION FROM OPERATION HOPE, INC.'S FOR THE CLARA K. WILLIAMS' ANNUAL TOY DRIVE BY KEN BOWERS, EXECUTIVE DIRECTOR, OPERATION HOPE.

Ken Bowers, Executive Director of Operation Hope, stated that the toy drive was in memory of former mayor, Clara K. Williams and that the event was a success. He requested that the Mayor and City Council present the certificates to the participants. He also stated that a toy drive is being planned for each of the housing development located within the city so that there will be no duplication for the upcoming year. The following received certificates: members of the Boys Scout, City Clerk Carrie Ward, Firefighter Patricia Armour, Jasmine Armour, Corey LeDuc, Shannon LeDuc, Lt. Regina Price, Reggie Tribble, Richard Price, Randolph Tribble, and other members of the community.

IV. STATEMENTS FROM THE PUBLIC (TWO MINUTES):

NONE

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 PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE TO THE COUNCIL CHAIR OR THE LEGISLATIVE AIDE. CARDS MUST BE SUBMITTED BEFORE ITEM IS DISCUSSED.

1) MINUTES:

ITEM NO. 3

MINUTES OF THE REGULAR COUNCIL MEETING HELD ON JANUARY 2, 2002.

2) RESOLUTIONS:

ITEM NO. 4

RESOLUTION NO. 6-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STAFF TO PURCHASE ONE (1) MOSLER LIFEGUARD TOWER FROM MOSLER AUTOMOTIVE IN THE AMOUNT OF \$26,350 FOR THE REPLACEMENT OF A LIFEGUARD TOWER LOCATED ON THE MUNICIPAL BEACH; AND AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO PAY THIS AMOUNT FROM ACCOUNT NO. 305-1233-572-0-0-4602; AND PROVIDE AN EFFECTIVE DATE.

ITEM NO. 5

RESOLUTION NO. 7-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE PROPOSAL SUBMITTED BY PAVE-TECH INC. FOR WIDENING OF PAVEMENT ON LEO LANE AT A COST OF \$25,336.42; AUTHORIZING THE MAYOR TO ACCEPT AND EXECUTE THE PROPOSAL AND FURTHER AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 143-0714-5410-6301.

ITEM NO. 6

RESOLUTION NO. 8-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE ENGINEERING FIRM OF KEITH AND SCHNARS, P.A. TO PREPARE ADMINISTRATION AND INSPECTION SERVICES FOR INSTALLATION OF A TRAFFIC SIGNAL ON MILITARY TRAIL AT LEO LANE AT A COST NOT TO EXCEED \$10,000 AND AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM ACCOUNT NO. 143-00714-5410-6301.

ITEM NO. 7

AN OFF-SITE VALET PARKING APPLICATION FROM THE BUCCANEER RESTAURANT LOCATED IN THE TOWN OF PALM BEACH SHORES, PROPOSING TO USE PARKING SPACES LOCATED IN AN EXISTING PARKING LOT LOCATED AT 3100 NORTH OCEAN DRIVE.

Item pulled from Consent Agenda by Chairperson Rodgers for discussion.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Blue** to approve the item for discussion. **MOTION**

Chairperson Rodgers commented on the continual code violations by the property owner and requested that the request be denied.

Chair Pro-Tem Schnyer commented on the deplorable condition of the property and stated that he would not support a motion of approval.

Councilperson Wilson stated that he would not be supporting a motion of approval.

Councilperson Wade stated for the record a court reporter was present and that she wanted the court reporter to announce who she was and her purpose for being present.

Maureen Kobylardn, Esquire Deposition Services, stated that she was present for Item No. 12 – 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 2425 Beach Court, Palm Beach Shores Subd, Blk 0, Lt 420, Riviera Beach For Violations That Are In Compliance For The Amount Of \$15,000; Authorizing The Mayor And City Clerk To Issue A Release Of Lien On Said Property; And Providing An Effective Date.

Councilperson Wade commented on the despicable condition of the property and stated that she would not want the patrons who would possibly be parking in that area to see such a sight.

Councilperson Blue commented on the property's condition and stated that she would not support a motion of approval.

Upon a roll call by City Clerk Ward, the motion to approve the application as submitted by the Buccaneer failed 5-0. **MOTION FAILED**

ITEM NO. 8

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF BID TO SELECT CONTRACTING INC., FOR THE CONSTRUCTION OF THE RIVIERA BEACH COMMUNITY CENTER IN THE AMOUNT OF \$1,109,500; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT, WHICH IS MADE A PART OF THIS RESOLUTION; AND FURTHER AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT TO SELECT CONTRACTING INC., IN THE AMOUNT OF \$1,109,500 UNDER ACCOUNT NO. 108-0717-5540-6501, AND PROVIDING AN EFFECTIVE DATE. ITEM DELETED

3) PETITIONS AND COMMUNICATIONS FOR FILING:

City Clerk Ward reminded the City Council and public that the new voting equipment would be at the Mt. Olive Baptist Church on January 17th at 4:00 p.m. and immediately following the equipment would be transported to the condo units on Singer Island. The equipment would be on display for demonstration during the first week of February in the Municipal City Council Chambers. She encouraged all to partake. She then advised if the city council or public wanted to entertain any form of referendum for the March Election, Wednesday was the deadline for consideration.

END OF CONSENT AGENDA

A motion was made by Councilperson Wade and seconded by Chair Pro-Tem Schnyer to approve the Consent Agenda as amended **MOTION**

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

VI. PUBLIC HEARING:

ITEM NO. 9

A SPECIAL EXCEPTION AND SITE PLAN APPLICATION FROM INTOWN SUITES TO ALLOW A 121 ROOM HOTEL LOCATED ON THE WEST SIDE OF MILITARY TRAIL, NORTH OF 45TH STREET.

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to approve the applicant's request. **MOTION**

Mary McKinney, Community Development Director, gave the location site for the hotel. She stated that in accordance with the city's codes, residents and business owners within a 300' radius of the property had been properly noticed.

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

ORDINANCES ON SECOND READING:

NONE

VII. ORDINANCES ON FIRST READING:

NONE

VIII. CITY MANAGER'S DISCUSSION:

ITEM NO. 10

RESOLUTION NO. __9-02__ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER THROUGH THE CIVIL DRUG COURT TO APPLY FOR FUNDING

THROUGH THE DRUG CONTROL & SYSTEM IMPROVEMENT FORMULA GRANT PROGRAM (BYRNE GRANT) IN THE AMOUNT OF \$100,000 FROM THE BOARD OF COUNTY COMMISSIONERS (BCC) AND THE CRIMINAL JUSTICE COMMISSION ACTING AS THE SUBSTANCE ABUSE ADVISORY BOARD FOR FY 2001-2002 TO PROVIDE FOR: DRUG COURT MANAGEMENT, CONTINUED EDUCATION, JOB TRAINING, JOB PLACEMENT, MEDICAL REFERRALS, INDIVIDUAL AND GROUP COUNSELING AFTER SUCCESSFUL COMPLETION OF COURT ORDERED TREATMENT AND AUTHORIZING THE CITY COUNCIL TO PROVIDE A 25% MATCH; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution.

A motion was made by Councilperson Wade and seconded by Chair Pro-Tem Schnyer to approve Resolution No. 9-02. **MOTION**

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

ITEM NO. 11

RESOLUTION NO. 10-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING AUTHORIZATION TO CO-SPONSOR FESTIVITIES OF THE ANCIENT EGYPTIAN ARABIC ORDER NOBLES OF THE MYSTIC SHRINE, PRINCE HALL AFFILIATED, INCORPORATED DESERT OF FLORIDA FOR THEIR STATE CONVENTION; AND AUTHORIZING TO TRANSFER FUNDS FROM GENERAL FUND CONTINGENCY ACCOUNT NO. 001-0203-519-0-5999 IN THE AMOUNT OF \$7,000, PROVIDING AN EFFECTIVE DATE.

City Clerk Ward read the aforementioned resolution.

A motion was made by Councilperson Wade and seconded by Councilperson Blue to approve Resolution No. 10-02. **MOTION**

City Manager Wilkins stated that the resolution would be amended to reflect that funds would be repaid from private contributions.

Mayor Brown stated concerns regarding the event scheduled to be held at Newcomb Hall.

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

ITEM NO. 12

RESOLUTION NO. 11-02 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 2425 BEACH COURT, PALM BEACH SHORES SUBD, BLK 0, LT 420, RIVIERA BEACH FOR VIOLATIONS THAT ARE IN COMPLIANCE FOR THE AMOUNT OF \$15,000; 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.

ITEM DIED FOR LACK OF MOTION

ITEM NO. 13

A SITE PLAN APPLICATION FROM SEVEN KINGS HOLDINGS, INCORPORATED, FOR A MIXED USE PLANNED UNIT DEVELOPMENT SITE PLAN APPROVAL a/k/a:

INLET HARBOR MARINA PUD, LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF BLUE HERON BOULEVARD AND LAKESHORE DRIVE ON 7.76 ACRES IN A PUD ZONING DISTRICT. ITEM DELETED

ITEM NO. 14

AN APPLICATION FOR EXCEPTION FROM THE RIVIERA BEACH COMMERCIAL DESIGN STANDARDS FROM HORIZON'S EDGE TO ALLOW A FREESTANDING SIGN ON BROADWAY.

A motion was made by **Councilperson Blue** and seconded by **Chair Pro-Tem Schnyer** to approve applicant's request. **MOTION**

Mary McKinney gave a summary of the application.

A discussion ensued amongst the City Council and staff.

Mike Mahoney, 2131 Broadway, commented.

Upon a roll call by City Clerk Ward, the vote was 3-2 with Councilpersons Wade, Schnyer, and Rodgers dissenting. **MOTION FAILED**

ITEM NO. 15

RESOLUTION NO. __12-02__ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO CONDUCT THE SECOND ANNUAL RIVIERA BEACH JAZZ AND BLUES FESTIVAL ON THE MUNICIPAL BEACH, SINGER ISLAND ON MARCH 29TH & 30TH; ALSO AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH A BUDGET IN THE AMOUNT OF \$112,000 TO BE TAKEN FROM THE GENERAL FUND CONTINGENCY ACCOUNT AND PUT INTO THE CITY MANAGER'S PROMOTIONAL ACCOUNT NO. 001-0203-519-0-4801.

City Clerk Ward read the aforementioned resolution.

At this point Chairperson Rodgers passed the gavel to Chair Pro Tem Schnyer.

A motion was made by **Councilperson Wilson** and seconded by **Chairperson Rodgers** to approve Resolution No. 12-02 for discussion. **MOTION**

Councilperson Blue commented on the time frame given for advertisement and the fact that there are other priorities.

Chairperson Rodgers commented on the planning process for the festivities and solicited council's support.

Mayor Brown commented on the image the event creates for the city, the sponsorships that are currently being pursued, and solicited the council's support.

Councilmember Wade commented on the time frame given for advertisement and the possibility of using local talent.

Robbie Littles, Risk Management commented on the past events he coordinated and the desires of council.

Gloria Shuttlesworth, Asst. City Manager, commented on the actions taken by staff of date.

Chair Pro-Tem Schnyer commented on obtaining professional promoters and

commitment of sponsorship as provided.

Mamie Kisner commented on sponsorship contacts that she made.

A lengthy discussion ensued amongst Mayor, City Council, Staff, and Staff supporters.

An amended motion was submitted by **Councilperson Wilson** and seconded by **Chairperson Rodgers** to conduct the Jazz Festival April 19th & 20th. **AMENDED MOTION**

Upon a roll call by City Clerk Ward, the vote was 3-2 with Councilperson Wade, Schnyer, and Blue dissenting. **MOTION FAILED**

A motion was made by **Councilperson Wilson** and seconded by **Councilperson Blue** to conduct the Jazz Festival in conjunction with the July 4th Celebration and directed staff to have the budget prepared by the next City Council meeting for consideration. **MOTION**

A discussion ensued amongst the City Council.

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

There was a consensus by the City Council that the event did not have to be on July 4th.

RESOLUTION NO. _13-02_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING PAYMENT IN THE AMOUNTS OF \$195,000 FOR ATTORNEY FEES AND \$5,646.93 IN COSTS FOR PROFESSIONAL LEGAL SERVICES PERFORMED IN THE MATTER ON AN UNFAIR LABOR PRACTICE CASE BEFORE THE PUBLIC EMPLOYEES RELATIONS COMMISSION (PERC); SAID FUNDS ARE TO BE DISTRIBUTED AS OUTLINED IN THE FINAL ORDER; AND AUTHORIZING THE MAYOR AND INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME UNDER ACCOUNT NO. 001-0512-5190-3101.

City Clerk Ward read the aforementioned resolution into the record.

A motion was made by **Councilperson Blue** and seconded by **Councilperson Wilson** to approve Resolution No. 13-02. **MOTION**

Councilperson Wade stated for the record that she was under the impression that some of the settlements included the cost but the cost indicated in the resolution was mandated.

Atty. Ryan stated for the record that there were three separate cases – an arbitration proceeding, a PERC hearing, and the individual civil cases filed by the three police officers. She stated that this resolved the PERC case.

Upon a roll call by City Clerk Ward, the vote was 4-0 with Councilperson Schnyer out. **MOTION APPROVED**

City Manager Wilkins announced the appointment of Mr. Clarence Williams, III as the Chief of Police at a salary of \$83,000. He stated that the city would be paying for two house-hunting trips and relocation expenses.

A motion was made by **Councilperson Wade** and seconded by **Councilperson Wilson** to ratify the City Manager's appointment for Chief of Police. **MOTION**

Upon a roll call by City Clerk Ward, the vote was 4-0 with Councilperson Schnyer out.

MOTION APPROVED

A motion was made by **Chair Pro-Tem Schnyer** and seconded by **Councilperson Blue** to reconsider the motion to approve Resolution No. 12-02. **MOTION**

Upon a roll call by City Clerk Ward, the vote was 4-1 with Councilperson Wade dissenting. **MOTION APPROVED**

A motion was made **Chair Pro-Tem Schnyer** and seconded by **Councilperson Wilson** to approve the resolution as presented by staff with the condition that staff acquire 50% (\$56,000) in sponsorship commitments by the second regular City Council meeting (February 20th); and to allow staff to proceed with advertising not to exceed \$10,000. **MOTION DIRECTIVE**

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

IX. CITY ATTORNEY'S REPORT:

NONE

X. RECOMMENDATIONS AND DISCUSSION FROM MAYOR & COUNCIL:

Councilperson Wilson congratulated Councilpersons Blue & Schnyer for expressing feelings on behalf of the city.

Councilperson Blue read an announcement received from the American Cancer Society. She requested the status on harbor patrol from the city manager and asked that she be provided with the final reports for the summer programs at Washington Elementary and John F. Kennedy.

Chairperson Rodgers stated that he forwarded paperwork he received from the Palm Beach County Health & Human Services Citizens Advisory Committee to Ms Felicia Scott, so that she could review to determine if there was anything that the city could take advantage of. He then stated that he made a motion at the Municipal League meeting requesting that the league join the city in writing to the governor in reference to being omitted from the DOT awards. He advised that there was discussion on the distribution of the \$12.50 FIND funds, the new Fire Code would take effect on January 1st and the passage of the State Building Code was moved back to March 1st. He then reported that correspondence was sent to Brandon Furniture and that he received a copy of an editorial from the newspaper regarding WFLX Fox 29 and in addition correspondence was forwarded to them.

XI. ADJOURNMENT:

There being no further the business, the meeting was duly adjourned at 10:10 p.m.

APPROVED:

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MICHAEL D. BROWN, MAYOR

EDWARD RODGERS, CHAIRPERSON

ATTEST:

cward.gif (643 bytes)

**CARRIE E. WARD, CMC/AE
CITY CLERK**

MOTIONED BY: D. Schnyer
SECONDED BY: E. Wade

E. RODGERS: aye
E. WADE: aye
D. WILSON: aye
S. BLUE: aye
D. SCHNYER: aye

DATE APPROVED: 02/06/2002

dschnyer.gif (881 bytes)

DAVID G. SCHNYER, CHAIR PRO-TEM

dwilson.gif (865 bytes)


**DONALD R. WILSON
COUNCILPERSON**

sblue.gif (791 bytes)


**SYLVIA LEE BLUE
COUNCILPERSON**

ewade.gif (1297 bytes)


**ELIZABETH "LIZ" WADE
COUNCILPERSON**